



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4419/1
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2021 ASSEMBLY BILL 1105

March 10, 2022 - Introduced by Representatives BROSTOFF, VINING, SINICKI, HEBL, SHELTON, B. MEYERS, OHNSTAD, CONSIDINE, CABRAL-GUEVARA and STUBBS, cosponsored by Senators LARSON, CARPENTER and AGARD. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 16.289, 16.75 (10n) and 20.935
2 of the statutes; **relating to:** call centers relocating to foreign countries, state
3 procurement contracts for call center services, state benefits for call centers,
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires that businesses that operate a 50-person call center, which is defined as a business operation to which phone calls from customers are directed or that makes calls to customers, must notify the Department of Administration if the business relocates to a foreign country at least 30 percent of the call center's volume of calls. A business that violates the requirement is subject to a civil forfeiture of up to \$10,000 per day of the violation.

The bill also requires DOA to maintain a list of businesses that have relocated a call center to a foreign country and businesses that have violated the requirement to notify DOA of such a relocation. Under the bill, businesses on the list are ineligible for a grant, loan, certification or other authorization to claim a tax credit, or other similar benefit awarded by a state agency, authority, including the Wisconsin Economic Development Corporation, or other body in state government, unless the secretary of administration determines that denying the benefit would likely result in substantial job loss in Wisconsin or substantial harm to the environment.

The bill also prohibits a state agency from purchasing services provided by a call center if any services related to the call center will be performed outside the state.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.289 of the statutes is created to read:

2 **16.289 Call center employee relocation list. (1) DEFINITIONS.** In this
3 section:

4 (a) “Call center” means a business operation that is any of the following:

5 1. An operation to which phone calls or other communications from current or
6 potential customers are directed.

7 2. An operation that makes phone calls or other communications to current or
8 potential customers.

9 (b) “Call center employer” means a call center that employs, for the purpose of
10 customer service, record maintenance, accounting services, or information
11 technology services for the call center, any of the following:

12 1. At least 50 employees, excluding employees who are employed for an average
13 of fewer than 20 hours per week or who have been employed for fewer than 6 of the
14 immediately preceding 12 months.

15 2. At least 50 employees who, in the aggregate, work at least 1,500 hours per
16 week, excluding overtime.

17 **(2) REQUIREMENT.** (a) A call center employer that intends to relocate a call
18 center from Wisconsin to a foreign country shall notify the department at least 120
19 days before relocating the call center if the relocation will result in at least 30 percent
20 of the call center’s volume of calls or other communications, as determined by the
21 previous 12-month average volume, being relocated to a foreign country.

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1 (b) A call center employer that violates par. (a) is subject to a civil forfeiture of
2 not more than \$10,000 for each day of the violation.

3 **(3) LIST OF RELOCATING CALL CENTERS.** The department shall maintain a list of
4 call center employers that have notified the department under sub. (2) (a) and call
5 center employers that have violated sub. (2) (a).

6 **SECTION 2.** 16.75 (1) (a) 1. of the statutes is amended to read:

7 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
8 materials, supplies, equipment, and contractual services to be provided to any
9 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
10 (6), (7), (8), (9), (10e), (10m), (10n), and (10p) and ss. 16.705 (1r), 16.73 (4) (a), 16.751,
11 16.754, 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the
12 lowest responsible bidder, taking into consideration life cycle cost estimates under
13 sub. (1m), when appropriate, the location of the agency, the quantities of the articles
14 to be supplied, their conformity with the specifications, and the purposes for which
15 they are required and the date of delivery.

16 **SECTION 3.** 16.75 (10n) of the statutes is created to read:

17 16.75 (10n) (a) In this subsection, “call center” means an operation to which
18 phone calls or other communications from current or potential customers or clients
19 are directed or that makes phone calls or other communications to current or
20 potential customers or clients.

21 (b) The department, any other designated purchasing agent under s. 16.71 (1),
22 an agency making purchases under s. 16.74, and an authority may not enter into any
23 contract or order for services provided by a call center if any services related to the
24 call center will be performed outside the state.

25 **SECTION 4.** 20.935 of the statutes is created to read:

ASSEMBLY BILL 1105**SECTION 4**

1 **20.935 Relocated call center employers. (1) DEFINITIONS.** In this section:

2 (a) “Call center employer” has the meaning given in s. 16.289 (1) (b).

3 (b) “State agency” means an association, authority, board, department,
4 commission, independent agency, institution, office, society, or other body in state
5 government created or authorized to be created by the constitution or any law.

6 (c) “State benefit” means a grant, loan, certification or other authorization to
7 claim a tax credit, or similar benefit awarded by a state agency.

8 **(2) INELIGIBILITY FOR STATE BENEFITS.** (a) Except as provided under par. (c), each
9 call center employer appearing on the list maintained by the department of
10 administration under s. 16.289 (3) is ineligible to receive a state benefit.

11 (b) A call center employer that receives a state benefit while ineligible under
12 par. (a) shall pay to the secretary of administration for deposit in the general fund
13 an amount equal to the unamortized value of the benefit received.

14 (c) A call center employer appearing on the list maintained under s. 16.289 (3)
15 is not ineligible to receive a state benefit if the call center employer demonstrates to
16 the satisfaction of the secretary of administration that denying the benefit to the call
17 center employer would likely result in substantial job loss in this state or substantial
18 harm to the environment.

19 **SECTION 5. Initial applicability.**

20 (1) The treatment of s. 16.75 (10n) first applies to contracts entered into,
21 extended, modified, or renewed on the effective date of this subsection.

22 **SECTION 6. Effective date.**

23 (1) This act takes effect on the first day of the 7th month beginning after
24 publication.

25

(END)