GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S SENATE BILL 868

Judiciary II Committee Substitute Adopted 4/24/03 House Committee Substitute Favorable 7/8/04

Short Title:	Consumer's Right to Know and Act/QBI Credit.	(Public)
Sponsors:		
Referred to:		

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, AND TO AMEND THE

QUALIFIED BUSINESS INVESTMENT CREDIT.

The General Assembly of North Carolina enacts:

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SECTION 1. The General Assembly finds that the State regularly awards contracts for services that are vital to North Carolinians, and that a national trend is developing in which contractors and subcontractors under service contracts awarded by state governments employ persons in foreign countries to perform these vital services. The General Assembly further finds that persons performing these service contracts in foreign countries are generally paid wages that are significantly below the minimum wage in this State, and that this trend of awarding service contracts to be performed outside the United States is threatening to the jobs and livelihood of North Carolinians and all Americans.

SECTION 2. Article 3 of Chapter 143 is amended by adding a new section to read:

"§ 143-59.4. Certain vendors required to use only persons authorized to work in the United States.

(a) Ineligible Vendors. – The Secretary of Administration and other entities to which this Article applies shall not contract for telemarketing services or telephone center services with any vendor that employs the services of any person not authorized to work in the United States pursuant to federal law in the performance of telemarketing or telephone center services on behalf of the State and such services shall be performed in the United States.

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- (b) Vendor Certification. The Secretary of Administration shall require each vendor submitting a bid or contract to provide services for the State as set forth in subsection (a) of this section to certify that only its employees who are authorized to work in the United States pursuant to federal law will be performing services under the contract. Any person who submits a certification required by this subsection known to be false shall be guilty of a Class I felony.
- (c) <u>Void Contracts.</u> A contract entered into or performed in violation of this section is void. A contract that is void under this section may continue in effect until an alternative contract can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved by the Secretary of Administration. Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare."

SECTION 3. Chapter 66 is amended by adding a new Article to read:

"Article 41.

"Customer Sales or Service Call Center Requirements.

"§ 66-340. Definitions.

As used in this Article the following terms mean:

- Customer sales call center. An entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating sales, including telephone solicitations as defined in G.S. 66-260(10) and G.S. 75-101(9).
- (2) Customer service call center. An entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purposes of providing or receiving services or information necessary in connection with the providing of services or other benefits.
- (3) <u>Customer services employee. A person employed by or working on behalf of a customer sales call center or a customer service call center.</u>
- (4) Identifying information. As the term is used in G.S. 14-113.20(b).

"§ 66-341. Customers right to customer sales or customer service call center information.

- (a) Any person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center, upon request, has the right to:
 - (1) Know the identification of the city, state, and country where the customer service employee is located.
 - (2) Know the name or registered alias of the customer services employee.
 - (3) Know the name of the employer of the person with whom the person is speaking.
 - (4) Speak to a qualified employee of the company or government agency the person is doing business with.

(b) No person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center shall have the person's financial, credit, or identifying information sent to any foreign country without express written permission.

"§ 66-342. Violation.

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A willful violation of this Article shall be an unfair or deceptive trade practice under G.S. 75-1.1."

SECTION 4. G.S. 105-163.012(b) reads as rewritten:

"(b) The total amount of all tax credits allowed to taxpayers under G.S. 105-163.011 for investments made in a calendar year may not exceed six million dollars (\$6,000,000). seven million dollars (\$7,000,000). The Secretary of Revenue shall calculate the total amount of tax credits claimed from the applications filed pursuant to G.S. 105-163.011(c). If the total amount of tax credits claimed for investments made in a calendar year exceeds six million dollars (\$6,000,000),this maximum amount, the Secretary shall allow a portion of the credits claimed by allocating a total of six million dollars (\$6,000,000),the maximum amount in tax credits in proportion to the size of the credit claimed by each taxpayer."

SECTION 5. G.S. 105-163.015 reads as rewritten:

"§ 105-163.015. Sunset.

This Part is repealed effective for investments made on or after January 1, 2007.2008."

SECTION 6. Sections 2 and 3 of this act become effective October 1, 2004. Sections 4 and 5 become effective for investments made on or after January 1, 2004. Section 2 of this act applies to contracts entered into on or after that date. The remainder of the act is effective when it becomes law.