

HOUSE BILL 1865

By Pitts

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, Part 7; Title 8, Chapter 4, Part 7 and
Section 12-3-813, relative to small business.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, Part 7, is amended by deleting the part in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following as a new, appropriately designated section:

4-3-7__.

(a) For purposes of this section, "small business" means a business entity, including its affiliates, that employs fifty (50) or fewer full-time employees.

(b)

(1) There shall be a small business center within the department of economic and community development to function as the main point of contact for citizens and small businesses with questions or who are in need of advice concerning state government policies.

(2) The small business center is authorized to informally mediate and assist with the resolution of issues concerning small business owners and state departments and agencies.

(3) All persons employed by the small business center shall be chosen by the commissioner from existing personnel within the department, as appropriate, and the commissioner shall implement this part without using additional resources.

(c)

(1) Each department and agency in state government that has any regulatory authority over business activity shall appoint a person from existing executive service personnel who shall serve as a contact person for the small business center when the center has an issue or question concerning the department or agency. The contact person is responsible for communicating with the small business center when problems or issues from small business owners arise in the person's department or agency. The contact person shall notify the small business center when the issue or problem is resolved.

(2) At any time a department or agency changes the contact person, the department or agency shall notify the small business center within seven (7) business days of the change.

(d) The small business center shall:

(1) Work with each state agency and department with regulatory authority over businesses to ensure that small business owners who receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement-related communication or contact by agency or department personnel are provided with a means to communicate or comment on the enforcement activity conducted by such personnel;

(2) Establish means to receive comments from small business owners regarding actions by agency or department employees conducting compliance or enforcement activities;

(3) Establish means to refer comments from small business owners received pursuant to this subsection (d) to the contact person of the affected

agency or department in the appropriate circumstances and to maintain the confidentiality of the identity of the person making such comments; and

(4) Rate agencies on the extent to which they notify small business owners about the existence of the small business center.

(e) The small business center shall report annually to the commerce, labor and agriculture committee of the senate and the commerce committee of the house of representatives regarding evaluating the enforcement activities of department and agency personnel, including a rating of the responsiveness to small business owners' concerns.

(f) The small business center shall annually prepare a report on the center's activities, findings and recommendations to the governor, members of the general assembly and the heads of affected state departments and agencies. Prior to publishing the report, the small business center shall provide any affected department or agency with an opportunity to comment on draft reports and include the department's or agency's comments in the final version of the report.

(g) The contact information for the small business center shall be published on the department's web site. The web site shall also include the names of all contact persons for each state department and agency as provided in subsection (c).

SECTION 3. Tennessee Code Annotated, Section 12-3-813, is amended by deleting subsection (e) and substituting instead the following:

(e) All persons employed by the small business center within the department of economic and community development shall be qualified by training or relevant and recent experience in administering programs to encourage and enhance economic opportunities for small, woman owned and minority owned businesses. At least annually, such persons shall attend training or other specialized instruction to enhance

understanding of the particular obstacles impeding woman owned and minority owned businesses from normal entry into the economic mainstream. Such training shall be provided by the governor's office of diversity business enterprises in the normal course of business as part of the regular training program for state agencies. When the positions are filled by reassigning current employees, such employees shall receive the requisite training prior to assuming their duties.

SECTION 4. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. All personnel, facilities, equipment, and funding now in use by the office of the comptroller of the treasury to perform the function of the small business center is hereby transferred to the department of economic development on the effective date of this act.

SECTION 6. This act shall take effect July 1, 2011, the public welfare requiring it.