

HOUSE BILL 1873

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to economic development.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-731, is amended by designating the existing language as subsection (a), and is further amended by adding the following language as new, appropriately designated subsections:

(b) For any grant or loan contract awarded pursuant to § 4-3-717(d)(1) on or after July 1, 2014, the recipient shall file a disclosure report annually with the department no later than February 1 for the duration of the grant or loan. The department shall provide a form for the report that shall request, at a minimum:

(1) The name of the recipient or chief officer of the recipient, the recipient's street and mailing address and phone number, and any industry code or identifier number of the recipient, as applicable;

(2) The street address where any activity that utilizes the funds from the grant or loan contract takes place if the address is different from the address in subdivision (a)(1);

(3) A summary of the number of jobs required by the terms of the grant or loan contract, and the number of jobs created or lost as of December 31 of the previous year, broken down by full-time, part-time, and temporary positions, and by wage groups;

(4) The total employment in this state of the recipient's corporate parent, as applicable, on the two (2) previous dates of December 31, broken down by full-time, part-time, and temporary positions, and by wage groups;

(5) A summary of any capital investment required by the grant or loan contract, and actual capital investment made as of December 31 of the previous year;

(6) A statement as to whether the project has, during the previous calendar year, resulted in reduced employment at any other site controlled by the recipient or the recipient's corporate parent, inside or outside of this state as a result of automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(7) A statement summarizing any instance, during the previous calendar year, in which the recipient, or a parent or subsidiary entity, was determined by a government agency to have violated any federal, state, or local law or regulation relating to environmental protection, taxation, labor standards, or employment discrimination; or was notified that an investigation of a possible violation had been initiated; and

(8) A signed certification by recipient or the recipient's chief officer as to the accuracy of the report.

(c) The department shall publish all reports filed pursuant to this section on its web site no later than April 1 of each year. The department shall provide all of the data from the reports both in a searchable database and as a spreadsheet that can be downloaded in its entirety; provided, when a new report is posted, the department shall leave earlier versions of the data on the web site.

(d) Along with the reports, the department shall provide on its web site:

(1) Any determinations by the department that the recipient:

(A) Has met its commitments as required by the grant or loan contract; or

(B) If the department has previously determined that a recipient has achieved its commitments, has maintained its achieved commitments as required by the grant or loan contract;

(2) Any penalties imposed by the department upon the recipient for failing to meet or maintain the recipient's commitments; and

(3) Copies of non-confidential documents relating to the grant or loan contract as determined by the department.

(e) A recipient that fails to provide the department with a report required by this section is subject to a fine of no less than five hundred dollars (\$500) per day of the violation.

(f) As used in this section:

(1) "Corporate parent" means any person or legal entity that owns or controls at least fifty (50) percent of a recipient;

(2) "Full-time position" means a job in which an individual is employed by a recipient for at least thirty-five (35) hours per week;

(3) "Part-time position" means a job in which an individual is employed by a recipient for less than thirty-five (35) hours per week; and

(4) "Temporary position" means a job in which an individual is hired for a season or for a limited period of time.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.