

PUBLIC CHAPTER NO. 1129

SENATE BILL NO. 3484

By Mr. Speaker Ramsey, Ketron, Yager, Berke, Gresham, Burks, Black, Tracy, Henry, Tate, Marrero, Ford, Beavers

Substituted for: House Bill No. 2885

By Mumpower, Hardaway, Towns, West, Shipley, Campfield

AN ACT to amend Tennessee Code Annotated, Title 8, relative to creating a small business advocate.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, is amended by adding Sections 2–8 as a new, appropriately designated part thereto.

SECTION 2. For purposes of this part, "small business" means a business entity, including its affiliates, that employs fifty (50) or fewer full-time employees.

SECTION 3. (a) There shall be a small business advocate within the office of the comptroller of the treasury to answer questions and provide information to residents of this state who are starting a small business or who already own a small business.

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

(c) The small business advocate shall be chosen by the comptroller of the treasury from existing personnel within the comptroller's office and the comptroller shall implement the provisions of this act without using additional resources.

SECTION 4. (a) 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 advocate when the advocate has an issue or question concerning the department or agency. The contact person is responsible for communicating with the small business advocate when problems or issues from small business owners arise in the person's department or agency. The contact person shall notify the small business advocate when the issue or problem is resolved.

(b) The department or agency shall notify the small business advocate who the contact person is within sixty (60) days of the effective date of this act. At any time a department or agency changes the contact person, the department or

agency shall notify the small business advocate within seven (7) business days of the change.

SECTION 5. The small business advocate 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 subdivision (2) 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 advocate.

SECTION 6. The small business advocate shall report annually to the Senate Commerce, Labor and Agriculture Committee 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.

SECTION 7. The small business advocate shall annually prepare a report on the advocate's activities, findings and recommendations to the governor, members of the general assembly and to the heads of affected state departments and agencies. Prior to publishing the report, the small business advocate 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.

SECTION 8. The contact information for the small business advocate shall be published on the comptroller of the treasury's Web site. The Web site shall also include the names of all contact persons for each state department and agency as provided in Section 4.

SECTION 9. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: June 8, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of June 2010



PHIL BREDESEN, GOVERNOR