

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS75130-LT-37A (3/4)

Short Title: Small Business Ombudsman Office.

(Public)

Sponsors: Senator Hoyle.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE SMALL BUSINESS OMBUDSMAN OFFICE IN
THE DEPARTMENT OF COMMERCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 143B of the General Statutes is amended
by adding a new Part to read:

"Part 19. Small Business Ombudsman Office.

"§ 143B-472.90. Small Business Ombudsman Office established.

(a) There is established within the Department of Commerce the Small Business
Ombudsman Office, hereinafter "Office". The Office shall be a clearinghouse for State
business information and shall have the following duties and responsibilities:

- (1) Provide the public with an information resource center that
disseminates information regarding State statutory and regulatory
requirements to conduct business in the State, including authoritative
sources and procedures and referrals to contact persons within the
appropriate State agencies.
- (2) Establish a program in which the Office works with the small business
community to identify problems in State government related to
unnecessary delays, inconsistencies between regulatory agencies, and
the inefficient and ineffective uses of State resources.
- (3) Implement and administer an automated system to track the number of
contacts or inquiries received each year, the nature of each contact or
inquiry, and the final resolution offered in response to each contact or
inquiry for the purpose of recommending legislative and
administrative revisions.
- (4) Work with the business coordinator designated in each State agency
pursuant to G.S. 147-54.17 to determine the status of requests for

1 information or assistance and to resolve any disputes that may arise
2 between agencies and businesses regarding compliance with laws,
3 rules, or policies of the State or agency.

4 (5) Make recommendations to agencies and the General Assembly
5 regarding proposed policies, rules, or laws to improve the
6 dissemination of information to small businesses regarding statutory
7 and regulatory requirements and to improve licensing procedures
8 affecting business undertakings, including alternatives such as
9 eliminating, consolidating, simplifying, or expediting particular
10 licenses.

11 (b) The Office shall adopt rules and forms necessary to carry out the purposes of
12 this Part.

13 **"§ 143B-472.91. Confidentiality of requests.**

14 At the request of the person or applicant, the identity of the person or other entity
15 requesting assistance or information pursuant to this Part shall remain confidential and
16 shall not be disseminated to any State agency or person outside the Office. This section
17 does not apply where the health, safety, or welfare of the citizens of the State is at risk.
18 The Secretary shall adopt rules, including exceptions to the confidentiality requirement,
19 to implement this section.

20 **"§ 143B-472.92. Reporting requirements of the Secretary of Commerce.**

21 The Secretary may report to the Joint Legislative Commission on Governmental
22 Operations on recommended legislative proposals or administrative revisions to
23 improve State government communications and relations with the public and to make
24 those communications and relations more effective and efficient."

25 **SECTION 2.** Effective October 1, 2006, G.S. 143B-472.92, as enacted in
26 Section 1 of this act, reads as rewritten:

27 **"§ 143B-472.92. Reporting requirements of the Secretary of Commerce.**

28 (a) The Secretary may report to the Joint Legislative Commission on
29 Governmental Operations on recommended legislative proposals or administrative
30 revisions to improve State government communications and relations with the public
31 and to make those communications and relations more effective and efficient.

32 (b) The Secretary shall report to the Joint Legislative Commission on
33 Governmental Operations on or before November 1 each year on the most common and
34 egregious problems the public has had in communicating with and obtaining
35 information from State agencies in the prior year. The report shall include a summary of
36 any complaints and the number, type, and resolution of inquiries received by the Office.
37 The Secretary shall also report on any legislative or administrative recommendations to
38 address the problems reported that year, including proposed budgetary amendments."

39 **SECTION 3.** G.S. 147-54.17 reads as rewritten:

40 **"§ 147-54.17. ~~License coordinator~~ Coordinator designated in all State agencies.**

41 (a) Each agency shall cooperate fully with the Office in providing information on
42 the ~~licenses~~ forms, licenses, and regulatory requirements of the agency, in coordinating
43 conferences with applicants to clarify license and regulatory requirements, and in
44 developing a plan for an automated master application system.

1 (b) Each agency shall designate a business ~~license~~-coordinator. The coordinator
2 shall have the following responsibilities:

3 (1) To provide to the Office the most recent application and supplemental
4 forms required for each license issued by the ~~agency~~, agency and for
5 conducting business under the regulatory authority of the agency, the
6 most recent information available on existing and proposed agency
7 rules, the most recent information on changes or proposed changes in
8 license requirements or agency rules and how those changes will affect
9 the business community, and agency publications that would be of aid
10 or interest to the business ~~community~~; community.

11 (2) To work with the Office in scheduling conferences for applicants as
12 provided under ~~G.S. 147-54.15~~; G.S. 147-54.15.

13 (3) To determine, upon request of an applicant or the Office, the status of
14 a license application or renewal, the reason for any delay in the license
15 review process, and the action needed to end the delay; and to notify
16 the applicant or Office, as appropriate, of those ~~findings~~; findings.

17 (4) To work with the Office or applicant, upon request, to resolve any
18 dispute that may arise between the agency and the applicant during the
19 review ~~process~~; process.

20 (4a) To determine, upon the request of a business or the Small Business
21 Ombudsman Office of the Department of Commerce, the status of a
22 request for information or assistance regarding any requirements or
23 actions of the agency, the reason for any delay in the agency's
24 response, and the action needed to end the delay; and to notify the
25 applicant or Small Business Office Ombudsman, as appropriate, of
26 those findings.

27 (4b) To work with the Small Business Ombudsman Office of the
28 Department of Commerce or business, upon request, to resolve any
29 dispute that may arise between the agency and business regarding the
30 compliance with laws, rules, or policies of the State or agency.

31 (5) To review agency regulatory and license requirements and to provide a
32 written report to the Office that identifies the regulatory and licensing
33 requirements that affect the business community; indicates which, if
34 any, requirements should be eliminated, modified, or consolidated with
35 other requirements; and explains the need for continuing those
36 requirements not recommended for elimination."

37 **SECTION 4.** Sections 1, 3, and 4 of this act become effective October 1,
38 2003. Section 2 of this act becomes effective October 1, 2006.