

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 536**

Short Title: Small Business Ombudsman Office. (Public)

Sponsors: Senators Hoyle; Apodaca, Garrou, Kinnaird, Pittenger, Rand, Smith, and Thomas.

Referred to: Commerce.

March 26, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE SMALL BUSINESS OMBUDSMAN OFFICE IN  
3 THE DEPARTMENT OF COMMERCE.

4 The General Assembly of North Carolina enacts:

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

7 "Part 19. Small Business Ombudsman Office.

8 **"§ 143B-472.90. Small Business Ombudsman Office established.**

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

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

1           between agencies and businesses regarding compliance with laws,  
2           rules, or policies of the State or agency.

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

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

12 **"§ 143B-472.91. Confidentiality of requests.**

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

19 **"§ 143B-472.92. Reporting requirements of the Secretary of Commerce.**

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

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

26 **"§ 143B-472.92. Reporting requirements of the Secretary of Commerce.**

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

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

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

39 **"§ 147-54.17. ~~License coordinator~~ Coordinator designated in all State agencies.**

40          (a) Each agency shall cooperate fully with the Office in providing information on  
41 the ~~licenses-forms, licenses,~~ and regulatory requirements of the agency, in coordinating  
42 conferences with applicants to clarify license and regulatory requirements, and in  
43 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 ~~prøeess~~; 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.