

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1212 Session of  
1999

INTRODUCED BY PUNT, MURPHY, KUKOVICH, SALVATORE, WAGNER, CORMAN,  
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ROBBINS, SCHWARTZ, GERLACH, SLOCUM, KITCHEN, LEMMOND, BELL,  
KASUNIC, WHITE, BOSCOLA AND MELLOW, NOVEMBER 29, 1999

REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT,  
NOVEMBER 29, 1999

AN ACT

1 Providing for small business compliance assistance, for  
2 definitions, for duties of participating agencies, for  
3 implementation of duties, for reports and for evaluation; and  
4 making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Small  
9 Business Environmental and Tax Compliance Assistance Act.

10 Section 2. Purpose.

11 The purpose of this act is to utilize Pennsylvania Small  
12 Business Development Centers to establish a low-cost process to  
13 significantly improve compliance with Federal, State and local  
14 regulations by potential and existing small business concerns  
15 by:

16 (1) Providing potential and existing small businesses  
17 with the information and advice they need to understand and

1 satisfy their obligations under Federal, State and local  
2 regulations through the confidential business assistance  
3 network of the Pennsylvania Small Business Development  
4 Centers.

5 (2) Improving the level of outreach, education and  
6 compliance assistance to the small business community.

7 (3) Utilizing the Pennsylvania Small Business  
8 Development Centers delivery network in order to improve  
9 access to and utilization of other nonpunitive compliance and  
10 technical assistance programs.

### 11 Section 3. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Compliance assistance plan." A five-year plan developed and  
16 annually revised by the Pennsylvania Small Business Development  
17 Centers' State Director's Office for the establishment and  
18 maintenance of the compliance assistance activities required  
19 under this act.

20 "Participating agency." The Department of Environmental  
21 Protection of this Commonwealth or the Department of Revenue of  
22 this Commonwealth.

23 "Pennsylvania Environmental Assistance Network." The  
24 consortium of public and private organizations who facilitate  
25 ecologically efficient business and manufacturing processes.

26 "Pennsylvania Small Business Development Centers." The  
27 system of Small Business Development Centers established  
28 pursuant to the Small Business Act (Public Law 85-536, 15 U.S.C.  
29 § 631 et seq.).

### 30 Section 4. Duties of participating agencies.

(a) Outreach objectives and priorities.--Not later than 90 days after the effective date of this act and annually thereafter, each participating agency shall provide the Pennsylvania Small Business Development Centers with an outreach objectives and priorities plan which shall include:

(1) The five-year regulatory compliance and assistance outreach objectives of the participating agency.

(2) The regulatory compliance priorities of the participating agency for the immediate 12-month period.

(3) Identification of the types of services, materials and resources to be developed by the participating agency for use by both the participating agency and the Pennsylvania Small Business Development Centers to assist small business concerns.

(4) Identification of participating agency facilities, expertise and other resources that may be accessed by the Pennsylvania Small Business Development Centers or small business concerns for compliance assistance.

Section 5. Planning and organizational duties of Pennsylvania Small Business Development Centers.

(a) Compliance assistance plan.--Not later than 180 days after the effective date of this act, the Pennsylvania Small Business Development Centers' State Director's Office shall develop a five-year compliance assistance plan. This plan shall utilize the compliance and assistance outreach objectives and priorities of the participating agencies and shall include:

(1) Identification of the compliance assistance priorities and objectives of the Pennsylvania Small Business Development Centers and an outline of the types of activities that will be implemented to carry out the stated priorities

1 and objectives.

2 (2) Identification of the activities of the Pennsylvania  
3 Small Business Development Centers and an indication of how  
4 these activities will support the priorities and objectives  
5 of the participating agencies.

6 (3) Performance outcome measures and evaluation criteria  
7 to be used in evaluating the effectiveness of the system of  
8 compliance assistance to be established under this section.

9 (b) Duplication of effort.--In carrying out this section,  
10 the Pennsylvania Small Business Development Centers shall, to  
11 the maximum extent practicable, ensure that their efforts do not  
12 unnecessarily duplicate the compliance assistance efforts of the  
13 participating agencies or other organizations.

14 (c) Operational guidelines.--

15 (1) Based on the compliance assistance plan, not later  
16 than 180 days after the effective date of this act, the  
17 Pennsylvania Small Business Development Centers' State  
18 Director's Office shall develop operational guidelines for  
19 the establishment of compliance assistance activities by the  
20 Pennsylvania Small Business Development Centers in accordance  
21 with this section.

22 (2) The guidelines issued under paragraph (1) shall:

23 (i) Establish priorities for the types of assistance  
24 to be provided to small business concerns under the  
25 compliance assistance plan developed by the Pennsylvania  
26 Small Business Development Centers.

27 (ii) Establish standards relating to educational,  
28 technical and support services required by Pennsylvania  
29 Small Business Development Centers to provide effective  
30 compliance assistance.

(iii) Establish standards for referrals to appropriate public and private organizations that provide compliance and technical assistance to small business concerns.

(d) Program delivery.--The guidelines established under subsection (c) shall:

(1) Require that the assistance to small business concerns under the compliance assistance plan developed under this section be carried out by the Pennsylvania Small Business Development Centers who shall, to the maximum extent practicable, partner with and provide small business access to other existing Federal, State and local nonpunitive compliance and technical assistance programs, including, but not limited to, the organizations participating in the Pennsylvania Environmental Assistance Network.

(2) Not later than 45 days after the effective date of this act, the Department of Community and Economic Development shall issue a contract for the amount appropriated by the General Assembly to the Pennsylvania Small Business Development Centers' State Director's Office to develop and implement the plans and guidelines necessary to carry out the requirements of this act.

Section 6. Implementation duties of Pennsylvania Small Business Development Center Network.

(a) Work plan.--Beginning not later than 60 days after the date on which the compliance assistance plan and operational guidelines are published by the Pennsylvania Small Business Development Centers, the Pennsylvania Small Business Development Centers' State Director's Office shall, on an annual basis, submit to the Department of Community and Economic Development a

1 work plan under which the Pennsylvania Small Business  
2 Development Centers will prioritize and carry out the objectives  
3 of the five-year compliance assistance plan developed under  
4 section 4(1).

5 (b) Assistance provided.--The assistance to be provided to  
6 potential and existing small business concerns shall include  
7 confidential:

8 (1) Access to information and resources.

9 (2) Training and educational activities.

10 (3) Free-of-charge, one-on-one in-depth counseling.

11 (4) Technical assistance.

12 (5) Appropriate referrals to other compliance and  
13 technical assistance programs.

14 (c) Confidentiality.--

15 (1) No Pennsylvania Small Business Development Centers  
16 personnel or any person under contract to any such small  
17 business development center for purposes of providing  
18 assistance under this act shall be required to disclose the  
19 name or address of any small business concern assisted under  
20 the activities carried out under this section.

21 (2) Paragraph (1) shall not be construed to prevent the  
22 Department of the Auditor General from auditing a small  
23 business development center, or any person under contract to  
24 any such small business development center for purposes of  
25 providing assistance under this act.

26 Section 7. Reports.

27 The Pennsylvania Small Business Development Centers shall, on  
28 an annual basis, submit to the participating agencies, the  
29 Department of Community and Economic Development, the Governor  
30 and the General Assembly a report which shall include:

1           (1) A description of the types of assistance provided  
2           under this act by the Pennsylvania Small Business Development  
3           Centers to potential and existing small business concerns.

4           (2) The level of outreach to potential and existing  
5           small business concerns achieved by the Pennsylvania Small  
6           Business Development Centers under this act.

7           (3) The Pennsylvania Small Business Development Centers'  
8           recommendations for improvements in the regulation and  
9           reporting requirements of small business concerns.

10 Section 8. Evaluation.

11       Upon the expiration of the three-year period beginning on the  
12       date on which the Pennsylvania Small Business Development  
13       Centers first receive a contract to begin implementation of the  
14       compliance assistance plan, the Legislative Budget and Finance  
15       Committee shall provide for an evaluation of the compliance  
16       assistance activities established under this section. This  
17       evaluation shall be submitted to the Governor and the General  
18       Assembly.

19 Section 9. Appropriation.

20       The sum of \$1,500,000, or as much thereof as may be  
21       necessary, is hereby appropriated for the fiscal year July 1,  
22       2000, to June 30, 2001, to carry out the provisions of this act.

23 Section 10. Effective date.

24       This act shall take effect immediately.