

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 808
HOUSE BILL 109

AN ACT TO ESTABLISH THE BUSINESS LICENSE INFORMATION OFFICE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 147 of the General Statutes is amended by adding a new Article to read:

"Article 4B.

"Business License Information Office.

"§ 147-54.11. **Purpose.**—It is the purpose of this Article to provide a convenient, accessible, and timely one-stop system for the business community to acquire and maintain the necessary State licenses to conduct business. Use of this one-stop system by an applicant is optional. An applicant may deal directly with the appropriate State licensing agency if he so prefers. To accomplish this goal, a business license information office is established to provide information to the business community on all State licensing and regulatory requirements and, to the extent feasible, to provide local and federal information on the same regulated activities. In addition to providing information on State licensing requirements, the business license information office shall develop an operating plan for an automated master application system, shall determine the software and hardware needs of the system, shall determine the staffing levels required for the system, and shall determine the space requirements for the office and automated system.

It is the intent of the General Assembly that the authority for determining whether a requested license shall be issued shall remain with the agency legally authorized to issue the license.

"§ 147-54.12. **Definitions.**—The following definitions apply in this Article:

- (1) 'Director' means the director of the Business License Information Office.
- (2) 'Environmental license' means any certificate, permit, or other approval by whatever name called, pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a State agency or instrumentality, including, but not limited to, any certificate, permit, or other approval by whatever name called, pertaining to a pollution control rule or standard established by the Division of Health Services, Department of Human Resources or the Secretary of the Department of Human Resources.

- (3) 'License' means any certificate, permit, or other evidence, by whatever name called, of a right or privilege to engage in any activity, except occupational licenses and licenses issued under Chapter 20 of the General Statutes.
- (4) 'Occupational license' means any certificate, permit, or other evidence, by whatever name called, of a right or privilege to engage in a profession, occupation, or field of endeavor that is issued by any occupational licensing agency.
- (5) 'Occupational licensing agency' means any board, commission, committee, or other agency of the State that is established for the primary purpose of regulating the admission or conduct of persons in a particular profession, occupation, or field of endeavor, and is authorized to issue and revoke licenses. The term does not include a State agency or department that issues permits or licenses as only a part of its regular function.
- (6) 'Office' means the Business License Information Office.
- (7) 'Regulatory' means all licensing and other governmental or statutory requirements pertaining to business or professional activities.
- (8) 'Secretary' means the Secretary of State.

"§ 147-54.13. Business License Information Office established; appointment of director.—(a) There is established within the Department of the Secretary of State the Business License Information Office. The Office shall be under the direction and supervision of a full-time salaried State employee who shall be designated as the Director. The Director shall be appointed by the Secretary of State and shall receive a salary commensurate with State government pay schedules for the duties of this office, or such salary to be set by the State Personnel Board pursuant to G.S. 126-4. Necessary travel allowance or reimbursement for expenses shall be authorized for the Director in accordance with G.S. 138-6. Sufficient staff shall be provided under the direction of the Secretary.

(b) The Office shall make recommendations to agencies and the General Assembly for eliminating, consolidating, simplifying, or expediting licenses, or otherwise improving licensing procedures affecting business undertakings.

(c) The Office shall promulgate and adopt rules and forms necessary to carry out the purposes of this Article.

"§ 147-54.14. Clearinghouse functions.—The Office shall be a clearinghouse for State business license information and shall perform the following duties:

- (1) Establish a license information service detailing requirements for establishing and engaging in business in the State;
- (2) Provide the most recent forms and information sheets for all State business licenses; and
- (3) Prepare, publish, and distribute a complete directory of all State licenses required to do business in North Carolina.

"§ 147-54.15. License coordination and assistance to applicants.—Upon request, the Office shall assist a person as provided below:

- (1) Identify the type and source of licenses that may be required and the potential difficulties in obtaining the licenses based on an informal review of a potential applicant's business at an early stage in its planning. Information provided by the Office is for guidance purposes only and may not be asserted by an applicant as a waiver or release from any license requirement;
- (2) Arrange an informal conference between the person and the appropriate agency to clarify licensing requirements or standards, if necessary;
- (3) Assist in preparing the appropriate application and supplemental forms;
- (4) Monitor the license review process to determine the status of a particular license. If there is a delay in the review process, the Office may demand to know the reasons for the delay, the action required to end the delay, and shall provide this information to the applicant. The Office may assist the applicant in resolving a dispute with an agency during the application process. If a request for a license is refused, the Office may explain the recourse available to the person under the Administrative Procedure Act.

"§ 147-54.16. Master application system.—The Office shall develop an operating plan for an automated master application system, shall determine the software and hardware needs of the system, and shall determine the staffing levels and space required for the system. The plan shall be developed with the assistance of the departments that issue business licenses and with due regard to privacy statutes. In making the determinations and developing an operating plan for an automated master application system, the Office shall identify the business licenses appropriate for inclusion in a master application system and shall develop a master application form that consolidates the information needed for the various State agencies to issue the licenses. Environmental licenses may not be included in a master application form.

"§ 147-54.17. License coordinator designated in all State agencies.—(a) Each agency shall cooperate fully with the Office in providing information on the licenses and regulatory requirements of the agency, in coordinating conferences with applicants to clarify license and regulatory requirements, and in developing a plan for an automated master application system.

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

- (1) To provide to the Office the most recent application and supplemental forms required for each license issued by the agency, the most recent information available on existing and proposed agency rules, the most recent information on changes or proposed changes in license requirements or agency rules and how those changes will affect the business community, and agency publications that would be of aid or interest to the business community;

- (2) To work with the Office in scheduling conferences for applicants as provided under G.S. 147-54.15;
- (3) To determine, upon request of an applicant or the Office, the status of a license application or renewal, the reason for any delay in the license review process, and the action needed to end the delay; and to notify the applicant or Office, as appropriate, of those findings;
- (4) To work with the Office or applicant, upon request, to resolve any dispute that may arise between the agency and the applicant during the review process;
- (5) To review agency regulatory and license requirements and to provide a written report to the Office that identifies the regulatory and licensing requirements that affect the business community; indicates which, if any, requirements should be eliminated, modified, or consolidated with other requirements; and explains the need for continuing those requirements not recommended for elimination.

"§ 147-54.18. Use of Business License Information Office optional.—The services offered to applicants by the Business License Information Office are optional. An applicant may deal directly with the licensing agency in obtaining information, assistance, or in applying for a license if the applicant so prefers."

Sec. 2. The Business License Information Office shall implement the provisions of this act so that it will be capable of performing the following functions within the time periods listed below:

- (1) The clearinghouse functions set out in G.S. 147-54.14 shall be established and implemented within one year after the effective date of this act.
- (2) The license coordination and applicant assistance functions as provided by G.S. 147-54.15 shall be set up within two years after the effective date of this act.
- (3) An operating plan for an automated master application system shall be developed and the software, hardware, space, and staffing needs for the system shall be determined as provided by G.S. 147-54.16 within three years after the effective date of this act.

Sec. 3. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the act which can be given effect without the invalid provision.

Sec. 3.1. Of the funds appropriated in Section 2 of Chapter 738 of the 1987 Session Laws to the Department of Secretary of State, the sum of one hundred ninety-five thousand two hundred twelve dollars (\$195,212) for the 1987-88 fiscal year and the sum of five hundred seventy-six thousand two hundred eighteen dollars (\$576,218) for the 1988-89 fiscal year shall be used to implement this act.

Sec. 4. This act shall become effective October 1, 1987. The Department of the Secretary of State shall report by October 1, 1988, and annually thereafter to the Joint Legislative Commission on Governmental Operations on its progress implementing the provisions of this act.

In the General Assembly read three times and ratified this the 13th day of August, 1987.