

SENATE BILL 3696

By Norris

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8, Chapter 3; Title 8, Chapter 4; Title 10,  
Chapter 7, Part 5 and Title 67, Chapter 1, relative  
to economic development.

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

SECTION 1. Tennessee Code Annotated, Section 4-28-111(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The department shall provide the qualified TNInvestco a summary of findings including any areas of noncompliance. The qualified TNInvestco shall have sixty-five (65) days to cure any areas of noncompliance. Failure to cure the areas of noncompliance within sixty-five (65) days shall result in a penalty of ten thousand dollars (\$10,000) per day until the noncompliance is cured. The proceeds from any such penalty shall be deposited into the Tennessee rural opportunity fund to further the state's economic development efforts. Funds related to the investment tax credit shall not be used to pay the penalty imposed under this section.

SECTION 2. Tennessee Code Annotated, Section 4-28-113(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) If the commissioner of economic and community development reasonably determines that the investment strategy actually used by the TNInvestco is not in substantial compliance with the scorecard, then the commissioner of economic and community development shall provide the qualified TNInvestco a summary of findings including the areas of noncompliance. Within sixty-five (65) days of receiving the commissioner's findings, the TNInvestco shall provide to the commissioner of economic and community development a written statement that shall describe in detail the

TNInvestco's plan for curing all areas of noncompliance before the next annual review. Said plan may include a request for modification of the strategy with corresponding changes in the scorecard which, if approved, shall become the scorecard against which future compliance will be measured.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.