

# Kentucky Commission on Small Business Advocacy

2009-2010 Annual Report



**Kentucky**  
UNBRIDLED SPIRIT  
*Cabinet for Economic Development*

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## **Report of the Chairman**

On behalf of the members of the Commission on Small Business Advocacy (the Commission), I am proud to submit our 5th Annual Report to Governor Steve Beshear highlighting our efforts to help protect and promote the interest of Kentucky's small business community. Over the past year, the Commission and its staff have been busy carrying out our statutory responsibilities to this vital sector of the economy.

As the Acting Chair of the Commission on Small Business Advocacy, and a Kentucky small business owner, I am honored to have the opportunity to represent small business owners in this great Commonwealth. Please be assured that the Commission on Small Business Advocacy takes its role and mission as seriously as the individuals and agencies that have empowered it.

I am excited about the opportunities that lie ahead for the Commission. I look forward to partnering with you, the Cabinet for Economic Development, and others to make Kentucky an even better place for small businesses to thrive. Although the economy is challenging, I see great promise to create a culture in Kentucky that recognizes and values the importance of small business.

This Annual Report serves not only to highlight the past year's activities carried out by the Commission, but also to reinforce the commitment and dedication of the Commission.

If you have any questions or concerns, do not hesitate to contact me or any Commission or staff member.

Thank you,

Cathy Zion  
Acting Chair  
Commission on Small Business Advocacy

## **Introduction to the Commission on Small Business Advocacy:**

The members and staff of the Commission on Small Business Advocacy (the Commission) are pleased to present this report of activities for the 2009-10 fiscal year (July 1, 2009 – June 30, 2010).

The Commission on Small Business Advocacy continues to carry out its role as one of the designated advocates for small business in Kentucky. Being attached to the Kentucky Cabinet for Economic Development allows the Commission to access a wealth of related services and expertise to carry out its mission of representing small businesses in the public policy process.

The mission statement contained in the bylaws of the Commission on Small Business Advocacy states:

**“The mission of the Commission is to make the Commonwealth of Kentucky a state that is friendly to small businesses through education, cooperation, and advocacy on behalf of small businesses.”**

### ***The Commission’s Purpose (from KRS 11.200):***

- Address matters of small business as it relates to government affairs;
- Promote a cooperative and constructive relationship between state agencies and the small business community;
- Coordinate and educate the small business community on federal, state, and local government initiatives of value and importance to the small business community;
- Create a process by which the small business community is consulted in the development of public policy;
- Aid the small business community in navigating the regulatory process, when that process becomes cumbersome to the small business community; and
- Advocate for the small business, as necessary, when regulatory implementation is overly burdensome, costly, and harmful to the success and growth of small businesses in the Commonwealth.

### ***Commission Membership:***

To carry out its mission, the Commission relies on the expert input of a thirteen member commission appointed by the Governor. Two members are appointed from each of the six Congressional Districts within Kentucky, with one additional “at-large” appointment.

The Commission members represent a diverse and unique mix of small businesses throughout Kentucky. Each member comes to the Commission with an appreciation of small business issues and a commitment to represent the specific needs of this segment of the state’s economy. The overriding goal of this Commission is to be the voice of reason for Kentucky’s small business community during the regulatory and legislative

development process. The ultimate goal is to ensure that issues impacting Kentucky's small business community are duly considered and researched as to their potential impact on the viability of small businesses in the legislative and/or regulatory processes.

The following table depicts the current membership of the Commission on Small Business Advocacy as of June 30, 2010.

*Note: The order of the table is with respect to Congressional Districts.*

Name		Location	Congressional District	Position
Daniel	Loretta K.	Sedalia	First District	Commission Member
		<b>VACANT</b>	First District	Commission Member
		<b>VACANT</b>	Second District	Commission Member
Wilson	Sandra Thomason	Horse Cave	Second District	Commission Member
Underwood	John Thomas "Tom"	Louisville	Third District	Commission Member
Zion	Cathy	Louisville	Third District	Acting Chair Commission/Executive Committee
Llambi	Vivian	Florence	Fourth District	Secretary Commission/Executive Committee
Ross	Suzan H.	Maysville	Fourth District	Commission /Executive Committee
Gearheart	David	Allen	Fifth District	Commission Member
Vance	Donna B.	Corbin	Fifth District	Commission Member
		<b>VACANT</b>	Sixth District	Commission Member
Tyra	Tyrone	Lexington	Sixth District	Commission Member
Kinder	Joyce	Perry Park	At-Large	Commission/Executive Committee
Moore	Judy	Lexington	N/A	Honorary Member

***Membership Update:***

As indicated in the chart above, three board positions are vacant due to resignations and members not seeking reappointment at the end of expired terms. The Cabinet for Economic Development has discussed the vacant positions with the Governor's Office of Boards and Commissions, and will work to have the positions filled as soon as possible.

*Overview of Commission on Small Business Advocacy Members as of June 30, 2010:*

**Loretta K. Daniel** of Sedalia, Kentucky. Ms. Daniel is currently the Director of the Innovation and Commercialization Center at Murray State University. She earned her Bachelors and Masters Degrees in Business Administration from Murray State University. Loretta is the former owner of several successful small businesses as well as service as a branch manager for a regional bank. Ms. Daniel has completed her National Business Incubator Manager certification and is a graduate of the Venture Capital Institute in Atlanta, Georgia. She represents the 1<sup>st</sup> Congressional District, to serve a term expiring August 22, 2010.

**Sandra Thomason Wilson** of Horse Cave, Kentucky. Ms. Thomason Wilson is a graduate of Western Kentucky University. She is the Executive Director of the Hart County Tourist Commission in Munfordville, Kentucky. Ms. Thomason Wilson represents the 2<sup>nd</sup> Congressional District, to serve a term expiring August 22, 2011.

**John “Tom” Underwood** of Louisville, Kentucky. Mr. Underwood is the State Director for National Federation of Independent Business. He received his bachelor’s and master’s degree from the University of Kentucky. He is a member of the American Society of Association Executives. Mr. Underwood represents the 3rd Congressional District, to serve a term expiring August 22, 2010.

**Cathy Zion** of Louisville, Kentucky. Ms. Zion is a graduate of Murray State University and the owner and Publisher of Zion Publications, LLC. She is a member of the KentuckianaWorks/Workforce Investment Board, the SCORE Advisory Board, and the recipient of Greater Louisville Inc’s 2001 Inc.credible Award for Small Businesses. Ms. Zion represents the 3<sup>rd</sup> Congressional District, to serve a term expiring August 22, 2011.

**Vivian Llambi** of Florence, Kentucky. Ms. Llambi is the owner and president of a landscape architecture firm. She is a graduate of the University of Florida. She is a member of the Cincinnati Chamber of Commerce Board of Directors and the Northern Kentucky University College of Business Advisory Board. Ms. Llambi represents the 4th Congressional District, to serve a term expiring August 22, 2009.

**Suzan Ross** of Maysville, Kentucky. Ms. Ross is a self-employed certified public accountant and financial advisor. Ross received her bachelor's degree from the University of Texas at El Paso. She is a member of the Maysville Mason County Area Chamber of Commerce and the American Association of University Women. She is also treasurer for the Downing Performing Arts Academy. Ms. Ross represents the 4th Congressional District, to serve a term expiring August 22, 2012.

**David Gearheart** of Allen, Kentucky. Mr. Gearheart is a graduate of Morehead State University, a former school teacher, and is currently employed as operations manager of a wholesale company. He is a member of the Free and Accepted Masons, Zebulon Lodge No. 273 F&AM, Prestonsburg, Kentucky. Mr. Gearheart represents the 5<sup>th</sup> Congressional District, to serve a term expiring August 22, 2011.

**Donna Vance** of Corbin, Kentucky. Ms. Vance is the owner of the Landmark Inn, Corbin Bingo Parlor, Vanbar Outdoor Advertising and Vance Rentals. She attended Western Kentucky University. Ms. Vance represents the 5th Congressional District, to serve a term expiring August 22, 2009.

**Tyrone Tyra** of Lexington, Kentucky. Mr. Tyra is a graduate of LaSalle University. He is the Vice President of Community & Minority Business Development at Commerce Lexington. Mr. Tyra represents the 6<sup>th</sup> Congressional District, to serve a term expiring August 22, 2010.

**Joyce Kinder** of Perry Park, Kentucky. Ms. Kinder attended Kentucky State University, and currently owns and operates Kinder Caviar, Inc., located in Owenton, Kentucky. She is the Vice President of the Kentucky Fishermen's Association of Independent Fishermen, and Spokesperson for Western Kentucky Fishermen's Association. Ms. Kinder is an at-large representative, serving a term expiring August 22, 2012.

### **The Commission's Regulatory Duties:**

#### ***Filing Administrative Regulations:***

“If small business may be impacted by an administrative regulation, the administrative body shall e-mail a copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), to the chief executive officer of the Commission on Small Business Advocacy within one (1) working day after the date of the administrative regulation is filed with the Commission. The e-mail shall include a request from the administrative body that the Commission on Small Business Advocacy review the administrative regulation in accordance with KRS 11.202(1)(e) and submit its report or comments in accordance with the deadline established in subsection (1)(c) of this section. A copy of the report shall be filed with the regulations compiler.”

#### ***The Commission's Duties:***

- Coordinate and promote the awareness of the Federal Small Business Regulatory Enforcement Fairness Act of 1996, and its subsequent amendments within the small business community of the Commonwealth;
- Develop a process by which the small business community is made aware of state legislation and administrative regulations affecting it, both prior to its enactment and during its implementation;
- Advocate for the small business sectors when state legislation and administrative regulations are overly burdensome, costly, or harmful to the success and growth of the sector; and
- Collect information and research those public policies and government practices which are helpful or detrimental to the success and growth of the small business community; and
- Review administrative regulations that may impact small business.

### ***The Commission Regulatory Duties:***

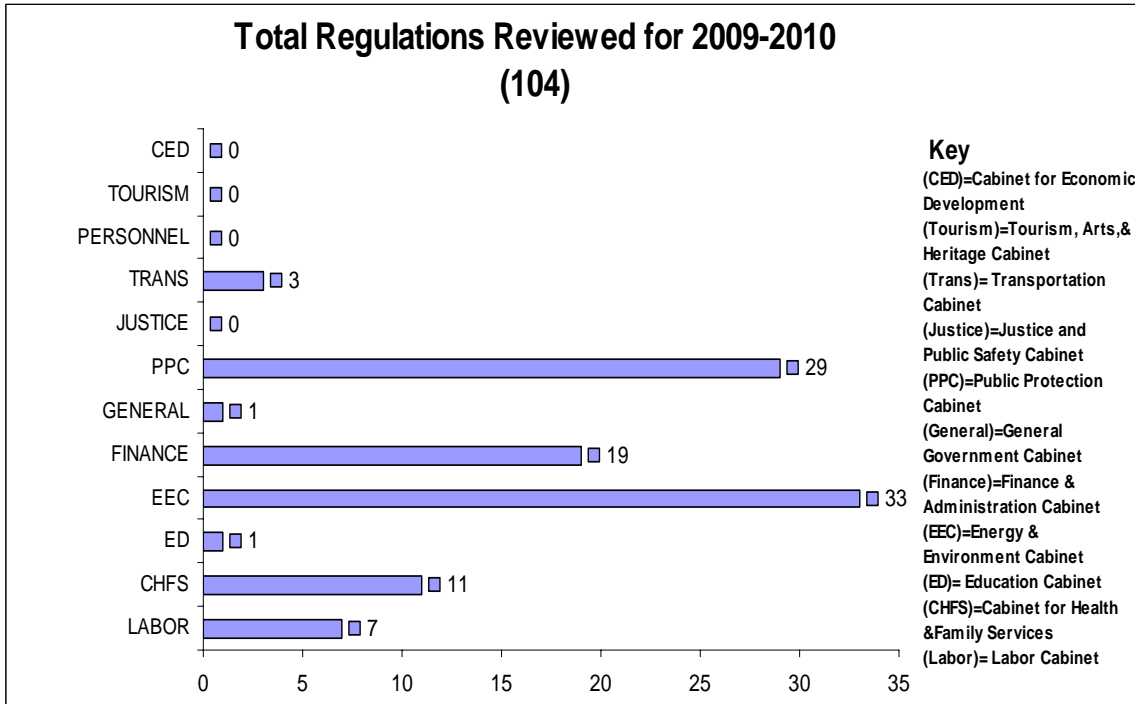
In acting as an advocate for small business, the Commission may submit a written report to the promulgating administrative body to be considered as comments received during the public comment period required by KRS 13A.270(1)(c). The report may specify the Commission's findings regarding the administrative regulation, including an identification and estimate of the number of small businesses subject to the administrative regulation, the projected reporting, recordkeeping, and other administrative costs required for compliance with the administrative regulation, and any suggestions the Commission has for reducing the regulatory burden on small businesses through the use of tiering or exemptions, in accordance with KRS A.210. A copy of the report shall be filed with the regulations compiler of LRC.

### **Regulatory Review:**

A significant portion of the Commission's statutory obligation is to review state regulations, assess their impact on small business, and advocate on behalf of the small business sectors when regulations are overly burdensome or harmful to the small business sector in Kentucky. During the 2009-2010 fiscal year, the Commission on Small Business Advocacy received 104 promulgated regulations and/or amendments from the various state cabinets that were determined to have a potential impact on small businesses. These regulations pertained to such areas as Occupational Safety and Health, environmental issues, permit fees, tax issues, etc.

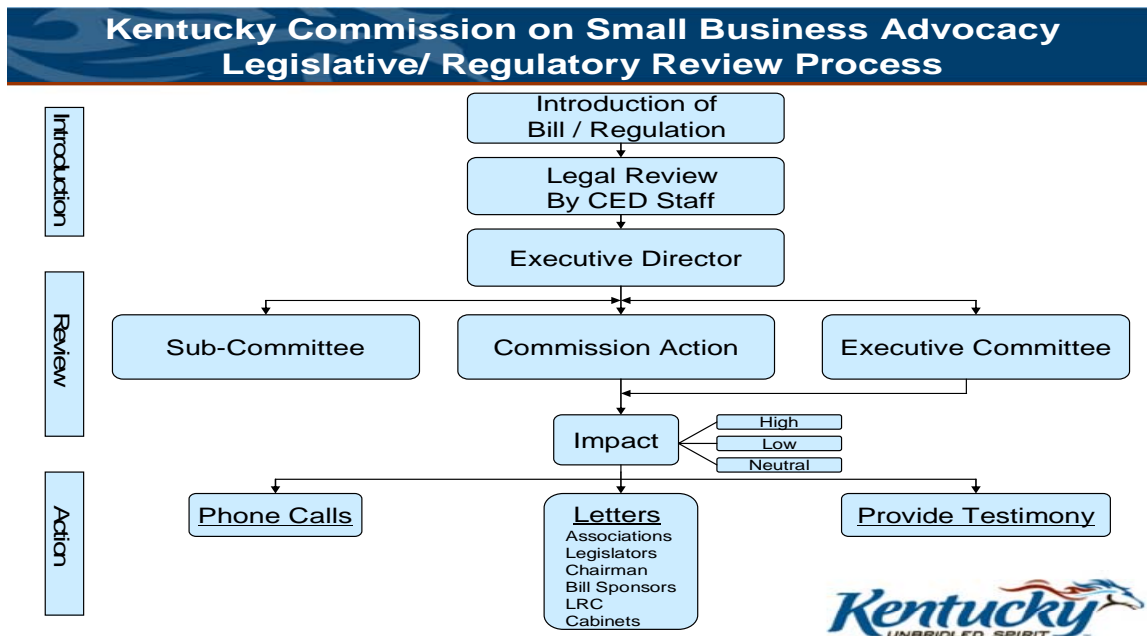
When significant new regulations or changes to existing regulations are proposed, the Commission reviews them for any potential adverse impact to the small business community. Items related to compliance issues, licensing, fines, reporting requirements and other documentation catch the attention of the Commission staff. Any one of these items, individually or in combination, can create significant problems for a small business owner if not reasonably implemented.

The chart on page 7 is a compilation of the promulgated regulations received by the Commission on Small Business Advocacy during the current fiscal year.



To be effective, the Commission reviews all proposed regulations in a timely manner, formulates its position, and is prepared to comment within the established timeframe. Each regulation has a prescribed hearing date for both public and written comments.

Listed below is the regulatory review process established by the Commission on Small Business Advocacy and the Cabinet for Economic Development’s Office of Legal Services.



Throughout 2009-2010, the Commission reviewed newly promulgated regulations while being mindful of the economic downturn and the impact additional regulatory requirements could have on the small businesses community.

Additionally, regulations that potentially pose a threat to the profitability or viability of small businesses in Kentucky are posted on the Regulatory Alert page of the Commission's website at [www.KySBA.com](http://www.KySBA.com). The alerts are organized by the promulgating cabinet, and readers can review the pending regulation and submit comments to the Commission staff.

The Commission on Small Business Advocacy will continue watching out for the interest of small business as it relates to the regulatory process, and will diligently voice concern and opposition when the implementation of new regulations weighs negatively upon the profitability of this sector of the economy.

## **The Commission's Legislative Duties:**

### ***2010 Regular Session***

During the 2010 Legislation Session, the Commission tracked numerous pieces of legislation involving small business interests. The following legislative bills were introduced and enacted by the General Assembly:

#### **SENATE**

- SB 7 (BR 408) – Kentucky Life and Health Insurance Guaranty Fund
- SB 17 (BR 202) – Sexual abuse
- SB 18 (BR 96) – Health care service in cancer clinical trials
- SB 19 (BR 263) – Pharmacy technicians
- SB 45 (BR 405) – State contracting practices-preference to Kentucky resident bidders
- SB 64 (BR 868) – Kentucky Department of Fish and Wildlife Resources
- SB 79 (BR 1067) – State Board of Licensure for Professional Engineers and Land Surveyors
- SB 83 (BR 1080) – Gift cards-amend one year expiration requirement for certain cards
- SB 85 (BR 508) – Kentucky Milk Commission
- SB 117 (BR 1192) – Financial services
- SB 130 (BR 1423) – Securities
- SB 150 (BR 1469) – Business entities
- SB 151 (BR 1470) – Business entities
- SB 152 (BR 1468) – Business entities
- SB 176 (BR 312) – Reverse auctions in government purchasing

## **HOUSE**

HB 28 (BR 135) – Water transportation  
HB 44 (BR 15) – Mold remediation standards  
HB 80 (BR 298) – Kentucky Licensed Practical Nurses Organization  
HB 98 (BR 424) – Inspections of manufactured home  
HB 124 (BR 314) – Petroleum storage tanks  
HB 126 (BR 487) – Financial examination of insurers  
HB 128 (BR 224) – Public records- LRC Website for disclosure of expenditure of state  
HB 159 (BR 274) – Behavioral disorders  
HB 166 (BR 855) – Debt adjusting  
HB 179 (BR 363) – Nurses  
HB 180 (BR 325) – Massage therapy  
HB 217 (BR 64) – Location of car dealerships  
HB 220 (BR 1104) – Certification of fire sprinkler inspectors  
HB 231 (BR 340) – Specialty residential treatment centers  
HB 233 (BR 1043) – Insurance licensing  
HB 240 (BR 442) – Promotion of efficient use of energy  
HB 241 (BR 1145) – Captive insurers  
HB 262 (BR 1222) – Inspections of commercial motor vehicles  
HB 264 (BR 942) – Financial institutions  
HB 276 (BR 1155) – Boards and commissions  
HB 283 (BR 1107) – Coal mining permits  
HB 284 (BR 912) – Insurance  
HB 287 (BR 1252) – Economic development-KREDA  
HB 356 (BR 1477) – Real estate brokers and salesmen  
HB 376 (BR 1567) – Speech-language pathologists and audiologists  
HB 378 (BR 1466) – Underground storage tanks  
HB 391 (BR 485) – Condominiums  
HB 395 (BR 1634) – Workers' Compensation Funding Commission  
HB 421 (BR 1360) – Operation of vehicles on highway  
HB 427 (BR 1601) – Pharmacist administration of immunizations  
HB 444 (BR 1579) – Assisted-living communities  
HB 450 (BR 1656) – Extended unemployment benefits  
HB 454 (BR 234) – Liens  
HB 486 (BR 1817) – Agriculture  
HB 488 (BR 2073) – Kentucky Board of Examiners of Psychology  
HB 504 (BR 1994) – Wet weather discharges from sanitary sewers  
HB 518 (BR 1990) – Medicaid  
HB 552 (BR 1975) – Alternative fuels  
HB 566 (BR 1867) – Milk industry in Kentucky  
HB 589 (BR 420) – Tax credits for alternative transportation fuels

## ***2010 Special Session***

During the 2009 Special Session, the General Assembly enacted HB 3 that contained a small business tax credit program for companies with 50 or fewer employees, the Kentucky Small Business Investment Credit Program (the Program). The Kentucky Economic Development Finance Authority (KEDFA) in consultation with the Cabinet for Economic Development's Division of Small Business Services was statutorily charged with development of the Program. The Program was amended during the 2010 Special Session as part of HB 1, changing the start date of the Program. Applications will be accepted starting January 2011. As part of the development process, the Commission along with other small business groups and state agencies have provided comments and voiced their concerns with the Program. Comments were provided by the Commission, Representative Tanya Pullin (sponsor of the legislation), the Department of Revenue, and the Director of the Kentucky Small Business Development Centers. Their comments and concerns were taken into consideration by the Cabinet, prior to filing the Program regulation. The Commission will assist the Cabinet for Economic Development in promoting the Program in an effort to raise awareness among Kentucky small businesses about the Program.

### **Commission Meeting Highlights:**

The bylaws for the Commission on Small Business Advocacy require that the Commission hold quarterly meetings. Between July 1, 2009, and June 30, 2010, the Commission on Small Business Advocacy held four quarterly meetings of the Executive Committee and the full Commission. One special called Executive Committee meeting was also held. The following are brief highlights of each Commission meeting.

***8/14/2009 – Executive and Commission Meeting:*** Vivian Llambi, Susan Ross, and Joyce Kinder were elected to serve on the Executive Committee. Jason Bailey and Bill Schutters from the Mountain Association for Community and Economic Development (MACED) gave a presentation focusing on MACED's recent report on "Creating a System of Support for Entrepreneurs and Small Businesses in Kentucky: Insights and Policy Recommendations." Commission members then engaged in an in-depth strategic planning session to develop an action plan for the next year. Primary focus areas identified include:

- Promote/raise respect for small business
- Move Commission meetings around the state
- Publicize Commission services
- Partner with other small business groups and organizations
- Assess the impact of the current tax structure on small business
- One stop shop tied to a mentor/human contact
- Assess the possibility of a statewide 401(k) for small business
- Creation of a small business specialty license plate
- Meet with Governor to discuss/promote small business

**12/11/09 – Executive and Commission Meeting:** Dr. Becky Naugle provided information on the Kentucky Pacesetters small business recognition program and encouraged nominations of outstanding small businesses. Kevin Norvell made a presentation on KyBIZinfo, a new online resource tool to help link entrepreneurs with small business resource organizations. Meeting discussion also focused on implementation of the Commission’s action plan and pre-filed bills that could impact small business in the upcoming 2010 legislative session.

**2/12/10 – Special Called Executive Committee Meeting:** Cathy Zion presided as Acting Chair over this meeting held in Maysville due to previous Chair Ajay Gupta’s resignation from the Commission. Ms. Zion reported on a meeting she and fellow Commission member Tom Underwood had with Larry Hayes, Secretary of the Cabinet for Economic Development. Several pre-filed bills with a potential impact on small business were discussed. Joyce Kinder shared concerns from a business owner regarding a potential state plan to impose fees on scales used for food preparation. Drafts of proposed Kentucky Small Business Investment Credit program documents were distributed and feedback was requested. This program will provide a tax credit to small businesses with 50 or fewer employees that create and retain at least one eligible position and also purchase a minimum of \$5,000 of qualifying equipment and technology.

**3/11/10 - Executive and Commission Meeting:** Commission members engaged in a discussion with Larry Hayes, Secretary of the Cabinet for Economic Development. Ms. Zion identified three priority areas for the Commission: filling board vacancies on the Commission, raising the visibility of the Commission and small business, and meeting with Governor Beshear to discuss small business issues. The topic of a specialty small business license plate was discussed in depth and plans were made to move forward on this initiative. Tom Bloemer from the Kentucky Department of Agriculture attended the Executive Committee meeting to further explain the potential implementation of a fee on scales used for food preparation. His explanation allayed many of the concerns initially expressed about this potential fee implementation.

**6/11/10 - Executive and Commission Meeting:** The Commission recognized four former members (Greg Burkot, Ajay Gupta, Keith Bratcher, and Todd Duff) for their service. Updated draft documents of the Kentucky Small Business Investment Credit program were distributed and comments were solicited. Commission members were also notified that the General Assembly passed legislation during the 2010 Special Session changing the start date for this program from January 2012 to January 2011. The Commission agreed to request a meeting with Governor Beshear and to focus on three key priorities in the meeting: 1) What is the Governor’s vision for the Kentucky Commission on Small Business Advocacy? 2) What is the Governor’s agenda for small business, and how can the Commission help him achieve his agenda? 3) Ask for support from the Governor’s Office to improve the Commission’s visibility in the state and with the Executive Branch cabinets. Additional discussion focused on the lack of Minority Business Enterprise/Women Business Enterprise/Veteran Business Enterprise (MBE/WBE/VBE) certification by the state of Kentucky. The Commission voted to send a letter to Governor Beshear advocating the establishment of a state MBE/WBE/VBE certification

program. Further discussions were held on the specialty small business license plate issue. It was agreed that plans for a license plate design competition would be finalized at a special Executive Committee meeting on July 23, 2010.

**Small Business Ombudsman Annual Report:**

In 2006, the General Assembly established a Small Business Ombudsman Program. KRS 11.175 requires each Cabinet to designate a Small Business Ombudsman who shall be responsible for providing regulatory process information and responding to regulatory inquiries from small businesses. Each Ombudsman provides an annual report to the Commission, due no later than December 1 of each year, summarizing the number and nature of inquiries the Ombudsman has received from small businesses during the previous 12 months.

The Commission on Small Business Advocacy compiles the information provided by the various ombudsmen to be included in the Commission’s annual report. However, given the small amount of inquiries reported by the larger cabinets with multiple departments and divisions, it is not clear that a significant portion of inquiries are being communicated to the small business ombudsman for each cabinet. The Commission is working with the various cabinets to assist with identifying and resolving this gap in communication to effectuate the reporting process. The charts below summarize the number and nature of the inquiries received from each ombudsman and their corresponding cabinet.

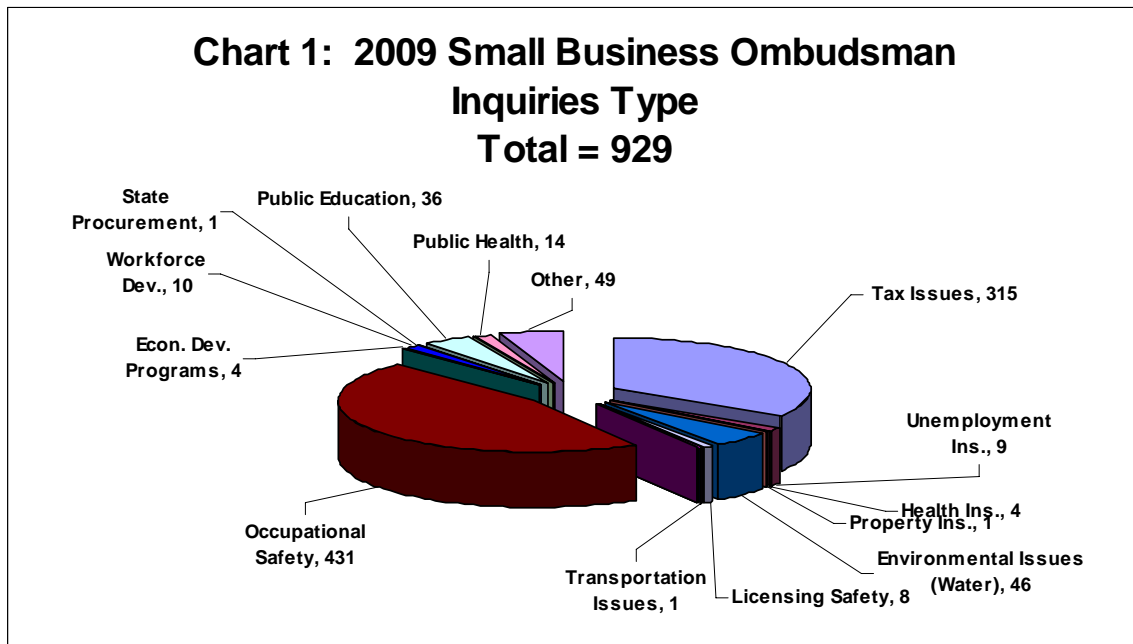


Chart 1 above details the inquiry type. Chart 2 below corresponds to the cabinet from which the reporting was received.

**Chart 2: 2009 Small Business Ombudsman Inquiries by Cabinet**

Cabinet	Tax Issues	Unemployment Ins.	Health Ins.	Environmental Issues (Water)	Licensing Safety	Occupational Safety	Workforce Dev.	Public Education	Public Health	Other	Cabinet Totals
CHFS			1		8				14	5	28
Economic Development										7	7
Education		9					10	36		6	61
Energy & Environment				46							46
Finance	315										315
Justice											0
Labor						431					431
Personnel											0
Public Protection			3							38	41
Tourism, Arts & Heritage											0
Transportation											0
General											0
<b>Totals</b>	<b>315</b>	<b>9</b>	<b>4</b>	<b>46</b>	<b>8</b>	<b>431</b>	<b>10</b>	<b>36</b>	<b>14</b>	<b>56</b>	<b>929</b>

## Marketing and Outreach Activities

The Commission on Small Business Advocacy’s website, [www.kysba.com](http://www.kysba.com), has proven to be a valuable tool for communicating information to the small business community. The website was updated in 2009 and has seen an increase in web visitors. The website contains information about the Commission, regulatory alerts, and small business news and information.

The Commission has been actively participating in the Cabinet for Economic Development’s Small Business Connection Forums, a series of workshops throughout the state designed to inform entrepreneurs and small business owners of the resources available to help them start and grow their business. A brief presentation on Commission activities is given at each forum, along with one-on-one networking activities. The Commission participated in eight forums during the 2009-2010 fiscal year. The date and location of forums is listed on page 14.

**2009-2010 COMMISSION PRESENTATIONS AT  
SMALL BUSINESS CONNECTION FORUMS**

<b>DATE</b>	<b>LOCATION</b>
07/23/09	Maysville
09/24/09	Hazard
10/08/09	Flatwoods
11/19/09	Louisville
12/01/09	Lexington
04/22/10	Russell Springs
06/16/10	Madisonville
06/17/10	Mayfield

**Conclusion:**

Small businesses in Kentucky continue to face economic challenges. During the past year, the Commission members have been a voice for those struggling within the current regulatory environment and will continue to provide regulatory and legislative oversight for small business.

The Commission is moving forward on several exciting small business initiatives that are currently being planned. The creation of a specialty license plate promoting Kentucky small business is currently in production. Additionally, the Commission will assist the Cabinet for Economic Development in spreading the word about the Kentucky Small Business Investment Credit Program and other programs that benefit Kentucky small businesses.

Unfortunately, this year saw the departure of several long time Commission members. However, the Commission is excited about the prospect of future members bringing renewed energy and experience to the Commission. The Commission is looking forward to continuing its work with other public policy makers in making Kentucky's small business advocacy program a continued success.