

CCS#3 SS HS HCS HB 978 -- SMALL BUSINESS REGULATORY FAIRNESS BOARD

This bill establishes the Small Business Regulatory Fairness Board, which will work with agencies and small businesses on issues concerning the impact of agency rules and regulations on small businesses. The bill outlines the membership of the board. All members of the board, except for public members and the chair of the minority business advocacy committee, must be current or former small business owners or officers.

"Small business" is defined as a for-profit enterprise with fewer than 50 full- or part-time employees. The bill requires state agencies to determine whether proposed rules affect small businesses prior to submitting or filing proposed rules with the Secretary of State's office. For proposed rules that affect small businesses, the agency must prepare an impact statement which will be submitted with the proposed rules to the board on the day the proposed order is filed. The bill outlines the requirements of the impact statement. Rules that are required to have a small business impact statement but do not are invalid, and the Secretary of State cannot publish the rule.

Any small business may ask the board to provide recommendations for the adoption, amendment, or repeal of a rule; and the board may hold a hearing or solicit testimony to assist in making its determination. Within 60 days of receipt of the recommendations, the agency will determine whether the rule should be adopted, amended, or repealed based on specific factors.

The board must submit an evaluation report to the Governor and the General Assembly including any recommendations and evaluations of state agencies regarding regulatory fairness for small businesses.

The bill outlines occasions when an agency will waive or reduce any administrative penalty or fine for violation of any statute, ordinance, or rule by a small business.

The Director of the Department of Revenue is required to notify the professional licensee within 10 business days of notifying the governmental entity when a delinquency has been remedied. The bill suspends a professional license instead of revoking it when the licensee has a tax delinquency.