

HB 576 -- Small Business Regulatory Fairness Board

Sponsor: Flook

This bill changes the laws regarding the procedures of the Small Business Regulatory Fairness Board. The definition of "small business" is changed to include businesses with up to 100 employees. Currently, the term includes businesses with up to 50 employees.

Currently, the board is allowed to conduct hearings and solicit input from business owners regarding government agencies' rules or proposed rules, after which the board provides input to the agencies creating the rules. The bill requires, rather than allows, the board to carry out these functions.

Currently, any person can petition an agency for the adoption, amendment, or repeal of a rule. The bill requires the agency to submit a written response to these petitions to the board within 60 days of the receipt of the petition. If the agency determines that no change in a rule is needed, any small business affected by the rule may seek a review by the board.

Each agency promulgating a rule that affects small business must submit, every two years, a list of these rules to the General Assembly and the board. The agency must also submit reports explaining why any rule should be continued.

Within 45 days of being notified by the board of a rule that has generated complaints from small businesses, the agency must submit a written response to the board.

The bill grants any small business that is adversely affected by a final agency action the right to sue in circuit court for compliance with the procedures specified in the bill. These suits must be commenced within one year of a rule becoming final.