

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1349

PRINTER'S NO. 3587

AMOUNT

Minimal or No Fiscal Impact

FUND

General

DATE INTRODUCED

April 13, 2011

PRIME SPONSOR

Representative Pickett

HISTORY OF BILL

Referred to STATE GOVERNMENT, April 13, 2011

Reported as committed, Sept. 27, 2011

First consideration, Sept. 27, 2011

Laid on the table, Sept. 27, 2011

Removed from table, Sept. 28, 2011

Second consideration, Oct. 4, 2011

Re-committed to APPROPRIATIONS, Oct. 4, 2011

(Remarks see House Journal Page 1960-1973), Oct. 4, 2011

Re-reported as committed, Oct. 5, 2011

Third consideration and final passage, Oct. 5, 2011 (158-41)

(Remarks see House Journal Page 1988-1992), Oct. 5, 2011

In the Senate

Referred to STATE GOVERNMENT, Oct. 12, 2011

Reported as committed, Oct. 25, 2011

First consideration, Oct. 25, 2011

Re-referred to APPROPRIATIONS, Dec. 7, 2011

Re-reported as amended, May 22, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 1349 amends the Regulatory Review Act to require state agencies to consider the impact of proposed regulations on small businesses and provide alternative accommodating requirements for small businesses consistent with the objective of the applicable statutes.

The bill requires the agencies to include the following on the regulatory analysis form submitted to the Independent Regulatory Review Commission and appropriate House and Senate standing committees:

1. Identification of any type of small business that would be affected by the proposed regulation;
2. Identification of the financial, economic, and social impact on small business;

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3. An economic impact statement that includes:
 - a. Estimated number of small businesses subject to the proposed regulation.
 - b. The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation.
 - c. A statement of the probable effect on impacted small businesses.
 - d. A description of any less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.
4. A regulatory flexibility analysis that provides alternative regulatory requirements for small businesses that accomplish the objectives of the applicable statutes while minimizing the adverse impact on small business. When creating the regulatory flexibility analysis, the agency will consider the following:
 - a. Establishment of less stringent compliance or reporting requirements for small businesses.
 - b. Alternative schedules or deadlines for compliance or reporting requirements for small businesses.
 - c. Simplification or consolidation of compliance or reporting requirements.
 - d. Alternative performance standards for small businesses.
 - e. An exemption for all or part of the proposed regulation.

The legislation provides that the Commission may not approve a proposed regulation on small business that does not evaluate the impact of the regulation on small business and that has not included a review of less costly or less intrusive alternative methods of achieving the goal of the regulation.

The bill defines "small business" using the U.S. Small Business Administration's regulations which provide that a business is determined to be a small business by the number of employees or annual receipts, which varies according to the type of industry.

The Act will take effect in 60 days.

FISCAL IMPACT:

Agencies are expected to be able to comply with these new requirements for small businesses within their current regulatory development process. Should any additional costs be incurred, the agency is expected to cover those costs with existing resources.