

March 17, 2005

S 664. SMALL BUSINESS REGULATORY IMPROVEMENT ACT (=H 757). *TO REQUIRE STATE AGENCIES PROPOSING PERMANENT RULES TO CONSIDER THE ADVERSE ECONOMIC IMPACT OF THE PROPOSED RULE ON SMALL BUSINESS; TO REQUIRE STATE AGENCY REVIEW OF EXISTING RULES PRIOR TO AMENDMENT TO DETERMINE THE IMPACT ON SMALL BUSINESS; TO ESTABLISH THE SMALL BUSINESS REGULATORY COMMITTEE IN THE DEPARTMENT OF COMMERCE; TO PROVIDE FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF PROPOSED PERMANENT RULES THAT MAY HAVE AN ADVERSE IMPACT ON SMALL BUSINESS AND SMALL BUSINESS REGULATORY COMMITTEE RECOMMENDATIONS TO THE AGENCY AND GENERAL ASSEMBLY; TO AUTHORIZE PETITION BY A SMALL BUSINESS OBJECTING TO A PERMANENT RULE ON SPECIFIED GROUNDS; PROVIDING FOR SMALL BUSINESS REGULATORY COMMITTEE REVIEW OF THE AGENCY'S RESPONSE TO THE PETITION; AND AUTHORIZING AGENCY WAIVER OF ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS BY SMALL BUSINESS.* Identical to H 757, introduced 3/17/05.

Intro. by Hartsell.

Ref. to Commerce

GS 143B, 150B

April 27, 2005

S 664. SMALL BUSINESS REGULATORY IMPROVEMENT ACT. Intro. 3/17/05. Senate committee substitute makes the following changes to 1st edition. Deletes requirement that agency rule must have an aggregate financial impact on a small business of at least \$2 million in a 12-month period before it can be considered to have an "adverse economic impact" under act. If a proposed permanent rule may have an adverse economic impact on small business, requires that agency proposing rule include an adverse impact statement in the notice of text and that agency submit a copy of the notice to the Small Business Regulatory Committee when it submits the notice of text to the Register for publication. Deletes provision that generally authorized a small business to seek judicial review of a permanent rule with an adverse economic impact and modifies proposed GS 150B-21.7F(d) to authorize a small business to seek judicial review only after the Committee reviews the business's written objections to a proposed permanent rule, and allows agency to continue with rule's adoption. Modifies proposed GS 143B-472.99 to require that the Governor appoint all 15 members of the Committee (was, Governor appoints 10 of 15 members) and to require that the Secretary of Commerce designate a Small Business Advocate to review all proposed rules submitted to the Committee and make recommendations on less intrusive alternatives to those rules. Appropriates \$60,000 to the Dep't of Commerce for 2005-06 for the support of Committee. Makes technical and conforming changes.