

SECOND REGULAR SESSION

HOUSE BILL NO. 2103

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ERVIN.

4047L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 536.310 and 536.315, RSMo, and to enact in lieu thereof four new sections relating to the small business regulatory fairness board.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 536.310 and 536.315, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 536.301, 536.310, 536.312, and 536.315, to read as follows:

536.301. As used in sections 536.300 to 536.328, all small businesses shall include but are not limited to individuals, partnerships, corporations, or S-corporations.

536.310. 1. The board shall:

(1) Provide state agencies with input regarding rules that adversely affect small businesses;

(2) Solicit input and conduct hearings from small business owners and state agencies regarding any rules proposed by a state agency; and

(3) Provide an evaluation report to the governor and the general assembly, including any recommendations and evaluations of state agencies regarding regulatory fairness for Missouri's small businesses. The report shall include comments from small businesses, state agency responses, and a summary of any public testimony on rules brought before the board for consideration.

2. In any inquiry conducted by the board because of a request from a small business owner, the board may make recommendations to the state agency. If the board makes recommendations, such recommendations shall be based on any of the following grounds:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (1) The rule creates an undue barrier to the formation, operation, and expansion of small
15 businesses in a manner that significantly outweighs the rule's benefits to the public; or

16 (2) New or significant economic information indicates the proposed rule would create
17 an undue impact on small businesses; or

18 (3) Technology, economic conditions, or other relevant factors justifying the purpose for
19 the rule has changed or no longer exists; or

20 (4) If the rule was adopted after August 28, 2004, whether the actual effect on small
21 businesses was not reflected in or significantly exceeded the small business impact statement
22 submitted prior to the adoption of the rules.

23 **3. Subject to appropriations, the board may hire one-half full-time equivalent**
24 **employee for clerical support and one full-time equivalent employee for a professional**
25 **position to:**

26 (1) **Conduct internet website additions, corrections, and deletions;**

27 (2) **Develop training programs for agencies;**

28 (3) **Send regulatory alerts to interested small business subscribers;**

29 (4) **Track small business comments regarding agencies and review and respond to**
30 **the agency and small business accordingly;**

31 (5) **Prepare for board meetings and hearings, including outreach, travel, agendas,**
32 **and minutes;**

33 (6) **Prepare member maintenance expense reports and appointments;**

34 (7) **Analyze small business impact statements. After such analysis, the employee**
35 **shall review such statements, offer suggestions, and work with agencies to meet the statute**
36 **requirements;**

37 (8) **Analyze biannual report reviews;**

38 (9) **Conduct agency correspondence and training;**

39 (10) **Conduct small business outreach by speaking at chamber and association**
40 **events;**

41 (11) **Review the Missouri register and other sources to look for proposed rules that**
42 **may affect small business.**

43 **4. Subject to appropriations, the board may receive additional funds for:**

44 (1) **Upkeep of its internet website;**

45 (2) **Information technology;**

46 (3) **Mileage for board members;**

47 (4) **Publication, printing, and distribution of annual reports; and**

48 (5) **Outreach costs.**

536.312. There is hereby created in the state treasury the "Small Business Regulatory Fairness Fund", which shall consist of moneys collected by the secretary of state for business registration fees. Fifty cents from each business registration fee shall be deposited into the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of subsection 3 of section 536.310. Annually, moneys in the fund shall be swept into general revenue. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

536.315. Any state agency, board, or commission receiving requests or recommendations from the board shall promptly [consider such recommendations and may] file a response with the board within sixty days of receiving the board's requests or recommendations. [If the state agency determines that no action shall be taken on the board's recommendations, the agency should explain its reasons for its determination. If the state agency determines that the board's recommendations merit adoption, amendment or repeal of a rule, the agency should indicate this in its response.]

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