

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB709

Hearing Date: Monday January 25, 2010
Committee On: Business and Labor
Introducer: White
One Liner: Adopt the Small Business Regulatory Flexibility Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators White, Wallman, Schilz, McGill, Lathrop, Council, Carlson
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Tom White
Jerry Stilmock
Craig Head

Representing:
Introducer
National Federation of Independent Business
Nebraska Farm Bureau Federation

Opponents:
Mike Linder
Ann Frohman

Representing:
Department of Environmental Quality
Director of Insurance

Neutral:
Ron Sedlacek

Representing:
Nebraska Chamber of Commerce

Summary of purpose and/or changes:

LB 709 creates the Small Business Regulatory Flexibility Act. The act requires state agencies to consider the economic burden a proposed rule or regulation will have on a small business.

Details:

Section 1: Creates the Small Business Regulatory Act.

Section 2: Definition section, including Agency, Board, Rule/Regulation and Small Business.

Section 3: Requires agencies to solicit public comment from small business that may be adversely affected by a proposed rule or regulation. If an agency has knowledge that a particular business may be impacted, the agency must notify the business.

Section 4: Requires agencies to consider any public comment from small businesses before adopting a proposed rule or regulation. Agencies must consider ways to reduce the economic impact on small business including: establishing less stringent compliance or reporting requirements, establishing less stringent deadlines for compliance, simplifying compliance, establishing performance standards and exempting small businesses. Prior to adopting a proposed rule or regulation, the agency must notify the Small Business Regulatory Review Board. The board shall assist the agency.

Section 5: An aggrieved small business may seek judicial review of agency compliance with the act.

Section 6: Agencies must review existing rules and regulations in relation to the act. In reviewing the rules, agencies must consider whether there is a continued need for the rule, any complaints received regarding the rule, the rule's complexity, any duplication or conflicts with other rules, the length of time since the rule had been evaluation and any changes in technology or economic climate.

Section 7: Creates the Small Business Regulatory Review Board within the Department of Labor. Details the board's membership. Sets the board's duties including the review of proposed rules or regulations submitted by agencies and recommending the need for said rule or regulation.

Explanation of amendments:

The committee amendment strikes section seven and any mention of the Small Business Regulatory Review Board. For consistency, the amendment redefines rule or regulation to correspond with the definition found in the Administrative Procedure Act.

Steve Lathrop, Chairperson