

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1582

5 By: Representative Gossage
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE SMALL BUSINESS AND ENTREPRENEUR
9 DEREGULATION AND ECONOMIC ENHANCEMENT ACT; TO REQUIRE
10 STATE AGENCIES TO CONSIDER THE NEEDS AND CHALLENGES
11 POSED TO SMALL BUSINESS BY BURDENSOME REGULATIONS; TO
12 AMEND THE LAW CONCERNING ADMINISTRATIVE PROCEDURES;
13 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO CREATE THE SMALL BUSINESS AND
17 ENTREPRENEUR DEREGULATION AND ECONOMIC
18 ENHANCEMENT ACT; TO AMEND THE LAW
19 CONCERNING ADMINISTRATIVE PROCEDURES; AND
20 TO DECLARE AN EMERGENCY.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 25, Chapter 15, is amended to add an
27 additional subchapter to read as follows:

28 Subchapter 4 – The Small Business and Entrepreneur Deregulation and Economic
29 Enhancement Act

30
31 25-15-401. Title.

32 This subchapter shall be known and cited as "The Small Business and
33 Entrepreneur Deregulation and Economic Enhancement Act".
34

35 25-15-402. Legislative Intent.

36 (a) It is found and determined by the General Assembly that:



1 (1) The success of Arkansas's small businesses and entrepreneurs
2 are essential to the state's economy;

3 (2) Small businesses and entrepreneurs employ a substantial
4 number of Arkansans; and

5 (3) Many state laws and agency rules, regulations, reports, and
6 licensing requirements are excessive, unnecessary, and unduly burdensome on
7 small businesses and entrepreneurs.

8 (b) It is the intent of the General Assembly that state agencies
9 shall:

10 (1) Conduct business in a manner that considers the needs and
11 challenges posed to small businesses and entrepreneurs by their procedures
12 and rules; and

13 (2) Attempt to regulate industry in the least restrictive means
14 possible while protecting the safety and public health concerns of the state.

15
16 25-15-403. Definitions.

17 As used in this subchapter:

18 (1)(A) "Agency" means a board, commission, department, officer,
19 or other authority of the government of the State of Arkansas, whether
20 within, or subject to review by another agency, except the General Assembly,
21 the courts, and Governor.

22 (B) "Agency" includes without limitation the Division of
23 Child Care and Early Childhood Education of the Department of Human Services
24 and the Child Care Appeal Review Panel for purposes of administrative appeal.

25 (C) This subchapter does not repeal delegations of
26 authority as provided by law;

27 (2) "Entrepreneur" means a person who organizes and operates a
28 business venture with the intent to make a profit; and

29 (3) "Small business" means any corporation, partnership, sole
30 proprietorship, limited liability corporation, or other business entity
31 qualifying as "small" under the standards contained in 13 C.F.R. § 121, as in
32 effect on January 1, 2015.

33
34 25-15-404. Exemption.

35 An agency may be exempted from the provisions of this subchapter in
36 whole or in part if:

1 (1) The agency demonstrates to the Legislative Council that the
2 agency actions have minimal or no effect on small businesses and
3 entrepreneurs in the state; and

4 (2) The exemption is approved by a two-thirds (2/3) vote of the
5 Legislative Council.

6
7 25-15-405. Public meetings.

8 (a)(1) An agency shall hold a public meeting in each of the four (4)
9 Congressional districts each quarter of the year to gather information about
10 the obstacles and challenges the government agency causes for small
11 businesses and entrepreneurs.

12 (2) The four quarters shall be:

13 (a) January 1 through March 31;

14 (b) April 1 through July 31;

15 (c) August 1 through September 31; and

16 (d) October 1 through December 31.

17 (3) Each year the quarterly meetings shall attempt to address a
18 different industry or segment of the industry likely to be affected by the
19 actions of the agency.

20 (b) An agency shall:

21 (1) Consider any requests by small businesses and entrepreneurs
22 in determining the time, location, and agenda of a public meeting;

23 (2) Set the time and location in a manner that encourages
24 attendance; and

25 (3) Set the agenda in a manner that encourages an open and
26 thorough discussion with the small businesses and entrepreneurs in the
27 industry or segment of industry of concern for the public meeting.

28 (c)(1) The agency shall set the public meeting at a time and location
29 that is the most convenient for the small businesses and entrepreneurs likely
30 to be affected by the actions of the agency.

31 (2) The city and location of the public meetings for a single
32 Congressional district shall vary each year to promote equal access to the
33 meetings by various small businesses and entrepreneurs.

34 (d)(1) The agency shall publish notice of the time, location, and
35 subject of the public meeting in a newspaper of general circulation thirty
36 (30) days before the public meeting.

1 (2) The notice shall include:

2 (A) A brief description of the industry and subject matter
3 of concern; and

4 (B) An invitation to all small businesses and
5 entrepreneurs affected by the industry and subject matter of concern.

6 (e) An agency shall begin the public meetings under this section in
7 the first full quarter after enactment of this act.

8
9 25-15-406. Solicitation of comments.

10 (a) An agency shall solicit written comments from the small businesses
11 and entrepreneurs in the state that are likely to be affected by actions of
12 the agency by:

13 (1) Mail;

14 (2) The agency's Internet website; or

15 (3) Email.

16 (b) An agency shall solicit written comments under this section before
17 the first January 1 after enactment of this act and annually thereafter.

18
19 25-15-407. Reporting.

20 (a) An agency shall file an annual report with:

21 (1) The Joint Budget Committee when the General Assembly is in
22 session;

23 (2) Legislative Council when the General Assembly is not in
24 session;

25 (3) The Governor;

26 (4) The President Pro Tempore of the Senate; and

27 (5) The Speaker of the House of Representatives.

28 (b) The annual report shall:

29 (1) Be filed no later than January 31 of each year; and

30 (2) Address all public meetings held in the previous year under
31 § 25-14-405 of which the agency has not previously filed a report.

32 (c) The report shall:

33 (1) Describe the particular industry of the invited and
34 participating small businesses and entrepreneurs;

35 (2) Identify additional services that can be offered to the
36 small businesses and entrepreneurs;

1 (3) Discuss the benefits, detriments, and costs to the state of
2 the additional services that can be offered to the small businesses and
3 entrepreneurs;

4 (4) Describe the obstacles raised by the small businesses and
5 entrepreneurs;

6 (5) Recommend possible solutions to the obstacles raised by the
7 small businesses and entrepreneurs; and

8 (6) Discuss the benefits, detriments, and cost to the state of
9 the possible solutions.

10 (d) The first report filed under this section after enactment of this
11 act shall include the information required under this section that was
12 obtained after the enactment of this act and before January 1 of the
13 following year.

14
15 25-15-498. Sunset provision.

16 (a) This act shall remain in effect until January 31, 2023, unless
17 reenacted by vote of the General Assembly.

18
19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the success of Arkansas's
21 small businesses and entrepreneurs is essential to the state's economy; many
22 state laws and agency rules, regulations, reports, and licensing requirements
23 are excessive, unnecessary, and unduly burdensome on small businesses and
24 entrepreneurs; and immediate implementation of this act is essential to
25 contributing to the success of Arkansas's economy so the state can become
26 competitive on a national scale. Therefore, an emergency is declared to
27 exist, and this act being immediately necessary for the preservation of the
28 public peace, health, and safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,
31 the expiration of the period of time during which the Governor may veto the
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is
34 overridden, the date the last house overrides the veto.

35
36