

State Administrative Procedure and Regulatory Flexibility Statutes, August 2005

State	Citation	Small Business Definition	Economic Impact Analysis	Regulatory Flexibility Analysis	Periodic Review	Judicial Review	Exemptions	Legislation Introduced in 2005
Alabama	Ala. Code T. 41 Ch. 22	None.	41-22-23(f) ¹	42-22-23(g) ¹	None.	41-22-10 ¹	41-22-2(e) 41-22-3(1)	HB 745
Alaska	Ak. Stat. T. 24, Ch. 20 T. 44, Ch. 62	44.62.218 ²	44.62.218(a) 44.62.218(c)	44.62.218(a) 44.62.218(d)	44.62.125 (b)(3)	44.62.218(h) 44.62.300 ¹	44.62.218(g)	HB 33 effective 1/1/06
Arizona	Ariz. Rev. Stat. T. 41, Ch. 6	41-1001(19)	41-1055(B)	41-1035 41-1055(B)	41-1056(A)	41-1034 ¹ 41-1056.01	41-1005 41-1057	N/A ³
Arkansas	Ark. Code T. 25 Ch. 15	EO Sec.1	15-204(d) ¹ EO Sec.3	EO Sec.3	25-15-216	25-15-207 ¹	25-15-202(2)(C)	Executive Order in effect ⁴
California	Cal. Gov. Code T. 2 Div. 3 Ch. 3.5	11342.610	11346.3 ¹ 11346.5(a)(7)	11346.2(b)(3) 11346.5(a)(7) 11346.9(a)(4) 11346.9(a)(5)	11349.1 11349.7	11350 ¹	11340.9 11346.1	None.
Colorado	Col. Rev. Stat. T. 24 Art. 4	24-4-102(18)	24-4-103(2.5)	24-4-103(2.5)	None.	24-4-106 ^{1,5}	24-4-102(3) 24-4-103	None.
Connecticut	Conn. Gen. Stat. T. 4 Ch.54	4-168a	None.	4-168a(b)	None.	4-175 ^{1,5} 4-183	4-166(1) 4-168(a)(d)	N/A ³
Delaware	Del. Code T. 29 Ch. 101	10403(3)	10404	10404	10407	10141 ¹	10102(1) 10161	None.
District of Columbia	DC Code T. 1	None.	None.	None.	None.	Sec.110	None.	None.
Florida	Fla. Stat. T. X Ch. 120	288.703	120.54 120.541(2)(d)	120.54(3)(b)	120.74	120.68 ¹	120.50 120.63 120.80 120.81	None.
Georgia	Ga. Code T. 50 Ch. 13	50-13-4(a)(3)	None.	50-13-4(a)(3) 50-13-4(a)(4)	None.	50-13-10 ¹	50-13-2(1) 50-13-4(b) 15-13-42	None.
Guam	5 GCA Ch. 9	None.	9301(f) ¹	None.	None.	9309 ⁵	9301(i) 9302	None.
Hawaii	Haw. Rev. Stat. Ch. 201M	201M-1	201M-2	201M-2	201M-7	201M-6 91-7 ¹	201M-2(c)	HB 602 SB 422
Idaho	Idaho Code T. 67 Ch. 52	None.	67-5223(2) ¹	None.	None.	67-5271 ^{1,5}	67-5201(2)	None.
Illinois	5 Ill. Comp. Stat. 100	100/1-75	100/5-30(c)	100/5-30(a)	100/5-130	5-150 ^{1,5}	1-5(c)	None.
Indiana	Ind. Code T.4 Art. 22	4-22-2.1-4	4-22-2.1-5	4-22-2.1-5	4-22-2.5-3.1	4-22-2.1-8	4-22-2-13(b)	HB 1822, ⁶ effective

Note: All section numbers in columns 3 through 8 refer to the law cited in column 2, except as noted otherwise.

¹ Not small business specific.

² Alaska passed its regulatory flexibility legislation in the summer of 2005. A small business definition, small business specific economic impact statement, and small business regulatory flexibility analysis were added to current law as a result of this bill.

³ This column is not applicable to this state because it has a regulatory flexibility statute in active use.

⁴ Governor Huckabee implemented regulatory flexibility through Executive Order 05-04 in February of 2005. This executive order provides a small business definition and requires agencies to prepare a small business economic impact statement and to consider alternative means for accomplishing the objectives of the proposed rule that may be less burdensome to small businesses.

⁵ Petitioner must first exhaust administrative remedies.

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Iowa	Iowa Code T. 1, Subt. 6 Ch. 17A	17A.4A	17A.4(3) ¹ 17A.4A(2)(a)	17A.4A(2)(b)	17A.33	17A.19 ^{1,5}	None.	SF 65
Kansas	Kan. Sta. Ch. 77	None.	77-416(b) ¹	77-416(b) ¹	None.	77-607 ^{1,5} 77-612 77-621	None.	None.
Kentucky	Ky. Rev. Stat. T. 3 Ch. 13A	13A.010	13A.240 ¹	13A.210	None.	13A.337 ¹	None.	None.
Louisiana	La. Rev. Stat. T. 49 Ch. 13	49:965.1	49:953 ¹	None.	None.	49:963 ^{1,5} 49:964 49:965.1	49:967	None.
Maine	Me. Rev. Stat. T. 5, Pt. 18 Ch. 375	8052.5-A	8057-A.1(D)	8052.5-A	None.	8058 ¹	8054	None.
Maryland	Md. Code State Govt.	None.	10-124 ¹	10-124 ¹	10-132.1 10-133	10-125 ¹	10-102(b) 10-110(a)	None.
Massachusetts	Mass. Gen. Law T. III Ch. 30A	None.	30A-5 EO (Sec.5) ^{4,7}	30A-5 EO (Sec.5)	None.	30A-7 ¹	None.	None.
Michigan	Mich. Comp. Laws Ch. 24 Act 306	24.207a 24.240(2)	24.240 24.245(3)	24.240	None.	24.264 ^{1,5} 24.301	24.315	N/A ³
Minnesota	Minn. Stat. Ch. 14	None.	14.131 ¹	14.131 ¹ 14.055	14.05 (subd.5)	14.44 ¹	14.03	None.
Mississippi	Miss. Code T. 25 Ch. 43	None.	25.43- 3.105(2)(d)	25.43- 3.105(2)(f) ¹ 3.105(2)(g) ¹	25.43-3.114	25-43- 3.105(3) 25-43-17	25-43-3.108 25-43-6	HB 1472 SB 2795
Missouri	Mo. Rev. Stat. T. 36 Ch. 536	536.010	536.300	536.300.2	536.325	536.328	536.025 536.300(4)	HB 576 ⁸ effective 8/28/05
Montana	Mt. Code T. 2 Ch. 4	None.	2-4-302 ¹ 2-4-405 ¹	2-4-405 ¹	2-4-314	2-4-506 ¹	2-4-102(2)	HB 630
Nebraska	Ne. Rev. St. Ch. 84	None.	84-907 ¹	None.	None.	84-911 ¹	84-901	None.
Nevada	Nev. Rev. Stat. T. 18 Ch. 233B	233B.0382	233B.0608 233B.0609	233B.0608 233B.0609	233B.050 (1)(e)	233B.105 233B.110 ^{1,5}	233B.039	N/A ³
New Hampshire	N.H. Rev. Stat. T. LV Ch. 541A	541-A:5(IV)(e)	541-A:5(IV)(e)	None.	None.	541-A:24 ¹	541-A:21	None.
New Jersey	N.J. Stat. T. 52, Subt. 3 Ch. 14B	52:14B-17	52:14B-19	52:14B-18	None.	None.	None.	A 3973 S 2754
New Mexico	N.M. Stat. Ch. 12 Art. 8	HB 869 Sec.3.E	None.	HB 869 Sec.4.B	HB 869 Sec.6	12-8-8(A) ¹	None.	HB 869 ⁹ SB 842 effective

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⁶ Indiana passed its regulatory flexibility legislation in the 2005 legislative session and it became effective July 1, 2005. HB 1822 added all of the key elements of Advocacy's model legislation to Indiana's current administrative procedure laws.

⁷ Governor Romney implemented regulatory flexibility through Executive Order No. 453 (No. 03-11) in September of 2003. This executive order requires agencies to prepare a small business economic impact statement and regulatory flexibility analysis and creates a Small Business Advocate position.

⁸ HB 576 added periodic review and judicial review provisions to existing Missouri administrative procedure law in the 2005 legislative session.

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New York	NY CLS St. Admin. P Act	102(8)	202-b	202-b	207	205 ^{1,5}	202-b(3)	N/A ³
North Carolina	N.C. Gen. Stat. Ch. 150B	None.	150B-21.4(b1) ¹	None.	None.	150B-43 ^{1,5}	150B-1 150B-21.1A 150B-21.5	HB 757 SB 664 SB 622
North Dakota	N.D. Cent. Code T. 28 Ch. 32	28-32-08.1	28-32-08.1	28-32-08.1	28-32-08.1	28-32-08.1	28-32-08.1	N/A ³
Ohio	Ohio Rev. Code T.1 Ch. 119	121.24	121.24(B) 127.18	None.	119.3.2 121.24(D)	119.12 ^{1,5}	119.01 119.03(H)	SB 15
Oklahoma	Okla. Stat. T. 74	75-502	75-303 75-504	75-303(A)(4) 75-504	75-250.10 75-307.1	75-306 ¹ 75-505	75-250.4 75-250.5	N/A ³
Oregon	Or. Revised Stat. Ch. 183	183.310	183.335(2)(b) HB 3238 Sec.2	183.540	HB 3238 Sec.3	183.400 ¹	183.315	HB 3238 ¹⁰
Pennsylvania	71 Pa. Cons. Stat. Ch. 4A	None.	745.5(a) ¹	745.5(a)	745.8.1	None.	None.	HB 236 SB 842
Puerto Rico	PR St T. 3 Ch. 79	2251(d)	2254	2254	2259	2260	2251(a)	N/A ³
Rhode Island	R.I. Gen. Laws T. 42 Ch. 35	42-35-1	42-35-3.3	42-35-3.3	42-35-3.4	42-35-7 ¹	42-35-1.1 42-35-3.3(d)	None.
South Carolina	S.C. Code T. 1, Ch. 23	1-23-270(B)	1-23-270(C)	1-23-270(D)	1-23-270(F)	1-23-270(E)	1-23-120(G)	N/A ³
South Dakota	S.D. Codified Laws T. 1 Ch. 26	1-26-1(8A)	1-26-2.1	None.	None.	1-26-14 ¹	None.	None.
Tennessee	Tenn. Code T. 4, Ch. 5	None.	4-5-226(i) ¹	None.	4-5-226(e)	4-5-225 ^{1,5}	4-5-106 4-5-208	HB 279 SB 1276
Texas	Tex. Govt. Code T. 10 Ch. 2006	2006.001	2006.002	2006.002	2001.39	2001.038 ^{1,5}	2006.012	None.
Utah	Utah Code T. 63 Ch. 46a	None.	63-46a-4 ¹	63-46a-4 ¹	63-46a-9	63-46a-12.1	63-46a-7	HB 209
Vermont	Vt. Stat. T. 3 Ch. 25	3-801	3-838(c)	3-832a 3-838(c)(3)	834	3-807 ¹	3-816 3-832	None.
Virgin Islands	None.	None.	None.	None.	None.	None.	None.	None.
Virginia	Va. Code T. 2.2 Ch. 40	2.2-4007.1(A)	2.2-4007(H)	2.2-4007.1(B)	2.2-4007.1(D), (E), (F)	2.2-4027	2.2-4002 2.2-4006	HB 1948 ¹¹ SB 1122 effective

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⁹ New Mexico passed its regulatory flexibility legislation, titled the Small Business Regulatory Relief Act, in the 2005 legislative session. This bill added a small business definition, a small business regulatory flexibility analysis, and periodic review of existing regulations to its current administrative procedure laws.

¹⁰ Oregon passed its regulatory flexibility legislation in the 2005 legislative session. HB 3238 enhances Oregon's current regulatory flexibility laws by requiring the small business economic impact statement to include the elements outlined in Advocacy's model legislation and to conduct periodic review of existing regulations.

State	Citation	Small Business Definition	Economic Impact Analysis	Regulatory Flexibility Analysis	Periodic Review	Judicial Review	Exemptions	Legislation Introduced in 2005
Washington	Wash. Rev. Code T. 19, Ch. 85 T. 34, Ch. 5	19.85.020	19.85.030 19.85.040	19.85.030	34.05.630	34.05.570 ¹	19.85.025 34.05.030	HB 1445
West Virginia	W. Va. Code Ch. 29A	None.	EO ¹²	EO	EO	29A-4-2 ¹	29A-1-3	None.
Wisconsin	Wis. Stat. Ch. 27	227.114(1)	227.19(3)(e)	227.114(2) 227.19(3)(e)	227.30	227.40 ¹	227.24	N/A ³
Wyoming	Wyo. Stat. T. 16, Ch. 3	None.	None.	None.	None.	16-3-114 ^{1,5}	16-3-103(b)	None.

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¹¹ Virginia passed its regulatory flexibility bill in the 2005 legislative session. The bill added all of the key components of Advocacy's model legislation to current Virginia administrative procedure laws.

¹² Governor Wise signed Executive Order No. 20-03 in 2003, which included a small business specific economic impact statement, regulatory flexibility analysis, and periodic review of existing regulations.