

By: Chisum, Wise

H.B. No. 44

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of and the renaming of the small business
3 stationary source assistance program as the small business
4 compliance assistance program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 382.0365, Health and Safety Code, is
7 transferred to Subchapter D, Chapter 5, Water Code, redesignated as
8 Section 5.135, Water Code, and amended to read as follows:

9 Sec. 5.135 [~~382.0365~~]. SMALL BUSINESS COMPLIANCE
10 [~~STATIONARY SOURCE~~] ASSISTANCE PROGRAM.(a) The commission shall
11 establish a small business [~~stationary source technical and~~
12 ~~environmental~~] compliance assistance program.

13 (b) The program shall include:

14 (1) mechanisms to develop, collect, and coordinate
15 information about compliance methods and technologies for small
16 businesses [~~business stationary sources~~] and to encourage
17 cooperation between those small businesses [~~sources~~] and other
18 persons to achieve compliance with applicable air quality, water
19 quality, and solid waste laws;

20 (2) mechanisms to assist small businesses [~~business~~
21 ~~stationary sources~~] with pollution prevention and the prevention
22 and detection of accidental releases, including information about
23 alternative technologies, process changes, products, and methods
24 of operation to reduce air pollution, water pollution, and improper

1 disposal of solid waste;

2 (3) an ombudsman to help small businesses [~~business~~
3 ~~stationary sources~~] meet the requirements of the federal Clean Air
4 Act Amendments of 1990 (Pub.L. No. 101-549), as amended, the federal
5 Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), as
6 amended, and the federal Solid Waste Disposal Act (42 U.S.C.
7 Section 6901 et seq.), as amended;

8 (4) a compliance assistance program to help small
9 businesses [~~business stationary sources~~] identify the requirements
10 for and obtain required permits in a timely and efficient manner;

11 (5) notification procedures to assure that small
12 businesses [~~business stationary sources~~] receive notice of their
13 rights and obligations under the federal Clean Air Act Amendments
14 of 1990 (Pub.L. No. 101-549), as amended, the federal Water
15 Pollution Control Act (33 U.S.C. Section 1251 et seq.), as amended,
16 and the federal Solid Waste Disposal Act (42 U.S.C. Section 6901 et
17 seq.), as amended in time to identify applicable requirements and
18 evaluate and implement appropriate compliance methods;

19 (6) auditing services or referrals for small business
20 stationary source operations to determine compliance with the
21 federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549), as
22 amended; and

23 (7) procedures for considering a request by a small
24 business [~~stationary source~~] to modify work practices,
25 technological compliance methods, or an implementation schedule
26 requirement that precedes a compliance date, taking into account
27 the technological and financial capability of that source.

1 (c) The program shall include a small business compliance
2 assistance advisory panel that consists of the following seven
3 members:

4 (1) two members who are not owners or representatives
5 of owners of small business stationary sources, selected by the
6 governor to represent the public;

7 (2) two members who are owners or who represent owners
8 of small business stationary sources, selected by the speaker of
9 the house of representatives;

10 (3) two members who are owners or who represent owners
11 of small business stationary sources, selected by the lieutenant
12 governor; and

13 (4) one member selected by the chairman of the
14 commission to represent the commission.

15 (d) The small business compliance assistance advisory panel
16 shall:

17 (1) give advisory opinions on the effectiveness of the
18 program, the difficulties of implementing the program, and the
19 incidence and severity of enforcement;

20 (2) report periodically to the administrator
21 regarding the program's compliance with requirements of the
22 Paperwork Reduction Act of 1980 (Pub.L. No. 96-511), as amended,
23 the Regulatory Flexibility Act (5 U.S.C. Section 601 et seq.), as
24 amended, and the Equal Access to Justice Act (Pub.L. No. 96-481), as
25 amended;

26 (3) review information the program provides to small
27 businesses [~~business stationary sources~~] to assure the information

1 is understandable to nonexperts; and

2 (4) distribute opinions, reports, and information
3 developed by the panel.

4 (e) The commission shall enter into a memorandum of
5 understanding with the Texas Department of Commerce to coordinate
6 assistance to any small business in applying for permits from the
7 commission.

8 (f) The commission may adopt rules reasonably necessary to
9 implement this section. Rules relating to air pollution must
10 comply [~~in compliance~~] with Section 507 of the federal Clean Air Act
11 (42 U.S.C. Section 7661f), as added by Section 501 of the federal
12 Clean Air Act Amendments of 1990 (Pub.L. No. 101-549), as amended,
13 and regulations adopted under that Act.

14 (g) [~~The commission may also assist under this program small~~
15 ~~businesses that employ at least 100 but not more than 250~~
16 ~~individuals.~~

17 [~~(h)~~] In this section:

18 (1) "Program" means the small business [~~stationary~~
19 ~~source technical and environmental~~] compliance assistance program.

20 (2) "Small business" means:

21 (A) a small business stationary source; or

22 (B) a business that employs at least 100 but not
23 more than 250 individuals.

24 (3) "Small business stationary source" has the meaning
25 assigned by Section 507(c) of the federal Clean Air Act (42 U.S.C.
26 Section 7661f), as added by Section 501 of the federal Clean Air Act
27 Amendments of 1990 (Pub.L. No. 101-549), as amended.

1 SECTION 2. Section 481.0068(b), Government Code, is amended
2 to read as follows:

3 (b) The Office of Small Business Assistance shall:

4 (1) examine the role of small and historically
5 underutilized businesses in the state's economy and the
6 contribution of small and historically underutilized businesses in
7 generating economic activity, expanding employment opportunities,
8 promoting exports, stimulating innovation and entrepreneurship,
9 and bringing new and untested products and services to the
10 marketplace;

11 (2) serve as the principal focal point in the state for
12 small and historically underutilized businesses by:

13 (A) providing to the legislature information on
14 the effects of proposed policies or actions;

15 (B) assisting state agencies in determining the
16 impact proposed rules have on small businesses as required by
17 Section 2006.002; and

18 (C) assisting the agencies in reducing the
19 adverse effect that rules have on small businesses, if appropriate;

20 (3) evaluate the effectiveness of efforts of state
21 agencies and other entities to assist small and historically
22 underutilized businesses and make appropriate recommendations to
23 the legislature and state agencies to assist the development and
24 strengthening of small and historically underutilized businesses;

25 (4) identify regulations that inhibit small and
26 historically underutilized business development and to the extent
27 possible identify conflicting state policy goals;

1 (5) determine the availability of financial and other
2 resources to small and historically underutilized businesses and
3 recommend methods for:

4 (A) increasing the availability of equity
5 capital and other forms of financial assistance to small and
6 historically underutilized businesses;

7 (B) generating markets for the goods and services
8 of small and historically underutilized businesses;

9 (C) providing more effective education,
10 training, and management and technical assistance to small and
11 historically underutilized businesses; and

12 (D) providing assistance to small and
13 historically underutilized businesses in complying with federal,
14 state, and local laws;

15 (6) identify the reasons for small and historically
16 underutilized business successes and failures, ascertain the
17 related factors that are particularly important in this state, and
18 recommend actions for increasing the success rate of small and
19 historically underutilized businesses;

20 (7) serve as a focal point for receiving comments and
21 suggestions concerning state government policies and activities
22 that affect small and historically underutilized businesses;

23 (8) develop and suggest proposals for changes in state
24 policies and activities that adversely affect small and
25 historically underutilized businesses;

26 (9) provide to state agencies information on the
27 effects of proposed policies or actions that affect small and

1 historically underutilized businesses;

2 (10) provide information and assistance relating to
3 establishing, operating, or expanding small and historically
4 underutilized businesses;

5 (11) assist small and historically underutilized
6 businesses by:

7 (A) identifying:

8 (i) sources of financial assistance for
9 those businesses; and

10 (ii) financial barriers to those
11 businesses;

12 (B) working with relevant organizations to
13 identify financing programs that aid small businesses in overcoming
14 financial barriers;

15 (C) matching those businesses with sources of
16 financial assistance and credit enhancement; and

17 (D) assisting those businesses with the
18 preparation of applications for government loans, loan guarantees,
19 and credit enhancement programs;

20 (12) sponsor meetings, to the extent practicable in
21 cooperation with public and private educational institutions, to
22 provide training and disseminate information beneficial to small
23 and historically underutilized businesses;

24 (13) assist small and historically underutilized
25 businesses in their dealings with federal, state, and local
26 governmental agencies and provide information regarding
27 governmental requirements affecting small and historically

1 underutilized businesses;

2 (14) perform research, studies, and analyses of
3 matters affecting the interests of small and historically
4 underutilized businesses;

5 (15) use available resources within the state, such as
6 small business development centers, educational institutions, and
7 nonprofit associations, to coordinate the provision of management
8 and technical assistance to small and historically underutilized
9 businesses in a systematic manner;

10 (16) publish newsletters, brochures, and other
11 documents containing information useful to small and historically
12 underutilized businesses;

13 (17) identify successful small and historically
14 underutilized business assistance programs provided by other
15 states and determine the feasibility of adapting those programs for
16 implementation in this state;

17 (18) establish an outreach program to make the
18 existence of the office known to small and historically
19 underutilized businesses and potential clients throughout the
20 state;

21 (19) enlist the cooperation and assistance of public
22 and private agencies, businesses, and other organizations in
23 disseminating information about the programs and services provided
24 by the state that benefit small businesses and how small businesses
25 can participate in or make use of those programs and services;

26 (20) defer to the small business compliance
27 [~~stationary source~~] assistance program as defined by Section 5.135,

1 Water Code [~~382.0365, Health and Safety Code~~], on advocacy and
2 technical assistance related to environmental programs that
3 regulate small businesses;

4 (21) develop a "one-stop" approach for all small
5 business needs, including competitive activity with state agencies
6 and political subdivisions; and

7 (22) perform any other functions necessary to carry
8 out the purposes of this section.

9 SECTION 3. This Act takes effect September 1, 2003.