

1-1 By: Chisum, Wise (Senate Sponsor - Armbrister) H.B. No. 44
1-2 (In the Senate - Received from the House March 19, 2003;
1-3 March 26, 2003, read first time and referred to Committee on
1-4 Business and Commerce; April 28, 2003, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; April 28, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the duties of and the renaming of the small business
1-9 stationary source assistance program as the small business
1-10 compliance assistance program.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 382.0365, Health and Safety Code, is
1-13 transferred to Subchapter D, Chapter 5, Water Code, redesignated as
1-14 Section 5.135, Water Code, and amended to read as follows:

1-15 Sec. 5.135 [~~382.0365~~]. SMALL BUSINESS COMPLIANCE
1-16 [~~STATIONARY SOURCE~~] ASSISTANCE PROGRAM. (a) The commission shall
1-17 establish a small business [~~stationary source technical and~~
1-18 ~~environmental~~] compliance assistance program.

1-19 (b) The program shall include:

1-20 (1) mechanisms to develop, collect, and coordinate
1-21 information about compliance methods and technologies for small
1-22 businesses [~~business stationary sources~~] and to encourage
1-23 cooperation between those small businesses [~~sources~~] and other
1-24 persons to achieve compliance with applicable air quality, water
1-25 quality, and solid waste laws;

1-26 (2) mechanisms to assist small businesses [~~business~~
1-27 ~~stationary sources~~] with pollution prevention and the prevention
1-28 and detection of accidental releases, including information about
1-29 alternative technologies, process changes, products, and methods
1-30 of operation to reduce air pollution, water pollution, and improper
1-31 disposal of solid waste;

1-32 (3) an ombudsman to help small businesses [~~business~~
1-33 ~~stationary sources~~] meet the requirements of the federal Clean Air
1-34 Act Amendments of 1990 (Pub.L. No. 101-549), as amended, the
1-35 Federal Water Pollution Control Act (33 U.S.C. Section 1251 et
1-36 seq.), as amended, and the federal Solid Waste Disposal Act (42
1-37 U.S.C. Section 6901 et seq.), as amended;

1-38 (4) a compliance assistance program to help small
1-39 businesses [~~business stationary sources~~] identify the requirements
1-40 for and obtain required permits in a timely and efficient manner;

1-41 (5) notification procedures to assure that small
1-42 businesses [~~business stationary sources~~] receive notice of their
1-43 rights and obligations under the federal Clean Air Act Amendments
1-44 of 1990 (Pub.L. No. 101-549), as amended, the Federal Water
1-45 Pollution Control Act (33 U.S.C. Section 1251 et seq.), as amended,
1-46 and the federal Solid Waste Disposal Act (42 U.S.C. Section 6901 et
1-47 seq.), as amended, in time to identify applicable requirements and
1-48 evaluate and implement appropriate compliance methods;

1-49 (6) auditing services or referrals for small business
1-50 stationary source operations to determine compliance with the
1-51 federal Clean Air Act Amendments of 1990 (Pub.L. No. 101-549), as
1-52 amended; and

1-53 (7) procedures for considering a request by a small
1-54 business [~~stationary source~~] to modify work practices,
1-55 technological compliance methods, or an implementation schedule
1-56 requirement that precedes a compliance date, taking into account
1-57 the technological and financial capability of that source.

1-58 (c) The program shall include a small business compliance
1-59 assistance advisory panel that consists of the following seven
1-60 members:

1-61 (1) two members who are not owners or representatives
1-62 of owners of small business stationary sources, selected by the
1-63 governor to represent the public;

1-64 (2) two members who are owners or who represent owners

2-1 of small business stationary sources, selected by the speaker of
2-2 the house of representatives;

2-3 (3) two members who are owners or who represent owners
2-4 of small business stationary sources, selected by the lieutenant
2-5 governor; and

2-6 (4) one member selected by the chairman of the
2-7 commission to represent the commission.

2-8 (d) The small business compliance assistance advisory panel
2-9 shall:

2-10 (1) give advisory opinions on the effectiveness of the
2-11 program, the difficulties of implementing the program, and the
2-12 incidence and severity of enforcement;

2-13 (2) report periodically to the administrator
2-14 regarding the program's compliance with requirements of the
2-15 Paperwork Reduction Act of 1980 (Pub.L. No. 96-511), as amended,
2-16 the Regulatory Flexibility Act (5 U.S.C. Section 601 et seq.), as
2-17 amended, and the Equal Access to Justice Act (Pub.L. No. 96-481), as
2-18 amended;

2-19 (3) review information the program provides to small
2-20 businesses [~~business stationary sources~~] to assure the information
2-21 is understandable to nonexperts; and

2-22 (4) distribute opinions, reports, and information
2-23 developed by the panel.

2-24 (e) The commission shall enter into a memorandum of
2-25 understanding with the Texas Department of Economic Development
2-26 [~~Commerce~~] to coordinate assistance to any small business in
2-27 applying for permits from the commission.

2-28 (f) The commission may adopt rules reasonably necessary to
2-29 implement this section. Rules relating to air pollution must
2-30 comply [~~in compliance~~] with Section 507 of the federal Clean Air Act
2-31 (42 U.S.C. Section 7661f), as added by Section 501 of the federal
2-32 Clean Air Act Amendments of 1990 (Pub.L. No. 101-549), as amended,
2-33 and regulations adopted under that Act.

2-34 (g) [~~The commission may also assist under this program small~~
2-35 ~~businesses that employ at least 100 but not more than 250~~
2-36 ~~individuals.~~

2-37 [~~(h)~~] In this section:

2-38 (1) "Program" means the small business [~~stationary~~
2-39 ~~source technical and environmental~~] compliance assistance program.

2-40 (2) "Small business" means:

2-41 (A) a small business stationary source; or

2-42 (B) a business that employs at least 100 but not
2-43 more than 250 individuals.

2-44 (3) "Small business stationary source" has the meaning
2-45 assigned by Section 507(c) of the federal Clean Air Act (42 U.S.C.
2-46 Section 7661f), as added by Section 501 of the federal Clean Air Act
2-47 Amendments of 1990 (Pub.L. No. 101-549), as amended.

2-48 SECTION 2. Section 481.0068(b), Government Code, is amended
2-49 to read as follows:

2-50 (b) The Office of Small Business Assistance shall:

2-51 (1) examine the role of small and historically
2-52 underutilized businesses in the state's economy and the
2-53 contribution of small and historically underutilized businesses in
2-54 generating economic activity, expanding employment opportunities,
2-55 promoting exports, stimulating innovation and entrepreneurship,
2-56 and bringing new and untested products and services to the
2-57 marketplace;

2-58 (2) serve as the principal focal point in the state for
2-59 small and historically underutilized businesses by:

2-60 (A) providing to the legislature information on
2-61 the effects of proposed policies or actions;

2-62 (B) assisting state agencies in determining the
2-63 impact proposed rules have on small businesses as required by
2-64 Section 2006.002; and

2-65 (C) assisting the agencies in reducing the
2-66 adverse effect that rules have on small businesses, if appropriate;

2-67 (3) evaluate the effectiveness of efforts of state
2-68 agencies and other entities to assist small and historically
2-69 underutilized businesses and make appropriate recommendations to

3-1 the legislature and state agencies to assist the development and
3-2 strengthening of small and historically underutilized businesses;
3-3 (4) identify regulations that inhibit small and
3-4 historically underutilized business development and to the extent
3-5 possible identify conflicting state policy goals;
3-6 (5) determine the availability of financial and other
3-7 resources to small and historically underutilized businesses and
3-8 recommend methods for:
3-9 (A) increasing the availability of equity
3-10 capital and other forms of financial assistance to small and
3-11 historically underutilized businesses;
3-12 (B) generating markets for the goods and services
3-13 of small and historically underutilized businesses;
3-14 (C) providing more effective education,
3-15 training, and management and technical assistance to small and
3-16 historically underutilized businesses; and
3-17 (D) providing assistance to small and
3-18 historically underutilized businesses in complying with federal,
3-19 state, and local laws;
3-20 (6) identify the reasons for small and historically
3-21 underutilized business successes and failures, ascertain the
3-22 related factors that are particularly important in this state, and
3-23 recommend actions for increasing the success rate of small and
3-24 historically underutilized businesses;
3-25 (7) serve as a focal point for receiving comments and
3-26 suggestions concerning state government policies and activities
3-27 that affect small and historically underutilized businesses;
3-28 (8) develop and suggest proposals for changes in state
3-29 policies and activities that adversely affect small and
3-30 historically underutilized businesses;
3-31 (9) provide to state agencies information on the
3-32 effects of proposed policies or actions that affect small and
3-33 historically underutilized businesses;
3-34 (10) provide information and assistance relating to
3-35 establishing, operating, or expanding small and historically
3-36 underutilized businesses;
3-37 (11) assist small and historically underutilized
3-38 businesses by:
3-39 (A) identifying:
3-40 (i) sources of financial assistance for
3-41 those businesses; and
3-42 (ii) financial barriers to those
3-43 businesses;
3-44 (B) working with relevant organizations to
3-45 identify financing programs that aid small businesses in overcoming
3-46 financial barriers;
3-47 (C) matching those businesses with sources of
3-48 financial assistance and credit enhancement; and
3-49 (D) assisting those businesses with the
3-50 preparation of applications for government loans, loan guarantees,
3-51 and credit enhancement programs;
3-52 (12) sponsor meetings, to the extent practicable in
3-53 cooperation with public and private educational institutions, to
3-54 provide training and disseminate information beneficial to small
3-55 and historically underutilized businesses;
3-56 (13) assist small and historically underutilized
3-57 businesses in their dealings with federal, state, and local
3-58 governmental agencies and provide information regarding
3-59 governmental requirements affecting small and historically
3-60 underutilized businesses;
3-61 (14) perform research, studies, and analyses of
3-62 matters affecting the interests of small and historically
3-63 underutilized businesses;
3-64 (15) use available resources within the state, such as
3-65 small business development centers, educational institutions, and
3-66 nonprofit associations, to coordinate the provision of management
3-67 and technical assistance to small and historically underutilized
3-68 businesses in a systematic manner;
3-69 (16) publish newsletters, brochures, and other

4-1 documents containing information useful to small and historically
4-2 underutilized businesses;

4-3 (17) identify successful small and historically
4-4 underutilized business assistance programs provided by other
4-5 states and determine the feasibility of adapting those programs for
4-6 implementation in this state;

4-7 (18) establish an outreach program to make the
4-8 existence of the office known to small and historically
4-9 underutilized businesses and potential clients throughout the
4-10 state;

4-11 (19) enlist the cooperation and assistance of public
4-12 and private agencies, businesses, and other organizations in
4-13 disseminating information about the programs and services provided
4-14 by the state that benefit small businesses and how small businesses
4-15 can participate in or make use of those programs and services;

4-16 (20) defer to the small business compliance
4-17 [~~stationary source~~] assistance program as defined by Section 5.135,
4-18 Water Code [~~382.0365, Health and Safety Code~~], on advocacy and
4-19 technical assistance related to environmental programs that
4-20 regulate small businesses;

4-21 (21) develop a "one-stop" approach for all small
4-22 business needs, including competitive activity with state agencies
4-23 and political subdivisions; and

4-24 (22) perform any other functions necessary to carry
4-25 out the purposes of this section.

4-26 SECTION 3. This Act takes effect September 1, 2003.

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