

BILL ANALYSIS

Senate Research Center
78R254 MI-D

H.B. 44
By: Chisum (Armbrister)
Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Currently, the federal Clean Air Act requires that a small business advisory panel exist in a state with delegation of federal air programs. However, no similar panel is required for water programs in the federal Clean Water Act, though small business face similar obstacles complying with water requirements as well as air requirements. H.B. 44 expands the scope of the advisory panel for the Small Business Stationary Source Assistance Program and changes its name to the Small Business Compliance Assistance Program. This will allow the panel to advise the Texas Commission on Environmental Quality on storm water programs as those programs affect small businesses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Section 382.0365, Health and Safety Code, to Subchapter D, Chapter 5, Water Code, redesignates it as Section 5.135, Water Code, and amends it, as follows:

Sec. 5.135. New heading: SMALL BUSINESS COMPLIANCE ASSISTANCE PROGRAM. (a) Requires the Texas Commission on Environmental Quality (TCEQ) to establish a small business compliance assistance program.

(b) Sets forth elements that must be included in the program. Makes conforming changes.

(c) Requires the program to include a small business compliance assistance advisory panel that consists of certain members.

(d) Sets forth required activities of the small business compliance assistance advisory panel.

(e) Requires TCEQ to enter into a memorandum of understanding with the Texas Department of Commerce to coordinate assistance to any small business in applying for permits from TCEQ.

(f) Requires rules relating to air pollution to comply with certain federal laws.

(g) Deletes the existing text of Subsection (g), authorizing TCEQ to assist under this program small businesses. Redesignates Subsection (h) as Subsection (g) and redefines "program." Defines "small business." Makes conforming changes.

SECTION 2. Amends Section 481.0068(b), Government Code, to make conforming changes.

SECTION 3. Effective date: September 1, 2003.