

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Dietz, Roberts, and Wyrick**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A COMPLIANCE ADVISORY PANEL FOR THE
9 SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND
10 ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM AS REQUIRED BY
11 SECTION 507 OF THE FEDERAL CLEAN AIR ACT. THE PROGRAM
12 WILL BE ADMINISTERED BY THE ARKANSAS DEPARTMENT OF
13 POLLUTION CONTROL AND ECOLOGY, AND IS INTENDED TO HELP
14 ELIGIBLE SMALL BUSINESSES UNDERSTAND AND COMPLY WITH THE
15 FEDERAL CLEAN AIR ACT. THE COMPLIANCE ADVISORY PANEL WILL
16 ACT IN AN OVERSIGHT CAPACITY."

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Subtitle

19 "TO ESTABLISH A COMPLIANCE ADVISORY PANEL FOR THE SMALL
20 BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL
21 COMPLIANCE ASSISTANCE PROGRAM."

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Purpose. In order to comply with Section 507 of the federal
26 Clean Air Act, this statute is enacted. The program establishes a compliance
27 advisory panel for the Small Business Stationary Source Technical and
28 Environmental Compliance Assistance Program. This program is to be
29 administered by the Arkansas Department of Pollution Control and Ecology and
30 is intended to help eligible small businesses understand and comply with the
31 federal Clean Air Act.

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33 SECTION 2. Subchapter 314 of Chapter 4 of Title 8 of the Arkansas Code
34 of 1987 Annotated is hereby amended by adding the following section:

35 "8-4-314. Small Business Stationary Source Technical and Environmental

1 Compliance Assistance Program.

2 (1) (A) There shall be created a Compliance Advisory Panel
3 (hereinafter referred to as the _Panel_) composed of seven (7) individuals.

4 This Panel shall:

5 (1) render advisory opinions concerning the effectiveness
6 of the Small Business Stationary Source Technical and Environmental Compliance
7 Assistance Program (Program), difficultues encountered, and degree and
8 severity of enforcement;

9 (2) make periodic reports to the Administrator of the EPA
10 concerning the compliance of the Program with the requirements of the
11 Paperwork Reducation Act, the Regulatory Flexibility Act, and the Equal Access
12 to Justice Act;

13 (3) review information for small business stationary
14 sources to assure such information is understandable by the layperson; and

15 (4) have the Program serve as the secretariat for the
16 development and dissemination of such reports and advisory opinions.

17 (B) The Panel shall consist of:

18 (1) Two (2) members, who are not owners, or
19 representatives of owners, of small business stationary sources, selected by
20 the Governor to represent the general public;

21 (2) Two (2) members selected by the House of
22 Representatives of the State Legislature who are owners, or who represent
23 owners, of small business stationary sources (one (1) member each by the
24 majority and minority leadership);

25 (3) Two (2) members selected by the Senate of the State
26 Legislature who are owners, or who represent owners, of small business
27 staionary sources (one (1) member each by the majority and minority
28 leadership);

29 (4) One (1) member selected by the Director of the
30 Arkansas Department of Pollution Control and Ecology.

31 (C) In furtherance of the act, the seven (7) individuals
32 comprising the Panel shall be selected during the 1993 General Legislative
33 Session.

34 (D) Panel members shall serve a term of four (4) years. In the
35 event of vacancy in the membership of the Panel concerning a member selected

1 by the State Legislature or the Governor, the Governor shall appoint a person
2 (meeting the applicable eligibility requirements of the vacated position) to
3 fill the vacancy for the remainder of the unexpired term. In the event of
4 vacancy in the membership of the Panel concerning the member appointed by the
5 Director of the Arkansas Department of Pollution Control and Ecology, the
6 Director shall appoint a person to fill the vacancy for the remainder of the
7 unexpired term.

8 (E) The Panel shall hold its first meeting by November, 1993.
9 The Panel shall hold at least one (1) regular meeting in each subsequent
10 calendar year at a time and place determined by the Panel. Special meetings
11 may be called at the discretion of the chairman.

12 (F) The Panel shall select a chairman and vice-chairman during
13 the first annual meeting of each four (4) year term.

14 (G) Four (4) members of the Panel shall constitute a quorum to
15 transact business.

16 (H) The members shall be allowed travel and maintenance expenses
17 while attending regular meetings and special hearings at the same rates
18 prescribed by law or regulations for state employees, to be paid out of the
19 funds appropriated to the commission."
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21 SECTION 3. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.
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25 SECTION 4. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.
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31 SECTION 5. All laws and parts of laws in conflict with this act are
32 hereby repealed.
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