

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

A Bill

ACT 242 OF 1993
HOUSE BILL 1421

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**
20 **THE SMALL BUSINESS STATIONARY SOURCE TECHNICAL**
21 **AND ENVIRONMENTAL COMPLIANCE ASSISTANCE**
22 **PROGRAM."**

23

24 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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

32

33 **SECTION 2. Subchapter 314 of Chapter 4 of Title 8 of the Arkansas Code of 1987**

34 **Annotated is hereby amended by adding the following section:**

35 **"8-4-314. Small Business Stationary Source Technical and Environmental**
36 **Compliance Assistance Program.**

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

3 **(1) render advisory opinions concerning the effectiveness of the**
 4 **Small Business Stationary Source Technical and Environmental Compliance Assistance**
 5 **Program (Program), difficulties encountered, and degree and severity of enforcement;**

6 **(2) make periodic reports to the Administrator of the EPA**
 7 **concerning the compliance of the Program with the requirements of the Paperwork**
 8 **Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;**

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

11 **(4) have the Program serve as the secretariat for the development**
 12 **and dissemination of such reports and advisory opinions.**

13 **(B) The Panel shall consist of:**

14 **(1) Two (2) members, who are not owners, or representatives of**
 15 **owners, of small business stationary sources, selected by the Governor to represent the general**
 16 **public;**

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

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

23 **(4) One (1) member selected by the Director of the Arkansas**
 24 **Department of Pollution Control and Ecology.**

25 **(C) In furtherance of the act, the seven (7) individuals comprising the Panel**
 26 **shall be selected during the 1993 General Legislative Session.**

27 **(D) Panel members shall serve a term of four (4) years. In the event of**
 28 **vacancy in the membership of the Panel concerning a member selected by the State**
 29 **Legislature or the Governor, the Governor shall appoint a person (meeting the applicable**
 30 **eligibility requirements of the vacated position) to fill the vacancy for the remainder of the**
 31 **unexpired term. In the event of vacancy in the membership of the Panel concerning the**
 32 **member appointed by the Director of the Arkansas Department of Pollution Control and**
 33 **Ecology, the Director shall appoint a person to fill the vacancy for the remainder of the**
 34 **unexpired term.**

35 **(E) The Panel shall hold its first meeting by November, 1993. The Panel**

1 shall hold at least one (1) regular meeting in each subsequent calendar year at a time and place
2 determined by the Panel. Special meetings may be called at the discretion of the chairman.

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

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

7 (H) The members shall be allowed travel and maintenance expenses while
8 attending regular meetings and special hearings at the same rates prescribed by law or
9 regulations for state employees, to be paid out of the funds appropriated to the commission."
10

11 SECTION 3. All provisions of this act of a general and permanent nature are
12 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
13 Commission shall incorporate the same in the Code.
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15 SECTION 4. If any provision of this act or the application thereof to any person or
16 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
17 the act which can be given effect without the invalid provision or application, and to this end
18 the provisions of this act are declared to be severable.
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20 SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.
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23 APPROVED:
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30 79th General Assembly
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