



SENATE BILL No. 47

January 13, 1993, Introduced by Senator WARTNER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to create a stationary source technical and environmental compliance assistance program for certain small businesses with regard to air emissions; and to provide for the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "small business compliance assistance act".

3 Sec. 2. As used in this act:

4 (a) "Air contaminant" has the same meaning as defined in
5 section 2 of the air pollution act.

6 (b) "Air pollution" has the same meaning as defined in
7 section 2 of the air pollution act.

8 (c) "Air pollution act" means the air pollution act, Act
9 No. 348 of the Public Acts of 1965, being sections 336.11 to

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1 336.36 of the Michigan Compiled Laws, and the rules promulgated
2 under that act.

3 (d) "Clean air act" means chapter 360, 69 Stat. 322, 42
4 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a,
5 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to
6 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617,
7 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to
8 7661f, and 7671 to 7671g and the regulations promulgated under
9 that act.

10 (e) "Commission" means the air pollution control
11 commission.

12 (f) "Director" means the director of commerce.

13 (g) "Ombudsman" means the Michigan business ombudsman.

14 (h) "Panel" means the compliance advisory panel created in
15 section 7.

16 (i) "Program" means the small business assistance program
17 created in section 3.

18 (j) "Small business stationary source" has the meaning
19 attributed to this term in section 507(c)(A), (B), (C), (D), and
20 (E) of the clean air act.

21 Sec. 3. (1) There is hereby created within the department
22 of commerce a small business assistance program.

23 (2) The program shall meet the requirements set forth in
24 section 507(a)(1), (2), (4), (5), (6), and (7) of the clean air
25 act and pertinent regulations implementing that section.

1 Sec. 4. (1) The ombudsman shall serve as the small business
2 clean air ombudsman within the department of commerce. The
3 ombudsman is responsible for administering the program.

4 (2) The ombudsman shall fulfill the duties and responsibili-
5 ties as prescribed in executive directive 1991-12 as they specif-
6 ically relate to representing the interests of small businesses
7 as the state implements the provisions of the clean air act. In
8 addition, the ombudsman shall do all of the following:

9 (a) Assist in providing reports to the governor and legisla-
10 ture and the public regarding the applicability of the require-
11 ments of this act, the clean air act, and the air pollution act
12 to small businesses.

13 (b) Assist in the preparation of guideline documents by the
14 program and ensure that the language is readily understandable by
15 laypersons.

16 (c) Conduct studies to evaluate the impacts of the clean air
17 act and the air pollution act on the state's economy, local econ-
18 omies, and small businesses.

19 Sec. 5. Upon request, the ombudsman shall be given access
20 to all information, records, and documents in the possession of
21 the commission of natural resources, the department of natural
22 resources, and the commission that the ombudsman considers neces-
23 sary to fulfill the responsibilities of the ombudsman other than
24 information described in section 13 of the freedom of information
25 act, Act No. 442 of the Public Acts of 1976, being section 15.243
26 of the Michigan Compiled Laws. The commission of natural
27 resources, department of natural resources, and commission shall

1 assist the ombudsman in fulfilling his or her responsibilities
2 under this act.

3 Sec. 6. Information obtained by the program from a small
4 business stationary source that utilizes its services is confi-
5 dential and exempt from disclosure pursuant to the freedom of
6 information act, Act No. 442 of the Public Acts of 1976, being
7 sections 15.231 to 15.246 of the Michigan Compiled Laws.

8 Sec. 7. (1) A small business air pollution compliance
9 advisory panel is created within the program, and shall perform
10 all of the following functions:

11 (a) Advise the department of commerce and the department of
12 natural resources on the effectiveness of the program.

13 (b) Report to the administrator of the United States envi-
14 ronmental protection agency as required by federal law.

15 (c) Review the information to be issued by the program for
16 small business stationary sources to assure the information is
17 understandable by a layperson.

18 (d) Perform any other function required by the clean air
19 act.

20 (2) The small business air pollution compliance advisory
21 panel shall consist of the following members:

22 (a) Two members appointed by the governor to represent the
23 general public and who are not owners or representatives of
24 owners of small business stationary sources.

25 (b) One member appointed by the majority leader of the
26 senate who is an owner or a representative of owners of small
27 business stationary sources.

1 (c) One member appointed by the minority leader of the
2 senate who is an owner or a representative of owners of small
3 business stationary sources.

4 (d) One member appointed by the speaker of the house of rep-
5 resentatives who is an owner or a representative of owners of
6 small business stationary sources.

7 (e) One member appointed by the minority leader of the house
8 of representatives who is an owner or a representative of owners
9 of small business stationary sources.

10 (f) One member appointed by the director of the department
11 of natural resources.

12 (3) Members of the advisory panel shall serve for terms of
13 4 years, or until a successor is appointed, whichever is later.
14 However, of the members first appointed, the members appointed by
15 the governor shall serve for 3 years, the members appointed by
16 the senate shall serve for 1 year, and the members appointed by
17 the house of representatives and the member appointed by the
18 director of the department of natural resources shall serve for 2
19 years.

20 (4) If a vacancy occurs on the advisory panel, the governor
21 or the appropriate legislative leader shall make an appointment
22 for the unexpired term in the same manner as the original
23 appointment.

24 (5) A majority of the members of the advisory panel consti-
25 tute a quorum for the transaction of business at a meeting of the
26 advisory panel. A majority of the members present and serving is
27 required for official action of the advisory panel.

1 (6) Members of the advisory panel shall serve without
2 compensation. However, members of the advisory panel may be
3 reimbursed for their actual and necessary expenses incurred in
4 the performance of their official duties as members of the
5 advisory panel.

6 Sec. 8. The department of commerce may promulgate rules
7 pursuant to the administrative procedures act of 1969, Act
8 No. 306 of the Public Acts of 1969, being sections 24.201 to
9 24.328 of the Michigan Compiled Laws, as may be necessary to
10 implement this act.