

By: Uresti

S.B. No. 1756

A BILL TO BE ENTITLED

AN ACT

relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.05155 to read as follows:

Sec. 382.05155. EXPEDITED PROCESSING OF APPLICATION.

(a) An applicant, in a manner prescribed by the commission, may request the expedited processing of an application filed under this chapter if the applicant demonstrates that the purpose of the application will benefit the economy of this state or an area of this state.

(b) The executive director may grant an expedited processing request if the executive director determines that granting the request will benefit the economy of this state or an area of this state.

(c) The expediting of an application under this section does not affect a contested case hearing or applicable federal, state, and regulatory requirements, including the notice, opportunity for a public hearing, and submission of public comment required under this chapter.

(d) The commission by rule may add a surcharge to an application fee assessed under this chapter for an expedited application in an amount sufficient to cover the expenses incurred

1 by the expediting, including overtime, contract labor, and other
2 costs.

3 (e) The commission may authorize the use of overtime or
4 contract labor to process expedited applications. The overtime or
5 contract labor authorized under this section is not included in the
6 calculation of the number of full-time equivalent commission
7 employees allotted under other law.

8 (f) The commission may pay for compensatory time, overtime,
9 or contract labor used to implement this section.

10 (g) A rule adopted under this section must be consistent
11 with Chapter 2001, Government Code. A rule adopted under this
12 section regarding notice must include a provision to require an
13 indication that the application is being proceeded in an expedited
14 manner.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, the Texas Commission on Environmental Quality shall
17 adopt rules necessary to implement Section 382.05155, Health and
18 Safety Code, as added by this Act.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.