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

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

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

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

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

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

I hereby certify that S.B. No. 1756 passed the Senate on April 22, 2013, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendment on May 20, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1756 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 137, Nays 3, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor