

R E S O L U T I O N

1           WHEREAS, Protection of the environment is a statewide  
2 concern, and the Texas Commission on Environmental Quality is the  
3 primary environmental agency charged with protecting the  
4 environment of the state; and

5           WHEREAS, The Texas Clean Air Act (Section 382.115, Health and  
6 Safety Code) provides that a local government may execute  
7 cooperative agreements with the commission or with other local  
8 governments to provide for the performance of air quality  
9 management, inspection, and enforcement functions and to provide  
10 technical aid and educational services to a party to the agreement;  
11 and

12           WHEREAS, The commission uses various tools, including agreed  
13 orders and consent agreements, to maintain compliance with  
14 applicable laws, rules, orders, and permits concerning air  
15 emissions at individual sources; and

16           WHEREAS, The actions of local governments should not impede  
17 or attempt to preempt the efforts of the commission to regulate,  
18 preserve, and protect the state's environment; now, therefore, be  
19 it

20           RESOLVED, That the House of Representatives of the 79th Texas  
21 Legislature hereby finds that an entity entering into a cooperative  
22 agreement with the Texas Commission on Environmental Quality may  
23 not exercise its enforcement authority against a person under  
24 Section 382.115, Health and Safety Code, or under any other law, if

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1 the commission is exercising or has exercised its authority to  
2 bring the person into compliance with applicable laws, rules,  
3 orders, and permits concerning air emissions.

Chisum

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Speaker of the House

I certify that H.R. No. 2219 was adopted by the House on May 29, 2005, by a non-record vote.

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Chief Clerk of the House