

By: Leibowitz

H.B. No. 1459

Substitute the following for H.B. No. 1459:

By: Veasey

C.S.H.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to energy-saving devices and options for vending machines  
3 in buildings owned or leased by the state; imposing an  
4 administrative fine.

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

6 SECTION 1. Subchapter B, Chapter 2165, Government Code, is  
7 amended by adding Section 2165.058 to read as follows:

8 Sec. 2165.058. VENDING MACHINES; ENERGY-SAVING DEVICE  
9 REQUIRED. (a) The commission shall require the use of an  
10 energy-saving device for each vending machine located in a building  
11 owned or leased by the state except a vending machine that contains  
12 a perishable food product, as defined by Section 96.001, Civil  
13 Practice and Remedies Code.

14 (b) Notwithstanding Subsection (a), the commission may not  
15 require the acquisition or installation of an energy-saving device  
16 for a vending machine that is owned or operated by an entity that  
17 owns or operates a total of 20 or fewer vending machines. However,  
18 the commission shall require the entity to activate and maintain  
19 any internal energy-saving or energy-management device or option  
20 that is already part of the machine or contained in the machine.

21 (c) An entity that owns or operates a vending machine  
22 subject to this section is responsible for any expenses associated  
23 with the acquisition, installation, or maintenance of an  
24 energy-saving device required by this section.

1       (d) The commission may impose an administrative fine on an  
2 entity that operates a vending machine subject to this section in an  
3 amount not to exceed \$250 a year for each machine found to be in  
4 violation of this section or related rules adopted by the  
5 commission.

6       (e) The commission shall adopt rules relating to the  
7 specifications for and regulation of energy-saving devices  
8 required by this section.

9       SECTION 2. (a) An entity that owns or operates a vending  
10 machine subject to Section 2165.058, Government Code, as added by  
11 this Act, is not required to comply with that section or a related  
12 rule of the Texas Building and Procurement Commission until  
13 September 1, 2006.

14       (b) Notwithstanding Section 2165.058(d), Government Code,  
15 as added by this Act, the Texas Building and Procurement Commission  
16 may impose a fine only in relation to a vending machine that is  
17 found to be operating in violation of Section 2165.058, Government  
18 Code, as added by this Act, or a related rule of the commission, on  
19 or after September 1, 2006.

20       SECTION 3. This Act takes effect September 1, 2005.