

BILL ANALYSIS

Senate Research Center

H.B. 2510
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately five years ago, the United States Congress passed energy independence and security legislation, which, among other provisions, banned the sale of most incandescent light bulbs by a certain date.

The goal of H.B. 2510 is to provide that an incandescent light bulb manufactured in Texas that remains within the borders of Texas has not traveled in interstate commerce and therefore is not subject to federal law or federal regulation under the authority of the United States Congress.

H.B. 2510 amends current law relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Provides that the Tenth Amendment to the United States Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Texas certain powers as they were understood at the time that Texas was admitted to statehood in 1845. Provides that the guaranty of those powers is a matter of contract between the state and people of Texas and the United States dating from the time Texas became a state.

(b) Provides that the Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the constitution and reserves to the people of Texas certain rights as they were understood at the time that Texas became a state. Provides that the guaranty of those rights is a matter of contract between the state and people of Texas and the United States dating from the time Texas became a state.

(c) Provides that in 2007, the United States Congress passed the Energy Independence and Security Act (Pub. L. No. 110-140). Provides that Section 321 of that act bans the sale of certain incandescent light bulbs in the United States beginning in 2012.

(d) Provides that the regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the United States Constitution if not expressly preempted by federal law. Provides that the United States Congress has not expressly preempted state regulation of intrastate commerce relating to the manufacture on an intrastate basis of incandescent light bulbs.

(e) Provides that the Legislature of the State of Texas declares that an incandescent light bulb manufactured in Texas, as described by Chapter 2004, Business & Commerce Code, as added by this Act, that remains within the borders of Texas has not traveled in interstate commerce, and is not subject to federal law or federal regulation, under the authority of the United States Congress to regulate interstate commerce.

SECTION 2. Amends Title 99, Business & Commerce Code, by adding Chapter 2004, as follows:

CHAPTER 2004. INTRASTATE MANUFACTURE OF CERTAIN INCANDESCENT LIGHT BULBS

Sec. 2004.001. DEFINITIONS. Defines, in this chapter, "generic and insignificant part" and "incandescent light bulb."

Sec. 2004.002. MEANING OF "MANUFACTURED IN THIS STATE." Provides that for the purposes of this chapter, an incandescent light bulb is manufactured in this state if the item is manufactured in this state from materials located in this state, and without the inclusion of any part imported from another state other than a generic and insignificant part.

Sec. 2004.003. NOT SUBJECT TO FEDERAL REGULATION. Provides that an incandescent light bulb that is manufactured in this state and remains in this state is not subject to federal law or federal regulation under the authority of the United States Congress to regulate interstate commerce.

Sec. 2004.004. MARKETING OF LIGHT BULBS. Requires that an incandescent light bulb manufactured and sold in this state have the words "Made in Texas" clearly stamped on it.

Sec. 2004.005. ATTORNEY GENERAL. Authorizes the attorney general, on written notification to the attorney general by a resident of this state of the resident's intent to manufacture an incandescent light bulb to which this chapter applies, to seek a declaratory judgment from a federal district court in this state that this chapter is consistent with the United States Constitution.

SECTION 3. Provides that this Act applies only to an incandescent light bulb, as that term is defined by Section 2004.001, Business & Commerce Code, as added by this Act, that is manufactured on or after the effective date of this Act.

SECTION 4. Effective date: January 1, 2012.