

BILL ANALYSIS

H.B. 2510
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Energy Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2510 amends the Business & Commerce Code to specify that an incandescent light bulb that is manufactured in Texas and remains in Texas is not subject to federal law or federal regulation under the authority of the United States Congress to regulate interstate commerce. The bill specifies that, for purposes of the bill's provisions, an incandescent light bulb is manufactured in Texas if the item is manufactured in Texas from materials located in Texas and is manufactured without the inclusion of any part imported from another state other than a generic and insignificant part. The bill requires an incandescent light bulb manufactured and sold in Texas to have the words "Made in Texas" clearly stamped on it.

H.B. 2510 requires the attorney general to defend a citizen of the state whom the federal government attempts to prosecute, claiming the power to regulate interstate commerce, for violation of a federal law concerning the manufacture or sale of an incandescent light bulb manufactured and retained in Texas. The bill requires the attorney general, on written notification to the attorney general by a citizen of the citizen's intent to manufacture an incandescent light bulb to which the bill's provisions apply, to seek a declaratory judgment from a federal district court in Texas that the bill's provisions are consistent with the United States Constitution. The bill sets out legislative findings and defines "generic and insignificant part," "incandescent light bulb," and provides for the meaning of "manufactured in this state."

EFFECTIVE DATE

January 1, 2012.