

1-1 By: Lavender, et al. (Senate Sponsor - Eltife) H.B. No. 2510
1-2 (In the Senate - Received from the House May 12, 2011;
1-3 May 12, 2011, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2011, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to exempting the intrastate manufacture of certain
1-9 incandescent light bulbs from federal regulation.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. (a) The Tenth Amendment to the United States
1-12 Constitution guarantees to the states and their people all powers
1-13 not granted to the federal government elsewhere in the constitution
1-14 and reserves to the state and people of Texas certain powers as they
1-15 were understood at the time that Texas was admitted to statehood in
1-16 1845. The guaranty of those powers is a matter of contract between
1-17 the state and people of Texas and the United States dating from the
1-18 time Texas became a state.

1-19 (b) The Ninth Amendment to the United States Constitution
1-20 guarantees to the people rights not granted in the constitution and
1-21 reserves to the people of Texas certain rights as they were
1-22 understood at the time that Texas became a state. The guaranty of
1-23 those rights is a matter of contract between the state and people of
1-24 Texas and the United States dating from the time Texas became a
1-25 state.

1-26 (c) In 2007, the United States Congress passed the Energy
1-27 Independence and Security Act (Pub. L. No. 110-140). Section 321 of
1-28 that act bans the sale of certain incandescent light bulbs in the
1-29 United States beginning in 2012.

1-30 (d) The regulation of intrastate commerce is vested in the
1-31 states under the Ninth and Tenth Amendments to the United States
1-32 Constitution if not expressly preempted by federal law. The United
1-33 States Congress has not expressly preempted state regulation of
1-34 intrastate commerce relating to the manufacture on an intrastate
1-35 basis of incandescent light bulbs.

1-36 (e) The Legislature of the State of Texas declares that an
1-37 incandescent light bulb manufactured in Texas, as described by
1-38 Chapter 2004, Business & Commerce Code, as added by this Act, that
1-39 remains within the borders of Texas:

1-40 (1) has not traveled in interstate commerce; and
1-41 (2) is not subject to federal law or federal
1-42 regulation, under the authority of the United States Congress to
1-43 regulate interstate commerce.

1-44 SECTION 2. Title 99, Business & Commerce Code, is amended by
1-45 adding Chapter 2004 to read as follows:

1-46 CHAPTER 2004. INTRASTATE MANUFACTURE OF CERTAIN INCANDESCENT LIGHT
1-47 BULBS

1-48 Sec. 2004.001. DEFINITIONS. In this chapter:

1-49 (1) "Generic and insignificant part" means an item
1-50 that has manufacturing or consumer product applications other than
1-51 inclusion in an incandescent light bulb.

1-52 (2) "Incandescent light bulb" means a standard
1-53 incandescent or halogen light bulb that:

1-54 (A) is intended for general service
1-55 applications;

1-56 (B) has a lumen range of not less than 310 lumens
1-57 and not more than 2,600 lumens; and

1-58 (C) is capable of being operated at a voltage
1-59 range at least partially within 110 and 130 volts.

1-60 Sec. 2004.002. MEANING OF "MANUFACTURED IN THIS STATE." For
1-61 the purposes of this chapter, an incandescent light bulb is
1-62 manufactured in this state if the item is manufactured:

1-63 (1) in this state from materials located in this
1-64 state; and

2-1 (2) without the inclusion of any part imported from
2-2 another state other than a generic and insignificant part.

2-3 Sec. 2004.003. NOT SUBJECT TO FEDERAL REGULATION. An
2-4 incandescent light bulb that is manufactured in this state and
2-5 remains in this state is not subject to federal law or federal
2-6 regulation under the authority of the United States Congress to
2-7 regulate interstate commerce.

2-8 Sec. 2004.004. MARKETING OF LIGHT BULBS. An incandescent
2-9 light bulb manufactured and sold in this state must have the words
2-10 "Made in Texas" clearly stamped on it.

2-11 Sec. 2004.005. ATTORNEY GENERAL. On written notification
2-12 to the attorney general by a resident of this state of the
2-13 resident's intent to manufacture an incandescent light bulb to
2-14 which this chapter applies, the attorney general may seek a
2-15 declaratory judgment from a federal district court in this state
2-16 that this chapter is consistent with the United States
2-17 Constitution.

2-18 SECTION 3. This Act applies only to an incandescent light
2-19 bulb, as that term is defined by Section 2004.001, Business &
2-20 Commerce Code, as added by this Act, that is manufactured on or
2-21 after the effective date of this Act.

2-22 SECTION 4. This Act takes effect January 1, 2012.

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