

## **BILL ANALYSIS**

Senate Research Center

H.B. 3395  
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Government Organization  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires the Texas Facilities Commission (TFC) and state agencies to give preference to the purchase of recycled products, including recycled paper, motor oil, and lubricants that contain at least 25 percent recycled oil. These preferences for recycled products sometimes require that state agencies purchase more expensive items. For example, a ream of generic, non-recycled paper (500 sheets) can cost approximately \$7.49 through a major office retailer. That same retailer offers reams of 30 percent recycled paper at approximately \$9.49 each, 50 percent recycled paper at approximately \$10.49 each, and 100 percent recycled paper at approximately \$11.49. Other recycled products can also command a premium. As an example, a regular picnic table may cost around \$700, whereas a park picnic table constructed out of recycled materials may cost between \$850 and \$1,000.

The bill makes the current requirement that TFC and state agencies purchase recycled materials permissive. The bill would maintain the state's authorization to purchase recycled goods, but remove the mandate that agencies purchase items that may command a premium.

H.B. 3395 amends current law relating to state purchasing preferences for recycled products.

### **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. Amends Section 2155.445(a), Government Code, to authorize, rather than require, the comptroller of public accounts (comptroller) to give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the comptroller, in purchases made under this subtitle if the product meets state specifications regarding quantity and quality, and the average price of the product is not more than 10 percent greater than the price of comparable nonrecycled products.

SECTION 2. Amends Section 2155.446, Government Code, as follows:

Sec. 2155.446. PURCHASE AND USE OF PAPER CONTAINING RECYCLED FIBERS. (a) Authorizes, rather than requires, the comptroller to contract for paper containing the highest proportion of recycled fibers for all purposes for which paper with recycled fibers may be used and to the extent that the paper is available at a reasonable price through normal commercial sources to supply the state's needs.

(b) Authorizes, rather than requires, a state agency that purchases through the comptroller to place orders for papers containing recycled fibers to the highest extent of its needs and to the extent that the paper is available through the comptroller's purchasing procedures.

SECTION 3. Amends Section 2155.447, Government Code, to authorize the comptroller, all state agencies, and all state agency employees who purchase motor oil and other automotive lubricants for state-owned vehicles, rather than requires the comptroller, all state agencies, and

all state agency employees who purchase motor oil and other automotive lubricants for state-owned vehicles, to give preference to motor oils and lubricants that contain at least 25 percent recycled oil if the cost to the state and the quality are comparable to those of new oil and lubricants.

SECTION 4. Effective date: upon passage or September 1, 2011.