

## **BILL ANALYSIS**

Senate Research Center  
82R618 MTB-F

S.B. 456  
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Government Organization  
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As Filed

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

Current state law permits the purchase of electronic appliances and equipment that meet federal energy conservation standards as laid out by the Energy Policy and Conservation Act. Energy Star appliances, which have higher energy efficiency standards as determined by both the United States Environmental Protection Agency and the United States Department of Energy, are encouraged but not required when available for a particular product category.

With continued and rapid population growth, the state faces escalating electricity demand, greater strain on the electric grid, and more environmentally deleterious emissions related to the production of electricity. State agencies should lead by example in a statewide effort to promote demand-side energy reduction and conservation measures.

S.B. 456 imposes more efficient, environmentally sensitive standards for certain products purchased by state agencies. This bill does not require that existing inventory be replaced—only that when the time comes to replace certain supplies and equipment, that they be Energy Star-rated, produce low emissions, contain low or no contaminants, and/or consist of post-consumer recycled material. S.B. 456 also requires that the Office of the Comptroller of Public Accounts (comptroller) collect data on appliances purchased by state agencies and on the energy efficiency of the appliances. However, the comptroller may exempt a state agency from the requirements under this bill if it submits written justification showing that a propane, natural gas, or electric lawnmower will not fulfill some function that a gas or diesel powered motor can.

For any new appliances purchases, S.B. 456 requires the purchase of Energy Star products when available—not simply when cost-effective (although energy-efficient appliances tend not to include a price premium and may save money in the long run through energy savings).

The aforementioned provisions with respect to purchases of environmentally sensitive landscaping equipment and certain building accessories (e.g., paint and carpeting) would also be new to the Government Code. S.B 456 also requires the comptroller collect data on appliances purchased by state agencies and on the energy efficiency of the appliances, which is not currently done.

As proposed, S.B. 456 amends current law relating to state purchasing of certain environmentally friendly items.

### **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 2158.301, Government Code, as added by Chapter 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, as follows:

Sec. 2158.301. New heading: ENERGY CONSERVATION: APPLIANCES, PRINTERS, AND PHOTOCOPY MACHINES. (a) Creates this subsection from existing text. Requires a state agency, unless the comptroller of public accounts

(comptroller) approves a written request from a state agency for an exemption from the requirements of this subsection, to purchase equipment and appliances, including printers and photocopy machines, for state use that meet or exceed the federal Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy, rather than requiring a state agency, if available and cost effective, to purchase equipment and appliances for state use that meet or exceed the federal energy conservation standards under Section 325, Energy Policy and Conservation Act (42 U.S.C. Section 6295), or a federal regulation adopted under that Act, or the federal Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy. Makes nonsubstantive changes.

(b) Requires that a printer or photocopy machine purchased by a state agency have duplexing capability and the ability to be programmed to default to double-sided printing or copying.

(c) Requires that a state agency printer or photocopy machine that has duplexing capability be programmed to default to double-sided printing or copying.

(d) Requires the comptroller to collect data on appliances purchased by state agencies and on the energy efficiency of the appliances.

SECTION 2. Amends Chapter 2158, Government Code, by adding Subchapter G, as follows:

#### SUBCHAPTER G. LANDSCAPING EQUIPMENT

Sec. 2158.351. PURCHASE OF LANDSCAPING EQUIPMENT. (a) Prohibits a state agency, except as provided by Subsection (b), to purchase a lawnmower or other landscaping equipment unless the lawnmower or equipment is powered by propane or natural gas or is electrically powered.

(b) Authorizes the comptroller to exempt from the requirements of this section a state agency that submits written justification demonstrating the reasons propane, natural gas, or electricity powered lawnmower or other landscaping equipment does not fulfill the required functionality of a gasoline-powered or diesel-powered lawnmower or other landscaping equipment.

SECTION 3. Amends Chapter 2166, Government Code, by adding Subchapter M, as follows:

#### SUBCHAPTER M. BUILDING ACCESSORIES

Sec. 2166.601. PAINT. Requires a state agency in the executive branch of state government that owns, operates, maintains, or has charge and control of a building, when feasible, to require that paint purchased for a new facility or for a remodel, repair, or renovation project to be a zero or low volatile organic compound paint.

Sec. 2166.602. CARPET, CARPET BACKING, AND CARPET TILES. Requires a state agency that owns, operates, maintains, or has charge and control of a building, when feasible, to require that carpet, carpet backing, and carpet tiles purchased for a new facility or for a remodel, repair, or renovation project contain postconsumer recycled content that meets the Carpet and Rug Institute's Green Label standard.

SECTION 4. Repealer: Section 2158.301 (Energy Conservation), Government Code, as added by Chapter 262 (S.B.12), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 3. Effective date: September 1, 2011.