

BILL ANALYSIS

Senate Research Center

C.S.S.B. 513
By: Carona
Natural Resources
4/1/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law encourages recycling and waste reduction within state agencies. Certain vendors and other suppliers of goods with which state agencies engage in business have instituted a business practice which prohibits the recycling or remanufacturing of any of their products. C.S.S.B. 513 provides that it is unlawful for a tradesperson to require that a purchaser follow certain procedures after using a purchased product, and creates an exception for the state.

PURPOSE

As proposed, C.S.S.B. 513 provides that it is unlawful for a tradesperson to require that a purchaser follow certain procedures after using a purchased product, and creates an exception for the state.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.05, Business & Commerce Code, to provide that it is unlawful to require or create a condition for purchased goods regarding the disposal or return of the goods which would affect competition in trade and commerce. Authorizes the initiation of such actions only by the state. Makes conforming changes.

SECTION 2. Amends Sections 15.20(a) and (b), Business & Commerce Code, to make conforming changes.

SECTION 3. Amends Sections 15.21(a)(1), Business & Commerce Code, to make a conforming change.

SECTION 4. Amends Section 15.21(b), Business & Commerce Code, to make a conforming change.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this bill relates to a restriction on the use of goods by a purchaser of the goods, rather than text regarding state contracts with prospective vendors.

SECTION 1.

Replaces existing text with an amendment to Section 15.05, Business & Commerce Code, to make certain actions unlawful and make conforming changes.

SECTIONS 2-4.

Replaces existing text and makes conforming changes.

SECTION 5.

Makes application of this Act prospective.

SECTIONS 6 and 7.

Redesignated from SECTIONS 3 and 4.