

BILL ANALYSIS

Senate Research Center
79R4369 QS-D

H.B. 760
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S/C on Agriculture and Coastal Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The technology in fuel-dispensing devices (gas pumps) has changed significantly since the weights and measures statute was initially written. There was a time when each single nozzle/hose was a component of a single pump and the Texas Department of Agriculture (department) charged for inspections based on the number of pumps.

Gas stations now utilize underground pumps, where one pump may supply fuel to several different nozzles. In this instance, a station might have an underground tank/pump of high-grade octane fuel and an underground tank/pump of low-grade octane fuel. Those two tanks could supply fuel to several nozzles, including blending from each tank for mid-grade octane fuel. However, the department must still inspect each dispenser and is required to recover costs.

H.B. 760 clarifies terminology as well as eliminates duplication of statutory requirements. The department will gain necessary flexibility in determining registration fees for fuel-dispensing devices, and will have clear authority to combine registration and inspection fees into one cost-recovery fee for the regulation of weighing and measuring devices. H.B. 760 will not change the manner in which the department currently inspects or charges for registration and inspection of weights and measures devices.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Agriculture is modified in SECTION 3 (Section 13.1151, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.001(a), Agriculture Code, by adding Subdivision (3) to define "pump."

SECTION 2. Amends the heading to Section 13.1151, Agriculture Code, to read as follows:

Sec. 13.1151. FEES FOR REGISTRATION AND INSPECTION.

SECTION 3. Amends Section 13.1151(a), Agriculture Code, to authorize the Department of Agriculture (department) to charge the owner or operator of a device a fee, as provided by department rule, rather than simply charge a fee, to recover the costs of registration and inspection, rather than for the registration, of certain measuring devices, including other measuring or dispensing devices required to be registered or inspected under this chapter. Deletes existing text relating to registering devices under Section 13.1011 (Required Registration) of this code. Deletes existing text requiring the department to determine the amount of the fee based on the number and the capacity of the scales, pumps, or metering devices being operated. Makes nonsubstantive changes.

SECTION 4. Repealer: Sections 13.1011(e) (defining "pump") and 13.1151(b)-(f) (Fee for Registration), Agriculture Code.

SECTION 5. Effective date: September 1, 2005.