

BILL ANALYSIS

H.B. 760
By: McReynolds
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 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, TDA must still inspect each dispenser and is required to recover costs.

HB 760 will clarify terminology as well as eliminate duplication of statutory requirements. The Texas Department of Agriculture 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. HB 760 will not change the manner in which TDA currently inspects or charges for registration and inspection of weights and measures devices, but instead will align the current code with current technology.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 3 of this bill.

ANALYSIS

HB 760 amends the current Agriculture Code and establishes the definition of a Pump.

The bill allows the Texas Department of Agriculture the ability to recover costs for inspection of pumps and other gas measuring or dispensing devices. It also strikes certain fees, and duplicate and out of date language.

EFFECTIVE DATE

This Act takes effect September 1, 2005.