

## **BILL ANALYSIS**

Senate Research Center  
79R4369 QS-D

S.B. 372  
By: Jackson, Mike  
S/C on Agriculture & Coastal Resources  
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As Filed

### **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 that each single nozzle/hose was a component of a single pump and the department charged for inspections by pump. Gas stations now utilize underground pumps - such that one pump may supply fuel to several different nozzles. For example, 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 Texas Department of Agriculture must still inspect each dispenser and is required to fully recover the cost of inspections.

As proposed, S.B. 372 clarifies terminology, eliminates duplication of statutory requirements, provides necessary flexibility to the Texas Department of Agriculture in determining appropriate registration fees for fuel dispensing devices, and establishes clear department authority to combine registration and inspection fees into one cost-recovery fee for the regulation of weighing and measuring devices.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.001(a), Agriculture Code, 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 Texas Department of Agriculture (department) to charge a fee, as provided by department rule, to recover the costs of registration and inspection, rather than solely the registration, of certain fuel measuring and dispensing devices. Makes conforming and nonsubstantive changes. Deletes text relating to the department being required to determine the amount of the fee based on the number and the capacity of the scales, pumps, or metering devices being operated.

SECTION 4. Repealer: Sections 13.1011(e) (Required Registration), Agriculture Code, and Sections 13.1151 (b)-(f) (Fees For Registration), Agriculture Code.

SECTION 5. Effective date: September 1, 2005.