

By: Solomons

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to the retail sale of temperature-adjusted gasoline and diesel fuel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 13, Agriculture Code, is amended by adding Section 13.0241 to read as follows:

Sec. 13.0241. STANDARD FOR RETAIL GASOLINE AND DIESEL FUEL.

(a) Notwithstanding Section 13.024, the unit of measure of capacity for gasoline and diesel fuel sold at retail is the temperature-adjusted gallon.

(b) The department shall define the size of a temperature-adjusted gallon of gasoline and of diesel fuel for each of the following climate divisions:

(1) the High Plains division, consisting of Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Floyd, Gaines, Glasscock, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, and Yoakum Counties;

(2) the Trans-Pecos division, consisting of Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties;

(3) the Low Rolling Plains division, consisting of

1 Baylor, Borden, Childress, Coleman, Collingsworth, Cottle,
2 Dickens, Donley, Fisher, Foard, Garza, Hall, Hardeman, Haskell,
3 Jones, Kent, King, Knox, Mitchell, Motley, Nolan, Runnels, Scurry,
4 Stonewall, Taylor, Wheeler, Wichita, and Wilbarger Counties;

5 (4) the Edwards Plateau division, consisting of
6 Bandera, Blanco, Burnet, Coke, Concho, Crockett, Edwards,
7 Gillespie, Irion, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano,
8 McCulloch, Mason, Menard, Reagan, Real, San Saba, Schleicher,
9 Sterling, Sutton, Tom Green, Upton, Uvalde, and Val Verde Counties;

10 (5) the North Central Texas division, consisting of
11 Archer, Bell, Bosque, Brown, Callahan, Clay, Collin, Comanche,
12 Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath,
13 Falls, Fannin, Grayson, Hamilton, Hill, Hood, Hunt, Jack, Johnson,
14 Kaufman, Lamar, Limestone, McLennan, Milam, Mills, Montague,
15 Navarro, Palo Pinto, Parker, Rockwall, Shackelford, Somervell,
16 Stephens, Tarrant, Throckmorton, Williamson, Wise, and Young
17 Counties;

18 (6) the South Central Texas division, consisting of
19 Aransas, Austin, Bastrop, Bee, Bexar, Burleson, Caldwell,
20 Colorado, Comal, DeWitt, Fayette, Goliad, Gonzales, Guadalupe,
21 Hays, Karnes, Kenedy, Kleberg, Lavaca, Lee, Medina, Nueces,
22 Refugio, San Patricio, Travis, Washington, and Wilson Counties;

23 (7) the South Texas division, consisting of Atascosa,
24 Brooks, Dimmit, Duval, Frio, Jim Hogg, Jim Wells, La Salle, Live
25 Oak, McMullen, Maverick, Starr, Webb, Zapata, and Zavala Counties;

26 (8) the East Texas division, consisting of Anderson,
27 Angelina, Bowie, Brazos, Camp, Cass, Cherokee, Franklin,

1 Freestone, Gregg, Grimes, Hardin, Harrison, Henderson, Hopkins,
2 Houston, Jasper, Leon, Madison, Marion, Montgomery, Morris,
3 Nacogdoches, Newton, Panola, Polk, Rains, Red River, Robertson,
4 Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus,
5 Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, and Wood
6 Counties;

7 (9) the Upper Coast division, consisting of Brazoria,
8 Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson,
9 Jefferson, Liberty, Matagorda, Orange, Victoria, and Wharton
10 Counties; and

11 (10) the Lower Valley division, consisting of Cameron,
12 Hidalgo, and Willacy Counties.

13 (c) To determine the size of a temperature-adjusted gallon
14 under this section, the department shall:

15 (1) determine the historical average temperature for
16 each climate division described by Subsection (b);

17 (2) determine the amount by which a gallon of gasoline
18 or diesel fuel at 60 degrees Fahrenheit expands or contracts when
19 heated or cooled to the historical average temperature for each
20 climate division; and

21 (3) use the amount of expansion or contraction
22 determined under Subdivision (2) to determine the size of a
23 temperature-adjusted gallon in each climate division.

24 (d) The department shall adopt rules necessary to
25 administer this section.

26 (e) The department shall:

27 (1) adopt rules under this section not later than

1 January 1, 2008;

2 (2) require that each retail gasoline and diesel fuel
3 pump in this state measure in temperature-adjusted gallons not
4 later than December 31, 2008; and

5 (3) inspect each retail gasoline and diesel fuel pump
6 in this state to ensure compliance with Subdivision (2) not later
7 than December 31, 2008.

8 (f) This subsection and Subsection (e) expire January 1,
9 2009.

10 SECTION 2. Section 13.0241, Agriculture Code, as added by
11 this Act, applies only to gasoline and diesel fuel sold at retail on
12 or after January 1, 2009.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.