

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: SB2119** by Alvarado (Relating to the transfer of the regulation of motor fuel metering and motor fuel quality from the Department of Agriculture to the Texas Department of Licensing and Regulation; providing civil and administrative penalties; creating criminal offenses; requiring occupational licenses; authorizing fees.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to the transfer of the regulation of motor fuel metering and motor fuel quality from the Texas Department of Agriculture (TDA) to the Texas Department of Licensing and Regulation (TDLR). The bill would transfer sections of the Agriculture Code to the Occupations Code regarding the inspection, required registration, complaints regarding motor fuel metering devices, and the sale, delivery, quality, and testing of motor fuel. The bill would make conforming changes, including repeal of some sections, to the Agriculture and Tax Codes.

The bill would require TDA and TDLR to enter a memorandum of understanding (MOU) to implement the provisions related to the state metrology lab, which would remain at TDA. The state metrology laboratory would be required to maintain the standards for motor fuel used by an individual or business licensed by TDLR and inspect and correct the standards for motor fuel used by TDLR for inspections.

The bill includes provisions for the transfer of all rules, fees, policies, procedures, decisions, and forms regarding motor fuel metering devices and motor fuel quality from TDA to TDLR.

The bill stipulates that on or after September 1, 2019, TDA cannot change a rule, fee, policy, procedure, decision, or form that relates to a program or activity transferred under this Act. TDA may not, on or after the effective date of the bill, take any action on a complaint, investigation, contested case, or other proceeding relating to a program or activity transferred by the bill without the approval of the executive director of TDLR or a person designated by the executive director. The bill stipulates that TDA and TDLR should adopt a transition plan that provides for the orderly transfer of power, duties, functions, programs, and activities covered by this bill. The transition plan must provide for the transfer to be completed no later than September 1, 2020. These two sections of the bill would take effect immediately if the bill receives a vote of two-thirds of all the members elected to each house or, if it does not, on September 1, 2019.

All other sections of the bill would take effect September 1, 2020.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts, 551 Department of Agriculture, 582 Commission on Environmental Quality

**LBB Staff:** WP, CLo, SGr, DFR, SD, CMa, AF, PBO