

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1446

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor), VILLA, RUCKER, SHOEMYER,  
TILLEY AND WOOD (Co-sponsors).

Read 1st time January 19, 2006 and copies ordered printed.

Read 2nd time January 23, 2006 and referred to the Committee on Agriculture Policy February 9, 2006.

Reported from the Committee on Agriculture Policy March 7, 2006 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 14, 2006 with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 29, 2006.

STEPHEN S. DAVIS, Chief Clerk

4593L.01P

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### AN ACT

To repeal section 414.365, RSMo, and to enact in lieu thereof one new section relating to biodiesel fuel use in department of transportation vehicles.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 414.365, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 414.365, to read as follows:

414.365. 1. As used in this section, the following terms mean:

(1) "B-20", a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;

(2) "Biodiesel", fuel as defined in ASTM standard PS121;

(3) "Incremental cost", the difference in cost between blended biodiesel fuel and conventional petroleum-based diesel fuel at the time the blended biodiesel fuel is purchased.

2. On or before October 1, 2003, the Missouri department of transportation shall develop a program that provides for the opportunity to use fuel with at least the biodiesel content of B-20

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 in its vehicle fleet and heavy equipment that use diesel fuel. Such program shall have the  
10 following goals, provided that such program and goals do not prohibit the department from  
11 generating and selling EPAAct credits pursuant to section 414.407:

12 (1) On or before July 1, 2004, at least fifty percent of the department's vehicle fleet and  
13 heavy equipment that use diesel fuel shall use fuel with at least the biodiesel content of B-20, if  
14 such fuel is commercially available;

15 (2) On or before July 1, 2005, at least seventy-five percent of the department's vehicle  
16 fleet and heavy equipment that use diesel fuel shall use fuel with at least the biodiesel content  
17 of B-20, if such fuel is commercially available.

18 3. The blended biodiesel fuel shall be presumed to be commercially available if the  
19 incremental cost of such fuel is not more than twenty-five cents.

20 4. Nothing in this section is intended to create a state requirement for biodiesel fuel use  
21 in excess of the requirements of the federal National Energy Policy Act of 1992, Pub.L. 102-486;  
22 42 U.S.C. 13251, 13257(o).

23 5. To the maximum extent practicable, the department shall obtain funding for the  
24 incremental cost of the blended biodiesel fuel from the biodiesel fuel revolving fund established  
25 in section 414.407.

26 6. The director of the Missouri department of transportation may promulgate any rules  
27 necessary to carry out the provisions of this section. [No rule or portion of a rule promulgated  
28 pursuant to this section shall take effect unless it has been promulgated pursuant to chapter 536,  
29 RSMo.]

30 **7. The department of agriculture, in consultation with the department of**  
31 **transportation, may by rule exempt the department of transportation in whole or in part**  
32 **from the biodiesel fuel requirements of the program established in this section based on**  
33 **product quality, specific usage, climatic conditions, or on any other basis the departments**  
34 **deem necessary.**

35 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
36 **that is created under the authority delegated in this section shall become effective only if**  
37 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
38 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
39 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
40 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
41 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
42 **adopted after August 28, 2006, shall be invalid and void.**

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