

SECOND REGULAR SESSION

HOUSE BILL NO. 1995

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor), YATES,
PRATT AND DUSENBERG (Co-sponsors).

Read 1st time March 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5578L.01I

AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blended fuel.

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

Section A. Chapter 414, RSMo, is amended by adding thereto one new section, to be known as section 414.255, to read as follows:

414.255. 1. This section shall be known and may be cited as the "Missouri Energy Security Act".

2. For purposes of this section, the following terms shall mean:

(1) "Gasoline ethanol blend", a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline ethanol blend meets the ASTM International specification number D4814, as amended. The ten percent fuel ethanol portion may be derived from any agricultural source;

(2) "Price", means and includes all reasonable and related business expenses such as the cost of the fuel ethanol and unblended gasoline, fuel taxes, tax credits, and transportation;

(3) "Unblended gasoline", gasoline that has not been blended with fuel ethanol.

3. As of January 1, 2010, all motor fuel sold or offered for sale in Missouri for use in motor vehicles equipped to operate on gasoline shall be a gasoline ethanol blend.

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.

14 **4. Fuel retailers, fuel wholesalers, fuel marketers, and fuel distributors shall be**
15 **allowed to lawfully sell, without civil or criminal penalty, unblended gasoline if they are**
16 **unable to secure at the fuel terminal while the tanker or truck is loading a readily available**
17 **supply of the gasoline ethanol blend at the same or less price as unblended gasoline.**

18 **5. All fuel terminal owners and operators are required to always offer for sale**
19 **unblended gasoline at open, competitive, and fair market prices.**

20 **6. Fuel ethanol producers, fuel retailers, fuel wholesalers, fuel distributors, and fuel**
21 **terminal owners and operators are hereby granted immunity from any and all civil and**
22 **products liability associated with the manufacture, storage, transportation, handling, or**
23 **selling of the fuel ethanol or gasoline ethanol blend.**

24 **7. The gasoline ethanol blend mandate detailed in this section shall not apply to**
25 **aviation fuel.**

26 **8. (1) The governor may, by executive order, waive the statewide gasoline ethanol**
27 **blend mandate for any reasons related to price, supply, environmental impact, or impact**
28 **to the consumer. The gasoline ethanol blend mandate shall be waived statewide so that no**
29 **region is put at a competitive advantage or disadvantage.**

30 **(2) The department of agriculture is hereby authorized to promulgate minimally**
31 **intrusive rules to ensure compliance with this section.**

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

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