

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 19,
2 Section 393.1900, Line 14, by inserting after all of said section and line the following:

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4 "414.152. 1. Any person found in violation of any provision of sections 414.012 to 414.152
5 or section 414.600 shall be deemed guilty of a class A misdemeanor. The prosecutor of each county
6 in which a violation occurs shall be empowered to bring an action hereunder. But if a prosecutor
7 declines to bring such action, then the attorney general may bring an action instead, and in so doing
8 shall have all the powers and jurisdiction of such prosecutor.

9 2. The prosecuting attorney of any county in which a violation of any provision of this
10 chapter occurs or the attorney general is hereby authorized to apply to any court of competent
11 jurisdiction for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a
12 temporary or permanent injunction to restrain any person from violating any provision of this
13 chapter.

14 3. Any person who is found, upon investigation by the department of agriculture or by the
15 department of revenue, to be in possible violation of any provision of this chapter shall be notified
16 by certified mail of the facts constituting such violation, and shall be afforded an opportunity by the
17 appropriate director to explain such facts at an informal hearing to be conducted within fourteen
18 days of such notification. In the event that such person fails to timely respond to such notification
19 or upon unsuccessful resolution of any issues relating to an alleged violation, such person may be
20 summoned to a formal administrative hearing before a hearing officer conducted in conformance
21 with chapter 536 and if found to have committed one or more violations, may be ordered to cease
22 and desist from such violation, such order to be enforceable in circuit court, and, in addition, may be
23 required to pay a penalty of not more than five hundred dollars per violation and five hundred
24 dollars for each day such violation continues. Any party to such hearing aggrieved by a
25 determination of a hearing officer may appeal to the circuit court of the county in which such party
26 resides, or if the party is the state, in Cole County, in accordance with chapter 536.

27 414.600. 1. This section shall be known and may be cited as the "Missouri Made Fuels
28 Act".

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

30 (1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel between six percent and
31 twenty percent for on-road and off-road diesel-fueled vehicle use. Biodiesel blend shall comply
32 with the most recent version of ASTM International D7467, Standard Specification of Diesel Fuel
33 Oil;

34 (2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel
35 that is derived from agricultural and other plant oils or animal fats and that meets the most recent
36 version of ASTM International D6751 Standard Specification for Biodiesel Fuel (B100) Blend

Action Taken _____ Date _____

1 Stock for Middle Distillate Fuels. Biodiesel produced from palm oil is not biodiesel fuel for the
2 purposes of this section, unless the palm oil is contained within waste oil and grease collected within
3 the United States.

4 3. Except as otherwise provided in this section, all diesel fuel sold or offered for sale in
5 Missouri for use in internal combustion engines shall contain at least the following stated percentage
6 of biodiesel fuel oil by volume on and after the following dates:

7 (1) April 1, 2022, and until March 31, 2023, five percent;

8 (2) April 1, 2023, and until March 31, 2025, ten percent; and

9 (3) Beginning April 1, 2025, twenty percent.

10
11 Except as provided in this subsection, the minimum content levels in subdivisions (2) and (3) of this
12 subsection are effective during the months of April, May, June, July, August, September, and
13 October only and the minimum content for the remainder of the year is five percent. However, if
14 the Missouri department of agriculture's division of weights, measures and consumer protection
15 determines that an ASTM International specification or equivalent federal standard exists for the
16 specified biodiesel blend level in subdivisions (2) and (3) of this subsection that adequately
17 addresses technical issues associated with Missouri's typical weather patterns and publish a notice in
18 the Missouri register to that effect, the department of agriculture may allow the specified biodiesel
19 blend level in subdivisions (2) and (3) of this subsection to be effective year-round. In each year
20 that the seasonal reduction to five percent is in effect, the minimum content level of diesel fuel sold
21 or offered for sale at retail in Missouri from April first to April thirtieth may be less than the level
22 required under subdivisions (2) and (3) of this subsection in order to allow for the transition of
23 blends.

24 4. The minimum content levels in subdivisions (2) and (3) of subsection 3 of this section
25 become effective on the date specified only if the director of the department of agriculture submits
26 notice in the Missouri register that the following conditions have been met and the state is prepared
27 to move to the next scheduled minimum content level:

28 (1) An ASTM International specification or equivalent federal standard exists for the next
29 minimum diesel-biodiesel blend; and

30 (2) A sufficient supply of biodiesel is available and at least fifty percent of the biodiesel is
31 produced in the state of Missouri.

32 5. By January 15, 2023, and biennially thereafter, the director of the division of energy shall
33 determine the preceding twelve-month rolling average of wholesale diesel price at various pipeline
34 and refinery terminals in Missouri, and the preceding twelve-month rolling average of biodiesel
35 price determined after credits and incentives are subtracted at biodiesel plants in Missouri. The
36 director shall consult with the directors of the department of natural resources and the department of
37 agriculture, and may by emergency rule adjust the biodiesel mandate if a price disparity reported by
38 the directors will cause economic hardship to the state. Any adjustment shall be for a specified
39 period of time, after which the percentage of biodiesel fuel to be blended into diesel fuel returns to
40 the amount required in subsection 3 of this section. The biodiesel blend shall not be adjusted to less
41 than five percent.

42 6. The director of the department of agriculture may waive specific requirements in this
43 section and in regulations promulgated according to this section, or may establish temporary
44 alternative requirements for fuels as determined to be necessary in the event of an extreme and
45 unusual fuel supply circumstance as a result of a feed stock shortage, emergency, or a natural
46 disaster as determined by the director for a specified period of time. If any action is taken by the
47 director under this section, the director shall:

48 (1) Review the action after thirty days; and

49 (2) Notify industry stakeholders of such action.

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2 Any waiver issued or action taken under this subsection shall be as limited in scope and
3 applicability as necessary, and shall apply equally and uniformly to all persons and companies in the
4 impacted biodiesel fuel supply and distribution system, including but not limited to biodiesel
5 producers, terminals, distributors, position holders and retailers.

6 7. The minimum content requirements of subsection 3 of this section do not apply to No. 1-
7 D fuel and fuel used in the following equipment:

8 (1) Motors located at an electric generating plant;

9 (2) Railroad locomotives;

10 (3) Stationary power generators;

11 (4) Off-road mining equipment and machinery;

12 (5) Off-road logging equipment and machinery; and

13 (6) Vessels of the United States Coast Guard and vessels subject to inspection under 46
14 U.S.C. Section 3301(1), (9), (10), (13), or (15).

15 8. (1) A refinery, position holder, or terminal shall provide, at the time diesel fuel is sold or
16 transferred from the refinery or terminal, a bill of lading or shipping manifest to the person who
17 receives the fuel. For biodiesel blends, the bill of lading or shipping manifest shall disclose
18 biodiesel content, stating volume percentage, gallons of biodiesel per gallons of petroleum diesel
19 base-stock, or an ASTM "Bxx" designation where "xx" denotes the volume percent biodiesel
20 included in the blended product. This subsection shall not apply to sales or transfers of biodiesel
21 blend stock between refineries, between terminals, or between a refinery and a terminal.

22 (2) A delivery ticket required under section 413.125 for a biodiesel blend shall state the
23 volume percentage of biodiesel blended into the diesel fuel delivered through a meter into a storage
24 tank used for dispensing into motor vehicles powered by an internal combustion engine and not
25 exempt under subsection 3 of this section.

26 9. All terminals in Missouri that sell diesel fuel shall offer for sale, in cooperation with
27 position holders and suppliers, biodiesel blends set forth in subsection 3 of this section and
28 unblended diesel fuel.

29 10. Notwithstanding any other law to the contrary, all fuel retailers, wholesalers,
30 distributors, and marketers shall be allowed to purchase biodiesel from any terminal, position
31 holder, biodiesel producer, biodiesel wholesaler, or supplier. In the event a court of competent
32 jurisdiction finds that this subsection does not apply to or improperly impairs existing contractual
33 relationships, then this subsection shall only apply to and impact future contractual relationships.

34 11. Beginning in 2023, the director of the division of energy shall report by January fifteenth
35 of each year to the speaker of the house of representatives and the president pro tempore of the
36 senate regarding the implementation of the minimum content requirements in subsection 3 of this
37 section, including information about the price and supply of biodiesel fuel. The report shall include
38 information about the impacts of the biodiesel mandate on the development of biodiesel production
39 capacity in the state, and on the use of feedstock grown or raised in the state for biodiesel
40 production. Biodiesel fuel being recognized by the division of energy as a big contributor to
41 Missouri's energy solutions industry, the division shall include recommendations on how to create
42 continued growth and expansion for the benefit of Missouri's environment, economy, and
43 agricultural industry.

44 12. The provisions of section 414.152 shall apply for purposes of enforcement of this
45 section.

46 13. The department of agriculture and the department of natural resources shall establish
47 rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as
48 that term is defined in section 536.010, that is created under the authority delegated in this section
49 shall become effective only if it complies with and is subject to all of the provisions of chapter 536

1 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
2 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
3 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
4 rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and
5 void.

6 14. Under section 23.253 of the Missouri sunset act:

7 (1) The provisions of the program authorized under this section shall automatically sunset
8 ten years after August 28, 2020, unless reauthorized by an act of the general assembly; and

9 (2) If such program is reauthorized, the program authorized under this section shall
10 automatically sunset ten years after the effective date of the reauthorization of this section; and

11 (3) This section shall terminate on September first of the calendar year immediately
12 following the calendar year in which the program authorized under this section is sunset."; and

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14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.