

SECOND REGULAR SESSION

HOUSE BILL NO. 1445

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor), MYERS,
RUCKER AND SHOEMYER (Co-sponsors).

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

STEPHEN S. DAVIS, Chief Clerk

3562L.03I

AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to biodiesel 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
2 known as section 414.250, to read as follows:

**414.250. 1. On or before January 1, 2008, all diesel fuel distributed at terminals in
2 this state that is sold or offered for sale for use in internal combustion engines shall contain
3 at least two percent biodiesel fuel oil by volume.**

4 2. As used in this section, the following terms shall mean:

**5 (1) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible
6 liquid fuel derived from agricultural plant oils or animal fats and that meets the American
7 Society for Testing and Materials (ASTM) specification D6751-02, or its successor ASTM
8 specification, for biodiesel fuel (B100) blend stock for distillate fuels;**

**9 (2) "Terminal", a motor fuel storage and distribution facility located in this state
10 that is registered as a qualified terminal with the Internal Revenue Service.**

**11 3. The director of the Missouri department of agriculture may by rule exempt
12 certain diesel fuel uses from the requirements of subsection 1 of this section or rescind any
13 such exemption. The director may waive the biodiesel requirements for all or any portion
14 of the state and may rescind any such waiver.**

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.

15 **4. (1) All diesel fuel distributed from terminals in this state required under**
16 **subsection 1 of this section to contain biodiesel fuel shall be blended with biodiesel at the**
17 **terminal only.**

18 **(2) The director may require by rule specific procedures and specifications for the**
19 **blending of biodiesel fuel oil with diesel fuel at the terminal.**

20 **(3) Biodiesel fuel oil may be blended with diesel fuel for sale in Missouri at a**
21 **terminal located outside this state if the director approves the terminal for the blending of**
22 **biodiesel fuel oil with diesel fuel and the terminal meets all procedural and specification**
23 **requirements; except that, such terminals shall not be eligible for reimbursement for**
24 **capital expenditures under this section.**

25 **5. (1) Any terminal located in this state that made capital expenditures necessary**
26 **to adapt or add equipment to blend biodiesel fuel oil as required in this section is eligible**
27 **for partial reimbursement for unrecovered capital expenditures if the requirements of this**
28 **section are repealed within five years of the effective date of this section.**

29 **(2) A terminal operator may apply to the department of agriculture for a**
30 **reimbursement on the following schedule: if the requirements of this section are repealed**
31 **within two years of the effective date of this section, the department shall reimburse up to**
32 **eighty percent of expenditures. The total amount eligible to be reimbursed shall decline**
33 **by twenty percent each year after the effective date of this section and shall end at twenty**
34 **percent in the fifth year. The department shall require detailed proof of expenditures**
35 **made to comply with the requirements of this section.**

36 **6. The director of the department of agriculture shall enforce the provisions of this**
37 **section in accordance with section 414.152.**

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

46 **8. (1) There is hereby established in the state treasury the "Biodiesel Investment**
47 **Assurance Fund" which shall consist of moneys appropriated to the fund for the purpose**
48 **of reimbursement of capital expenditures as authorized under subsection 5 of this section.**
49 **Such capital expenditures shall include and be limited to costs for equipment, additional**

50 tanks, and other facility modifications other than the purchase of land which are directly
51 associated with biodiesel blending requirements.

52 (2) Moneys in the fund shall be used solely for the purposes and in the proportions
53 described in subsection 5 of this section. At the end of any proration period under
54 subsection 5 of this section, any unused portion of the moneys appropriated to the fund and
55 any interest thereon shall be transferred to the general revenue fund.

56 (3) The department of agriculture may require terminals to provide any
57 information deemed necessary by the department to implement the reimbursement
58 requirements of this section.

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