

SECOND REGULAR SESSION

HOUSE BILL NO. 1270

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BEHNEN (Sponsor), MYERS, MUNZLINGER, KELLY, MOORE, SANDER, LAGER, SWINGER, HOBBS, CHINN, BLACK, QUINN, WRIGHT (159), SCHAD, JONES, LOEHNER, DUSENBERG, NANCE, FISHER, WITTE, STEVENSON, GUEST AND MAY (Co-sponsors).

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

STEPHEN S. DAVIS, Chief Clerk

3181L.05I

AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend 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. Except as otherwise exempted under subsection 3 of this section, on or before January 1, 2007, all gasoline sold or offered for sale in Missouri shall contain at least ten percent agriculturally derived, denatured ethanol by volume.

2. For purposes of enforcing the minimum ethanol requirement in subsection 1 of this section, a gasoline/ethanol blend shall be deemed in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than nine and two-tenths percent and not more than ten percent by volume of the blend as determined by an appropriate American Society for Testing and Materials standard method of analysis of alcohol/ether content in motor fuels.

3. The following shall not be subject to the provisions of this section:

(1) Any specific exemptions declared by the federal Environmental Protection Agency or the Missouri department of agriculture;

(2) Gasoline for use in motorboats as defined in section 306.010, RSMo;

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 **(3) Gasoline for use in vehicles as defined in section 301.010, RSMo, that are more**
15 **than twenty-five years old; and**

16 **(4) Aviation fuel as defined in section 142.800, RSMo, for use in aircraft as defined**
17 **in section 105.1077, RSMo.**

18 **4. For purposes of this section, a gasoline/ethanol blend with ethanol comprising**
19 **not less than seventy percent and not more than eighty-five percent by volume of the blend**
20 **shall be deemed in compliance with this section as determined by an appropriate American**
21 **Society of Testing Materials standard method of analysis of alcohol/ether content in motor**
22 **fuels.**

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

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