

FIRST REGULAR SESSION

SENATE BILL NO. 88

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KINDER.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0596S.011

AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to requiring the sale of ethanol in certain areas.

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 414.432, to read as follows:

414.432. 1. All entities engaged in the sale of gasoline for consumption by motor vehicles in any city or metropolitan statistical area with a population of more than three hundred thousand inhabitants shall, beginning January 1, 2003, phase out all sales of reformulated gasoline (RFG) with methyl tertiary butyl ether (MTBE), and phase in sales of RFG containing ten percent ethanol in lieu of sales of RFG with MTBE. The department of agriculture shall promulgate rules regarding the procedure for phase out, which shall include, but shall not be limited to, adopting a time certain by which such phase-out shall be totally completed.

2. The governing body of any county, city, town or village not included in subsection 1 of this section may adopt the phase-out requirement established in subsection 1 of this section. Any such governing body may create its own phase-out plan, or elect to follow the plan of the department of agriculture.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a

rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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