

As Introduced

**127th General Assembly
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S. B. No. 122

Senator Miller, D.

Cosponsors: Senators Cafaro, Bocchieri, Morano, Mason, Miller, R.

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A B I L L

To amend section 122.075 and to enact section 5537.29 1
of the Revised Code to establish a schedule for 2
E85 blend fuel to be made available at service 3
stations located on the Ohio Turnpike and to 4
permit the Ohio Turnpike Commission to apply for 5
grants made by the Department of Development under 6
the Alternative Fuel Transportation Grant Program. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 122.075 be amended and section 8
5537.29 of the Revised Code be enacted to read as follows: 9

Sec. 122.075. (A) As used in this section: 10

(1) "Alternative fuel" means blended biodiesel or blended 11
gasoline. 12

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 13
fuel that is derived from vegetable oils or animal fats, or any 14
combination of those reagents, and that meets American society for 15
testing and materials specification D6751-03a for biodiesel fuel 16
(B100) blend stock distillate fuels. 17

(3) "Diesel fuel" and "gasoline" have the same meanings as in 18

section 5735.01 of the Revised Code.	19
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	20 21
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	22 23
(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.	24 25
(7) "Incremental cost" means either of the following:	26
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	27 28 29
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	30 31 32
(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, <u>the Ohio turnpike commission</u> , or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals <u>and alternative fuel pumps</u> , for the purchase and use of alternative fuel, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel.	33 34 35 36 37 38 39 40 41 42 43 44
(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation grant program. The rules shall	45 46 47 48

establish at least all of the following:	49
(1) An application form and procedures governing the application process for a grant under the program;	50 51
(2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following:	52 53 54
(a) Publicly accessible refueling facilities;	55
(b) Entities seeking grants that have secured funding from other sources, including, but not limited to, private or federal grants;	56 57 58
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	59 60 61
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	62 63 64
(e) Entities that will be purchasing or installing facilities or terminals for both blended biodiesel and blended gasoline.	65 66
(3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling or distribution facility or terminal <u>or alternative fuel pump</u> be eighty per cent of the cost of the facility or terminal, <u>or pump</u> , except that at least twenty per cent of the total net cost of the facility or terminal, <u>or pump</u> shall be incurred by the grant recipient and not compensated for by any other source;	67 68 69 70 71 72 73
(4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the incremental cost of the fuel;	74 75 76
(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program.	77 78

(D) An applicant for a grant under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives a grant, the applicant will report to the director the gallon amounts of blended gasoline and blended biodiesel the applicant sells at retail in this state for a period of three years after the grant is awarded.

The director shall enter into a written confidentiality agreement with the applicant regarding the gallon amounts sold as described in this division, and upon execution of the agreement this information is not a public record.

(E) There is hereby created in the state treasury the alternative fuel transportation grant fund. The fund shall consist of money transferred to the fund under division (C) of section 125.836 of the Revised Code, money that is appropriated to it by the general assembly, and money as may be specified by the general assembly from the energy efficiency revolving loan fund created by section 4928.61 of the Revised Code. Money in the fund shall be used to make grants under the alternative fuel transportation grant program and by the director in the administration of that program.

Sec. 5537.29. (A) As used in this section, "E85 blend fuel" has the same meaning as in section 125.831 of the Revised Code.

(B) The Ohio turnpike commission shall make available for sale to the public E85 blend fuel at service stations located on the Ohio turnpike according to the following schedule:

(1) Not later than July 1, 2008, E85 blend fuel shall be available for sale from at least one pump at two or more service stations located on the eastbound side of the Ohio turnpike and at two or more service stations located on the westbound side of the Ohio turnpike.

(2) Not later than July 1, 2009, E85 blend fuel shall be 109
available for sale from at least one pump at service stations 110
located on the eastbound side of the Ohio turnpike and at service 111
stations located on the westbound side of the Ohio turnpike so 112
that E85 blend fuel is available for sale at least approximately 113
every seventy-five miles along the turnpike in both directions. 114

(C) As used in this section, "Ohio turnpike" has the same 115
meaning as in division (E) of section 5537.26 of the Revised Code. 116

Section 2. That existing section 122.075 of the Revised Code 117
is hereby repealed. 118