

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 28

Senator Kearney

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A BILL

To enact section 122.076 of the Revised Code to 1
create an ethanol and biodiesel producer grant 2
program. 3

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

Section 1. That section 122.076 of the Revised Code be 4
enacted to read as follows: 5

Sec. 122.076. (A) As used in this section: 6

(1) "Biodiesel" means a mono-alkyl ester combustible liquid 7
fuel that is derived from vegetable oils or animal fats, or any 8
combination of those reagents, and that meets American society for 9
testing and materials specification D6751-03a for biodiesel fuel 10
(B100) blend stock distillate fuels. 11

(2) "Ethanol" has the same meaning as in section 5733.46 of 12
the Revised Code. 13

(3) "Producer" means a person who operates an ethanol or 14
biodiesel plant in this state. 15

(B) For the purpose of assisting producers in this state, the 16
director of development shall establish an ethanol and biodiesel 17
producer grant program under which the director may make grants to 18
producers for the purpose of assisting the producers in expanding 19
their production capacity, making facility improvements, and 20

improving competitiveness. 21

(C) The director, in consultation with the director of 22
agriculture, shall adopt rules in accordance with Chapter 119. of 23
the Revised Code that are necessary for the administration of the 24
program. The rules shall establish at least all of the following: 25

(1) An application form and procedures governing the 26
application process for a grant under the program; 27

(2) A procedure for prioritizing the awarding of grants under 28
the program; 29

(3) Procedures for registering producers that have applied 30
for a grant under the program; 31

(4) Any other criteria, procedures, and guidelines that the 32
director determines are necessary to administer the program. 33

(D) In order to be eligible for a grant under the program, a 34
producer shall apply to the director of development for the 35
registration of the producer's plant. A producer may apply for the 36
registration of more than one plant. An application for the 37
registration of a plant shall demonstrate to the satisfaction of 38
the director that all of the following apply: 39

(1) The plant is capable of producing ethanol or biodiesel. 40

(2) The producer has made substantial investment of resources 41
in this state in connection with the plant. 42

(3) The plant constitutes a permanent fixture in this state. 43

The director shall register each plant that qualifies under 44
this division. 45

(E) There is hereby created in the state treasury the ethanol 46
and biodiesel producer grant fund. The fund shall consist of money 47
that is appropriated to it by the general assembly. Money in the 48
fund shall be used to make grants under the ethanol and biodiesel 49
producer grant program and by the director in the administration 50

of that program.

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