

SENATE BILL 109

Introduced by Svrcek, et al.

1/16	Introduced
1/17	Referred to Highways & Transportation
1/17	First Reading
1/17	Fiscal Note Requested
1/23	Fiscal Note Printed
1/23	Fiscal Note Received
1/24	Hearing
2/06	Committee Report--Bill Passed as Amended
2/07	2nd Reading Do Pass Motion Failed
2/07	Rereferred to Highways & Transportation
2/13	Committee Report--Bill Passed as Amended
2/14	2nd Reading Passed as Amended
2/15	3rd Reading Passed
	Transmitted to House
2/16	First Reading
2/16	Referred to Highways & Transportation
3/05	Hearing
3/14	Committee Report--Bill Concurred as Amended
3/18	2nd Reading Concurred
3/18	3rd Reading Concurred
	Returned to Senate With Amendments
3/23	2nd Reading Amendments Not Concurred
3/28	Conference Committee Appointed
	House
4/03	Conference Committee Appointed Died in Process

1 *Senate* BILL NO. *109*  
 2 INTRODUCED BY *Sen. Selig Ester Fyfe*  
 3 *Wesley Paul Ferguson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AGENCIES OF  
 5 STATE GOVERNMENT TO USE GASOHOL IN STATE VEHICLES; AND  
 6 REQUIRING RECORDS TO BE KEPT OF THE USE OF GASOHOL IN STATE  
 7 VEHICLES."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. **Section 1.** State vehicles to use gasohol  
 11 -- definition -- record of purchase required -- exception.

12 (1) Each department, agency, institution, office, board, and  
 13 commission of the executive, legislative, and judicial  
 14 branches of state government and every institution of higher  
 15 education owning or operating a motor vehicle capable of  
 16 burning gasohol shall require that the operators of those  
 17 vehicles use gasohol in the vehicles if gasohol is  
 18 reasonably and commercially available within the operating  
 19 area of the vehicle at a price of no more than 10 cents a  
 20 gallon more than the motor vehicle fuel otherwise used by  
 21 the vehicle.

22 (2) For the purposes of this section, "gasohol" means  
 23 gasoline blended with alcohol for use in internal combustion  
 24 engines.

25 (3) All entities subject to the requirements of

1 subsection (1) shall require that each purchase of gasohol  
 2 by the operator of a motor vehicle using gasohol is reported  
 3 to that entity by the motor vehicle operator.

4 (4) No entity subject to the requirements of subsection  
 5 (1) may take any disciplinary, judicial, administrative, or  
 6 other adverse action against the operator of a motor vehicle  
 7 for failing to purchase gasohol for the operation of the  
 8 vehicle.

9 (5) Entities subject to the requirements of subsection  
 10 (1) shall retain for the period of time required by law the  
 11 record of the purchase of gasohol for each vehicle in which  
 12 gasohol is used. The purchase records must be reviewed by  
 13 the legislative auditor during every financial audit of the  
 14 entity.

-End-



## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0109, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring agencies of state government to use gasohol in state vehicles; and requiring records to be kept of the use of gasohol in state vehicles.

ASSUMPTIONS:


1. Section 1 would require state agencies to use gasohol if the price of gasohol is no more than \$.10 per gallon greater than the price for motor vehicle fuel otherwise used by the vehicle.
2. The current law price of gasoline is approximately \$1.25 per gallon. A \$.10 per gallon increase in the current law price of gasoline represents an 8% percent increase in cost.
3. Current law is represented by FY90 actual expenditures for gasoline by all state agencies and higher education.
4. Recordkeeping requirements may increase the operational cost of some state agencies. However, some state agencies are capable of incorporating the recordkeeping requirements into existing management information systems without any increase in cost. The overall effect of the proposed recordkeeping requirements would be minimal and/or indeterminable.
5. Vehicles incapable of using gasohol are exempt from the provisions of the proposed law. The proposed requirements will have no effect on current or projected expenditures by state agencies for vehicle maintenance.

FISCAL IMPACT:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	4,813,822	5,198,928	385,106	4,813,822	5,198,928	385,106
<u>Funding:</u>						
General Fund	672,965	726,802	53,837	672,965	726,802	53,837
State Special	3,618,533	3,908,016	289,483	3,618,533	3,908,016	289,483
Federal Special	87,417	94,410	6,993	87,417	94,410	6,993
Proprietary Fund	294,036	317,559	23,523	294,036	317,559	23,523
Current Unrestricted	<u>140,871</u>	<u>152,141</u>	<u>11,270</u>	<u>140,871</u>	<u>152,141</u>	<u>11,270</u>
Total	4,813,822	5,198,928	385,106	4,813,822	5,198,928	385,106

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The use of gasohol by state agencies would impact the production of gasohol in Montana. An increase in the production of gasohol would increase the tax incentive payments for gasohol production. In FY90, \$360,000 in gasohol production tax incentives were paid. Gasohol incentives are scheduled to be terminated on July 1, 1993.

  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 DATE 1-22-91

  
 PAUL S. SVRCEK, PRIMARY SPONSOR  
 DATE 23 JAN 90

Fiscal Note for SB0109, as introduced.

SB 109

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 109

INTRODUCED BY SVRCEK, SCHYE, FOSTER, KOEHNKE, WEEDING,  
T. BECK, JERGSON, O'KEEFE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AGENCIES OF  
STATE GOVERNMENT TO USE GASOHOL IN STATE VEHICLES; AND  
REQUIRING RECORDS TO BE KEPT OF THE USE OF GASOHOL IN STATE  
VEHICLES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** State vehicles to use gasohol  
-- definition -- record of purchase required -- exception.  
(1) Each department, agency, institution, office, board, and  
commission of the executive, legislative, and judicial  
branches of state government and every institution of higher  
education owning or operating a motor vehicle capable of  
burning gasohol shall require that the operators of those  
vehicles use gasohol in the vehicles if gasohol is  
reasonably and commercially available within the operating  
area of the vehicle at a price of no more than 10 cents a  
gallon more than the motor vehicle fuel otherwise used by  
the vehicle.

(2) For the purposes of this section, "gasohol" means  
~~gasoline-blended-with-alcohol-for-use-in-internal-combustion~~  
engines ALL PRODUCTS COMMONLY OR COMMERCIALY KNOWN OR SOLD

AS GASOHOL, USED FOR THE PURPOSE OF EFFECTIVELY AND  
EFFICIENTLY OPERATING INTERNAL COMBUSTION ENGINES,  
CONSISTING OF NOT LESS THAN 10% ANHYDROUS ETHANOL PRODUCED  
IN MONTANA FROM MONTANA AGRICULTURAL PRODUCTS, INCLUDING  
MONTANA WOOD OR WOOD PRODUCTS.

(3) All entities subject to the requirements of  
subsection (1) shall require that each purchase of gasohol  
by the operator of a motor vehicle using gasohol is reported  
to that entity by the motor vehicle operator.

(4) No entity subject to the requirements of subsection  
(1) may take any disciplinary, judicial, administrative, or  
other adverse action against the operator of a motor vehicle  
for failing to purchase gasohol for the operation of the  
vehicle.

(5) Entities subject to the requirements of subsection  
(1) shall retain for the period of time required by law the  
record of the purchase of gasohol for each vehicle in which  
gasohol is used. The purchase records must be reviewed by  
the legislative auditor during every financial audit of the  
entity.

-End-

SECOND READING

RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION  
AS AMENDED

SENATE BILL NO. 109

INTRODUCED BY SVRCEK, SCHYE, FOSTER, KOEHNKE, WEEDING,  
T. BECK, JERGESON, O'KEEFE

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burning gasohol shall require that the operators of those  
vehicles use gasohol in the vehicles if gasohol is  
reasonably and commercially available within the operating  
area of the vehicle at a price of no more than 19 2 cents a  
gallon more than the motor vehicle fuel otherwise used by  
the vehicle.

(2) For the purposes of this section, "gasohol" means  
~~gasoline-blended-with-alcohol-for-use-in-internal-combustion~~  
engines ALL PRODUCTS COMMONLY OR COMMERCIALY KNOWN OR SOLD

AS GASOHOL, USED FOR THE PURPOSE OF EFFECTIVELY AND  
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CONSISTING OF NOT LESS THAN 10% ANHYDROUS ETHANOL PRODUCED  
IN-MONTANA FROM MONTANA AGRICULTURAL PRODUCTS, INCLUDING  
MONTANA WOOD OR WOOD PRODUCTS.

(3) All entities subject to the requirements of  
subsection (1) shall ~~require-that-each-purchase--of--gasohol~~  
~~by-the-operator-of-a-motor-vehicle-using-gasohol-is-reported~~  
~~to--that--entity--by--the--motor--vehicle--operator~~ MAINTAIN  
RECORDS OF THE GASOHOL USED IN THE MOTOR VEHICLES UNDER THE  
ENTITY'S CONTROL AND SHALL RETAIN THE RECORDS FOR THE PERIOD  
REQUIRED BY LAW. THE RECORDS ARE SUBJECT TO ANNUAL REVIEW  
BY THE LEGISLATIVE AUDITOR FOR THE PURPOSE OF DETERMINING  
THE AMOUNT OF GASOHOL BEING USED IN THE MOTOR VEHICLES UNDER  
THE ENTITY'S CONTROL.

(4) No entity subject to the requirements of subsection  
(1) may take any disciplinary, judicial, administrative, or  
other adverse action against the operator of a motor vehicle  
for failing to purchase gasohol for the operation of the  
vehicle.

~~(5)--Entities--subject-to-the-requirements-of-subsection~~  
~~(1)--shall-retain-for-the-period-of-time-required-by-law--the~~  
~~record--of-the-purchase-of-gasohol-for-each-vehicle-in-which~~  
~~gasohol-is-used--The-purchase-records-must--be--reviewed--by~~  
~~the--legislative-auditor-during-every-financial-audit-of-the~~

**SECOND READING**



SB 0109/03

1 ~~entity~~

-End-

## 1 SENATE BILL NO. 109

2 INTRODUCED BY SVRCEK, SCHYE, FOSTER, KOEHNKE, WEEDING,

3 T. BECK, JERGESON, O'KEEFE

4  
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7 REQUIRING RECORDS TO BE KEPT OF THE USE OF GASOHOL IN STATE  
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16 education owning or operating a motor vehicle capable of  
17 burning gasohol shall require that the operators of those  
18 vehicles use gasohol in the vehicles if gasohol is  
19 reasonably and commercially available within the operating  
20 area of the vehicle at a THE SAME price of no more than 10 ¢  
21 cents-a-gallon-more-than AS the motor vehicle fuel otherwise  
22 used by the vehicle.23 (2) For the purposes of this section, "gasohol" means  
24 gasoline-blended-with-alcohol-for-use-in-internal-combustion  
25 engines ALL PRODUCTS COMMONLY OR COMMERCIALY KNOWN OR SOLD1 AS GASOHOL, USED FOR THE PURPOSE OF EFFECTIVELY AND  
2 EFFICIENTLY OPERATING INTERNAL COMBUSTION ENGINES,  
3 CONSISTING OF NOT LESS THAN 10% ANHYDROUS ETHANOL PRODUCED  
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24 ~~gasohol is used. The purchase records must be reviewed by~~  
25 ~~the legislative auditor during every financial audit of the~~

THIRD READING

SB 0109/04

1 entity-

-End-

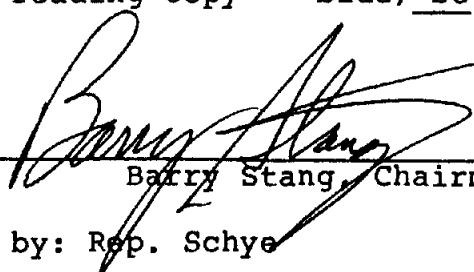


HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 109 (third reading copy -- blue) be concurred in as amended .

Signed:   
Barry Stang, Chairman

Carried by: Rep. Schye

And, that such amendments read:

1. Page 1, line 20.

Strike: "THE SAME"

Insert: "a"

2. Page 1, line 21.

Strike: "AS"

Insert: "comparable to"

HOUSE

SB 109

550959SC.HSF

SENATE BILL NO. 109

INTRODUCED BY SVRCEK, SCHYE, FOSTER, KOEHNKE, WEEDING,

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(2) For the purposes of this section, "gasohol" means ~~gasoline blended with alcohol for use in internal combustion engines~~ ALL PRODUCTS COMMONLY OR COMMERCIALY KNOWN OR SOLD

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(3) All entities subject to the requirements of subsection (1) shall ~~require that each purchase of gasohol by the operator of a motor vehicle using gasohol is reported to that entity by the motor vehicle operator~~ MAINTAIN RECORDS OF THE GASOHOL USED IN THE MOTOR VEHICLES UNDER THE ENTITY'S CONTROL AND SHALL RETAIN THE RECORDS FOR THE PERIOD REQUIRED BY LAW. THE RECORDS ARE SUBJECT TO ANNUAL REVIEW BY THE LEGISLATIVE AUDITOR FOR THE PURPOSE OF DETERMINING THE AMOUNT OF GASOHOL BEING USED IN THE MOTOR VEHICLES UNDER THE ENTITY'S CONTROL.

(4) No entity subject to the requirements of subsection (1) may take any disciplinary, judicial, administrative, or other adverse action against the operator of a motor vehicle for failing to purchase gasohol for the operation of the vehicle.

~~(5) Entities subject to the requirements of subsection (1) shall retain for the period of time required by law the record of the purchase of gasohol for each vehicle in which gasohol is used. The purchase records must be reviewed by the legislative auditor during every financial audit of the~~

SB 0109/05

1 ~~entity-~~

-End-