

**Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 06-0120.01 Karen Epps

**SENATE BILL 06-138**

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**SENATE SPONSORSHIP**

**Shaffer,** Entz, Fitz-Gerald, and Kester

**HOUSE SPONSORSHIP**

**Gardner,** Gallegos, Hodge, and Rose

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**Senate Committees**

Agriculture, Natural Resources & Energy  
Appropriations

**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE REQUIREMENT THAT GASOLINE CONTAIN AT LEAST**  
102 **A SPECIFIED PERCENTAGE OF ETHANOL BY VOLUME, AND**  
103 **MAKING AN APPROPRIATION THEREFOR.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Interim Committee on Rural Economic Development Issues.**

Requires that all gasoline sold in Colorado contain at least:

- 5% denatured ethanol by volume as of January 1, 2007;
- 10% denatured ethanol by volume as of January 1, 2009;
- and

If allowed pursuant to federal law and federal guidelines,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 3rd Reading  
May 4, 2006

HOUSE  
Amended 2nd Reading  
May 3, 2006

SENATE  
3rd Reading Unamended  
April 27, 2006

SENATE  
Amended 2nd Reading  
April 24, 2006

and if doing so would not void any automobile manufacturer's warranty:

15% denatured ethanol by volume as of January 1, 2011, or at such time after January 1, 2011, as the division of oil and public safety certifies that the criteria in the act have been met; and

20% denatured ethanol by volume as of January 1, 2013, or at such time after January 1, 2013, as the division of oil and public safety certifies that the criteria in the act have been met.

Requires a refinery or terminal to provide a bill of lading or shipping manifest that includes the identity and the volume percentage or gallons of oxygenate included in the gasoline.

Allows for the sale of nonoxygenated gasoline under the following circumstances:

At an airport, marina, mooring facility, or resort for use in aircraft if the gasoline is unleaded premium;

At a public or private racecourse if the gasoline is intended to be used exclusively as a fuel for off-highway motor sports racing events;

At retail gasoline stations for use in collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines; and

Directly to bulk fuel storage tanks for use in collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, small engines, or airplanes.

Requires the executive director of the department of personnel to establish a policy by January 1, 2007, requiring all state-owned vehicles and equipment to use a fuel blend of ethanol and gasoline if the price is no greater than 10¢ more per gallon than the price of gasoline, and to provide for proper administration, implementation, and enforcement of the policy.

Requires the executive director of the department of personnel to purchase flexible-fuel vehicles whenever possible.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Part 2 of article 20 of title 8, Colorado Revised**  
3 **Statutes, is amended BY THE ADDITION OF A NEW SECTION to**  
4 **read:**

5 **8-20-236. Ethanol content standard - rules. (1) SEVENTY-FIVE**

1 PERCENT OF ALL GASOLINE SOLD IN COLORADO, FROM NOVEMBER  
2 THROUGH APRIL OF EVERY YEAR, SHALL CONTAIN AT LEAST TEN PERCENT  
3 ETHANOL BY VOLUME.

4 (2) FOR PURPOSES OF CALCULATING COMPLIANCE WITH THE  
5 REQUIREMENT IN SUBSECTION (1) OF THIS SECTION:

6 (a) EVERY GALLON OF E85 FUEL SOLD IN COLORADO SHALL COUNT  
7 AS EIGHT AND ONE-HALF GALLONS OF E10 FUEL SOLD; AND

8 (b) EVERY GALLON OF CELLULOSIC ETHANOL SOLD IN COLORADO  
9 SHALL COUNT AS FIFTY GALLONS OF E10 FUEL SOLD.

10 (3) DISTRIBUTORS AND ENTITIES REQUIRED TO FILE IRS FORM 637  
11 SELLING GASOLINE IN COLORADO SHALL MEET THE REQUIREMENT OF  
12 SUBSECTION (1) OF THIS SECTION. DISTRIBUTORS AND ANY ENTITY  
13 AFFECTED BY THIS SUBSECTION (3) SHALL SUBMIT TO THE DEPARTMENT,  
14 ON A FORM APPROVED BY THE DEPARTMENT, A MONTHLY STATEMENT  
15 CONTAINING THE TOTAL VOLUME OF GASOLINE SOLD AND INDICATING  
16 SEPARATELY THE AMOUNT OF E10 FUEL, E85 FUEL, AND CELLULOSIC  
17 ETHANOL SOLD IN COLORADO.

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20 (4) THE DEPARTMENT SHALL PROMULGATE RULES NECESSARY TO  
21 IMPLEMENT THIS SECTION.

22 (5) DISTRIBUTORS AND ENTITIES REQUIRED TO FILE IRS FORM 637  
23 THAT HAVE NOT, AS OF DECEMBER 31, 2006, BLENDED ETHANOL AND  
24 GASOLINE ARE EXEMPT FROM COMPLIANCE WITH THIS SECTION.

25 (6) DISTRIBUTORS AND ENTITIES SHALL HOLD, STORE, IMPORT,  
26 TRANSFER, AND OFFER FOR SALE OR USE UNLEADED PREMIUM GRADE  
27 GASOLINE THAT HAS AN ANTIKNOCK INDEX NUMBER OF 91 OR GREATER

1 AND THAT DOES NOT CONTAIN ETHANOL, TO BE DISPENSED AT AN AIRPORT.

2 (7) ALL GASOLINE RETAILERS SHALL ENSURE THAT LABELS ARE  
3 MAINTAINED ON THE PUMPS THAT STATE THAT THE PRODUCT BEING  
4 DISPENSED CONTAINS ETHANOL.

5 (8) FOR THE PURPOSES OF THIS SECTION:

6 (a) "CELLULOSIC ETHANOL" MEANS ETHANOL DERIVED FROM ANY  
7 LIGNOCELLULOSIC OR HEMICELLULOSIC MATTER THAT IS AVAILABLE ON  
8 A RENEWABLE OR RECURRING BASIS, INCLUDING DEDICATED ENERGY  
9 CROPS AND TREES, WOOD AND WOOD RESIDUES, PLANTS, GRASSES,  
10 AGRICULTURAL RESIDUES, FIBERS, ANIMAL WASTES AND OTHER WASTE  
11 MATERIALS, AND MUNICIPAL SOLID WASTE.

12 (b) "E10 FUEL" MEANS A MOTOR FUEL BLEND OF TEN PERCENT  
13 ETHANOL AND NINETY PERCENT GASOLINE BY VOLUME.

14 (c) "E85 FUEL" MEANS A MOTOR FUEL BLEND OF EIGHTY-FIVE  
15 PERCENT ETHANOL AND FIFTEEN PERCENT GASOLINE BY VOLUME.

16 (d) "ETHANOL" MEANS DOMESTICALLY PRODUCED ETHANOL,  
17 INCLUDING, BUT NOT LIMITED TO, CELLULOSIC ETHANOL, THAT IS DERIVED  
18 FROM AGRICULTURAL PRODUCTS OR OTHER RENEWABLE RESOURCES AND  
19 THAT IS NOT MADE FROM PETROLEUM, NATURAL GAS, OR COAL.

20 (9) IF THE DEPARTMENT CERTIFIES TO THE SPEAKER OF THE HOUSE  
21 OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE  
22 GOVERNOR NO LATER THAN OCTOBER 15 OF EACH YEAR THAT THE  
23 REQUIREMENTS OF THIS SECTION WILL NOT INCREASE THE RETAIL COST OF  
24 GASOLINE, THEN THE PROVISIONS OF THIS SECTION SHALL BE  
25 IMPLEMENTED.

26 **SECTION 2. Appropriation.** (1) In addition to any other  
27 appropriation, there is hereby appropriated, out of any moneys in the

1 general fund, not otherwise appropriated, to the department of labor and  
2 employment, for the fiscal year beginning July 1, 2006, the sum of one  
3 hundred thousand four hundred ninety-one dollars (\$100,491) and 1.0  
4 FTE, or so much thereof as may be necessary, for the implementation of  
5 this act.

6 (2) In addition to any other appropriation, there is hereby  
7 appropriated, to the department of law, for the fiscal year beginning July  
8 1, 2006, the sum of nine thousand six hundred sixty-eight dollars  
9 (\$9,668), or so much thereof as may be necessary, for the provision of  
10 legal services to the division of oil and public safety related to the  
11 implementation of this act. Such sum shall be from cash funds exempt  
12 received from the division of oil and public safety out of the appropriation  
13 made in subsection (1) of this section.

14 **SECTION 3. Effective date.** This act shall take effect January  
15 1, 2007.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.