

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Antifreeze and petroleum products.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to standards for antifreeze and petroleum
2 products; modifying definitions; requiring disclosure of
3 engine fuels and fuel blends included in gasoline or diesel
4 when sold to a wholesaler, retailer or consumer; modifying
5 rulemaking authority; providing enforcement authority;
6 providing an appropriation; authorizing additional
7 positions; and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 40-7-101, 40-7-102(a)(v), (vi),
12 (viii) through (x), (xii) and (xv), by creating new
13 paragraphs (xxv) through (xxxvi), by renumbering (xxv) as

1 (xxxvii), 40-7-103(a)(intro), (v)(intro) and (vi),
2 40-7-105, 40-7-106 and 40-7-107(a) are amended to read:

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4 **40-7-101. Products must conform to standards.**

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6 No antifreeze product, engine fuel or petroleum product
7 shall be sold or offered for sale in the state of Wyoming,
8 unless it conforms to the standards of quality prescribed
9 in this act or rules promulgated under it.

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11 **40-7-102. Definitions.**

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13 (a) As used in this act:

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15 (v) "Director" means the director of the department
16 of agriculture or his duly authorized representative;

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18 (vi) "Dealer" means any person in the business of
19 delivering or distributing to a consumer or selling,
20 offering for sale, refining or manufacturing any petroleum
21 products, liquefied petroleum gas, engine fuel or
22 antifreeze products in this state;

1 (viii) "Diesel fuel" means a refined petroleum
2 product suitable as a fuel ~~for~~ in compression ignition
3 diesel engines, both fixed and mobile, including all grades
4 and qualities;

5
6 (ix) "Fuel oil" means a refined petroleum
7 product, commonly known as heating oil, furnace oil,
8 domestic oil or distillates, used for heating, power
9 generation and cooking purposes, including all grades and
10 qualities;

11
12 (x) "Gasoline" means a volatile substance
13 produced, manufactured, blended, distilled or compounded
14 from petroleum, natural gas, oil, shale oils or coal and
15 other volatile flammable liquids which can be used as a
16 fuel ~~for an~~ in a spark ignition internal combustion engine,
17 and which meets the standards and specifications of this
18 act. "Gasoline" includes all grades and qualities, leaded
19 or unleaded, but excludes diesel fuel;

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21 (xii) "Kerosene" means a refined petroleum
22 product, also known as ~~kerosene~~ kerosine, used as heating
23 or illuminating oil that includes all grades and qualities;

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2 (xv) "Petroleum products" means all
3 illuminating, fuel and power oils, which are products of
4 petroleum, or into which petroleum or any product of
5 petroleum enters or is found as a constituent, and includes
6 but is not limited to gasoline, kerosene, diesel fuel, fuel
7 oil, gasohol, gasoline alcohol blends, biodiesel blends,
8 engine fuels and liquefied petroleum gas.† Any petroleum
9 product sold at retail shall have a designation and meet
10 specifications provided by the ASTM;

11

12 (xxv) "Biodiesel blend" means a fuel comprised
13 of a blend of biodiesel fuel with petroleum-based diesel
14 fuel, designated BXX. In the abbreviation BXX, the "XX"
15 represents the volume percentage of biodiesel fuel in the
16 blend;

17 **Staff Note: If it is not designated BXX, is it not a**
18 **biodiesel blend and not regulated?]**

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20 (xxvi) "E85 fuel ethanol" means a blend of
21 ethanol and hydrocarbons of which the ethanol portion is
22 nominally seventy-five percent (75%) to eighty-five percent
23 (85%) volume denatured fuel ethanol;

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(xxvii) "Engine fuel" means any liquid or gaseous matter used for the generation of power in an internal combustion engine. "Engine fuel" includes but is not limited to fuels derived from petroleum, biomass and vegetable oils, new or used. Any engine fuel sold at retail must have a designation and meet specifications provided by the ASTM;

[Staff Note: The last sentence of this definition is a substantive requirement and not a definition.]

(xxviii) "Ethanol" or "denatured fuel ethanol" means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of United States bureau of alcohol, tobacco, and firearms approved substances before blending with gasoline;

[Staff Note: The last two (2) sentences of this definition are substantive requirements and not definitions.]

1 (xxix) "Gasoline alcohol blend" means a fuel
2 consisting primarily of gasoline and a substantial amount
3 (more than thirty-five hundredths percent (0.35%) mass of
4 oxygen or more than fifteen hundredths percent (0.15%) mass
5 of oxygen if methanol is the only oxygenate) of one (1) or
6 more alcohols;

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8 (xxx) "Low sulfur" means low sulfur diesel fuel
9 that meets ASTM D 975 standards, including grade low sulfur
10 no. 1-D or grade low sulfur no. 2-D. Diesel fuel
11 containing higher amounts of sulfur for off-road use is
12 defined by United States environmental protection agency
13 regulations;

14 **[Staff Note: The last sentence of this definition does not**
15 **apply to the definition or is a substantive requirement and**
16 **not a part of the definition.]**

17
18 (xxxi) "M100 fuel methanol" means nominally
19 anhydrous methyl alcohol, generally containing small
20 amounts of additives, suitable for use as a fuel in a
21 compression-ignition internal combustion engine;

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1 (xxxii) "M85 fuel methanol" means a blend of
2 methanol and hydrocarbons of which the methanol portion is
3 nominally seventy percent (70%) to eighty-five percent
4 (85%) volume;

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6 (xxxiii) "Oxygen content of gasoline" means the
7 percentage of oxygen by mass contained in a gasoline;

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9 (xxxiv) "Substantially similar" means the United
10 States environmental protection agency's substantially
11 similar rule, section 211 (f) (1) of the Clean Air Act, 42
12 U.S.C. 7545 (f) (1);

13
14 (xxxv) "Total alcohol" means the aggregate total
15 percentage by volume of all alcohol contained in any fuel
16 defined in this chapter;

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18 (xxxvi) "Total oxygenate" means the aggregate
19 total percentage by volume of all oxygenates contained in
20 any fuel defined in this chapter;

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22 ~~(xxxv)~~ (xxxvii) "This act" means W.S. 40-7-101
23 through 40-7-111.

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40-7-103. Board to promulgate standards.

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40-7-105. Enforcement.

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(a) The board shall promulgate rules and standards of quality for products to implement this act, ~~including the adoption of ASTM or other appropriate, standards as adopted by the board or specifications and definitions for products not defined in this chapter,~~ subject to the following:

(v) ~~Kerosine~~ Kerosene shall:

(vi) Any gasoline, gasohol or diesel fuel sold in the wholesale or retail market place that contains any oxygenate, biofuel or nonrefined product shall be clearly labeled with the name and ~~minimum~~ maximum percentage by volume of any ethanol or other oxygenate, biofuel or nonrefined product.

The director shall enforce this act and ~~may~~ shall periodically collect, ~~either by himself or his deputies,~~

1 samples of ~~petroleum,~~ engine fuel and antifreeze products
2 for analysis ~~from every storage tank directly supplying~~
3 these products to retail dispensing devices located at a
4 retail sales facility. At least one (1) sample per year
5 shall be taken from each storage tank located at a retail
6 sales facility. The director may collect samples from
7 pipelines, storage tanks and transport tanks at refineries
8 and intermediate storage and dispensing facilities as he
9 deems necessary.

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11 **40-7-106. Seizure and sale.**

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13 Any product sold, stored, transported or offered for sale
14 as a petroleum product, engine fuel or antifreeze in this
15 state which does not conform to the provisions of this act
16 or rules promulgated under it shall be seized by the
17 director ~~of the department of agriculture~~ and sold ~~by him~~
18 in accordance with state law. The proceeds of the sale
19 shall be applied on payment of court costs or other
20 necessary expenses incurred in making the seizure and
21 condemnation.

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1 **40-7-107. Analysis by state chemist; ASTM standards**
2 **to apply.**

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4 (a) The state chemist shall make, or cause to be made
5 under his direction, analysis and examinations of the
6 petroleum and antifreeze products furnished to him by the
7 ~~commissioner~~director, or his deputies, to determine
8 whether the products conform ~~with~~to this act and rules
9 promulgated under it and shall certify examination results
10 to the ~~commissioner~~director.

11
12 **Section 2.** W.S. 40-7-103(a)(i), (ii) and (v)(A) and
13 (B) is repealed.

14
15 **Section 3.**

16
17 (a) There is appropriated three hundred ninety
18 thousand six hundred dollars (\$390,600.00) from the general
19 fund to the department of agriculture for the period
20 beginning with the effective date of this act and ending
21 June 30, 2010. Notwithstanding any other provision of law,
22 this appropriation shall not be transferred or expended for
23 any other purpose and any unexpended, unobligated funds

1 remaining from this appropriation shall revert as provided
2 by law on June 30, 2010. This appropriation shall only be
3 expended as follows:

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5 (i) One hundred eighty thousand six hundred
6 dollars (\$180,600.00) to purchase equipment and instruments
7 necessary for the analytical testing program;

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9 (ii) Fifty thousand dollars (\$50,000.00) for
10 consumable supplies and contractual testing of octane in
11 selected samples by an external laboratory;

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13 (iii) One hundred sixty thousand dollars
14 (\$160,00.00) to coordinate and provide administrative
15 support for the collection of samples, inspection of
16 facilities and to perform analyses on the samples
17 collected.

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19 (b) The appropriation under paragraph (a)(i) of this
20 section shall not be included in the department of
21 agriculture's 2011-2012 standard biennial budget request.

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1 (c) A request of two hundred ten thousand dollars
2 (\$210,000.00) from the general fund shall be included in
3 the department of agriculture's 2011-2012 biennium standard
4 budget request for purposes of continuing funding of the
5 analytical testing program and the positions included under
6 subsection (d) of this section.

7

8 (d) There is authorized two (2) additional full-time
9 positions for the department of agriculture as follows:

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11 (i) One (1) position for the purposes of
12 coordinating laboratory analyses and inspections; and

13

14 (ii) One (1) position to perform inspections
15 across the state and assist with analysis in the
16 laboratory.

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18 **Section 4.** This act is effective July 1, 2009.

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(End)