



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2003 Assembly Bill 275**

**Assembly Substitute  
Amendment 1**

*Memo published:* June 19, 2003

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### **Current Law**

Current law directs the Department of Commerce to prescribe by rule minimum product grade specifications for gasoline, reformulated gasoline, and kerosene. Current law also authorizes the department to prescribe product grade specifications for automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and diesel fuels. The department's specifications are set forth in ch. Comm 48, Wis. Adm. Code.

### **Assembly Bill 275**

Assembly Bill 275 directs the Department of Commerce to set product grade specifications for **automotive gasoline** that prohibit this gasoline, beginning on August 1, 2004, from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE).

The bill directs the department to set standards for automotive gasoline **additives** that prohibit any person from offering for sale, distributing, blending, or manufacturing MTBE as an automotive gasoline additive in this state, beginning on August 1, 2004. Under the bill, it is not a violation of the prohibition on additives to offer for sale, distribute, blend, or manufacture an automotive gasoline containing not more than 0.5%, by volume, of MTBE.

Assembly Bill 275 directs the Department of Commerce to promulgate the prohibitions described above as an emergency rule for the period before the permanent rule becomes effective, but not to exceed the period authorized for an emergency rule under current law. In promulgating the emergency rule, the bill specifies that, notwithstanding current law, the department is not required to provide: (a) evidence that promulgating the emergency rule is necessary for the preservation of public peace, health, safety, or welfare; and (b) a finding of emergency.

Assembly Bill 275 contains a nonstatutory statement of legislative findings and purpose. The bill states that the purpose of the prohibitions on the use of MTBE described above is to reduce or eliminate the instances of MTBE contaminating groundwater.

**Assembly Substitute Amendment 1**

Assembly Substitute Amendment 1 directs the Department of Commerce to prescribe by rule product grade specifications that prohibit gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, beginning on August 1, 2004, from containing more than 0.5%, by volume, of MTBE. The substitute amendment provides an exception to this prohibition for any type of gasoline that is used as a racing fuel at racing events or in preparation for racing events.

Assembly Substitute Amendment 1 contains the same emergency rule and statement of legislative findings and purpose provisions as in Assembly Bill 275.

**Legislative History**

Representative Stephen Freese introduced Assembly Substitute Amendment 1 to 2003 Assembly Bill 275 on May 13, 2003. The Assembly Committee on Natural Resources recommended passage of Assembly Bill 275, as amended, on June 18, 2003, on a vote of Ayes, 10; Noes, 0; Absent, 1.

Assembly Substitute Amendment 1 is identical to a companion proposal, Senate Substitute Amendment 1 to 2003 Senate Bill 117, which passed the Senate on May 6, 2003. The Assembly Committee on Natural Resources recommended concurrence in Senate Bill 117 on June 18, 2003, on vote of Ayes, 10; Noes, 0; Absent, 1.

JES:rv;ksm