

2003 SENATE BILL 13

January 28, 2003 – Introduced by Senators SCHULTZ, A. LASEE, RISSER and HARSDORF, cosponsored by Representatives FREESE, GRONEMUS, LOEFFELHOLZ, HAHN, MUSSER, BIES, M. LEHMAN, OWENS, HINES, ALBERS and PETROWSKI. Referred to Committee on Agriculture, Financial Institutions and Insurance.

1 **AN ACT** *to renumber and amend* 168.04; and *to create* 168.04 (2), 168.04 (3)
2 and 168.04 (4) of the statutes; **relating to:** requiring ethanol in automotive
3 gasoline, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill requires Commerce to set, by rule, minimum specifications for automotive gasoline that require automotive gasoline, with certain exceptions, to contain a specified minimum percentage of ethanol produced in the United States. The amount of required ethanol is gradually increased from July 1, 2004, to July 1, 2008, by which date automotive gasoline generally must contain at least 10% ethanol.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 168.04 of the statutes is renumbered 168.04 (1) and amended to
5 read:

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1 168.04 (1) The department by rule shall prescribe minimum product grade
2 specifications for gasoline, automotive gasoline, reformulated gasoline, as defined in
3 s. 285.37 (1), and kerosene and may prescribe product grade specifications for
4 ~~automotive gasoline~~, gasoline–alcohol fuel blends, aviation gasoline, fuel oils, and
5 diesel fuels. ~~Automotive gasoline specifications shall include lead content. The rules~~
6 ~~shall, to the extent feasible, be in conformity with nationally recognized standards,~~
7 ~~specifications and classifications, such as those published by the American society~~
8 ~~for testing and materials, the society of automotive engineers and the U.S.~~
9 ~~environmental protection agency. The department may not promulgate or enforce~~
10 ~~a rule prohibiting additional information from placement on the dispensing device.~~

11 **SECTION 2.** 168.04 (2) of the statutes is created to read:

12 168.04 (2) (a) In this subsection:

13 1. “Domestic ethanol” means ethanol that is manufactured or produced in the
14 United States from grain or feedstock grown in the United States.

15 2. “Nonattainment area” has the meaning given in s. 285.01 (30).

16 (b) Except as provided in pars. (c) and (d), the rule promulgated by the
17 department under sub. (1) to set standards for automotive gasoline shall require
18 automotive gasoline to meet the following minimum ethanol fuel blend
19 requirements:

20 1. Beginning on July 1, 2004, automotive gasoline shall contain at least 3%
21 domestic ethanol.

22 2. Beginning on July 1, 2006, automotive gasoline shall contain at least 6%
23 domestic ethanol.

24 3. Beginning on July 1, 2008, automotive gasoline shall contain at least 10%
25 domestic ethanol.

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1 (c) The standards established under par. (b) do not apply to automotive gasoline
2 sold or used in a nonattainment area for ozone.

3 (d) The standards established under par. (b) do not apply to automotive
4 gasoline sold as fuel for tractors, farm machinery, aircraft, small engines, boat
5 motors, motorcycles, and antique motor vehicles specified by the department, by
6 rule. In determining which tractors, farm machinery, aircraft, small engines, boat
7 motors, motorcycles, and antique motor vehicles to specify, the department shall
8 consider whether the use of an ethanol-gasoline fuel blend will cause engine damage
9 to or significantly reduce the efficiency of the tractor, farm machinery, aircraft, small
10 engine, boat motor, motorcycle, or antique motor vehicle.

11 **SECTION 3.** 168.04 (3) of the statutes is created to read:

12 168.04 (3) Except as otherwise provided in this section, rules promulgated
13 under this section shall be in conformity with nationally recognized standards,
14 specifications, and classifications, such as those published by the American Society
15 for Testing and Materials, the Society of Automotive Engineers, and the U.S.
16 Environmental Protection Agency. The department may not promulgate or enforce
17 a rule prohibiting the placement of additional information on the dispensing device.

18 **SECTION 4.** 168.04 (4) of the statutes is created to read:

19 168.04 (4) A person who sells or dispenses automotive gasoline that violates
20 any rule promulgated under sub. (1) or (2) shall forfeit not less than \$10 nor more
21 than \$100. Each day on which a violation occurs is a separate violation.

22 (END)