

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 117**

**AN ACT** *to renumber and amend* 168.04; and *to create* 168.04 (2) and 168.04 (3) of the statutes; **relating to:** prohibiting methyl tertiary-butyl ether in gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, providing an exemption from emergency rule procedures, and granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

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

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

3           168.04 (1) The department by rule shall prescribe minimum product grade  
4 specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends,

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

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

11 168.04 (2) (a) Except as provided in par. (b), the rules required under sub. (1)  
12 shall prohibit gasoline, automotive gasoline, gasoline-alcohol fuel blends, and  
13 reformulated gasoline, as defined in s. 285.37 (1), beginning on August 1, 2004, from  
14 containing more than 0.5%, by volume, of methyl tertiary-butyl ether.

15 (b) The rules required under sub. (1) shall not prohibit racing fuel used at  
16 racing events or in preparation for racing events from containing any amount of  
17 methyl tertiary-butyl ether.

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

19 168.04 (3) Except as otherwise provided in this section, rules promulgated  
20 under this section shall be in conformity with nationally recognized standards,  
21 specifications, and classifications, such as those published by the American Society  
22 for Testing and Materials, the Society of Automotive Engineers, and the U.S.  
23 Environmental Protection Agency. The department may not promulgate or enforce  
24 a rule prohibiting the placement of additional information on the dispensing device.

25 **SECTION 4. Nonstatutory provisions.**

