

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2384/3dn
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April 4, 2003

Senator Schultz:

Please note that I included a requirement that Commerce promulgate emergency rules. If the bill is enacted near the end of the session (for example, in March 2004), Commerce may not have enough time to promulgate a permanent rule before August 1, 2004.

Also, I have included a statement of legislative intent to make it clear that the legislature is attempting to protect the groundwater from MTBE contamination. This statement is important to avoid an argument that the legislature is improperly attempting to regulate vehicle emissions—an area that is under the exclusive authority of the federal Environmental Protection Agency. See *Oxygenated Fuels Assn., Inc. v. Pataki*, 158 F. Supp. 2d 248 (2001).

Please let me know if you desire any additional changes.

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