

**2003 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB117)**

Received: **04/25/2003**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - IND**

By/Representing: **Stolzenberg**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies: **Sen. Schultz**

Submit via email: **YES**

Requester's email: **john.stolzenberg@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

**Pre Topic:**

No specific pre topic given

**Topic:**

SSA (exempt fuel used for vehicle racing) to SB-117 (prohiting MTBE)

**Instructions:**

Exempt fuels used in racing vehicles

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 04/30/2003	csicilia 04/30/2003		_____			
/1	rmarchan 05/01/2003	csicilia 05/02/2003	rschluet 04/30/2003	_____	sbasford 04/30/2003	sbasford 04/30/2003	
/2			jfrantze	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/02/2003 _____		05/02/2003	05/02/2003	

FE Sent For:

**<END>**

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/?      rmarchan

1 q =  $\frac{4/30}{03}$

*[Handwritten signatures and dates]*  
4-30-03

FE Sent For:

<END>

TCF Stolzenberg

— Gasoline-ethanol fuel blends need to be added to prohibitions

— In specifications, continue still prohibit  $x$  from containing  $> x\%$  by volume of MTBE

— Exception for aviation gasoline + gasoline used as a racing fuel at racing events

— In analysis say some examples of what exception includes (snowmobiles, ~~jet~~ watercraft, automobiles)

*ej* *Per MR*

2003 SENATE BILL 117

April 16, 2003 - Introduced by Senators SCHULTZ, COWLES, WELCH, WIRCH, DARLING, REYNOLDS and ZIEN, cosponsored by Representatives FREESE, GRONEMUS, GARD, M. LEHMAN, AINSWORTH, J. WOOD, SUDER, OTT, MUSSER, TOWNSEND, HINES, MILLER, OWENS, GIELOW, BIES, MONTGOMERY, HAHN, ALBERS, GUNDERSON, VAN ROY, WASSERMAN, ZIEGELBAUER, MCCORMICK, VRAKAS and NASS. Referred to Committee on Environment and Natural Resources.

*Regen. cat.*

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

*substitute amendment*

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 prohibit automotive gasoline from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE). *Similarly, the bill requires Commerce, by rule, to prohibit any person from offering for sale, distributing, blending, or manufacturing MTBE as an automotive gasoline additive (except that persons may offer for sale, distribute, blend, or manufacture automotive gasoline containing up to 0.5%, by volume, of MTBE).* These prohibitions first apply on August 1, 2004. MTBE is a chemical compound that is added to gasoline, often to boost the gasoline's octane or to meet clean fuel oxygen requirements.

*and gasoline-alcohol fuel blends  
Use 2+7*

*These prohibitions do not apply to aviation gasoline or ~~gasoline~~ used as a racing fuel at racing events, ~~including~~ *within the exception include, ~~including~~ automobile racing, snowmobile racing, and the racing of watercraft.**

*(Although the amendment does not define "racing event" the term would include such activities)*

SENATE BILL 117

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:*

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

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

↑ gasoline-alcohol fuel blends ↓

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

Except as provided in par. (b) ↓

168.04 (2) (a) ~~The rule promulgated by the department under sub. (1) to set standards for automotive gasoline shall prohibit automotive gasoline,~~ beginning on August 1, 2004, from containing more than 0.5%, by volume, of methyl tertiary-butyl ether.

Use 3x → and gasoline-alcohol fuel blends

(b) The rule promulgated by the department under sub. (1) to set standards for automotive gasoline ~~additives shall prohibit any person from offering for sale, distributing, blending, or manufacturing methyl tertiary-butyl ether as an~~

shall not prohibit aviation gasoline or ~~promulgate~~ racing fuel, at racing events from containing any amount of methyl tertiary-butyl ether.

used

**SENATE BILL 117**

1 automotive gasoline additive in this state, beginning on August 1, 2004. It is not a  
2 violation of such a rule for a person to offer for sale, distribute, blend, or manufacture  
3 automotive gasoline containing not more than 0.5%, by volume, of methyl  
4 tertiary-butyl ether.

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

6 168.04 (3) Except as otherwise provided in this section, rules promulgated  
7 under this section shall be in conformity with nationally recognized standards,  
8 specifications, and classifications, such as those published by the American Society  
9 for Testing and Materials, the Society of Automotive Engineers, and the U.S.  
10 Environmental Protection Agency. The department may not promulgate or enforce  
11 a rule prohibiting the placement of additional information on the dispensing device. ✓

12 **SECTION 4. Nonstatutory provisions.**

13 (1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes,  
14 the department of commerce shall promulgate the rule described under section  
15 168.04 (2) of the statutes, as created by this act, for the period before the permanent  
16 rule becomes effective, but not to exceed the period authorized under section 227.24  
17 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)  
18 of the statutes, the department is not required to provide evidence that promulgating  
19 a rule under this subsection as an emergency rule is necessary for the preservation  
20 of the public peace, health, safety, or welfare and is not required to provide a finding  
21 of emergency for the rule promulgated under this subsection.

22 (2) STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that  
23 methyl tertiary-butyl ether may contaminate groundwater through various means,  
24 including leaking fuel storage tanks and pipelines, refueling spills, automobile  
25 accidents, and improper consumer disposal of gasoline. As a result of its odor and

**SENATE BILL 117**

1 taste, methyl tertiary-butyl ether can make drinking water supplies undrinkable.  
2 The purpose of section 168.04 (2) of the statutes, as created by this act, is to reduce  
3 or eliminate the instances of methyl tertiary-butyl ether contaminating  
4 groundwater.

5 (END)

5-2-03

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SENATE SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 117

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

Repeal

reformulated  
and reformulated  
gasoline,  
gasoline,

gasoline,  
gasoline,

**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 substitute amendment requires Commerce to set, by rule, minimum specifications for automotive gasoline, ~~and~~ gasoline-alcohol fuel blends, ~~that prohibit automotive gasoline and gasoline-alcohol fuel blends~~ from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE). MTBE is a chemical compound that is added to gasoline, often to boost the gasoline's octane or to meet clean fuel oxygen requirements. These prohibitions first apply on August 1, 2004. These prohibitions do not apply, though, ~~to aviation gasoline~~ or to racing fuel used at racing events. Although the substitute amendment does not define "racing event,"

and reformulated  
gasoline

gasoline,

these  
fuels

or in preparation for racing events

*Weekly*  
the term would include such events as automobile racing, snowmobile racing, and the racing of watercraft.

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

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

15 168.04 (2) (a) Except as provided in par. (b), the <sup>required</sup> rule promulgated by the <sup>rules required</sup>  
16 ~~department~~ under sub. (1) ~~to set standards for automotive gasoline, and~~  
17 ~~gasoline-alcohol fuel blends, shall prohibit automotive gasoline, and gasoline-alcohol~~  
18 ~~fuel blends, beginning on August 1, 2004, from containing more than 0.5%, by~~  
19 ~~volume, of methyl tertiary-butyl ether.~~ <sup>(gasoline)</sup> <sup>, and reformulated gasoline, as defined in s. 285.37 (1),</sup>

20 <sup>rules required</sup> (b) The rule promulgated by the department under sub. (1) ~~to set standards for~~  
21 ~~automotive gasoline and gasoline-alcohol fuel blends~~ shall not prohibit aviation

1 ~~gasoline~~ racing fuel used at racing events <sup>or in preparation for</sup> from containing any amount of methyl  
2 tertiary-butyl ether.

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

4 168.04 (3) Except as otherwise provided in this section, rules promulgated  
5 under this section shall be in conformity with nationally recognized standards,  
6 specifications, and classifications, such as those published by the American Society  
7 for Testing and Materials, the Society of Automotive Engineers, and the U.S.  
8 Environmental Protection Agency. The department may not promulgate or enforce  
9 a rule prohibiting the placement of additional information on the dispensing device.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes,  
12 the department of commerce shall promulgate the rule<sup>s</sup> described under section  
13 168.04 (2) of the statutes, as created by this act, for the period before the permanent  
14 rule<sup>s</sup> becomes effective, but not to exceed the period authorized under section 227.24  
15 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)  
16 of the statutes, the department is not required to provide evidence that promulgating  
17 a rule under this subsection as an emergency rule is necessary for the preservation  
18 of the public peace, health, safety, or welfare and is not required to provide a finding  
19 of emergency for the rule<sup>s</sup> promulgated under this subsection.

20 (2) STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that  
21 methyl tertiary-butyl ether may contaminate groundwater through various means,  
22 including leaking fuel storage tanks and pipelines, refueling spills, automobile  
23 accidents, and improper consumer disposal of gasoline. As a result of its odor and  
24 taste, methyl tertiary-butyl ether can make drinking water supplies undrinkable.  
25 The purpose of section 168.04 (2) of the statutes, as created by this act, is to reduce

1 or eliminate the instances of methyl tertiary-butyl ether contaminating  
2 groundwater.

3 (END)