

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB15)

Received: 02/25/2005

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: Kurt

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Freese@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Effective date and penalty revision and exemptions

Instructions:

See Attached

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>
/?	rkite 03/01/2005	wjackson 03/01/2005		_____			State
/1			pgreensl 03/01/2005	_____	lemery 03/01/2005	lemery 03/01/2005	

FE Sent For:

<END>

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/?	rkite	1/1 WJ 3/1	3/1 pr	3/1 pr/ks			

FE Sent For:

<END>

AB-15 -

Kurt in Rep. Freese's office called - 2/25/05

Wants sub. amendment by end of day on
Tues for hearing on Thurs. -

Change eff. date of rule to 10/1/07

take out penalty provision

take out emergency rules provision

apply exemption for all premium grade
gasoline

Kurt -

6-7502

~~ethanol~~
ethanol must meet ^{quality} ASTM standards
~~can't~~

producer can't bring ethanol into state
unless it meets standards
must file - Dept. of Commerce -
copies of texts showing they meet
standards -

Per Kurt -

New changes -

ethanol requirements only apply to
gasoline that is 87 octane
can then take out exceptions for premium
grade gas because it has a higher
octane rating

2005

Date (time) needed

Tues. aft (3-1-05)

LRBs 0032/1

SUBSTITUTE AMENDMENT [TO A BILL]

RNK: WLJ

Use the appropriate components and routines developed for substitute amendments.

S A SUBSTITUTE AMENDMENT

TO 2005 SB AB 15 (LRB-)

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to:

.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.



2005 ASSEMBLY BILL 15

January 18, 2005 - Introduced by Representatives FREESE, DAVIS, SUDER, GRONEMUS, OTT, GARD, KREIBICH, GUNDERSON, KERKMAN, WOOD, VOS, WARD, PETROWSKI, OWENS, ALBERS, LOEFFELHOLZ, JESKEWITZ, TOWNS, MCCORMICK, LOTHIAN, AINSWORTH, HAHN, HINES, HONADEL, MUSSER, NERISON, M. WILLIAMS, VRUWINK, BIES and VAN ROY, cosponsored by Senators HARSDFORF, ERPENBACH, ZIEN, BROWN, RISSER, KAPANKE, DECKER, SCHULTZ and STEPP. Referred to Committee on Agriculture.

- 1 AN ACT *regen. cat.* to create 168.04 (2m) and 168.04 (4) of the statutes; relating to: ethanol
- 2 requirements in automotive gasoline, ^{SET comma} ~~providing an exemption from emergency~~
- 3 ~~rule procedures,~~ 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, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill provides that the minimum specifications for automotive gasoline must require that automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol. Under the bill certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

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:

insert analysis

ASSEMBLY BILL 15

SECTION 1. 168.04 (2m) of the statutes is created to read:

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

1. "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

2. "Collector vehicle" means a motor vehicle of any age that has not been altered or modified from original manufacturers' specifications and, because of its historic interest, is being preserved by hobbyists.

3. "Premium grade gasoline" means automotive gasoline that is unleaded and that has an octane rating of at least 91.

4. "Resort" means any lodging place where sleeping accommodations are offered for pay to tourists or transients.

(a) Except as provided in par. (bn), the rule promulgated by the department under sub. (1) to set standards for automotive gasoline shall require that beginning on the 90th day after the effective date of this paragraph ... [revisor inserts date], automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol. *that has an octane rating of 87*

(bn) If the 90th day after the effective date of this paragraph ... [revisor inserts date], falls on or after July 2, 2006, the beginning date for the rule under par. (b) shall be July 1, 2006, or the effective date of this paragraph ... [revisor inserts date], whichever is later.

(b) The standards established under par. (a) do not apply to any of the following:

1. Premium grade gasoline that is sold as fuel at an airport, marina, mooring area, or resort, for use in aircraft, a collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small engine.

2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to be used exclusively as a fuel for motor sports racing events at a racetrack.

October 1, 2007

Not

Not

ASSEMBLY BILL 15

1 3. Premium grade gasoline that is sold at a retail gasoline station for use in a
 2 collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small
 3 engine if no more than one storage tank on the premises of the retail gasoline station
 4 is used for storage of the premium grade gasoline and the pump from which the
 5 premium grade gasoline is dispensed is posted with a permanent notice stating that
 6 the pump dispenses nonoxygenated gasoline for use only in collector vehicles,
 7 all-terrain vehicles, motorcycles, boats, snowmobiles, and small engines.

8 4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead,
 9 that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended
 10 for use in aircraft.

11 **SECTION 2.** 168.04 (4) of the statutes is created to read:

12 168.04 (4) A person who sells or dispenses automotive gasoline that violates
 13 any rule promulgated under sub. (1), (2), or (2m) shall forfeit not less than \$10 nor
 14 more than \$100. Each day on which a violation occurs is a separate violation.

15 **SECTION 3. Nonstatutory provisions.**

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

(END)

insert
3-24 →

25

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0032/?ins
RNK:.....

INSERT ANALYSIS

This substitute amendment provides that, beginning October 1, 2007, the minimum specifications for automotive gasoline must require that automotive gasoline with an octane rating of 87 contain not less than 9.2 percent nor more than 10 percent ethanol. Under the substitute amendment, automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack is exempt from the minimum specifications.

The substitute amendment also prohibits an ethanol producer from delivering or selling ethanol in this state that is intended for use in automotive gasoline unless the ethanol producer tests the ethanol to ensure that it conforms with ASTM quality standards and files a copy of those tests with Commerce.

INSERT 3-24

American Society for
Testing and Materials

SECTION ~~1~~ 168.045 of the statutes is created to read:

168.045 Ethanol quality testing. No ethanol producer may deliver, sell, or offer to sell ethanol intended for use in automotive gasoline in this state to any person in this state unless all of the following apply:

(1) The ethanol producer tests the ethanol to ensure that it conforms with quality standards for ethanol published by the American Society for Testing and Materials.

(2) The ethanol producer files a copy of the tests conducted under sub. (1) with the department.