



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 117

**Senate Substitute
Amendment 1**

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Current Law

Current law directs the Department of Commerce to prescribe by rule minimum product grade specifications for gasoline, reformulated gasoline, and kerosene. Current law also authorizes the department to prescribe product grade specifications for automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and diesel fuels. The department's specifications are set forth in ch. Comm 48, Wis. Adm. Code.

Senate Bill 117

Senate Bill 117 directs the Department of Commerce to set product grade specifications for automotive gasoline that prohibit this gasoline, beginning on August 1, 2004, from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE). The bill also directs the department to set standards for automotive gasoline additives that prohibit any person from offering for sale, distributing, blending, or manufacturing MTBE as an automotive gasoline additive in this state, beginning on August 1, 2004. The bill provides an exception to this prohibition on additives for the offering for sale, distributing, blending, or manufacturing an automotive gasoline containing not more than 0.5%, by volume, of MTBE.

Senate Bill 117 directs the Department of Commerce to promulgate the prohibitions described above as an emergency rule for the period before the permanent rule becomes effective, but not to exceed the period authorized for an emergency rule under current law. In promulgating the emergency rule, the bill specifies that, notwithstanding current law, the department is not required to provide: (a) evidence that promulgating the emergency rule is necessary for the preservation of public peace, health, safety, or welfare; and (b) a finding of emergency.

Senate Bill 117 specifies a nonstatutory statement of legislative findings and purpose. The bill states that the purpose of the prohibitions on the use of MTBE described above is to reduce or eliminate the instances of MTBE contaminating groundwater.

Senate Substitute Amendment 1

Senate Substitute Amendment 1 directs the Department of Commerce to prescribe by rule product grade specifications that prohibit gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, beginning on August 1, 2004, from containing more than 0.5%, by volume, of MTBE. The substitute amendment also provides an exception to this prohibition for any of the specified types of gasoline that are used as a racing fuel at racing events or in preparation for racing events.

Senate Substitute Amendment 1 contains the same emergency rule and statement of legislative findings and purpose provisions as in Senate Bill 117.

Legislative History

Senator Dale Schultz introduced Senate Substitute Amendment 1 to 2003 Senate Bill 117 on May 5, 2003. The Senate Committee on Organization attached an emergency statement to Senate Bill 117 pursuant to s. 16.47 (2), Stats., on a vote of Ayes, 5; Noes, 0, on May 6, 2003. The Senate adopted Senate Substitute Amendment 1 to Senate Bill 117 and passed Senate Bill 117, as amended, by voice votes on May 6, 2003.

JES:rv;ksm