

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 07/10/2007 (Per: CTS)





 Appendix A ... Part 01 of 02

 The 2007 drafting file for LRBb0871/1

has been copied/added to the drafting file for

2007 LRBb1138

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/28/2007**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing:

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Change definition of cost to retailer for ethanol blend

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>
/?	csundber 06/28/2007	csicilia 06/28/2007		_____			
/1			rschluet 06/28/2007	_____	lparisi 06/28/2007	lparisi 06/28/2007	

FE Sent For:

<END>

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Received: 06/28/2007

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Wanted: As time permits

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This file may be shown to any legislator: NO

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Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

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/?	csundber	1 cjs 6/28/07					
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FE Sent For:

<END>

4/29 J. Wood

redraft LRB bottle 8/2: use different section #
in Ch. 100.

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: CTS) (Date: 6/28/07)



Please transfer the drafting file for

2005 LRB _____ to the drafting file

for 2007 LRB _____

The final version of the 2005 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2005 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2007 LRB b 0768 / 1 Z (include the version) and place it in the

drafting file for 2007 LRB b 0871

For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

b0871/1
LRBb0768/2
CTS:cjs:re
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stays

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1210, line 10: after that line insert:

3 **"SECTION ~~2606d~~ 100.301** of the statutes is created to read:

4 **100.301 Ethanol; cost to retailer, terminal.** Notwithstanding any other

5 provision in this chapter, for purposes of any law regulating the minimum price of

6 motor vehicle fuel, with respect to the sale of motor vehicle fuel containing ethanol:

7 **(1)** "Cost to retailer" means the following:

8 (a) In the case of the retail sale of motor vehicle fuel containing ethanol by a

9 refiner at a retail station owned or operated either directly or indirectly by the

10 refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor

11 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except

12 customary discounts for cash, plus any excise, sales or use taxes imposed on the

2603t

299

1 motor vehicle fuel or on its sale and any cost incurred for transportation and any
2 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus
3 a markup of 9.18% of that amount to cover a proportionate part of the cost of doing
4 business; or the average posted terminal price at the terminal located closest to the
5 retail station plus a markup of 9.18% of the average posted terminal price to cover
6 a proportionate part of the cost of doing business; whichever is less.

7 (b) In the case of the retail sale of motor vehicle fuel containing ethanol by a
8 wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or
9 operated either directly or indirectly by the wholesaler of motor vehicle fuel, the
10 invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within
11 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel,
12 whichever is lower, less all trade discounts except customary discounts for cash, plus
13 any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale, and any
14 cost incurred for transportation and any other charges not otherwise included in the
15 invoice cost or replacement cost of the motor vehicle fuel, plus a markup of 9.18% of
16 that amount to cover a proportionate part of the cost of doing business; or the average
17 posted terminal price at the terminal located closest to the retail station plus a
18 markup of 9.18% of the average posted terminal price to cover a proportionate part
19 of the cost of doing business; whichever is less.

20 (c) In the case of the retail sale of motor vehicle fuel containing ethanol by a
21 person other than a refiner or a wholesaler of motor vehicle fuel at a retail station,
22 the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the
23 date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less
24 all trade discounts except customary discounts for cash, plus any excise, sales or use
25 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for

1 transportation and any other charges not otherwise included in the invoice cost or
2 the replacement cost of the motor vehicle fuel, plus a markup of 6% of that amount
3 to cover a proportionate part of the cost of doing business; or the average posted
4 terminal price at the terminal located closest to the retailer plus a markup of 9.18%
5 of the average posted terminal price to cover a proportionate part of the cost of doing
6 business; whichever is less.

7 (2) "Terminal" means a facility in which ethanol is produced for use as a motor
8 vehicle fuel."

9

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0871/1
CTS:cjs:rs

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1210, line 10: after that line insert:

3 "SECTION 2603t. 100.299 of the statutes is created to read:

4 **100.299 Ethanol; cost to retailer, terminal.** Notwithstanding any other
5 provision in this chapter, for purposes of any law regulating the minimum price of
6 motor vehicle fuel, with respect to the sale of motor vehicle fuel containing ethanol:

7 (1) "Cost to retailer" means the following:

8 (a) In the case of the retail sale of motor vehicle fuel containing ethanol by a
9 refiner at a retail station owned or operated either directly or indirectly by the
10 refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor
11 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except
12 customary discounts for cash, plus any excise, sales or use taxes imposed on the

1 motor vehicle fuel or on its sale and any cost incurred for transportation and any
2 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus
3 a markup of 9.18% of that amount to cover a proportionate part of the cost of doing
4 business; or the average posted terminal price at the terminal located closest to the
5 retail station plus a markup of 9.18% of the average posted terminal price to cover
6 a proportionate part of the cost of doing business; whichever is less.

7 (b) In the case of the retail sale of motor vehicle fuel containing ethanol by a
8 wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or
9 operated either directly or indirectly by the wholesaler of motor vehicle fuel, the
10 invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within
11 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel,
12 whichever is lower, less all trade discounts except customary discounts for cash, plus
13 any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale, and any
14 cost incurred for transportation and any other charges not otherwise included in the
15 invoice cost or replacement cost of the motor vehicle fuel, plus a markup of 9.18% of
16 that amount to cover a proportionate part of the cost of doing business; or the average
17 posted terminal price at the terminal located closest to the retail station plus a
18 markup of 9.18% of the average posted terminal price to cover a proportionate part
19 of the cost of doing business; whichever is less.

20 (c) In the case of the retail sale of motor vehicle fuel containing ethanol by a
21 person other than a refiner or a wholesaler of motor vehicle fuel at a retail station,
22 the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the
23 date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less
24 all trade discounts except customary discounts for cash, plus any excise, sales or use
25 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for

1 transportation and any other charges not otherwise included in the invoice cost or
2 the replacement cost of the motor vehicle fuel, plus a markup of 6% of that amount
3 to cover a proportionate part of the cost of doing business; or the average posted
4 terminal price at the terminal located closest to the retailer plus a markup of 9.18%
5 of the average posted terminal price to cover a proportionate part of the cost of doing
6 business; whichever is less.

7 (2) "Terminal" means a facility in which ethanol is produced for use as a motor
8 vehicle fuel."

9 (END)