



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 02 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.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

Date Transfer Requested: 06/28/2007 (Per: CTS)





Appendix A

 The 2007 drafting file for LRB-0768/2

has been copied/added to the drafting file for

2007 LRB-0871

 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: 06/27/2007

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

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 06/27/2007	csicilia 06/27/2007		_____			
/1	csundber 06/28/2007	csicilia 06/28/2007	pgreensl 06/27/2007	_____	lparisi 06/27/2007	lparisi 06/27/2007	
/2			rschluet 06/28/2007	_____	mbarman 06/28/2007	mbarman 06/28/2007	

LRBb0768

06/28/2007 11:11:53 AM

Page 2

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: 06/27/2007

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

Drafter: csundber

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

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Pre Topic:

No specific pre topic given

Topic:

Change definition of cost to retailer for ethanol blend

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See Attached

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/?	csundber 06/27/2007	csicilia 06/27/2007					
/1		1/2 cjs 6/28 07	pgreensl 06/27/2007		lparisi 06/27/2007	lparisi 06/27/2007	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: 06/27/2007

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

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1?	csundber	145 6/27 07	6/27 10/1 PS	6/27 10/1 PS/SH			
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6/27/07 Tony/Woods

Budget amend: For ethanol blends, change "cost to retailer to lesser of replacement cost vs. average terminal price



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0768/M
CTS: /:...

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
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 v "SECTION ²⁶⁰³~~2607~~k. 100.30 (2) (am) 1m. (intro.) of the statutes is amended to read:
- 4 100.30 (2) (am) 1m. (intro.) With respect to the sale of motor vehicle fuel, and
- 5 subject to subd. 1r. "cost to retailer" means the following:
- 6 History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55; 2001 a. 16.
SECTION ²⁶⁰³~~2607~~L. 100.30 (2) (am) 1r. of the statutes is created to read:
- 7 100.30 (2) (am) 1r. With respect to the sale of motor vehicle fuel containing
- 8 ethanol, "cost to retailer" means the following:
- 9 a. In the case of the retail sale of motor vehicle fuel containing ethanol by a
- 10 refiner at a retail station owned or operated either directly or indirectly by the
- 11 refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor

1 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except
2 customary discounts for cash, plus any excise, sales or use taxes imposed on the
3 motor vehicle fuel or on its sale and any cost incurred for transportation and any
4 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus
5 a markup of 9.18% of that amount to cover a proportionate part of the cost of doing
6 business; or the average posted terminal price at the terminal located closest to the
7 retail station plus a markup of 9.18% of the average posted terminal price to cover
8 a proportionate part of the cost of doing business; whichever is lesser.

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

22 c. In the case of the retail sale of motor vehicle fuel containing ethanol by a
23 person other than a refiner or a wholesaler of motor vehicle fuel at a retail station,
24 the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the
25 date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less

1 all trade discounts except customary discounts for cash, plus any excise, sales or use
2 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for
3 transportation and any other charges not otherwise included in the invoice cost or
4 the replacement cost of the motor vehicle fuel, plus a markup of 6% of that amount
5 to cover a proportionate part of the cost of doing business; or the average posted
6 terminal price at the terminal located closest to the retailer plus a markup of 9.18%
7 of the average posted terminal price to cover a proportionate part of the cost of doing
8 business; whichever is lesser.

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INSERTX

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0768/lins
CTS:.....

INSERT X

2606j

and 1r.

1 SECTION 2603m. 100.30 (2m) (c) of the statutes is amended to read:
2 100.30 (2m) (c) When 2 or more terminals are included in the same geographic
3 area by a petroleum price reporting service, they shall be considered one terminal
4 for purposes of sub. (2) (am) 1m. a., b. and c.

History: 1973 c. 310; 1979 c. 34 ss. 950a to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55; 2001 a. 16.

PLAIN

NEW

2007 - 2008 LEGISLATURE

LRBb0768/2

CTS:cjs/pg

stays

D-note

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

2606d

no ¶ 100.301 of the statutes is created to read:
(1) 100.301 Ethanol; cost to retailer, terminal.
no ¶ Notwithstanding any other provision in this chapter, for purposes of any law regulating the minimum price of motor vehicle fuel, with respect to the sale of motor vehicle fuel containing ethanol:

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

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

3 "SECTION ~~2603L~~ 100.30 (2) (am) 1m. (intro.) of the statutes is amended to read:

4 100.30 (2) (am) 1m. (intro.) With respect to the sale of motor vehicle fuel, and
5 subject to subd. 1r., "cost to retailer" means the following:

6 SECTION 2603L. 100.30 (2) (am) 1r. of the statutes is created to read:

7 100.30 (2) (am) 1r. With respect to the sale of motor vehicle fuel containing

8 ethanol, "cost to retailer" means the following:

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

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

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

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

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

8 SECTION 2606j. 100.30 (2m) (c) of the statutes is amended to read:
9 100.30 (2m) (c) When 2 or more terminals are included in the same geographic
10 area by a petroleum price reporting service, they shall be considered one terminal
11 for purposes of sub. (2) (am) 1m. a., b. and c. and 1r.

12 (END)

④ ② "Terminal" means a facility in which ethanol is produced for use as a motor vehicle fuel."

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

LRBb0769/2dn

CTS: /:....

cts

Representative Wood:

Please review this amendment carefully to ensure it is consistent with your intent. Note that the amendment creates language that supersedes provisions in current s. 100.30 without specifically identifying s. 100.30, contrary to Joint Rule 52 (6). Also, it is possible that a court called upon to construe s. 100.30 might not give effect to the language contained in the amendment. ✓
✓

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E-mail:
christopher.sundberg@legis.wisconsin.gov

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

LRBb0768/2dn
CTS:cjs:rs

June 28, 2007

Representative Wood:

Please review this amendment carefully to ensure it is consistent with your intent. Note that the amendment creates language that supersedes provisions in current s. 100.30 without specifically identifying s. 100.30, contrary to Joint Rule 52 (6). Also, it is possible that a court called upon to construe s. 100.30 might not give effect to the language contained in the amendment.

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0768/2
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 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

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)