

2009 DRAFTING REQUEST

Senate Amendment (SA-SB279)

Received: **04/09/2010**

Received By: **csundber**

Wanted: **As time permits**

Companion to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Matt Pagel**

May Contact:

Drafter: **csundber**

Subject: **Trade Regulation - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Hold harmless provision for sellers of blending stock

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 04/09/2010 | nmatzke 04/09/2010 | | _____ | | | |
| /1 | | | mduchek 04/09/2010 | _____ | sbasford 04/09/2010 | sbasford 04/09/2010 | |

FE Sent For:

<END>

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csundber

/1 nwn
4/9


4/9

FE Sent For:

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Sundberg, Christopher

From: Pagel, Matt
Sent: Friday, April 09, 2010 10:35 AM
To: Sundberg, Christopher
Subject: FW: amendments for SB 279

Attachments: 20100405120402692.pdf; Picture (Enhanced Metafile)

Becky it was a pdf which I will send you in its entirety you can skip it all except the SC provision, that is the only useful part of what they sent.

From: Pagel, Matt
Sent: Monday, April 05, 2010 2:23 PM
To: Konopacki, Larry
Cc: Pagel, Matt
Subject: SB 279



2010040512040269
2.pdf (194 KB)...

Matthew Pagel
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
Matt.Pagel@legis.wisconsin.gov

From: Tradewell, Becky
Sent: Friday, April 09, 2010 9:24 AM
To: Pagel, Matt
Cc: Sundberg, Christopher
Subject: RE: amendments for SB 279

Matt,

I can't figure out how to see or print all of the text in your message from the South Carolina legislation. You may have to send a hard copy over.

Chris Sundberg drafted the unblended fuel requirement, so please send the information to him. I will talk to Chris about how to refer to the nonattainment area.

Becky
6-7290

From: Pagel, Matt
Sent: Friday, April 09, 2010 9:16 AM
To: Tradewell, Becky
Subject: amendments for SB 279

Becky there are two areas that Senator Kreitlow is looking to draft amendments:

1. An amendment that would exempt the non attainment zone from the unblended fuel requirement
 2. A hold harmless amendment for liability if the product is mixed poorly resulting in litigation
- Hold Harmless which I copied sample language from SC below

Here is the hold harmless provision in the South Carolina legislation (H 3707):

Wholesalers purchasing gasoline, gasoline blending stock, or diesel are responsible for ensuring that their activities result in gasolines and diesels that meet the standards promulgated by the Commissioner of Agriculture. Refiners, suppliers, and permissive suppliers shall not be liable for fines, penalties, injuries, or damages arising out of the subsequent blending of gasoline, gasoline blending stock, or diesel pursuant to this section. An entity that does not blend the product at issue has no duty with respect to blending and shall not be liable for fines, penalties, injuries, or damages arising out of blending that does not meet those standards.

An entity that purchases an unblended product and subsequently blends that product with ethanol or biodiesel shall provide notice to the purchasing entity's consumers, at the pump or another prominent location near the pump, identifying the entity that performed the blending."

Matthew Pagel
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2009 SENATE BILL 279

1 At the locations indicated, amend the bill as follows:

2 **1.** Page, line 11: after that line insert:

3 “(f) A motor fuel grantor²⁰ is not liable for penalties or damages arising out of the
4 subsequent blending by another person of gasoline provided under this subsection.
5 A motor fuel dealer[✓] that purchases gasoline that is not blended with ethanol and
6 later sells the gasoline blended with ethanol shall provide prominent notice to the
7 motor fuel dealer’s customers identifying the person that blended the gasoline with
8 ethanol.”[✓]

9 (END)