



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2853/1
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2023 ASSEMBLY BILL 455

September 28, 2023 - Introduced by Representatives NOVAK, MURSAU, OLDENBURG, ROZAR and SCHMIDT, cosponsored by Senator BALLWEG. Referred to Committee on Transportation.

1 **AN ACT to create** 20.115 (1) (f) and 168.107 of the statutes; **relating to:** creating
2 fuel blend requirements for new gas stations, providing grants for fuel blend
3 compatibility improvements, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires new retail or wholesale fueling facilities that are built on vacant land to ensure that 1) all of the facility's equipment used to store or dispense gasoline is capable of storing or dispensing a gasoline-ethanol fuel blend that contains at least 25 percent ethanol by volume; and 2) all of the facility's equipment used to store or dispense petroleum-based diesel fuel is capable of storing or dispensing a biodiesel fuel blend that contains at least 20 percent biodiesel by volume. The bill requires the Department of Agriculture, Trade and Consumer Protection to provide grants to such facilities for this purpose, in an amount of \$1,000 for each new dispenser or the increased cost to retrofit dispensers to meet this requirement, whichever is less. Such a grant may not be made to a facility that has received federal funds for this purpose. DATCP may not provide more than \$15,000 to any single facility. Under the bill, a facility that receives such a grant must provide, from each dispenser funded by the grant, a gasoline-ethanol fuel blend that contains at least 15 percent ethanol by volume or a biodiesel fuel blend that contains at least 20 percent biodiesel by volume.

The bill also requires DATCP to provide grants to existing retail or wholesale fueling facilities to allow the facility to be able to store or dispense a gasoline-ethanol fuel blend that contains at least 25 percent ethanol by volume or a biodiesel fuel

ASSEMBLY BILL 455

blend that contains at least 20 percent biodiesel by volume. Such a grant may be made in an amount up to 50 percent of the cost to the facility for any equipment or infrastructure installed or replaced for this purpose. Such a grant may not be made to a facility that has received federal funds for this purpose. Under the bill, a facility that receives such a grant must provide, from each dispenser funded by the grant, a gasoline-ethanol fuel blend that contains at least 15 percent ethanol by volume or a biodiesel fuel blend that contains at least 20 percent biodiesel by volume.

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:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

| | 2023-24 | 2024-25 |
|---|----------------|----------------|
| 3 20.115 Agriculture, trade and consumer | | |
| 4 protection, department of | | |

5 (1) **FOOD SAFETY AND CONSUMER PROTECTION**

| | | | | |
|---|-----|---|-----------|-----|
| 6 (f) Fuel blend compatibility grants | GPR | C | 8,000,000 | -0- |
|---|-----|---|-----------|-----|

7 **SECTION 2.** 20.115 (1) (f) of the statutes is created to read:

8 20.115 (1) (f) *Fuel blend compatibility grants.* As a continuing appropriation,
9 the amounts in the schedule to provide grants under s. 168.107.

10 **SECTION 3.** 168.107 of the statutes is created to read:

11 **168.107 Requirements and financial assistance for fuel blend**
12 **compatibility.** (1) **FUEL BLEND REQUIREMENTS FOR NEW CONSTRUCTION; FINANCIAL**
13 **ASSISTANCE.** (a) A facility that offers for sale, at retail or wholesale, gasoline or
14 petroleum-based diesel fuel and that is constructed on vacant land after the effective
15 date of this paragraph [LRB inserts date], shall ensure that all of the following
16 conditions are met:

ASSEMBLY BILL 455

1 1. All of the facility's equipment used to store or dispense gasoline is capable
2 of storing or dispensing a gasoline-ethanol fuel blend that contains at least 25
3 percent ethanol by volume.

4 2. All of the facility's equipment used to store or dispense petroleum-based
5 diesel fuel is capable of storing or dispensing a biodiesel fuel blend that contains at
6 least 20 percent biodiesel fuel, as defined in s. 168.14 (2m) (a), by volume.

7 (b) The department shall provide grants to facilities for the purpose of
8 complying with par. (a). A facility is not eligible to receive a grant under this
9 paragraph if the facility has received federal funds for this purpose. The department
10 may not provide more than \$15,000 in total grants to the same facility under this
11 paragraph. A grant under this paragraph shall be provided in one of the following
12 amounts, whichever is less:

13 1. For each fuel dispenser, \$1,000.

14 2. An amount equal to the difference between the cost of a fuel dispenser that
15 does not comply with the provisions in par. (a) 1. and 2. and the cost of a fuel dispenser
16 that complies with the provisions in par. (a) 1. and 2.

17 (c) For the 5 years following the receipt of a grant under par. (b), the facility
18 shall offer for sale, from each piece of dispensing equipment that is funded by the
19 grant, a gasoline-ethanol fuel blend that contains at least 15 percent ethanol by
20 volume or a biodiesel fuel blend that contains at least 20 percent biodiesel fuel, as
21 defined in s. 168.14 (2m) (a), by volume.

22 **(2) FINANCIAL ASSISTANCE FOR FUEL BLEND COMPATIBILITY IMPROVEMENTS.** (a)
23 Unless sub. (1) applies, the department shall provide grants to facilities that offer for
24 sale, at retail or wholesale, gasoline or petroleum-based diesel fuel for the purpose
25 of allowing the facility to store or dispense a gasoline-ethanol fuel blend that

ASSEMBLY BILL 455**SECTION 3**

1 contains at least 25 percent ethanol by volume or a biodiesel fuel blend that contains
2 at least 20 percent biodiesel fuel, as defined in s. 168.14 (2m) (a), by volume. A grant
3 under this paragraph may be provided in an amount up to 50 percent of the cost to
4 the facility for any equipment or infrastructure installed or replaced for this purpose.
5 A facility is not eligible to receive a grant under this paragraph if the facility has
6 received federal funds for this purpose.

7 (b) For the 5 years following the receipt of a grant under par. (a), the facility
8 shall offer for sale, from each piece of dispensing equipment that is funded by the
9 grant, a gasoline-ethanol fuel blend that contains at least 15 percent ethanol by
10 volume or a biodiesel fuel blend that contains at least 20 percent biodiesel fuel, as
11 defined in s. 168.14 (2m) (a), by volume.

12 **SECTION 4. Initial applicability.**

13 (1) The treatment of s. 168.107 (1) first applies to a facility that offers gasoline
14 or petroleum-based diesel fuel for sale, for the first time, on the effective date of this
15 subsection.

16 (END)