

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3296/P1dn
MCP:emw

September 29, 2015

Senator Cowles:

This is a preliminary draft creating a propane check-off program administered by the Wisconsin Propane Education and Research Council.

Please note that, consistent with your request, the majority of the provisions included in the federal propane check-off program are not included in this state program. For example, I have not included any description of what the collected assessments should be used for, or any provision that prohibits the assessments from being passed on to the consumer. If you would like to discuss the differences between the federal program and the program that is created in this bill, or if you would like to include any of the provisions from the federal program under state law, please let me know.

I have made some assumptions that may not be consistent with your intent. In particular, this draft:

1. Requires the referendum approving the assessments to be conducted at the council's expense (consistent with the federal program).
2. Requires the referendum to be conducted only among members of the Wisconsin Propane Gas Association.
3. States that voting rights in the referendum are to be based on the volume of propane produced or odorized propane sold by members of the Wisconsin Propane Gas Association (consistent with the federal program).
4. Requires two-thirds approval in the referendum to authorize the assessments (consistent with the federal program).
5. Requires the assessments to be paid by the owner of the odorized propane at the time of odorization, or at the time of import of the odorized propane (consistent with the federal program).
6. Includes reasonable attorney fees in the costs and disbursements that the council may recover in an action to compel compliance.

Are these provisions okay?

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