



State of Wisconsin  
2015 - 2016 LEGISLATURE

Redraft

LRB-3296/P3-1/p4  
MCP:emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

S.A. ✓  
Xref ✓

1 **AN ACT to amend** 100.26 (1); and **to create** 100.70 of the statutes; **relating to:**  
2 authorizing the Wisconsin Propane Education and Research Council to levy an  
3 assessment.

*Analysis by the Legislative Reference Bureau*

This bill allows the Wisconsin Propane Education and Research Council to levy an assessment on odorized propane against propane retailers.

The bill requires the Wisconsin Propane Gas Association to conduct a referendum among its retailer members on the question of whether to allow the council to levy an assessment on odorized propane. If approved in the referendum, the council has the authority to levy an initial annual assessment at no greater than two-tenths of one cent per gallon of odorized propane sold in this state. After the initial assessment, the council is required to set annual assessments in an amount sufficient to cover the costs of programs developed by the council, but no assessment may be greater than one-half cent per gallon of odorized propane unless approved in a referendum among retailer members of the Wisconsin Propane Gas Association and approved by the association's board of directors. Under the bill, the person who owns the propane at the time it is odorized, or the person who owns the odorized propane at the time it is imported, is responsible for paying the assessment.

Council's

licensed retailer

licensed retailer

The bill also allows the council to bring an action in circuit court to compel payment of an assessment and allows the council to recover its costs and disbursements, including reasonable attorney fees, for bringing the action.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 100.26 (1) of the statutes is amended to read:

2           100.26 (1) Any person who violates any provision of this chapter, except s.  
3 100.18, 100.20, 100.206 ~~or~~, 100.51, or 100.70, for which no specific penalty is  
4 prescribed shall be fined not to exceed \$200, or imprisoned in the county jail not more  
5 than 6 months or both.

6           **SECTION 2.** 100.70 of the statutes is created to read:

7           **100.70 Propane Education and Research Council. (1) DEFINITION.** In this  
8 section:

9           (a) “Council” means the organization with the name “Wisconsin Propane  
10 Education and Research Council” that is designated as a nonprofit corporation under  
11 section 501 (c) (3) of the Internal Revenue Code.

12           (b) “Retailer” means a person who sells propane at retail and is licensed under  
13 s. 101.16 (3g) (a).

14           **(2) REFERENDUM; AUTHORITY TO LEVY ASSESSMENT.** No later than 120 days after  
15 the effective date of this subsection .... [LRB inserts date], the Wisconsin Propane  
16 Gas Association shall conduct, at its own expense, a referendum among its members  
17 who are retailers on the question of whether to allow the council to levy the  
18 assessment described under sub. (3). Each member who is a retailer shall be entitled  
19 to one vote in the referendum. Upon approval of a majority of the members voting

1 in the referendum, the council shall be authorized to levy an assessment on odorized  
2 propane as provided under sub. (3).

3 (3) ASSESSMENT. (a) The council shall set the initial annual assessment at no  
4 greater than two-tenths of one cent per gallon of odorized propane sold in this state.  
5 After the initial assessment, the council shall set annual assessments sufficient to  
6 cover the costs of the plans and programs developed by the council. An assessment  
7 may not be greater than one-half cent per gallon of odorized propane unless  
8 approved by a majority of those voting in a referendum among members of the  
9 Wisconsin Propane Gas Association who are retailers and by the board of directors  
10 of the Wisconsin Propane Gas Association. <sup>council</sup>

11 (b) <sup>A retailer who owns</sup> The owner of the odorized propane at the time of odorization, or at the time  
12 of import of the odorized propane, shall pay the assessment under par. (a) to the  
13 council based on the volume of odorized propane sold.

14 (4) COMPLIANCE. The council may bring an action in any circuit court of this  
15 state to compel compliance with an assessment levied by the council under this  
16 section. Notwithstanding s. 814.04, the council, if successful in its action, shall be  
17 entitled to recover its costs and disbursements, including reasonable attorney fees.

18 (END)

## **Pfotenhauer, Mary**

---

**From:** Moore, Heather  
**Sent:** Tuesday, November 24, 2015 10:07 AM  
**To:** Pfotenhauer, Mary  
**Subject:** LRB 3296 Draft Changes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Mary,

After reviewing this we would like a little more clarification in the compliance area of the bill could we make the changes below? Please let me know if you have any questions.

I will be leaving a noon today, but can be reached on my cell 262-894-0163.

Thanks,  
Heather  
Sen. Robert Cowles  
608-266-0484

**(4) COMPLIANCE.** The council may bring an action in any circuit court of this state to compel compliance by the wholesale supplier at the terminal location with an assessment levied by the council under this section. Notwithstanding s. 814.04, the council, if successful in its action, shall be entitled to recover its costs and disbursements, including reasonable attorney fees.



State of Wisconsin  
2015 - 2016 LEGISLATURE

In 12/4

LRB-3296/P4  
MCP:emw

PS

Redraft

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

S.A. ✓  
Xref ✓

Regen.

1 **AN ACT to amend** 100.26 (1); and **to create** 100.70 of the statutes; **relating to:**  
2 authorizing the Wisconsin Propane Education and Research Council to levy an  
3 assessment.

InSA

***Analysis by the Legislative Reference Bureau***

This bill allows the Wisconsin Propane Education and Research Council to levy an assessment on odorized propane against certain licensed propane retailers.

The bill requires the Wisconsin Propane Gas Association to conduct a referendum among its retailer members on the question of whether to allow the council to levy an assessment on odorized propane. If approved in the referendum, the council has the authority to levy an initial annual assessment at no greater than two-tenths of one cent per gallon of odorized propane sold in this state. After the initial assessment, the council is required to set annual assessments in an amount sufficient to cover the costs of programs developed by the council, but no assessment may be greater than one-half cent per gallon of odorized propane unless approved in a referendum among retailer members of the Wisconsin Propane Gas Association and approved by the council's board of directors. Under the bill, the licensed retailer who owns the propane at the time it is odorized, or the licensed retailer who owns the odorized propane at the time it is imported, is responsible for paying the assessment.

amount of no more

Insb

The bill also allows the council to bring an action in circuit court to compel payment of an assessment and allows the council to recover its costs and disbursements, including reasonable attorney fees, for bringing the action. *the remittance of collected assessments*

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 100.26 (1) of the statutes is amended to read:

2           100.26 (1) Any person who violates any provision of this chapter, except s.  
3           100.18, 100.20, 100.206 ~~or~~, 100.51, or 100.70, for which no specific penalty is  
4           prescribed shall be fined not to exceed \$200, or imprisoned in the county jail not more  
5           than 6 months or both.

6           **SECTION 2.** 100.70 of the statutes is created to read:

7           **100.70 Propane Education and Research Council. (1) DEFINITION.** In this  
8           section:

9           (a) "Council" means the organization with the name "Wisconsin Propane  
10           Education and Research Council" that is designated as a nonprofit corporation under  
11           section 501 (c) (3) of the Internal Revenue Code.

12           (b) "Retailer" means a person who sells propane at retail *to the ultimate consumer* and is licensed under  
13           s. 101.16 (3g) (a).

14           **(2) REFERENDUM; AUTHORITY TO LEVY ASSESSMENT.** No later than 120 days after  
15           the effective date of this subsection ... [LRB inserts date], the Wisconsin Propane  
16           Gas Association shall conduct, at its own expense, a referendum among its members  
17           who are retailers on the question of whether to allow the council to levy the  
18           assessment described under sub. (3). Each member who is a retailer shall be entitled  
19           to one vote in the referendum. Upon approval of a majority of the members voting

1 in the referendum, the council shall be authorized to levy an assessment on odorized  
2 propane as provided under sub. (3).

3 (3) ASSESSMENT. (a) The council shall set the initial annual assessment at no  
4 greater than two-tenths of one cent per gallon of odorized propane sold in this state.  
5 After the initial assessment, the council shall set annual assessments sufficient to  
6 cover the costs of the plans and programs developed by the council. An assessment  
7 may not be greater than one-half cent per gallon of odorized propane unless  
8 approved by a majority of those voting in a referendum among members of the  
9 Wisconsin Propane Gas Association who are retailers and by the board of directors  
10 of the council.

11 (b) A retailer who owns the odorized propane at the time of odorization, or at  
12 the time of import of the odorized propane, shall pay the assessment under par. (a)  
13 to the council based on the volume of odorized propane sold.

Ins  
3-13

14 (4) COMPLIANCE. The council may bring an action in any circuit court of this  
15 state to compel compliance with an assessment levied by the council under this  
16 section. Notwithstanding s. 814.04, the council, if successful in its action, shall be  
17 entitled to recover its costs and disbursements, including reasonable attorney fees.

(END)

**2015-2016 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3296/P4ins  
MCP:emw

1            **INSERT A**

\* The bill defines a “retailer” as a person who sells propane at retail to the ultimate consumer and who is licensed to do so by the department of safety and professional services. ✓

2

3            **INSERT B**

\* Under the bill, the owner of propane immediately prior to its odorization or the owner of odorized propane at the time of its import into this state is responsible for collecting the assessments from retailers who purchase the odorized propane for use in this state. The owner is required to remit the collected assessments to the council on a monthly basis or be subject to an interest penalty on any amount that is not timely remitted. The bill also allows the council to establish an alternative means of collecting assessments.

The bill provides that a propane purchaser who pays an assessment may secure a refund by submitting a written refund application to the council with proof of the assessment that was charged. A purchaser who obtains a refund is not eligible for any benefits provided under the council’s programs.

4

5            **INSERT 3-13**

6            (b) The owner of propane immediately prior to its odorization or the owner of  
7            odorized propane at the time of its import into this state shall collect assessments  
8            from purchasers of the odorized propane who are retailers. The owner shall calculate  
9            the amount of the assessment based on the volume of odorized propane it sells for use  
10           in this state. The assessment shall be listed as a separate line item on the bill of sale  
11           for the odorized propane and titled “Wisconsin propane education and research  
12           assessment”.

13           The owner shall remit the collected assessments to the council on a  
14           monthly basis by the twenty-fifth <sup>25th</sup> day of the month following the month the  
15           assessment was collected. If the owner does not remit the collected assessments as

16           required under this paragraph, an interest penalty of one <sup>1</sup> percent of any amount that  
is not remitted shall be imposed against the owner for each month or fraction of a



1 month after the due date, until final payment is made. The council may establish  
2 an alternative means of collecting assessments if the council determines that  
3 another method would be more efficient or effective and may establish an alternative  
4 late payment charge or interest penalty to be imposed on a person who fails to timely  
5 remit any collected assessments to the council.

6 (4) REFUNDS. A purchaser of propane who has an assessment added as a line  
7 item to the sale price may secure a refund of the amount added by submitting a  
8 written application to the council with proof of the assessments charged. A  
9 purchaser who obtains a refund is not eligible for any benefits provided under the  
10 council's programs.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

12/15/15

LRB-3296/PS

Heather @ Sen. Cowles:

- P. 3 lns. 8-12 : change  $\frac{1}{2}$  cent assessment limit  
to one-half of one-tenth of one cent limit on  
amount of increase.

- MCP



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3296/P5  
MCP:emw

In 12/15  
Redraft

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

S.A. ✓

- 1 **AN ACT to amend** 100.26 (1); and **to create** 100.70 of the statutes; **relating to:**
- 2 authorizing the Wisconsin Propane Education and Research Council to levy an
- 3 assessment.

***Analysis by the Legislative Reference Bureau***

This bill allows the Wisconsin Propane Education and Research Council to levy an assessment on odorized propane against certain licensed propane retailers.

The bill requires the Wisconsin Propane Gas Association to conduct a referendum among its retailer members on the question of whether to allow the council to levy an assessment on odorized propane. The bill defines a "retailer" as a person who sells propane at retail to the ultimate consumer and who is licensed to do so by the Department of Safety and Professional Services. If approved in the referendum, the council has the authority to levy an initial annual assessment amount of no more than two-tenths of one cent per gallon of odorized propane sold in this state. After the initial assessment, the council is required to set annual assessments in an amount sufficient to cover the costs of programs developed by the council, but no assessment may be greater than one-half cent per gallon of odorized propane unless approved in a referendum among retailer members of the Wisconsin Propane Gas Association and approved by the council's board of directors.

annually

Under the bill, the owner of propane immediately prior to its odorization or the owner of odorized propane at the time of its import into this state is responsible for collecting the assessments from retailers who purchase the odorized propane for use in this state. The owner is required to remit the collected assessments to the council on a monthly basis or be subject to an interest penalty on any amount that is not

the assessment amount may not be raised by more than one-twentieth of one

timely remitted. The bill also allows the council to establish an alternative means of collecting assessments.

The bill provides that a propane purchaser who pays an assessment may secure a refund by submitting a written refund application to the council with proof of the assessment that was charged. A purchaser who obtains a refund is not eligible for any benefits provided under the council's programs.

The bill also allows the council to bring an action in circuit court to compel the remittance of collected assessments and allows the council to recover its costs and disbursements, including reasonable attorney fees, for bringing the action.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 100.26 (1) of the statutes is amended to read:

2           100.26 (1) Any person who violates any provision of this chapter, except s.  
3 100.18, 100.20, 100.206 ~~or~~, 100.51, or 100.70, for which no specific penalty is  
4 prescribed shall be fined not to exceed \$200, or imprisoned in the county jail not more  
5 than 6 months or both.

6           **SECTION 2.** 100.70 of the statutes is created to read:

7           **100.70 Propane Education and Research Council.** (1) **DEFINITIONS.** In  
8 this section:

9           (a) "Council" means the organization with the name "Wisconsin Propane  
10 Education and Research Council" that is designated as a nonprofit corporation under  
11 section 501 (c) (3) of the Internal Revenue Code.

12           (b) "Retailer" means a person who sells propane at retail to the ultimate  
13 consumer and is licensed under s. 101.16 (3g) (a).

14           (2) **REFERENDUM; AUTHORITY TO LEVY ASSESSMENT.** No later than 120 days after  
15 the effective date of this subsection ... [LRB inserts date], the Wisconsin Propane  
16 Gas Association shall conduct, at its own expense, a referendum among its members  
17 who are retailers on the question of whether to allow the council to levy the

1 assessment described under sub. (3). Each member who is a retailer shall be entitled  
2 to one vote in the referendum. Upon approval of a majority of the members voting  
3 in the referendum, the council shall be authorized to levy an assessment on odorized  
4 propane as provided under sub. (3).

5 (3) ASSESSMENT. (a) The council shall set the initial annual assessment at no  
6 greater than two-tenths of one cent per gallon of odorized propane sold in this state.  
7 After the initial assessment, the council shall set annual assessments sufficient to  
8 cover the costs of the plans and programs developed by the council. An assessment  
9 may not be <sup>raised by more</sup> greater than <sup>one-twentieth of one</sup> one-half cent per gallon of odorized propane <sup>annually</sup> unless  
10 approved by a majority of those voting in a referendum among members of the  
11 Wisconsin Propane Gas Association who are retailers and by the board of directors  
12 of the council.

13 (b) The owner of propane immediately prior to its odorization or the owner of  
14 odorized propane at the time of its import into this state shall collect assessments  
15 from purchasers of the odorized propane who are retailers. The owner shall calculate  
16 the amount of the assessment based on the volume of odorized propane it sells for use  
17 in this state. The assessment shall be listed as a separate line item on the bill of sale  
18 for the odorized propane and titled "Wisconsin propane education and research  
19 assessment." The owner shall remit the collected assessments to the council on a  
20 monthly basis by the 25th day of the month following the month the assessment was  
21 collected. If the owner does not remit the collected assessments as required under  
22 this paragraph, an interest penalty of 1 percent of any amount that is not remitted  
23 shall be imposed against the owner for each month or fraction of a month after the  
24 due date, until final payment is made. The council may establish an alternative  
25 means of collecting assessments if the council determines that another method

1 would be more efficient or effective and may establish an alternative late payment  
2 charge or interest penalty to be imposed on a person who fails to timely remit any  
3 collected assessments to the council.

4 (4) REFUNDS. A purchaser of propane who has an assessment added as a line  
5 item to the sale price may secure a refund of the amount added by submitting a  
6 written application to the council with proof of the assessments charged. A  
7 purchaser who obtains a refund is not eligible for any benefits provided under the  
8 council's programs.

9 (5) COMPLIANCE. The council may bring an action in any circuit court of this  
10 state to compel compliance with sub. (3) (b). Notwithstanding s. 814.04, the council,  
11 if successful in its action, shall be entitled to recover its costs and disbursements,  
12 including reasonable attorney fees.

13

(END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

In 1/4/16

Done today

LRB-3296(P6) 1/1

MCP:emw

no changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT to amend** 100.26 (1); and **to create** 100.70 of the statutes; **relating to:**  
2 authorizing the Wisconsin Propane Education and Research Council to levy an  
3 assessment.

---

***Analysis by the Legislative Reference Bureau***

This bill allows the Wisconsin Propane Education and Research Council to levy an assessment on odorized propane against certain licensed propane retailers.

The bill requires the Wisconsin Propane Gas Association to conduct a referendum among its retailer members on the question of whether to allow the council to levy an assessment on odorized propane. The bill defines a "retailer" as a person who sells propane at retail to the ultimate consumer and who is licensed to do so by the Department of Safety and Professional Services. If approved in the referendum, the council has the authority to levy an initial annual assessment amount of no more than two-tenths of one cent per gallon of odorized propane sold in this state. After the initial assessment, the council is required to set annual assessments in an amount sufficient to cover the costs of programs developed by the council, but the assessment amount may not be raised by more than one-twentieth of one cent per gallon of odorized propane annually unless approved in a referendum among retailer members of the Wisconsin Propane Gas Association and approved by the council's board of directors.

Under the bill, the owner of propane immediately prior to its odorization or the owner of odorized propane at the time of its import into this state is responsible for collecting the assessments from retailers who purchase the odorized propane for use in this state. The owner is required to remit the collected assessments to the council

on a monthly basis or be subject to an interest penalty on any amount that is not timely remitted. The bill also allows the council to establish an alternative means of collecting assessments.

The bill provides that a propane purchaser who pays an assessment may secure a refund by submitting a written refund application to the council with proof of the assessment that was charged. A purchaser who obtains a refund is not eligible for any benefits provided under the council's programs.

The bill also allows the council to bring an action in circuit court to compel the remittance of collected assessments and allows the council to recover its costs and disbursements, including reasonable attorney fees, for bringing the action.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 100.26 (1) of the statutes is amended to read:

2           100.26 (1) Any person who violates any provision of this chapter, except s.  
3 100.18, 100.20, 100.206 ~~or~~, 100.51, or 100.70, for which no specific penalty is  
4 prescribed shall be fined not to exceed \$200, or imprisoned in the county jail not more  
5 than 6 months or both.

6           **SECTION 2.** 100.70 of the statutes is created to read:

7           **100.70 Propane Education and Research Council. (1) DEFINITIONS.** In  
8 this section:

9           (a) "Council" means the organization with the name "Wisconsin Propane  
10 Education and Research Council" that is designated as a nonprofit corporation under  
11 section 501 (c) (3) of the Internal Revenue Code.

12           (b) "Retailer" means a person who sells propane at retail to the ultimate  
13 consumer and is licensed under s. 101.16 (3g) (a).

14           **(2) REFERENDUM; AUTHORITY TO LEVY ASSESSMENT.** No later than 120 days after  
15 the effective date of this subsection ... [LRB inserts date], the Wisconsin Propane  
16 Gas Association shall conduct, at its own expense, a referendum among its members  
17 who are retailers on the question of whether to allow the council to levy the



1 assessment described under sub. (3). Each member who is a retailer shall be entitled  
2 to one vote in the referendum. Upon approval of a majority of the members voting  
3 in the referendum, the council shall be authorized to levy an assessment on odorized  
4 propane as provided under sub. (3).

5 **(3) ASSESSMENT.** (a) The council shall set the initial annual assessment at no  
6 greater than two-tenths of one cent per gallon of odorized propane sold in this state.  
7 After the initial assessment, the council shall set annual assessments sufficient to  
8 cover the costs of the plans and programs developed by the council. An assessment  
9 may not be raised by more than one-twentieth of one cent per gallon of odorized  
10 propane annually unless approved by a majority of those voting in a referendum  
11 among members of the Wisconsin Propane Gas Association who are retailers and by  
12 the board of directors of the council.

13 (b) The owner of propane immediately prior to its odorization or the owner of  
14 odorized propane at the time of its import into this state shall collect assessments  
15 from purchasers of the odorized propane who are retailers. The owner shall calculate  
16 the amount of the assessment based on the volume of odorized propane it sells for use  
17 in this state. The assessment shall be listed as a separate line item on the bill of sale  
18 for the odorized propane and titled “Wisconsin propane education and research  
19 assessment.” The owner shall remit the collected assessments to the council on a  
20 monthly basis by the 25th day of the month following the month the assessment was  
21 collected. If the owner does not remit the collected assessments as required under  
22 this paragraph, an interest penalty of 1 percent of any amount that is not remitted  
23 shall be imposed against the owner for each month or fraction of a month after the  
24 due date, until final payment is made. The council may establish an alternative  
25 means of collecting assessments if the council determines that another method

1 would be more efficient or effective and may establish an alternative late payment  
2 charge or interest penalty to be imposed on a person who fails to timely remit any  
3 collected assessments to the council.

4 (4) REFUNDS. A purchaser of propane who has an assessment added as a line  
5 item to the sale price may secure a refund of the amount added by submitting a  
6 written application to the council with proof of the assessments charged. A  
7 purchaser who obtains a refund is not eligible for any benefits provided under the  
8 council's programs.

9 (5) COMPLIANCE. The council may bring an action in any circuit court of this  
10 state to compel compliance with sub. (3) (b). Notwithstanding s. 814.04, the council,  
11 if successful in its action, shall be entitled to recover its costs and disbursements,  
12 including reasonable attorney fees.

13 (END)

**Barman, Mike**

---

**From:** Moore, Heather  
**Sent:** Monday, January 04, 2016 4:35 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3296/1

Please Jacket LRB -3296/1 for the SENATE.