

2019 DRAFTING REQUEST

Bill

For: **Kevin Petersen (608) 266-3794** Drafter: **mpfotenh**
 By: **Rep. Peterson** Secondary Drafters:
 Date: **9/11/2019** May Contact:
 Same as LRB: **-4633**

Submit via email: **YES**
 Requester's email: **Rep.Petersen@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Propane check-off program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 9/16/2019	ccarmich 9/17/2019			
/P1			lparisi 9/17/2019		
/1				lparisi 10/31/2019	

FE Sent For: *Not Needed* <END>



State of Wisconsin
2017 - 2018 LEGISLATURE

-4297/P1

LRB-3656/1
MCP:ann

cdc

In 9/16
Out 9/18 or 9/19

2017 ASSEMBLY BILL 531

2
Inserts

October 10, 2017 - Introduced by Representatives SWEARINGEN, R. BROOKS, E. BROOKS, CONSIDINE, GENRICH, MURSAU, MEYERS, NOVAK, PETRYK, STEFFEN, SHANKLAND, SPREITZER, TAUCHEN, VANDERMEER, VRUWINK and NYGREN, cosponsored by Senators COWLES, OLSEN, BEWLEY, FEYEN and MARKLEIN. Referred to Committee on Energy and Utilities.

- 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.

for use

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

ASSEMBLY BILL 531

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

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

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

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

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SECTION 2

1 means of collecting assessments if the council determines that another method
2 would be more efficient or effective and may establish an alternative late payment
3 charge or interest penalty to be imposed on a person who fails to timely remit any
4 collected assessments to the council.

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

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

Ins from 2017 LRBq1403/1 →

14 (END)

Ins 4-14 →

no later than 30 days after the end of the month for which the refund is requested.

The council shall provide an approved refund to a retailer within 60 days of receiving the refund request.

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4297/?ins
MCP:...

1 INSERT 2-11

2 (b) "Distributor" means a person whose primary business is the sale of liquefied
3 petroleum gas to a retailer and who owns the gas immediately prior to its odorization
4 or who owns the gas at the time of its import into this state.

5

6 INSERT 4-14

7 (7) ANNUAL NOTICE. The council shall annually notify each retailer of any
8 assessment authorized under this section and the manner of requesting a refund
9 under sub. (3).



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1403/1
MCP:wlj

**ASSEMBLY AMENDMENT 4,
TO ASSEMBLY BILL 531**

Use as insert to
- 4297/P1

October 23, 2017 - Offered by Representative PETERSEN.

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

2 1. Page 4, line 13: after that line insert:

3 "(6) USE OF ASSESSMENTS. No funds collected as an assessment under this
4 section may be used for the purpose of lobbying, lobbyist pay, or political messaging".

5

(END)

insert after
p. 4 ln.
13

Parisi, Lori

From: Pfothenauer, Mary
Sent: Thursday, October 31, 2019 12:42 PM
To: LRB.Legal
Subject: FW: Propane Bill

Please jacket -4297/1 for the Assembly.
Thanks,

Mary Pfothenauer
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfothenauer@legis.wisconsin.gov

From: Bowers, Jim <Jim.Bowers@legis.wisconsin.gov>
Sent: Thursday, October 31, 2019 12:02 PM
To: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Subject: Propane Bill

Can we get the Propane Bill jacket for introduction? LRB 4297 I think.

Jim Bowers
Legislative Assistant
Office of
Representative Kevin Petersen
1-608-237-9140 Office



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4297/D1
MCP:cdc

1.1
NO
Changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

7 (4) REFUNDS. A retailer who purchases propane who has an assessment added
8 as a line item to the sale price may secure a refund of the amount added by submitting
9 a written application to the council with proof of the assessments charged no later
10 than 30 days after the end of the month for which the refund is requested. The
11 council shall provide an approved refund to a retailer within 60 days of receiving the
12 refund request. A purchaser who obtains a refund is not eligible for any benefits
13 provided under the council's programs.

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

18 (6) USE OF ASSESSMENTS. No funds collected as an assessment under this section
19 may be used for the purpose of lobbying, lobbyist pay, or political messaging.

20 (7) ANNUAL NOTICE. The council shall annually notify each retailer of any
21 assessment authorized under this section and the manner of requesting a refund
22 under sub. (3).

23 (END)