



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 279	Senate Amendments 1, 2, 3, and 4
<i>Memo published: April 15, 2010</i>	<i>Contact: Larry Konopacki, Staff Attorney (267-0683) John Stolzenberg, Chief of Research Services (266-2988)</i>

2009 Senate Bill 279 would create annual sales goals for gasoline-replacement and diesel-replacement renewable fuels in this state equaling 110% of the state's share, as determined under the bill, of the corresponding renewable fuel sales required nationally under the federal renewable fuel standard (F-RFS). The bill would require the Department of Agriculture, Trade and Consumer Protection (DATCP), in cooperation with and assistance from the Department of Commerce (Commerce), the Department of Revenue, and the Office of Energy Independence, to collect information needed to determine whether these annual renewable fuel sales goals are met each year. If a sales goal is not met, DATCP would generally be required to assess the cause and report its findings to the Legislature and Governor. If DATCP determines, as part of its assessment of the cause of sales below the annual sales goal, that individual sales requirements would likely result in renewable fuel sales that would meet the annual goal, it would be required to mandate such sales by rule. **Senate Amendment 1** removes the requirement that DATCP mandate sales of a renewable fuel by rule if the state renewable fuel sales goal for the fuel is not met.

The *bill* would also expand the "ethanol and biodiesel fuel pump" income tax credit under current law, allowing this credit to be claimed for the installation or retrofit of blender pumps. **Senate Amendment 2** would require Commerce to establish standards to adequately prevent, in the distribution of conventional fuel to an end user, the inadvertent distribution of fuel containing a higher percentage of renewable fuel than the maximum percentage established by the federal environmental protection agency for use in conventionally-fueled engines.

The *bill* would generally require motor fuel suppliers to offer gasoline that is not blended with ethanol to motor fuel dealers. **Senate Amendment 3** would limit the application of this requirement to areas of the state outside of air pollution nonattainment areas identified by the Department of Natural Resources. **Senate Amendment 4** would provide that a motor fuel supplier is not liable for penalties or damages arising out of the subsequent blending of gasoline and would require a motor fuel dealer who

subsequently blends such gasoline with ethanol to provide prominent notice to the motor fuel dealer's customers identifying the blender.

Legislative History

Senate Amendment 1 was offered by Senator Kreitlow on March 22, 2010. On March 24, 2010, the Senate Committee on Rural Issues, Biofuels, and Information Technology recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0, and recommended passage of Senate Bill 279, as amended, on a vote of Ayes, 4; Noes, 1.

On April 13, 2010, Senate Amendment 2 was offered by Senators Kreitlow and Hopper and Senate Amendments 3 and 4 were offered by Senator Kreitlow, and the Senate adopted Senate Amendments 1, 2, 3, and 4 and passed Senate Bill 279, as amended, by a vote of Ayes, 25; Noes, 8.

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