

1999 DRAFTING REQUEST

Bill

Received: **01/21/2000**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Alvin Ott (608) 2664831**

By/Representing: **linda**

This file may be shown to any legislator: NO

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - misc.
Agriculture - miscellaneous
Criminal Law - drugs**

Extra Copies: **RCT, JEO, MGD**

Pre Topic:

No specific pre topic given

Topic:

Anhydrous ammonia

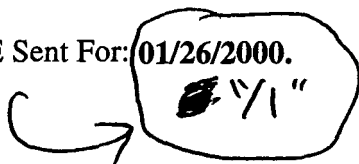
Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaured</u>
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/1			jfrantze 01/26/2000	_____	lrb_docadmin 0 1/26/2000	lrb_docadmin 0 1/26/2000	

FE Sent For: **01/26/2000.**



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FE Sent For:

01-26-00
1/1

requested by
RJM

<END>

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FE Sent For:

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1-21-00

- Linda in Office. Comparison to ashydrous bill. Assembly comparison
LRB-3631 - Clausing

4284/11

LRB-~~522~~

RJM:cjs:jf

SOON

PMNR

1999 BILL

*FRIDAY
1/28*

1 **AN ACT to create** 101.10 and 895.555 of the statutes; **relating to:** storage and
2 handling of anhydrous ammonia, creating an exemption from civil liability and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Anhydrous ammonia is a chemical compound that primarily is used for agricultural purposes but that may also be used in the production of the controlled substance methamphetamine. Currently, no statute specifically regulates the storage and handling of anhydrous ammonia. However, current rules promulgated by the department of commerce (department) do regulate the storage and handling of anhydrous ammonia. These rules are promulgated under the department's general authority to promote safe places of employment. Any person who violates these rules may be required to forfeit not less than \$10 nor more than \$100.

This bill creates a statute that specifically regulates the storage and handling of anhydrous ammonia. This bill requires the department to promulgate rules to establish reasonable standards relating to the safe storage and handling of anhydrous ammonia. This bill also increases the penalty that applies to certain violations of these rules and creates certain new penalties relating to anhydrous ammonia. Under this bill, any person who does any of the following may be fined not more than \$10,000 or imprisoned for not more than three years and six months or both:

- (a) Stores, holds or transports anhydrous ammonia in a container that does not meet all applicable requirements prescribed by rule of the department.

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(b) Transfers or attempts to transfer anhydrous ammonia into a container that does not meet all applicable requirements prescribed by rule of the department.

(c) Transfers or attempts to transfer anhydrous ammonia without the consent of the owner of the anhydrous ammonia.

(d) Intentionally causes damage to anhydrous ammonia equipment without the consent of the owner of the equipment.

(e) Commits a theft of anhydrous ammonia or anhydrous ammonia equipment.

This bill also creates a civil liability exemption. Under this bill, any person who owns, maintains or installs anhydrous ammonia equipment is immune from civil liability for any act or omission that relates to the equipment and that causes damage to an individual, if that damage occurs during the individual's violation of items (c), (d) or (e), listed above. However, under this bill, a person is not immune from civil liability for certain reckless, wanton or intentional acts or omissions.

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.** 101.10 of the statutes is created to read:

2 **101.10 Storage and handling of anhydrous ammonia. (1) DEFINITIONS.**

3 In this section:

4 (a) "Anhydrous ammonia equipment" means any equipment that is used in the
5 application of anhydrous ammonia for an agricultural purpose or that is used to
6 store, hold, transport or transfer anhydrous ammonia.

7 (b) "Transfer" means to remove from a container.

8 (2) **RULES.** The department shall promulgate rules that prescribe reasonable
9 standards relating to the safe storage and handling of anhydrous ammonia. The
10 rules shall prescribe standards for the design, construction, repair, alteration,
11 location, installation, inspection and operation of anhydrous ammonia equipment.
12 The rules promulgated under this subsection do not apply to ammonia
13 manufacturing plants, refrigeration plants where ammonia is used solely as a
14 refrigerant and ammonia transportation pipelines.

BILL

1 (3) **PROHIBITIONS**. No person may do any of the following:

2 (a) Store, hold or transport anhydrous ammonia in a container that does not
3 meet all applicable requirements established by rule of the department promulgated
4 under sub. (2).

5 (b) Transfer or attempt to transfer anhydrous ammonia into a container that
6 does not meet all applicable requirements established by rule of the department
7 promulgated under sub. (2).

8 (c) Transfer or attempt to transfer anhydrous ammonia without the consent of
9 the owner of the anhydrous ammonia.

10 (d) Intentionally cause damage to anhydrous ammonia equipment without the
11 consent of the owner of the anhydrous ammonia equipment.

12 (e) Intentionally take, carry away, use, conceal or retain possession of
13 anhydrous ammonia belonging to another or anhydrous ammonia equipment
14 belonging to another, without the other's consent and with intent to deprive the
15 owner permanently of possession of the anhydrous ammonia or anhydrous ammonia
16 equipment.

17 (4) **PENALTIES**. (a) Any person who violates a rule of the department
18 promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than
19 \$100 for each violation.

20 (b) Any person who violates sub. (3) may be fined not more than \$10,000 or
21 imprisoned for not more than 3 years and 6 months, or both, for each violation.
22 Notwithstanding s. 101.02 (12), each act in violation of sub. (3) constitutes a separate
23 offense.

24 **SECTION 2.** 895.555 of the statutes is created to read:

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/26/2000

To: Representative Ott

Relating to LRB drafting number: LRB-4284

Topic

Anhydrous ammonia

Subject(s)

Buildings/Safety - misc., Agriculture - miscellaneous, Criminal Law - drugs

1. **JACKET** the draft for introduction Al Ott

in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Al Ott

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney
Telephone: (608) 261-4454

Done
01-26-00
gmb