

**BILL HISTORY FOR ASSEMBLY BILL 7 (LRB -1522 )**

An Act to create 101.10 and 895.555 of the statutes; relating to: storage and handling of anhydrous ammonia, creating an exemption from civil liability, and providing a penalty. (FE)

2001

01-16. A. Introduced by Representatives **Ott, Rhoades, Freese, Urban, Montgomery, Ladwig, Kestell, Sykora, Musser, Ward, Stone, Hundertmark, Albers, Pettis, La Fave, Ainsworth, Wade, Bies, Gronemus, Vrakas, Townsend, Plouff, Skindrud, Kreibich, Olsen, Gunderson, Lassa, Wasserman, Loeffelholz, Friske and Williams**; cosponsored by Senators **Erpenbach, Burke, Baumgart, Schultz, Zien and Roessler**.

01-16. A. Read first time and referred to committee on Agriculture ..... 23

01-24. A. Fiscal estimate received.

01-24. A. Fiscal estimate received.

01-24. A. Fiscal estimate received.

01-25. A. Fiscal estimate received.

01-25. A. Fiscal estimate received.

01-25. A. Public hearing held.

01-25. A. Fiscal estimate received.

01-25. A. Executive action taken.

01-31. A. Report passage recommended by committee on Agriculture, Ayes 14, Noes 0 ..... 49

01-31. A. Referred to committee on Rules ..... 49

02-08. A. Placed on calendar 2-14-2001 by committee on Rules.

02-14. A. Read a second time ..... 85

02-14. A. Assembly amendment 1 offered by Representatives Ott, Plouff, Rhoades and Freese (**LRB a0148**) ..... 85

02-14. A. Assembly amendment 1 **adopted** ✓ ..... 85

02-14. A. Ordered to a third reading ..... 85

02-14. A. Rules suspended ..... 85

02-14. A. Read a third time and **passed**, Ayes 97, Noes 0 ..... 85

02-14. A. Representative Steinbrink added as a coauthor ..... 85

02-14. A. Ordered immediately messaged ..... 86

02-15. S. Received from Assembly ..... 83

02-15. S. Read first time and referred to committee on Labor and Agriculture ..... 84

02-28. S. Public hearing held.

02-28. S. Executive action taken.

03-06. S. Report concurrence recommended by committee on Labor and Agriculture, Ayes 5, Noes 0 ..... 104

03-06. S. Available for scheduling.

03-08. S. Placed on calendar 3-13-2001 by committee on Senate Organization.

03-13. S. Senator Harsdorf added as a cosponsor ..... 125

03-13. S. Senator Hansen added as a cosponsor ..... 125

03-13. S. Read a second time ..... 125

03-13. S. Ordered to a third reading ..... 125

03-13. S. Rules suspended ..... 125

03-13. S. Read a third time and **concurred in** ..... 125

03-13. S. Ordered immediately messaged ..... 125

03-15. A. Received from Senate concurred in.

**2001  
ENROLLED BILL**

01en AB-7

**ADOPTED DOCUMENTS:**

Orig     Engr     SubAmdt

01 -15224 /

Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): none

Topic Storage and handling of anhydrous ammonia

3/14/2001    [Signature]  
Date                      Enrolling Drafter

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## 2001 ASSEMBLY BILL 7

January 16, 2001 – Introduced by Representatives OTT, RHOADES, FREESE, URBAN, MONTGOMERY, LADWIG, KESTELL, SYKORA, MUSSER, WARD, STONE, HUNDERTMARK, ALBERS, PETTIS, LA FAVE, AINSWORTH, WADE, BIES, GRONEMUS, VRAKAS, TOWNSEND, PLOUFF, SKINDRUD, KREIBICH, OLSEN, GUNDERSON, LASSA, WASSERMAN, LOEFFELHOLZ, FRISKE and WILLIAMS, cosponsored by Senators ERPENBACH, BURKE, BAUMGART, SCHULTZ, ZIEN and ROESSLER. Referred to Committee on Agriculture.

- 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.

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### *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. With certain exceptions, 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:

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

3. Transfers or attempts to transfer anhydrous ammonia without the consent of the owner of the anhydrous ammonia.

4. Intentionally causes damage to anhydrous ammonia equipment without the consent of the owner of the equipment.

5. Commits a theft of anhydrous ammonia or anhydrous ammonia equipment.

Any person who commits a violation described in item 1. or 2., listed above, while performing an agricultural activity is subject to a reduced penalty of not less than \$10 nor more than \$100.

This bill also creates a civil liability exemption. Under this bill, any person who owns, maintains, installs, or lawfully uses anhydrous ammonia equipment is immune from civil liability for any act or omission that relates to the equipment or to anhydrous ammonia and that causes damage or injury to an individual, if that damage or injury occurs while the individual commits a violation described in item 3., 4., or 5., 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.

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***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) “Agricultural activity” means planting, cultivating, propagating,  
5           fertilizing, nurturing, producing, harvesting, or manufacturing agricultural,  
6           horticultural, viticultural, or dairy products; forest products; livestock; wildlife;  
7           poultry; bees; fish; shellfish; or any products of livestock, wildlife, poultry, bees, fish,  
8           or shellfish.

9           (b) “Anhydrous ammonia equipment” means any equipment that is used in the  
10           application of anhydrous ammonia for an agricultural purpose or that is used to  
11           store, hold, transport or transfer anhydrous ammonia.

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1 (c) “Transfer” means to remove from a container.

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

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

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

13 (b) Transfer or attempt to transfer anhydrous ammonia into a container that  
14 does not meet all applicable requirements established by rules of the department  
15 promulgated under sub. (2).

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

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

20 (e) Intentionally take, carry away, use, conceal, or retain possession of  
21 anhydrous ammonia belonging to another or anhydrous ammonia equipment  
22 belonging to another, without the other’s consent and with intent to deprive the  
23 owner permanently of possession of the anhydrous ammonia or anhydrous ammonia  
24 equipment.

**ASSEMBLY BILL 7****SECTION 1**

1           (4) PENALTIES. (a) Any person who violates a rule of the department  
2 promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than  
3 \$100 for each violation.

4           (b) Except as provided in par. (c), any person who violates sub. (3) may be fined  
5 not more than \$10,000 or imprisoned for not more than 3 years and 6 months, or both,  
6 for each violation. Notwithstanding s. 101.02 (12), each act in violation of sub. (3)  
7 constitutes a separate offense.

8           (c) Any person who violates sub. (3) (a) or (b) while performing an agricultural  
9 activity may be required to forfeit not less than \$10 nor more than \$100 for each  
10 violation.

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

12           **895.555 Liability exemption; anhydrous ammonia.** (1) LIABILITY  
13 EXEMPTION. Except as provided under sub. (2), any person who owns, maintains, or  
14 installs anhydrous ammonia equipment, as defined in s. 101.10 (1) (b), or who uses  
15 anhydrous ammonia for any legal purpose is immune from any civil liability for acts  
16 or omissions relating to the anhydrous ammonia equipment or to anhydrous  
17 ammonia that cause damage or injury to an individual, if that damage or injury  
18 occurs during the individual's violation of s. 101.10 (3) (c), (d), or (e).

19           (2) EXCEPTION. A person is not immune from civil liability under sub. (1) if the  
20 damage or injury is caused by the person's reckless or wanton acts or omissions or  
21 by acts or omissions intended by the person to cause damage or injury.

22           **SECTION 3. Initial applicability.**

23           (1) STORAGE AND HANDLING OF ANHYDROUS AMMONIA. The creation of section  
24 101.10 (4) (b) and (c) of the statutes first applies to acts occurring on the effective date  
25 of this subsection.



**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 7**

February 14, 2001 – Offered by Representatives OTT, PLOUFF, RHOADES and FREESE.

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

2 ✓ **1.** Page 5, line 4: delete lines 4 to 6.

3 (END)