

*Substituted for  
HF 2/10/98  
(p. 191)*

*1/28/98 agr.*

FILED JAN 28 1998

REPRINTED

SENATE FILE 2082

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2005)

Passed Senate, Date <sup>(p. 211)</sup> 2/5/98 Passed House, <sup>(p. 193)</sup> Date 2/10/98  
Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 0  
Approved 2/19/98

A BILL FOR

1 An Act regulating anhydrous ammonia by prohibiting tampering with  
2 related equipment and the unauthorized possession and  
3 transportation of containers and receptacles used to store  
4 anhydrous ammonia, providing enhanced penalties, and providing  
5 an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2082

S-5020

1 Amend Senate File 2082 as follows:  
2 1. Page 1, by striking lines 7 and 8 and  
3 inserting the following: "tamper with anhydrous  
4 equipment. Tampering occurs when a person who is not  
5 authorized by the owner of anhydrous ammonia equipment  
6 uses the equipment in violation of a provision of this  
7 chapter, including a rule adopted by the secretary."

By H. KAY HEDGE

S-5020 FILED FEBRUARY 5, 1998

ADOPTED <sup>(p. 211)</sup>

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S.F. 2082

1 Section 1. Section 200.14, subsection 1, unnumbered  
2 paragraph 3, Code 1997, is amended to read as follows:

3 1A. All-anhydrous Anhydrous ammonia equipment shall be  
4 installed and maintained in a safe operating condition and in  
5 conformity with the rules and-regulations-of adopted by the  
6 secretary of-agriculture. A person shall not intentionally  
7 tamper with anhydrous ammonia equipment by using the equipment  
8 in a manner that is not authorized by the equipment's owner.  
9 ~~No A person, firm-or-corporation,-other-than-the-owner-and~~  
10 ~~these-authorized-by-the-owner-to-do-so,~~ shall not in any  
11 manner or for any purpose sell, fill, refill, deliver, or  
12 permit to be delivered, or use in-any-manner-any an anhydrous  
13 ammonia container or receptacle, including for the storage of  
14 any gas, or compound for-any-other-purpose-whatsoever , unless  
15 the person owns the container or receptacle or is authorized  
16 to do so by the owner. A person shall not possess or  
17 transport anhydrous ammonia in a container or receptacle which  
18 is not authorized by the secretary to hold anhydrous ammonia.

19 Sec. 2. Section 200.18, subsection 2, Code 1997, is  
20 amended to read as follows:

21 2. Any A person violating any-provision-of this chapter or  
22 the rules and-regulations-issued-thereunder adopted by the  
23 secretary pursuant to this chapter shall be guilty of a simple  
24 misdemeanor. In addition to the imposition of the simple  
25 misdemeanor penalty, a person violating section 200.14 shall  
26 be subject to a civil penalty of not more than one thousand  
27 five hundred dollars, if the person does any of the following:

- 28 a. Intentionally tampers with anhydrous ammonia equipment.  
29 b. Possesses or transports anhydrous ammonia in a  
30 container or receptacle which is not authorized to hold  
31 anhydrous ammonia according to rules adopted by the secretary.

32 A person tampering with anhydrous ammonia equipment in  
33 violation of section 200.14 shall not have a cause of action  
34 against the owner of the equipment, any person responsible for  
35 the installation and maintenance of the equipment, or the

1 person lawfully selling the anhydrous ammonia for damages  
2 arising out of the tampering.

3 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
4 immediate importance, takes effect upon enactment.

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EXPLANATION

6 This bill amends Code chapter 200 which is known as the  
7 "Iowa Fertilizer Law." The chapter provides for the  
8 regulation of anhydrous ammonia by the secretary of  
9 agriculture. Code section 200.14 requires that the secretary  
10 adopt rules relating to the safe installation and operation of  
11 equipment for storage, handling, transportation, and use of  
12 anhydrous ammonia. The section requires that anhydrous  
13 ammonia equipment must be installed and maintained in a safe  
14 operating condition. It also prohibits an unauthorized person  
15 from selling, filling, delivering, or using anhydrous ammonia  
16 containers or receptacles. A person violating the section's  
17 provisions is guilty of a simple misdemeanor.

18 This bill provides enhanced penalties for intentionally  
19 tampering with anhydrous ammonia equipment by using the  
20 equipment in a manner not authorized by the equipment's owner.  
21 The enhanced penalties also apply to possessing or  
22 transporting anhydrous ammonia in a container which is not  
23 authorized by the secretary. The enhanced penalty cannot be  
24 more than \$1,500 in addition to the imposition of the simple  
25 misdemeanor penalty. A person tampering with the equipment  
26 cannot sue the owner of the equipment, any person responsible  
27 for the installation and maintenance of the equipment, or the  
28 person lawfully selling the anhydrous ammonia for damages  
29 arising out of the tampering.

30 The bill takes effect upon enactment.

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Substituted for  
HF 2096 2-10-98  
(P. 191)

2/10/98 Motion to R/C by Siequist  
2/12/98 Motion to R/C Withdrawn

SENATE FILE 2082  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2005)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 5, 1998)

~~\_\_\_\_\_~~ - New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, <sup>(P. 193)</sup> Date 2/10/98  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 96 Nays 0  
Approved 2/19/98

A BILL FOR

1 An Act regulating anhydrous ammonia by prohibiting tampering with  
2 related equipment and the unauthorized possession and  
3 transportation of containers and receptacles used to store  
4 anhydrous ammonia, providing enhanced penalties, and providing  
5 an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2082

1 Section 1. Section 200.14, subsection 1, unnumbered  
2 paragraph 3, Code 1997, is amended to read as follows:

3 1A. ~~All-anhydrous~~ Anhydrous ammonia equipment shall be  
4 installed and maintained in a safe operating condition and in  
5 conformity with the rules ~~and-regulations-of~~ adopted by the  
6 secretary of-agriculture. A person shall not intentionally  
7 tamper with anhydrous equipment. Tampering occurs when a  
8 person who is not authorized by the owner of anhydrous ammonia  
9 equipment uses the equipment in violation of a provision of  
10 this chapter, including a rule adopted by the secretary. No A  
11 person, firm-or-corporation,-other-than-the-owner-and-these  
12 authorized-by-the-owner-to-do-so, shall not in any manner or  
13 for any purpose sell, fill, refill, deliver, or permit to be  
14 delivered, or use in-any-manner-any an anhydrous ammonia  
15 container or receptacle, including for the storage of any gas,  
16 or compound for-any-other-purpose-whatsoever , unless the  
17 person owns the container or receptacle or is authorized to do  
18 so by the owner. A person shall not possess or transport  
19 anhydrous ammonia in a container or receptacle which is not  
20 authorized by the secretary to hold anhydrous ammonia.

21 Sec. 2. Section 200.18, subsection 2, Code 1997, is  
22 amended to read as follows:

23 2. Any A person violating any-provision-of this chapter or  
24 the rules ~~and-regulations-issued-thereunder~~ adopted by the  
25 secretary pursuant to this chapter shall be guilty of a simple  
26 misdemeanor. In addition to the imposition of the simple  
27 misdemeanor penalty, a person violating section 200.14 shall  
28 be subject to a civil penalty of not more than one thousand  
29 five hundred dollars, if the person does any of the following:

- 30 a. Intentionally tampers with anhydrous ammonia equipment.  
31 b. Possesses or transports anhydrous ammonia in a  
32 container or receptacle which is not authorized to hold  
33 anhydrous ammonia according to rules adopted by the secretary.

34 A person tampering with anhydrous ammonia equipment in  
35 violation of section 200.14 shall not have a cause of action

1 against the owner of the equipment, any person responsible for  
2 the installation and maintenance of the equipment, or the  
3 person lawfully selling the anhydrous ammonia for damages  
4 arising out of the tampering.

5       Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
6 immediate importance, takes effect upon enactment.

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H-8019

1 Amend Senate File 2082, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 34, by inserting before the words  
 4 "A person" the following: "Civil penalties collected  
 5 pursuant to this subsection shall be deposited into  
 6 the anhydrous ammonia equipment security and cleanup  
 7 fund created in section 200.23."

8 2. Page 2, by inserting after line 4, the  
 9 following:

10 "Sec. \_\_\_\_ . NEW SECTION. 200.23 ANHYDROUS AMMONIA  
 11 EQUIPMENT SECURITY AND SITE CLEANUP FUND.

12 1. As used in this section, "alliance" means the  
 13 governor's alliance on substance abuse.

14 2. An anhydrous ammonia equipment security and  
 15 cleanup fund is created in the state treasury under  
 16 the control of the head of the alliance. The fund is  
 17 composed of any moneys appropriated by the general  
 18 assembly and of any other moneys available to and  
 19 obtained or accepted by the alliance from the federal  
 20 government or private sources for placement in the  
 21 fund. Civil penalties collected for violations of  
 22 section 200.14 shall be deposited into the fund.  
 23 Proceeds from forfeited property shall be deposited  
 24 into the fund as provided in section 809A.17.

25 3. Moneys in the fund are subject to an annual  
 26 audit by the auditor of state. The fund is subject to  
 27 warrants written by the director of revenue and  
 28 finance, drawn upon the written requisition of the  
 29 head of the alliance.

30 4. Section 8.33 shall not apply to moneys in the  
 31 fund. Notwithstanding section 12C.7, moneys earned as  
 32 income, including as interest, from moneys in the fund  
 33 shall remain in the fund until expended as provided in  
 34 this section. The alliance shall not in any manner  
 35 directly or indirectly pledge the credit of the state.

36 5. Moneys in the fund shall be used for the  
 37 following purposes:

38 a. To assist owners of anhydrous ammonia equipment  
 39 in purchasing or installing devices necessary to  
 40 secure the equipment from intentional tampering  
 41 including locks, lights, or fencing, according to  
 42 requirements established by the alliance in  
 43 cooperation with the department of public safety.

44 b. To reimburse counties for costs associated with  
 45 cleaning up clandestine laboratory sites as defined in  
 46 section 124C.1.

47 The moneys in the fund may be used on a cost-share  
 48 basis as determined practical by the alliance.

49 Sec. \_\_\_\_ . Section 809A.17, subsection 5, Code  
 50 1997, is amended by adding the following new

H-8019

KWAHUCHTIW

H-8019

Page 2

1 paragraph:

2 NEW PARAGRAPH. e. Forfeited property used in  
3 connection with a violation of section 200.14 shall be  
4 deposited with the department of public safety to be  
5 disposed of in accordance with the rules of the  
6 department. However, the department shall distribute  
7 not more than one thousand five hundred dollars per  
8 forfeiture to the anhydrous ammonia equipment security  
9 and cleanup fund created pursuant to section 200.23.  
10 The department may dispose of the property by a  
11 commercially reasonable public sale in order to carry  
12 out this paragraph."

13 3. Title page, line 4, by inserting after the  
14 word "ammonia," the following: "providing for the  
15 allocation of moneys to support security needs and the  
16 cleanup of clandestine laboratory sites,".

By KREIMAN of Davis

H-8019 FILED FEBRUARY 9, 1998

*Host 2/10/98 (p. 193)*

## SENATE FILE 2082

H-8020

1 Amend Senate File 2082, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 4, the  
4 following:

5 "Sec. \_\_\_\_ . Section 809A.14, subsection 7, Code  
6 1997, is amended by adding the following new paragraph  
7 and relettering subsequent paragraphs:

8 NEW PARAGRAPH. a. Forfeited property used in  
9 connection with a violation of section 200.14 shall be  
10 first used to satisfy the civil penalty imposed upon  
11 the person as provided in section 200.18."

12 2. By renumbering as necessary.

By KREIMAN of Davis

H-8020 FILED FEBRUARY 9, 1998

**WITHDRAWN***(p. 193) 2/10/98*

Hedge, Chair  
Vilsack  
Rife

SS B 2005

Agriculture  
Succeeded By  
SF/HF 2082

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act regulating anhydrous ammonia by prohibiting tampering with  
2 related equipment and the unauthorized possession and  
3 transportation of containers and receptacles used to store  
4 anhydrous ammonia, and providing enhanced penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6 secretary of-agriculture. A person shall not intentionally  
7 tamper with anhydrous ammonia equipment by using the equipment  
8 in a manner that is not authorized by the equipment's owner.  
9 ~~No A person, firm-or-corporation, other-than-the-owner-and~~  
10 ~~those-authorized-by-the-owner-to-do-so,~~ shall not in any  
11 manner or for any purpose sell, fill, refill, deliver, or  
12 permit to be delivered, or use in-any-manner-any an anhydrous  
13 ammonia container or receptacle, including for the storage of  
14 any gas, or compound for-any-other-purpose-whatsoever , unless  
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35 the installation and maintenance of the equipment, or the

1 person lawfully selling the anhydrous ammonia for damages  
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3 EXPLANATION

4 This bill amends Code chapter 200 which is known as the  
5 "Iowa Fertilizer Law." The chapter provides for the  
6 regulation of anhydrous ammonia by the secretary of  
7 agriculture. Code section 200.14 requires that the secretary  
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9 equipment for storage, handling, transportation, and use of  
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11 ammonia equipment must be installed and maintained in a safe  
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27 arising out of the tampering.

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SENATE FILE 2082

AN ACT

REGULATING ANHYDROUS AMMONIA BY PROHIBITING TAMPERING WITH RELATED EQUIPMENT AND THE UNAUTHORIZED POSSESSION AND TRANSPORTATION OF CONTAINERS AND RECEPTACLES USED TO STORE ANHYDROUS AMMONIA, PROVIDING ENHANCED PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 200.14, subsection 1, unnumbered paragraph 3, Code 1997, is amended to read as follows:

1A. ~~All-anhydrous~~ Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with the rules and-regulations-of adopted by the

secretary of agriculture. A person shall not intentionally tamper with anhydrous equipment. Tampering occurs when a person who is not authorized by the owner of anhydrous ammonia equipment uses the equipment in violation of a provision of this chapter, including a rule adopted by the secretary. No A person, firm-or-corporation, other-than-the-owner-and-those authorized-by-the-owner-to-do-so, shall not in any manner or for any purpose sell, fill, refill, deliver, or permit to be delivered, or use in-any-manner-any an anhydrous ammonia container or receptacle, including for the storage of any gas or compound for-any-other-purpose-whatsoever, unless the person owns the container or receptacle or is authorized to do go by the owner. A person shall not possess or transport anhydrous ammonia in a container or receptacle which is not authorized by the secretary to hold anhydrous ammonia.

Sec. 2. Section 200.18, subsection 2, Code 1997, is amended to read as follows:

2. ~~Any A person violating any-provision-of this chapter or the rules and-regulations-issued-thereunder adopted by the secretary pursuant to this chapter shall be guilty of a simple misdemeanor. In addition to the imposition of the simple misdemeanor penalty, a person violating section 200.14 shall be subject to a civil penalty of not more than one thousand five hundred dollars, if the person does any of the following:~~

a. Intentionally tampers with anhydrous ammonia equipment.

b. Possesses or transports anhydrous ammonia in a container or receptacle which is not authorized to hold anhydrous ammonia according to rules adopted by the secretary.

A person tampering with anhydrous ammonia equipment in violation of section 200.14 shall not have a cause of action against the owner of the equipment, any person responsible for the installation and maintenance of the equipment, or the person lawfully selling the anhydrous ammonia for damages arising out of the tampering.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2082, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON  
Secretary of the Senate

Approved 2/19, 1998

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TERRY E. BRANSTAD  
Governor