

HOUSE BILL REPORT

ESB 6232

As Reported by House Committee On:
Judiciary

Title: An act relating to possession of ammonia.

Brief Description: Revising crimes relating to possession of ammonia.

Sponsors: Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon.

Brief History:

Committee Activity:

Judiciary: 2/26/02, 2/28/02 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Amends statutes relating to theft or unlawful possession or storage of anhydrous ammonia to change "anhydrous ammonia" references to "pressurized ammonia gas or pressurized ammonia gas solution."
- Provides that the crime of unlawful storage of ammonia does not apply to solid waste haulers who unknowingly possess, transport, or deliver pressurized ammonia gas or pressurized ammonia gas solution.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Staff: Edie Adams (786-7180).

Background:

Anhydrous ammonia is widely used as a nitrogen fertilizer and refrigerant. It is stored under high pressure and if improperly stored or mishandled can cause severe injuries. Anhydrous ammonia is ammonia that does not contain any water. Anhydrous ammonia readily absorbs water and improper storage can result in it no longer being "anhydrous."

Anhydrous ammonia is also being used in the manufacture of methamphetamine and is often improperly stored during this process. In 2000, the Legislature adopted a law to address the increase in theft of anhydrous ammonia, unlawful storage of anhydrous ammonia, and possession of anhydrous ammonia with intent to manufacture methamphetamine.

The chapter governing anhydrous ammonia makes it a crime to commit theft of anhydrous ammonia or to unlawfully store anhydrous ammonia. The crime of unlawful storage of anhydrous ammonia is committed by possessing anhydrous ammonia in a container that is not approved to hold anhydrous ammonia or not constructed to meet standards for holding anhydrous ammonia. This crime does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances. Any damages caused by the unlawful possession of, storage of, or tampering with anhydrous ammonia is the sole responsibility of the person who violates the law.

Summary of Amended Bill:

References to "anhydrous ammonia" in the statute governing anhydrous ammonia and in the seriousness level rankings of crimes relating to anhydrous ammonia are changed to "pressurized ammonia gas or pressurized ammonia gas solution."

The crime of unlawful storage of ammonia is amended to provide that the crime does not apply to solid waste haulers or their employees who unknowingly possess, transport, or deliver pressurized ammonia gas or pressurized ammonia gas solution during the course of the performance of their duties.

Amended Bill Compared to Original Bill:

The original version did not include "pressurized ammonia gas solution" in the provisions being changed to reference pressurized ammonia gas.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (In support) This is really a technical amendment to the law the Legislature passed two years ago on anhydrous ammonia. Anhydrous ammonia may be too specific a term because as soon as it is exposed to the air, it absorbs water and is no

longer "anhydrous."

(With concerns) There is a problem with this bill in that it does not contain a definition of "pressurized ammonia gas." It is too broad and could apply to cleaning ammonia. The bill needs a sensible definition of pressurized ammonia gas.

Testimony Against: None.

Testified: (In support) Senator Rasmussen, prime sponsor; Dan Coyne, Far West Agribusiness Association; and Tom McBride, Washington Association of Prosecuting Attorneys.

(With concerns) Merton Cooper.