



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 877 (as introduced 11-9-05)
Sponsor: Senator Valde Garcia
Committee: Agriculture, Forestry and Tourism

Date Completed: 12-7-05

CONTENT

The bill would create the "Anhydrous Ammonia Security Act" to do the following:

- Require the Agriculture Commission to issue proposed anhydrous ammonia safety and security practices (AASSPs) regarding the security of anhydrous ammonia in the possession of sellers and end users in this State.**
- Require the Agriculture Commission and the Department of Treasury to facilitate the filing for income tax credits for expenditures made by sellers and end users in implementing the security measures contained in the AASSPs.**
- Establish tort immunity for a seller or end user storing, securing, using, transporting, or protecting anhydrous ammonia in compliance with AASSPs.**

AASSPs

The Agriculture Commission would have to issue proposed AASSPs by June 1, 2006. In establishing AASSPs, the Commission would have to give due consideration to available Department of Agriculture information and written recommendations from the Michigan State University College of Agriculture and Natural Resources Extension, the Department of State Police, local law enforcement agencies, anhydrous ammonia manufacturers, retailers, and end users, and other professional and industry organizations.

The Commission would have to work with the Department of Treasury to facilitate the filing for income tax credits for expenditures and expenses made by sellers and end users relating to implementing the security measures contained in the AASSPs.

"Seller" would mean a person selling anhydrous ammonia at wholesale or retail to an end user for a legal purpose. "End user" would mean the person actually using anhydrous ammonia for a legal purpose.

Immunity

A seller or end user storing, securing, using, transporting, or protecting anhydrous ammonia in compliance with AASSPs would be immune from tort liability for personal injury, property damage, or death that resulted from the larceny or attempted larceny of anhydrous ammonia, or from a person obtaining or using, or attempting to obtain or use, anhydrous ammonia illegally. This would include immunity from liability for an injury to, damage to the property of, or the death of a person who was not the person committing or attempting to commit a larceny of, or obtaining, using, or attempting to obtain or use, anhydrous ammonia illegally.

The failure of a seller or end user to store, secure, use, transport, or protect anhydrous ammonia in compliance with AASSPs would not, by itself, create tort liability for personal injury, property damage, or death caused by the storage, securing, use, transportation, or protection of anhydrous ammonia.

These provisions would apply to a cause of action that accrued after the bill's effective date.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel