

State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 370

January 9, 2012 – Introduced by Senators Grothman, Holperin, Schultz, Taylor, Lasee and Hansen, cosponsored by Representatives Knilans, Kestell, Bernier, Endsley, Jacque, LeMahieu, Kooyenga, Spanbauer, Strachota, Thiesfeldt, Tiffany, Van Roy, Vos and Rivard. Referred to Committee on Agriculture, Forestry, and Higher Education.

- 1 AN ACT *to renumber and amend* 100.45 (5e); and *to create* 100.45 (5e) (b) of
- the statutes; **relating to:** regulating certain substitutes for ozone-depleting refrigerants.

Analysis by the Legislative Reference Bureau

Current law imposes certain restrictions on ozone-depleting refrigerants (ODRs) used in air conditioners for motor vehicles and motor vehicle trailers. The restrictions prohibit the sale of an ODR in a container holding less than 15 pounds of the ODR. Unless certain requirements are satisfied, the restrictions also prohibit repairing such an air conditioner, if the repair may release ODRs, and installing or servicing such an air conditioner, if the air conditioner contains ODRs. The requirements that must be satisfied to perform such work include training or certification requirements established by the Department of Agriculture, Trade and Consumer Protection (DATCP) that the individual who performs the work must satisfy, as well as requirements for removing and recycling the ODRs. Current law also authorizes DATCP to promulgate rules providing that any of the foregoing restrictions also apply to substances used as substitutes for ODRs (ODR substitutes).

This bill creates exceptions to DATCP's rule-making authority regarding ODR substitutes. Under the bill, DATCP may not promulgate rules that prohibit the sale of an ODR substitute in a container holding less than 15 pounds of the ODR substitute. In addition, the bill prohibits DATCP from promulgating rules regulating an individual's noncommerical use of an ODR substitute that is sold in such a container.

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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:

SECTION 1. 100.45 (5e) of the statutes is renumbered 100.45 (5e) (a) and amended to read:

100.45 **(5e)** (a) The Except as provided in par. (b), the department may promulgate rules providing that any portion of sub. (3) or (4) applies with respect to a substance used as a substitute for an ozone–depleting refrigerant.

SECTION 2. 100.45 (5e) (b) of the statutes is created to read:

100.45 **(5e)** (b) The department may not promulgate rules prohibiting the sale or offering for sale of any substance used as a substitute for an ozone–depleting refrigerant in a container holding less than 15 pounds of the substance or regulating an individual's noncommerical use of such a substance that is sold in such a container.

12 (END)