

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
SENATE BILL NO. 489**

As Agreed to May 8, 2002

Brief*

The Conference Committee agreed to all House amendments plus makes certain technical and clarifying amendments.

SB 489 provides immunity for any person who owns anhydrous ammonia, from liability from a lawsuit by a tamperer or any third party based on the actions of the tamperer. The provisions regarding an owner's immunity will expire on July 1, 2006.

The bill provides that on or after July 1, 2003, any person or custom blender who violates any provisions of the law relating to fertilizers may incur a civil penalty of not more than \$5,000 per violation. In the case of a continuing violation, every day may be deemed a separate violation. Any civil penalty collected shall be deposited in the State General Fund.

The bill also provides that if the Secretary of Agriculture does not adopt a revised regulation related to storage of liquid fertilizer in mobile containers prior to February 1, 2003, then the requirements provided in KAR 4-4-900 *et seq.* shall be applicable to each mobile container or combination of mobile containers which has a combined capacity of 2,000 gallons or more which is used to store liquid fertilizer for more than 60 consecutive days.

The House version of the bill deleted the ability of the court to order attorneys fees to owners who have to defend suits and added the immunity sunset provision. The Conference Committee additions to the bill were technical and clarifying.

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.