

KCC Alert



Kentucky Conservation Committee, P.O. Box 1152, Frankfort, KY 40602

502-227-9555

Budget Introduced

Governor Patton has introduced his budget proposal for the next biennium. Known as Senate Bill 185 and companion bill HB 321, it contains a modest increase in the funding level for the Natural Resources and Environmental Protection Cabinet.

Under the Governor's proposed budget the

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Key Committee Assignments

Senate Agriculture and Natural Resources Robert J. Leeper (D), **Chair**, Ernie Harris (R), **Vice Chair**, Charlie Borders (R), Fred Bradley (D), Paul Herron, Jr. (D), Dan Kelly (R), Vernie McGaha (R), Barry Metcalf (R), Kim Nelson (D), Joey Pendleton (D).

Senate State and Local Government Paul Herron, Jr. (D), **Chair**, Albert Robinson (R), **Vice Chair**, Benny Ray Baily (D), Glenn Freeman (D), Ernie Harris (R), Gary C. Johnson (D), David Karem (D), Vernie McGaha (R), Julie Rose (R), Robert Stivers (R), Elizabeth Tori (R).

House Agriculture and Small Business Drew Graham (D), **Chair**, Royce W. Adams (D), **Vice Chair**, John Arnold, Jr. (D), **Vice Chair**, William Scott (D), **Vice Chair**, Dwight Butler (R), **Vice Chair**, Walter Gee (R), **Vice Chair**, Adrian Arnold (D), Sheldon Baugh (R), James Bruce (D), Jack Coleman (D), Gippy Graham (D), Charlie Hoffman (D), Thomas "Tom" McKee (D), Fred Nesler (D), Billy Polston (R), Jim Stewart (R), Roger Thomas (D), Mark A. Treesh (R), Tommy Turner (R).

House Appropriations and Revenue Harry Moberly, Jr. (D), **Chair**, Jesse Crenshaw (D), **Vice Chair**, Jimmy Lee (D), **Vice Chair**, Marshall Long (D), **Vice Chair**, Bob M. DeWeese (R), **Vice Chair**, Bob Heleringer (R), **Vice Chair**, Royce Adams (D), Rocky Adkins (D), Joe Barrows (D), Mark Brown (D), Jim Calahan (D), Larry Clark (D), Barbara White Colter (R), Danny Ford (R), Porter Hatcher, Jr. (D), Bill Lile (R), Jim Lowell (D), Mary Lou Mazian (D), Paul Mason (D), Richard L. Murgatroyd (R), Lonnie Napier (R), Donnie Newsome (D), Fred Rasche (D), Charles L. Siler (R), John Will Stacy (D), Mark Treesh (R), Jim Wayne (D), Pete Worthington (D), James F. Zimmerman (R).

House Natural Resources and Environment Herbie Deskins, Jr. (D), **Chair**, Mark Brown (D), **Vice Chair**, Thomas Pope (D), **Vice Chair**, Woody Allen (R), **Vice Chair**, Rocky Adkins (D), Scott Alexander (D), Hoby Anderson (R), Hubert Collins (D), Ricky L. Cox (R), Jim Gooch, Jr. (D), Allen Maricle (R), Donnie Newsome (D), Jim Stewart (R), Brent Yonts (D).

KCC To Do List:

- ❑ Call your county clerk's office, department of voter registration. Find out who your State Senator and State Representative are.
- ❑ Call your State Senator and State Representative. Ask him/her to support the Kentucky Forest Conservation Act with amendments to ensure it doesn't weaken existing law.
- ❑ Call on your Senator to support SB 18, Metcalf's straight pipe bill (See article).
- ❑ Write a letter to the editor on Container Recycling: HB371 (see article).
- ❑ Come lobby with Liz and Chris.

Forest Conservation Act in Both Houses

Governor Patton introduced the Kentucky Forest Conservation Act to the legislature at a news conference in the Capital on January 27. Admitting that it was a compromise that did not go as far as he wanted, Patton hailed the bill as a "first beginning" to protecting Kentucky's environment as trees are cut.

KCC President Wade Helm was quoted in the Lexington Herald-Leader as saying the bill lacks provisions that would require loggers to give notice before cutting and report afterwards the type and amount of timber cut. It is also too lenient on loggers, giving them four notices before penalties kick in when violations are found. The lack of prior notice will make it tougher to find violators. (For specifics about the bill, refer to the January 21 Alert, call our office, or visit the LRC web site.)

Word coming out of the Natural Resources and Environmental Protection Cabinet is that this is the toughest logging legislation likely to be passed by the legislature this session. Judging from the Governor's comments, he seems to believe the same. The main opposition to tougher controls is coming from the logging community and property rights activists.

The environmental community is in uniform agreement about the bill's weaknesses. Kentucky Resources Council Director Tom Fitzgerald, however, worries that the bill weakens existing law under the Clean Water Act.

To help with this important matter, call your legislators and ask them to support the bill along with amendments to clarify that existing law is not being superceded.

Senator Kim Nelson is sponsoring the bill in the Senate (SB 214). In the house Herbie Deskins, Joe Barrows, Mark Brown, and Jim Gooch sponsor the companion bill (HB 437).

Straight Pipes Bill Flushed, Recycled

In a surprise outcome on one of KCC's priority issues, the Senate rejected Sen. Metcalf's straight pipe bill (SB 18) in a floor vote. The vote was 13 for, 18 against, 1 abstention and 7 (or 20%) not present. There appeared to be some confusion over the bill's language.

For a list of Senators voting against, see page 6. Let them know you're not happy about their vote.

The vote occurred on Monday, Jan. 26. Major floor votes are frequently avoided on Mondays, as many legislators are just returning to Frankfort.

SB 18 would require a release from the local health board inspector for the on site sewage system before permanent electrical connection could be made to a residence.

Chronologically, here's what happened. SB 18 was posted for passage in the regular orders for the day on Jan. 22. Sen. Buford offered floor amendment 1; the bill was passed over and retrained in the orders of the day. Floor amendment 1 would exempt cities and counties that adopt the state residential building code.

Then on Jan. 23 Sen. Buford offered floor amendment 2. This amendment requires the property owner obtain a release from the health department before temporary power could be connected and requires the granting of the release on demand when a site inspection is requested. Again the bill was passed over.

On Jan. 26 Floor Amendment 1 was rejected. The bill with Amendment 2 was then defeated.

Word circulated the Capital that Congressman Hal Roger's office was contacting legislators and urging the bill be reconsidered.

In an unusual move on Jan 27, the bill was resurrected along with Floor Amendment 1 and sent back to the Agriculture and Natural Resources Committee chaired by Senator Kim Nelson.

Container Recycling Finds Sponsor

Spurred on by Estill County High School's Political Science class, Reps. Greg Stumbo and Harry Moberly have introduced a beverage container-recycling bill, HB 371.

This bill requires counties and allows other entities to establish recycling centers to act as redemption points. Retailers would collect a deposit on each container. The deposit would go to a Container Recycling Fund that would pay the

redemption center the amount of the deposit plus a handling fee for each container. The handling fees would be paid out of deposits not redeemed.

This system is modeled after programs in other states. It is self-funding, relieves retailers of the responsibility for collecting returns, and actually makes return collections profitable.

Call Wade Helm at the KCC office to join a coalition of student and environmental groups supporting this bill.

Budget Cont. ...

Environmental Quality Commission, a seven member citizen commission that monitors environmental trends and conditions and advises the state on environmental issues, would see a reduction in general and restricted funds during the second year.

The Nature Preserves Commission is also targeted for a reduction in the second year. Both of these commissions are frequent targets by certain factions for elimination or budget cutting.

While the governor has included funding for timber inventory (which Forest Conservation Act seeks to improve), funding would be eliminated for 15 vacant field positions in the Division of Forestry.

Legislative Information On the Internet

The Legislative Record, the full text of all filed bills, the legislative calendar, the orders of the day, and more are all available on the Legislative Research Commission's Web Site. The URL is: <http://www.lrc.state.ky.us/home.htm>

Toll Free Legislative Numbers

Legislator Message Line: 1-800-372-7181
 Bill Status Line: 1-800-776-9158
 Committee Calendar Line: 1-800-633-9650

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Bill Summaries and KCC Position

Bill No.	Position	Sponsor	Summary	Status
HB 4	Strongly Support	Nunn	Requires marine sanitation devices (holding tanks) on house boats.	To Rules (H)
HB 24	Oppose	Crimm	Exempts Srs., disabled Vets, and disabled citizens from paying hunting stamps and tags.	To Nat. Res. & Env. Committee (H)
HB 42	Oppose	Yonts	Constitutional amendment to exempt unmined minerals from property tax.	To Elections and Const. Amendments (H)
HB 44	Oppose	Yonts	Constitutional amendment to exempt unmined minerals and intangible personal property, with exceptions, from property tax.	To Elections and Const. Amendments (H)
HB 48	Support	Murgatroyd	Expands ability to impose a tax for upkeep of parks to any class city.	To Cities (H)
HB 49	Strongly Support	Bratcher	Two year moratorium on any new construction in the floodplain of Jefferson County. KCC would like to see it made statewide, restored to ten years	To Cities (H) (posted)
HB 54	Strongly Oppose	Royce Adams Damron	Nuisance protection for shooting ranges. Precludes suites and noise control ordinances from affecting shooting ranges, even in major expansion. Retroactive.	Passed House. To Sen Ag. And Nat. Resources
HB 56	Support, under study	Wayne, et al	Adds a seat to air board of counties with cities of the first class for Airport Neighbors Alliance.	Passed House. To State and Local Gov. (S)
HB 73	Prefer HB 168	Simpson	Expands local planning participation in cell tower planning from Jefferson County to counties with cities of second class	To Cities (H) (posted)
HB 75	Conditional Support	Yonts	Requires training for water district commissioners. Oppose benefits for commissioners.	To Cty & Spec Dist (H)
HB 87	Support	Wayne	Requires single family dwelling to meet building codes. Should help with sewers.	Passed House. To Lisc.& Occup. (S)
HB 109	Support	Damron	Requires state park capital funds to be spent on capital projects.	Passed House. To Approp & Revenue (S)
HB 127	Support	Brandstetter	Allows fiscal courts to adopt ethics codes for special districts.	To Cty & Spec Dist (H) (posted)
HB 137	Support	Marzian, et al	Allows general fund to be used for mass transit. Allows Trans Dev. Fund to be used for public transportation operating subsidies.	Passed House. To Trans. (S)
HB168	Support	Marcotte	Prefer over HB 73. Requires local approval for cell tower siting, provides court appeal of denial and mandated co-location. Needs removal and bonding provisions.	To Cty & Spec Dist (H) (posted)
HB 171	Support	Brown	Central Midwest low-level Radioactive Waste Compact enforcement. Defines but does not address NORM. Oppose any amendments.	Passed House 93-0.
HB 172	Support	Brown	Establishes groundwater-monitoring network.	To Nat Res & Env. (H) (posted)
HB 176	Support	Graham	Promotes Aquaculture	Passed House. To Rules (S)
HB 195	Oppose	Stacy	Provide a mechanism for local and state gov. to designate and post sections of highway as legal for OHV travel. Would allow unlicensed drivers and vehicles on public roads.	Passed House 91-3. To Trans. (S)
HB 196	Oppose	Stacy	Exemptions for hunting and fishing permits and tags.	To Nat Res & Env. (H)
HB 201	Under Study	Long	Provides for joint sewer agency for cities of 3 rd to 6 th classes.	Passed House 95-0. To State & Local Gov. (S)
HB 202	Under Study	Long	Provides mechanism to dissolve sewer districts.	Passed House. 96-0. To State & Local Gov. (S)
HB 210	Strongly Support	Nunn	Mandates NREPC apply to EPA for designation of Lake Barkley, Cumberland, Kentucky, and Dale Hollow as no discharge areas.	To Nat Res & Env. (H)
HB 211	Strongly Support	Nunn	Requires posting of drinking water intakes by state, prohibits mooring within 100 ft of same.	To Nat Res & Env. (H)
HB 212	Support	Nunn	Changes small business clean air advisory board to include 2 more small businesses, stagger memberships, and allows technical assistance program to help with all regulatory programs. Oppose amendments to weaken air toxics standards.	Posted for Regular Orders of Day, Jan 29.
HB 242	Prefer HB168	Maricle	Cell tower siting.	To Cnty & Spcl Dist. (H)
HB 282	Support	Moberly	Tightens accountability of spending underground storage tank funds. Excludes payment for cleaning up to higher standards	To Nat Res & Env (H) (posted)

			imposed by local ordinance (Lexington)	
HB 287	Monitor	Arnold	Changes notice of intent process. Oppose amendments incorporating no more stringent than clause.	
HB 310	Oppose	Long	Requires government pay landowner for any loss in fair market value resulting from zone changes over landowners objection.	To Cnty & Spcl Dist. (H)
HB 326	Oppose	Long	Bypasses construction and demolition landfill permits by allowing the “beneficial” use of such debris.	To Nat. Res. & Env. (H) (posted)
HB 321	Conditional Support	Richards et al	Budget. Companion bill to SB 185. Needs funds restored for EQC, Nature Preserves Commission, and restoration of lost forestry positions.	To Approp & Rev. (H)
HB 371	Strongly Support	Stumbo	Container Recycling Act.	To Nat Res & Env (H) (posted)
HB 384	Support	Bratcher	Speeds up relocation efforts near Louisville Airport. Add some equity provisions.	To Cnty & Spcl Dist (H)
HB 385	Monitor	Gooch, et al	Exempts lands used for agriculture or horticulture from unmined minerals tax if surface and mineral estate owned by same person.	To Approp & Rev (H)
HB 400	Under Study	Haydon & Weever	Permits planning units to exercise extraterritorial jurisdiction for subdivision regulations up to 5 miles with consent of fiscal court.	To Cnty & Spcl Dist (H)
HB 420	Under Study	Heleringer	Allows city owned water utility to extend lines to serve area outside of “formal demonstrable plan” for delivery of service within 6 months. Allows crossing adjacent county line.	To Cities (H)
HB 421	Under Study	Heleringer	Places city owned water utility under jurisdiction of Public Service Commission. Allows pass through of wholesale supplier costs increases without rate case. Requires by year 2000 that each waterworks complete extensions to residents and bus. in adjoining counties not already served.	To Cities (H) (Posted)
HB 424	Support	Jenkins	Requires local boards of education to develop plans for recycling white paper and cardboard.	To Education (H)
HB 425	Support	DeWeese	Extends legislative body time to act on zone map changes to 100 days. Provides that a failure to act is grounds for mandamus but not construed as approval.	To Cnty & Spcl Dist. (H)
HB 437	Conditional Support	Deskins	Forest Conservation Act. Companion bill to SB 214. Needs strengthening. Oppose weakening amendments. Division of Forestry needs funds to implement.	To Nat Res & Env. (H)
HB 443	Under Study	Kerr et al	Electric utility deregulation bill.	To Tourism Dev. & Energy (H)
HB 453	Under Study	Geveden	Creates new KRS chapters relating to emergencies part of which deal with hazardous materials.	Unassigned
HCR 1	Strongly Support	Burch, Stumbo	Urge US Congress to propose and submit to the states a constitutional amendment that guarantees the individual right to a clean and healthy environment.	To Nat Res & Env. (H)
SB1	Strongly Support	Saunders	Amends chapter 100 to provide administrative fines for violation of bonding elements. Should be strengthened with bonding requirements. Counties with cities of first class only.	Passed 36-0. To State Gov. (H) (posted)
SB8	Under Study	Metcalf	Amends legs lobby laws to remove references to public interest orgs, eliminates obligation to disclose source of funding. Other changes.	To State & Local Gov (S)
SB18	Strongly Support	Metcalf	Requires local health department approval of new buildings as having adequate sewage systems prior to electrical inspector hooking up permanent service.	Defeated. 13-18. Recommended to Ag & Nat Res. (S)
SB 32	Support	Metcalf	Pet welfare/Animal Control. Pet food surcharge.	To Lisc & Occup (S)
SB 41	Under Study	Boswell	Gas system restoration account opened to “utilities” instead of “gas”	To Econ Dev & Labor (S)
SB 42	Conditional Support	Boswell	Flood Control – Planing and mitigation activities. Should be improved to include Div of Water Approval and require alternatives be evaluated.	Passed 35-0. To Nat Res & Env. (H)
SB 82	Conditional Support	Scorsone	Defines NORM. Requires public notice to permit landfilling NORM, provides adjudicatory hearing in county of landfill if requested. Needs amendments.	To Ag & Nat Res. (S)
SB 97	Support, needs strengthening	Buford	Requires local notice and public hearing before Trans Cab can start work on scenic highways/byways	To Transportation (S)
SB 99	Support	Metcalf	Decriminalizes industrial hemp for state research and experimentation station. Requires feasibility report.	To Ag & Nat Res. (S)
SB 104	Oppose	Nelson	Prevent cities from requiring annexation prior to extending water	To Ag & Nat Res. (S)

			service. Meddles with local gov.	
SB 115	Strongly Support	Metcalf	Companion to HB 4.	To Ag & Nat Res. (S)
SB 117	Oppose	Metcalf	Surcharge on State Park overnight stays. Funds to F&W trust fund and F&W budget. (Park surcharges needed for parks.)	To Ag & Nat Res. (S)
SB 123	Support	Leeper	Creates an inter-agency committee between Transportation and Tourism Cabinets with Heritage Council rep. to review signage laws and seek public comment, and make recommendations on other activities.	To Rules (S)
SB 137	Under Study	Buford	One time sunset commission to review all administrative bodies, what they do, how they spend money, decide whether they should continue.	To State & Local Gov (S)
SB 143	Oppose	Robinson	Permits cities and counties to designate highways and adjoining rights of way where off road vehicles may be operated. (serious safety issue)	To Transportation (S)
SB 179	Support	Harris	Clarifies if a legislative body fails to act on a zoning map change remedy is to seek mandamus to compel action. Failure to act is not deemed as approval.	To State & Local Gov (S)
SB 185	Conditional Support	Saunders	Budget. Companion to HB 321. Needs funds restored for EQC and Nature Preserves Commission. Need to restore lost positions in Division of Forestry	To Approp & Revenue (S)
SB 211	Under Study	Freeman	Requires plans for new roads to identify one or more sites to be used as construction waste sites with potential for development as industrial parks. Allows government entities to donate land for industrial parks. Declares and emergency.	To Econ. Dev. & Labor (S)
SB 214	Conditional Support	Nelson	Forest Stewardship Act. Companion to HB 437. Needs Strengthening. Oppose weakening amendments. Division of Forestry needs funds to implement.	To Ag & Nat Res (S)
SB 218	Support	Nelson	Extends income tax credit for recycling & composting equip. to equip that separates post consumer waste and to machinery that produces reusable components and sub-assemblies.	To Approp & Revenue (S)
SB 226	Under Study	Freeman	Allows district transportation employees to enter private property adjoining road right of way to clear hazardous trees after due notice and court approval. Allows state to seek reimbursement from owner.	To Transportation (S)
SB233	Oppose	Boswell	Allows for cutting of trees and shrubs obscuring the view of billboards. Other numerous changes regarding billboards.	Unassigned
SJR 13	Strongly Support	Metcalf	Re-designate Lake Cumberland as no discharge area for marine sanitation devices	To Ag & Nat Res. (S)
SR 80	Strongly Support	Blevins	Oppose an increase in truck size and weights on interstate roads.	To Transportation (S)

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Ways I will help KCC:

Telephone Tree Writing letters Monitoring Interim Committees Lobbying during the session

Because one of KCC's main activities is influencing legislation, contributions are not tax deductible. Please send your check and membership information to: KCC, P.O. Box 1152, Frankfort, KY 40602. For more information call: 502-227-9555.

Senators Voting Against HB 18 – Straight Pipe Legislation

Charlie Borders, Russell
Tom Buford, Nicholasville
Glenn Freeman, Cumberland
Ernie Harris, Crestwood
Gary Johnson, Pikeville
Dan Kelly, Springfield
Bob Leeper, Paducah
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