

KCC Alert



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

502-227-9555

OHV Bill Speeding Down Wrong Road

House Bill 195 will let local governments designate sections of public roads for off-highway-vehicles (OHVs). This includes everything from country roads to state highways. Unlicensed, uninsured drivers as young as 12 years old driving unlicensed vehicles are a serious threat to human safety, private property and the environment. This Bill has passed the House and is set for a final floor vote in the Senate. Time is running short call now!

Key Committee Assignments

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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: *URGENT*

- ❑ Call the legislative message line. Ask your representative to oppose pesticide bills HB 480 and 483. (See article below.)
- ❑ Call the legislator message line. Ask your Senator to oppose HB 195 and keep OHVs off our roads.
- ❑ Call your county Judge Executive, local chamber of commerce, or farm bureau. Tell them you want HB 371 (Container Recycling).
- ❑ Call the legislator message line. Ask you Senator to support SB 18.
- ❑ Tell your legislators to support a Forest Stewardship Act that does not weaken current clean water protections.
- ❑ Call, write, or fax the Governor. Ask him to veto HB 54.
- ❑ Lobby with Liz and Chris on Tues., Wed., or Thurs. Call the KCC office to arrange.

Bad Pesticide Control Bills Grow Legs

House Bills 480 and 483 dealing with pesticide handling were introduced on Feb. 3 and are already out of committee and on their way to a floor vote in the House. These bills are a step backwards in some key areas.

Proper regulation of pesticides is a public health concern because of what is known about the acute effects of pesticide exposure, and the substantial uncertainty about the chronic health risks of low-dose exposure. In 1972 Congress directed the EPA to reassess all registered pesticides, 20,000 products containing 642 active ingredients, for chronic health risks. This work is expected to take well into the next century.

According to the General Accounting Office "the public is not told about the uncertainties surrounding chronic health risks [and] the act does not require pesticide labels to state that the pesticides have been assessed in accordance with current standards for chronic health risks." Many products commonly available have not been tested for chronic health risks.

A 1993 GAO report noted that "as with most pesticides, lawn care products could cause serious health problems and adverse ecological effects, and some could leach into ground water – the source of much of the nation's water supply. These pesticides are being applied without complete knowledge of their safety implications."

What's wrong with these bills?

House Bill 480:

- Sets no competency standards for those who apply structural pest control pesticides in homes of others (e.g. termite control) without direct on-site supervision by a licensed applicator. Minimum standards of competence should be included.
- Allows firms to stay in business without a licensed applicator for up to 3 months in some cases. Businesses should not be allowed to treat homes without a licensed person managing applications.
- Preempts any local government ordinances regarding pest control or pesticides. Existing law prohibits local regulation of agricultural and silvicultural pesticides. This extends the prohibition to lawn care and structural pest control. Local governments need to be able to address site specific concerns that current laws do not address, such as karst terrain features and vulnerable groundwater regimes; storm water toxicity problems; or localized non-point impacts on streams.

Cont. on page 2

- Shields pesticide applicator from liability for nuisance or trespass, limiting the liability of a pesticide applicator for damage to cases where the applicator is negligent.
- Allows only a 10-day suspension of licenses for even the most egregious violations. The state agency must have emergency powers to suspend licenses for serious violations involving fraud and misrepresentation.
- Gives violators 10 days to fix even the most minor problem, regardless of whether the violation could or should be fixed immediately.

House Bill 483:

- Defines public operators to include private entities, such as golf courses, business and commercial operations, waiving their license fee, and allowing them to engage in bulk storage of restricted use pesticides without registering or showing financial responsibility.
- Deletes information concerning corporate officers and owners, making it more difficult to keep violators from reentering the field under new names.
- Requires no training for those who apply non-restricted pesticides in rights-of-way. A mistaken belief exists that non-restricted pesticides are "mild" or safe. The assumption that "reading the label" is sufficiently protective of the user is incorrect. The fact that a pesticide is not "restricted use" does not make it appropriate for handling by untrained individuals in rights-of-way.
- Eliminates any local control of lawn care and structural pest control application.
- Weakens the right to know of lawn care chemical application for golf courses. Instead of the current posting requirement, which informs the passerby that a "lawn care application" has been made, a golf course would have to post only the first and tenth tee, for one day after the application with a small sign noting that "plant protective materials" had been applied. This is misleading and fails to inform the visitor that materials applied may include biological or chemical pesticides or defoliants intended to kill certain types of plants or pests, and which possess the capability to cause harm to some humans. The duty to warn should be greater, not lesser, for places that invite the public onto recently treated grass.

KCC Testifies on State Budget

KCC recently presented its views to the legislature on the Governor's proposed budget. Frank Elsen testified before the Senate Appropriations & Revenue Committee. Chris Clements testified before the House Budget Review Subcommittee. Here is a summary of our comments.

1. Water quality. We have only 60 inspectors to review permitted facilities on 89,000 miles of streams. Two Louisville inspectors must go when these vacant spots were eliminated last August over 1000 facilities in 7 counties. 9 new positions would restore us to 1992 staffing levels. Many of Kentucky's streams do not meet federal clean water standards. Animal waste regulations will require a major effort by inspectors. More inspectors are needed to assure our ability to enforce water quality laws. Three positions are needed for watershed managers. 95% federal funding is available if hiring caps are lifted.
2. Forestry. In August when vacant spots were eliminated the

Division of Forestry lost 17 forester, ranger, and technician positions seriously needed to assist private woodland owners encourage the use of best management practices, an encourage sustainable forestry. The Forest Conservation Act will not replace these positions, if passed. DOF needs more people.

3. KCC supports the Nature Preserves Commission and believes one additional full time stewardship position is needed to protect the state's investments in the southeastern reaches.
4. KCC urges continued support for the Environmental Quality Commission, as it is the only forum where citizens can directly express their environmental concerns.
5. Inventory of the state's biological resources must move forward before rare ancient habitats are lost to logging occurring at 1920' rates.

Container Recycling Synopsis (HB371)

Advocates: Estill County H.S. Poly Sci Class, environmental groups, Kentucky Farm Bureau, League of Women Voters.

Opponents: Soft drink & beer bottlers and distributors, Kentucky Association of Counties.

Objective: Reduce roadside and stream litter, encourage reuse of materials, reduce landfilling.

Next Committee Hearing: February 24 by Nat Res & Env, in the capital annex, probably at 10:00am. Call KCC office for last minute changes and room number.

Deposit: 5 cents (20 ounce or less), 10 cents (20 on up to 1 gal.)

Funding: From uncollected deposits (20-30% in other states).

Smokescreen: Opponents argue this bill will kill existing recycling programs. However, existing programs can become redemption centers and receive 2 cents plus the deposit for all containers processed. The bill guarantees any loss in revenue from lower curbside collections will be reimbursed.

Pepsi & Coke Complaint Lines: Call these numbers to complain about their opposition. Coke: 1-800-438-2653. Pepsi 1-800-433-2652.

Environmental Coalition Meets Weekly.

All organizations interested in promoting environmentally sound legislation are invited to send a representative. Meetings Are Wednesdays at 2:00pm in the capital annex cafeteria.

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

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>

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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 houseboats.	Passed House 93-3, to Senate Ag & Nat Res
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 & Senate, to Governor's Desk
HB 56	Support	Wayne, et al	Adds a seat to air board of counties with cities of the first class for Airport Neighbors Alliance.	Passed House & Senate, posted for concurrence (H)
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.	2 nd reading in House, to Rules
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 Cntys & 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. 2 nd reading in Senate, to Rules
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.	2 nd reading with committee sub, to Rules
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. Ag & Nar Res (S)
HB 172	Support	Brown	Establishes groundwater-monitoring network.	Passed House 92-0, to Ag & Nat Res (S)
HB 176	Support	Graham	Promotes Aquaculture	Passed House. & Senate, to Governor's Desk
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. 2nd reading in Senate, to Rules
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.	Passed House 94-0 to Ag & Nat Res (S)
HB 242	Prefer HB168	Maricle	Cell tower siting.	To Cnty & Spcl Dist. (H) (posted)
HB 282	Oppose	Moberly	Excuses underground tank owner operators from complying with local standards.	Passed House 98-0 with Ammendment

HB 287	Monitor	Arnold	Changes notice of intent process. Oppose amendments incorporating no more stringent than clause.	Passed House 92-1 , to State & Local Gov. (S)
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) (posted)
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.	Posted for passage in Reg Orders of Day Feb 17 (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.	Posted for passage in Reg Orders of Day Feb 17 (H)
HB 424	Support	Jenkins	Requires local boards of education to develop plans for recycling white paper and cardboard.	To Education (H) (posted)
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.	To State Gov. (H)
HB 471	Support	Stein	Companion to SB 32. Animal welfare.	Hlth & Welfare (H) posted
HB 472	Support	Stein	Requires shelter adopted dogs and cats to be sterilized.	To Ag & Small Bus (H)
HB 480	Strongly Oppose	Graham	Eliminates local control over pesticides. Shields applicators from nuisance suites. On fast track.	1st reading To calendar.
HB 483	Strongly Oppose	Graham	Eliminates the local control of fertilizer and pesticides.	1st reading To calendar.
HB 498	Support	Pope	Creates a mine bond fund from interest on bonds for use in reclaiming sites with bond failures.	To Nat Res & Env (H)
HB 510	Under Study	Hoffman	Seeks to control “dangerous” wildlife.	To Nat Res & Env (H)
HB 524	Support	Wayne	Establishes Kentucky Air Trans. Needs Plan. Gives Trans. Cab approval over developments in excess of \$1 million.	To Trans. (H)
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 binding elements. Should be strengthened with bonding requirements. Counties with cities of first class only.	Passed Senate and House
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. Monitor committee substitute.	Defeated. 13-18. Recommitted 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”	Recommitted 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 service. Meddles with local gov.	To Ag & Nat Res. (S)
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.	Passed Senate to Tour & Dev (H)
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.	To Trans. (S)
SB 245	Support	Karem	Companion to HB 137. Allow general fund and trans dev fund to be used for operating mass transit.	To Approp & Rev (S)
SB 247	Under Study	Sanders	Creates cigarette tax; allocates to Agricultural Diversification & Development fund. Could be used to support tobacco as well as alternatives.	To Ag & Nat Res (S)
SB 256	Strongly Oppose	Sanders	Weakens underground storage tank rules. Diverts money for cleanup to roads. Requires adoption of inadequate standards.	To Ag & Nat Res (S)
SB 260	Oppose	Roeding	Provides means for opponents to torpedo regulations. Emphasizes cost of regulations over benefit.	To State & Local Gov (S)
SB 270	Strongly Oppose	Harris	Makes emergency regs difficult to implement (eg Hogs)	To State & Local Gov (S)
SB 274	Strongly Support	Blevins	Mandates universal collection of garbage in all counties.	To Ag & Nat Res (S)
SB 277	Support	Saunders	Companion to HB 424. Requires recycling of white paper and cardboard in school districts.	To Educataion (S)

SB 282	Support	Harris	Increase fines for animal cruelty.	To Ag & Nat Res (S)
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)
SJR 90	Oppose	Stivers	Study need to redesign and reconstruct Daniel Boone Pkwy. Needs public representation on task force.	To Transportation (S)

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