

KCC Alert



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

502-875-0909

VET Bills Detoured

Two bills aiming to derail vehicle emissions testing in Jefferson County and Northern Kentucky were rerouted by the House Rules Committee to the House Appropriations and Revenue Committee where they are expected to die.

SB 48 sponsored by Sen. Seum from Louisville, as amended and passed by the Senate, would have eliminated the tests if and when the EPA reclassifies an area, such as Louisville, as being in "attainment" for ground level ozone. This could happen within months.

If Louisville were to then fall back into non-attainment, the necessary pollution reductions would have to come from business and industry. The unburned gas from cars with malfunctioning pollution control systems and gas tank ventilation systems interacts with sun light and generates ground level ozone.

HB 27 would have eliminated testing for vehicles less than four model years old. It was approved by the House Natural Resource and Environment Committee. The Rules Committee could have sent it to the House Floor for a vote, but instead chose to send it along with SB 48 to their probable demise.

Thanks are in order for the House leadership for their wisdom in diverting these bills. House leadership includes Reps. Stumbo, Richards, Allen, Ford, Barrows, Callahan and Larry Clark.

CAFO Bill Stalled

A bill that would have done away with protections from the abuses of large factory farms (CAFOs) has stalled in the House Agriculture and Small Business Committee. HB 176's sponsor, Rep. Cherry, has apparently pulled back efforts to push the bill after being caught between opponents and proponents inundating him with demands.

KCC To Do List:

- ❑ HB 237. Ask your Senator to support the Governor's solid waste bill.
- ❑ HB 104. Ask your Representative and Senator to support the negotiated voluntary remediation (brownfields) bill.
- ❑ HB 238. Ask your Representative and House Leadership to nix this one, it allows use of taxpayer money for development without environmental review. (See article this page for House Leadership).
- ❑ HB 9. Ask your Representative and Senator to support the constitutional amendment to allow a referendum on a bottle bill.
- ❑ HB 55. Ask your Senator and members of the Senate State & Local Government Committee to approve training for planning boards and staff.
- ❑ SB 48 and HB 27. Thank House leadership for killing these bad air bills. See article on this page.

Session Enters Final Days Time Running Out to Make Calls

March 7 is the last day to pass new legislation for this year, there will then be two days to for concurrence (i.e. to resolve bills amended by the other chamber). Bills move quickly at the end of the session so be sure and get those calls, emails and faxes in before it's too late. The messages are having an impact.

Representative Belcher, sponsor of HB 20, received so many emails on it that she cannot handle the deluge is asking us to stop. This bill defines activities considered to be agriculture for the purposes of establishing the responsibilities of the Department of Agriculture. She has promised to kill the bill if it gets modified such that it would extend exemptions from environmental protections to activities such as factory farms, timbering and aquaculture.

At this point in the session, anything not out of it's originating committee soon is probably dead for this session.

The Governor's Solid Waste Bill Clears the House

With a vote of 70 to 28 HB 237, the Governor's solid waste proposal, was approved by the House and now heads for the Senate. There was a flurry of floor amendments to weaken it or completely gut the bill, but in the end, it passed with an amendment that cured some technical problems in the language.

This bill mandates curbside or end of driveway collection for any county that cannot clean up their illegal dumps by 2003. As a practical matter, the exemption will apply only to counties that are already doing a good job of controlling illegal dumps. Any county without an existing program is unlikely to clean up their dumps by the deadline.

The Senate will need encouragement to pass the bill because concerns about putting an unfunded mandate on counties could derail the bill.

Stumbo's Cleanup Bill Defeated

Right on the heels of this success, Rep. Stumbo, perhaps hoping to ride on it's coat tails, brought HB 183 up for a vote. This bill would have provided funds for start-up costs of garbage collection programs, environmental education, and dump and litter cleanup by imposing a 0.5 cent tax on drink containers and fast food cups. Ironically, right after all the rhetoric about unfunded mandates on HB 237, this bill was defeated 41 - 56.

Key Committee Assignments

Senate Agriculture and Natural Resources

Ernie Harris (R), **Chair**, Vernie McGaha (R), **Vice Chair**, Robert J. "Bob" Leeper (R), Joey Pendleton (D), Paul Herron, Jr. (D), Virgil Moore (R), Dan Kelly (R), Tim Shaughnessy (D), Ed Worley (D), Ernesto Scorsone (D), Elizabeth Tori (R)

Senate State and Local Government

Albert Robinson (R), **Chair**, Alice Forgy Kerr (R), **Vice Chair**, Walter Blevins, Jr. (D), Ed Miller (D), Ernie Harris (R), Elizabeth Tori (R), David L. Williams (R), Charlie Borders (R), Ernesto Scorsone (D), David Boswell (D), Johnny Ray Turner (D)

House Agriculture and Small Business

Roger Thomas (D), **Chair**, Royce W. Adams (D), **Vice Chair**, John A. Arnold, Jr. (D), **Vice Chair**, William U. Scott (D), **Vice Chair**, Jim Stewart (R), **Vice Chair**, Ken Upchurch (R), **Vice Chair**, Adrian K. Arnold (D), Thomas "Tom" McKee (D), Sheldon E. Baugh (R), Fred Nesler (D), James E. Bruce (D), R. J. Palmer II (D), Mike Cherry (D), Phillip Childers (D), Dottie Sims (D), Jack L. Coleman, Jr. (D), Charlie Hoffman (D), Mark A. Treesh (R), Tommy Turner (R), James Comer, Jr. (R), Dwight Butler (R)

House Appropriations and Revenue

Harry Moberly, Jr. (D), **Chair**, Mike Cherry (D), **Vice Chair**, Robert R. Damron (D), **Vice Chair**, Bob M. DeWeese (R), **Vice Chair**, Bob Heleringer (R), **Vice Chair**, Joni Jenkins (D), **Vice Chair**, Robin Web (D), **Vice Chair**, Royce W. Adams (D), Jimmie Lee (D), Rocky Adkins (D), Mary Lou Marzian (D), Joe Barrows (D), Dwight D. Butler (R), Fred Nesler (D) Jim Callahan (D), Stephen R. Nunn (R), Larry Clark (D), Charles L. Siler (R), Jack L. Coleman, Jr. (D), John Will Stacy (D), Barbara White Colter (R), Mark A. Treesh (R), Jesse Crenshaw (D), John Vincent (R), Danny R. Ford (R), Jim Wayne (D), Rob Wilkey (D), Thomas McKee (D)

House Natural Resources and Environment

Jim Gooch, Jr. (D), **Chair**, Woody Allen (R), **Vice Chair**, Phillip Childers (D), **Vice Chair**, Keith Hall, **Vice Chair**, Rocky Adkins (D), R. J. Palmer, II (D) Hubert Collins (D), Johnnie L. Turner (R), Howard Cornett (R), Robin L. Webb (D), Brent Yonts (D), Ira Branham (D), Tanya Pullin (D), Scott Brinkman (R), Marie Rader (R), Jeffrey Hoover (R)

Mark Your Calendars...

A concert to benefit The Kentucky Resources Council will be held April 22, 7-9:30 p.m. at the Kentucky Theater, 651 South Fourth Street, Louisville. 502/948-6885 for info.

Contacting Your Legislators

Who are my legislators? You can look up your legislators on the web at www.lrc.state.ky.us/whoswho/whoswho.htm or you can call your local county clerk. All they need is your address.

How do I communicate with them? There are several ways to communicate.

The legislative message line will get you an operator who will write down a message for you, no questions asked. Use the number listed under Legislative Message line in our phone number box. The number is frequently busy. Early mornings seem to work best. The line is open till 8:00 pm.

You can send a fax, the number is listed here. Faxes can be sent to multiple legislators, or whole committees (all members of the committee must be listed individually).

Many legislators have email. They can be found from the web address listed above. Some legislators read it, some do not.

If the issue is not urgent, regular mail can be sent to The Capitol Annex, Frankfort, KY 40601.

What do I say? Your message can be as simple as "Please support bill xyz." You don't have to be an expert. Personal experiences that relate can be effective.

A Good Brownfields Bill Negotiated

Negotiations over what type protections to provide for volunteers that agree to remediate and redevelop old, contaminated industrial sites (Brownfields) have produced a proposal acceptable to both developers and environmentalists. Tom FitzGerald of the Kentucky Resources Council lead negotiations for the environmental community. Thanks to the flexibility and leadership of Sen Leeper and Rep Bather, HB 104 is now a bill all sides can live with. Bather agreed to replace his original bill with the negotiated bill. At this writing it is on the House Floor. Leeper's original bill, SB 2, which passed the Senate, should die in the House Appropriations and Revenue Committee.

Tri-Modal Transpark Funding on Runway

HB 238 creates a way for developers to rob the property tax revenue of their prospective counties. In essence it allows for economic development projects to retain part of the property tax revenue that they generate. Recent studies show that new developments often consume more in local tax dollars for infra-structure than they generate in tax income. This would amplify the shortfall. It would also allow the use of tax money to support development without requiring a full environmental or economic feasibility assessments.

One place this concept might be used is the proposed tri-modal transpark on the boarder of Mammoth Cave National Park. This airport/train yard/truck depot is proposed for environmentally sensitive land adjacent to Mammoth Cave with direct impacts on the park. At this writing the bill is on the House floor. See To-Do list on page 1.

Student Planners

HB 55 would send members of planning commissions, planning staff, and boards of adjustment to school. Sponsor Jim Wayne's intent is that people serving in these positions should know the laws and the basic concepts of planning. This bill is currently sitting in the Senate State & Local Government Committee. Calls to committee members are needed to break this bill out of committee. See To-Do list on page 1.

Bottle Bill Referendum Still Alive

HB 9, Greg Stumbo's constitutional amendment to allow a referendum on a bottle bill is on the House Floor for a vote. Last session it passed the House but died in the Senate.

Legislative Information On the Internet

The Bill summaries, status, the full text of all filed bills, the legislative calendar, the orders of the day, legislators' email addresses, and more (updated daily) are available at <http://www.lrc.state.ky.us/home.htm>

Important Legislative Phone Numbers

Legislator Message Line: 1-800-372-7181
To talk to a legislator: 1-502-564-8100
Bill Status Line: 1-877-765-0447
Committee Calendar Line: 1-800-633-9650
Governor Paul Patton: 502-564-2611
Secretary James Bickford: 502-564-3350
Legislator Fax line: 502-564-6543

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2000/2001 KCC Lobbyists

Wade Helm, 502-568-1541
Dick Shore, 888-44J-MUIR

Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
HB 2	Strong Support	Stumbo	Comprehensive solid waste bill known as HB 1 from 2000. Includes mandatory garbage collection and container deposits.	House Nat. Resources & Env.
HB 9	Strong Support	Stumbo	Constitutional Amendment to allow voter referendum on a bottle bill.	House Posted for passage in reg. orders of day, Feb 12.
HB 20	Monitor	Belcher	Defines agriculture, aquaculture, horticulture, livestock, poultry, timber. Doesn't extend exemptions to environmental protections.	Senate 2 nd Reading, to Rules
HB 27	Strong Oppose	Marcotte	Exempts cars less than 2 years old from Vehicle Emissions Tests.	Recommitted to House A & R
HB 55	Strong Support	Wayne	Training requirements for Planning boards, staff, and Boards of adjustment.	Senate State and Local Government.
HB 57	Support	Cornett	Approp. \$2.5 million to recycling, waste reduction, litter prevention.	House Nat. Resources & Env Posting waived.
HB 100	Support	Barrows	Creates an industrial hemp research program.	Senate 2nd reading to Rules
HB 103	Strong Oppose	Damron	Allow civil engineers to inspect on-site sewage disposal systems in place of Health Department. Various floor amendments outstanding.	House Posted in Regular Orders of the day, Feb. 16
HB 104	Strong Support	Bather	Brownfields redevelopment plan negotiated by KRC with sponsors.	Posted in Regular orders of the day Feb. 23.
HB 129	Oppose	Yonts	Raise speed limit to 70 on Interstates and parkways, to 35 on residential.	House Transportation
HB 134	Support w/Amend	Fischer	Ban the use of MTBE in gasoline. Needs to be phased out to assure replacements are available.	House Tourism Development & Energy
HB 136	Strong Oppose	Adams	"Dumb growth." Allow a water utility to expand into another's geography if it has no formal plans to extend service within a year.	Withdrawn
HB 139	Support	Richards	Require monthly ethics reports by lobbyists in odd year sessions.	Sen. State & Local Govrmt
HB 143	Support	Yonts	Allows data from voluntary Env. Audits to be used in criminal cases.	To Senate
HB 146	Support	Palumbo	Require monthly ethics reports by lobbyists in odd year sessions.	House State Government
HB 176	Strong Oppose	Cherry	Factory Farms: Outlaw integrator liability and setbacks, no more stringent than Fed Regs. Sponsor no longer pushing.	Posted House Ag & Small Business
HB 183	Support	Stumbo	½ cent fee on containers to fund cleanup of litter & dumps, & Env. Ed.	Defeated 41- 56
HB 193	Support	Adams	Notify neighbors of cell towers where no planning and zoning exists.	Sen. State & Local Govrmt
HB 207	Support	Wayne	Reporting requirements for companies applying for assistance from Economic Development Authority	House Economic Development
HB 229	Support	Stumbo	1% tax on pet food to support animal control and care fund	House Approp & Revenue
HB 237	Support	Clark	Governor's mandatory garbage collection proposal.	Passed House 70-28
HB 238	Strong Oppose	Wilkey	Creates means for economic development projects to get back part of property tax revenue increase created by project.	House Posted for passage in Reg Orders of Day Feb 23
HB 242	Investigate	Stumbo	Tax breaks for coal processing facilities creating 10 jobs.	Recommitted to House A & R
HB 245	Support	Marcotte	Transportation plans for mining (except coal) to protect traffic & air.	House Transportation
HB 246	Support	Adams	Ethics codes to curtail political fundraising by planning officials	To Senate
HB 252	Support	Webb	Allow tax credits for donations of land to park systems.	Posted House Local Gov.
HB 253	Support	Webb	Transfer vehicle recycling oversight from Transportation to NREPC	Posted House Nat Res & Env
HB 255	Monitor	Adams	Manufactured homes to be acceptable in Residential areas	Posting waived H. Local Gov.
HB 258	Support	Yonts	State mining board overseeing safety made independent agency	To Senate
HB 291	Oppose	Clark	Prohibit vehicle emission testing See SB 48.	Posted House Local Gov.
HB 305	Strong Support	Nunn	Define Demand Side management to include home energy assistance programs.	Posted House Tourism Development & Energy
HB 313	Oppose	Lee	Prohibit union dues from being used for political purposes	House Labor & Industry
HB 320	Oppose	Geveden	Require Dept of Fish and Wildlife to pay fees on certain properties to support transitional high schools.	House State Government
HB 321	Support	Thomas	Require Office of Ag Marketing and Product Promotion to Establish an Organic Ag Product Certification Program	Posted for Passage in Reg. Orders of the day, Feb 26.
HB 325	Monitor	Arnold	Relating to Coal operations shut down or curtailed	Posted for Passage in Reg. Orders of the day, Feb 26
HB 328	Support	Belcher	Limit the use of OHVs on public highways to crossing only.	Posted House Transportation
Hb 337	Oppose	Arnold	Const Amend to extend term of State Reps to 4 years	Posted in House Elections, Const Amend, & Gov. Affairs
HB 354	Monitor	Adkins	Exempts the cost of post consumer waste and installation of recycling equipment from sales and use tax	House Approp. & Revenue

HB 369	Support	Barrows	Maps submitted by cell phone tower co. to Public Service Commission are not exempt from disclosure.	House Tourism Develop & Enregy
HB 385	Support	Riner	Require state government to reduce energy use by 10% in 2 years	House State Government
SB 1	Support w/amendments	Williams	Limit Campaign Contributions to Gubernatorial races by companies doing business with the state.	House State Government
SB 2	Strong Oppose	Leeper	Brownfields redevelopment plan. Not protective enough.	House Approp & Revenue
SB 4	Support	Leeper	Brownfields redevelopment plan negotiated last session.	Withdrawn
SB 47	Monitor	Sanders	Extends economic assistance to secondary wood products industry.	Posted House Econom. Dev.
SB 48	Strong Oppose	Seum	Eliminate vehicle emission testing programs by 2003.	House Approp & Revenue
SB 51	Support	Casebier	All state owned passenger vehicles must be 6 cylinders or less.	Senate Transportation
SB 56	Oppose	Harris	Establish Anti-litter program, "KY-Clean" Board. Window dressing, better to fund Environmental Education Master Plan.	House Approp & Revenue
SB 60	Strong Oppose	Williams	Limits form & content of executive orders. Limits the use of emergency regs to protect the environment.	House State Government
SB 72	Oppose	Seum	Ban MTBE in motor fuels. Needs phase out plan.	Sen Ag & Natural Resources
SB 73	Oppose	Roeding	Admin. Reg. Changes. Limit use of emergency regs.	House State Government
SB 97	Support	Mongiardo	Create 20 ft buffer zone between ag land and new suburbs	Senate State & Local Gov.
SB 122	Support	Moore	Criminal littering, directs fines to litter clean up.	Sen. Ag. & Nat. Resources
SB144	Oppose	Denton	Requires unrealistic cost estimates to set regulatory fees.	Sen, 2 nd Reading to Rules
SB 161	Support	Jones	Protections for use of eminent domain by oil & gas companies.	Senate Judiciary
SB 172	Oppose	Denton	Const Amend: Legislators to act on admin regs between sessions	Sen State & Local Governmt

Internet Access of the Alert

Sierra Club graciously posts the Alert on their web site, go to <http://www.sierraclub.org/chapters/ky/>

Rally to support The Governor's Solid Waste Plan (HB 237)

1:00 p.m. on Wed. Februray 28.

Capitol Rotunda

Sponsored by the Governor's Office

Kentucky Conservation Committee
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