

# KCC Alert



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

502-875-0909

## Bather Bill Bares Billboards

Rep. Paul Bather, Louisville, is sponsoring HB 189 permitting the pruning of vegetation on public right of ways along interstate roads in front of billboards in Jefferson and Fayette Counties.

This bill sets up a 500-foot zone in front of billboards where a billboard owner, by requesting a one-time permit, could remove vegetation blocking the view of the billboard.

This type of legislation was tried before on a statewide basis and failed. Before that, the billboard industry tried applying for regulatory changes through an administrative appeal. They tried several times, each time public response was overwhelmingly against it, and so the Dept. of Transportation turned down the request.

KCC opposes this bill since it is merely a foot in the door. Once in two of the state's most populated counties, why not everywhere else?

The bill provides one carrot to the environmental community in that all removed vegetation must be replaced with native vegetation on a two-to-one basis. Replacing mature native trees with native wildflowers is not necessarily a bargain.

## KCC To Do List:

- ❑ Call your county clerk to find out who your state Senator and Representative are.
- ❑ Call Bruce or Kristen and arrange to spend a day as a citizen lobbyist. It's fun and easy.
- ❑ Ask Ruth Ann Palumbo to withdraw HB 108. (See License to Pollute, this page).

## License to Pollute is Back for Another Round

At best HB 108, sponsored by Ruth Ann Palumbo (Lexington), is a piece of sloppy legislation, at worst, it is a license to pollute. An ill-conceived effort at "Regulatory Reform" its stated intent is to aid small businesses. "Small business" is defined in a way such as to include 97% of all businesses in the state

Under HB 108 all state regulating agencies with jurisdiction over small businesses, which are defined as those having fewer than one hundred permanent full-time employees, must, "under appropriate circumstances", reduce or waive penalties on small businesses for violations of a statutory or regulatory requirement. The phrase "appropriate circumstances" is not defined.

Businesses that might fall in this category include major polluters like merchant power plants, concentrated animal feeding operations, and private sewage utilities. Additionally, large power companies might be encouraged to divest themselves of polluting assets, like generating stations, to obtain relief from fines. Companies may also be encouraged to replace full-time employees with part time workers to take advantage of the free ride.

Agencies would be allowed to limit reductions and waivers to violations discovered through participation by the business in a compliance assistance or audit program run by the agency or discovered through any voluntary means or self-reporting. This is yet another in a long series of attempts to let businesses off the hook for violations if they report them voluntarily. It is essentially a license to break the law.

Regulating agencies would have the option of requiring the violation to be corrected within a reasonable period; excluding businesses that have had multiple enforcement actions against them; excluding violations involving willful or criminal conduct; excluding violations that pose serious health, safety or environmental threats; and requiring a good faith effort to comply with the law.

All of which is to say that at least the first violation is a free ride. Willful and criminal conduct and "good faith" efforts would be difficult to prove in a regulatory environment. "Serious health, safety, and environmental threats" is a subjective criterion.

## KCC Welcomes New Lobbyists

KCC welcomes two new lobbyists for 2003. The lead lobbyist is Bruce Williams. Bruce is the retired Deputy Secretary for the Natural Resources and Environmental Protection Cabinet. He has worked with the legislature since 1972 and was the primary liaison between the cabinet and the legislature. Bruce brings an intimate knowledge of the legislative process and the major players in both the legislature and the cabinet. He has a great respect for those people and processes. Bruce is joined by Kristen Dunaway. Kristen is on leave for the session from Legal Aid of Louisville where she is an attorney. Kristen majored in biology, has a master's degree in interdisciplinary environmental studies, and a law degree. Environmental protection is her passion.

## Key Committee Assignments

### Senate Agriculture and Natural Resources

Ernie Harris, **Chair** (R), Vernie McGaha, **Vice Chair** (R), David Boswell (D), Paul Herron Jr (D), Daniel Kelly (R), Robert Leeper (R), Virgil Moore (R), Joey Pendleton (D), Tim Shaughnessy (D), Elizabeth Tori (R).

### Senate State & Local Government

Albert Robinson, **Chair** (R), Alice Kerr, **Vice Chair** (R), Walter Blevins (D), Charlie Borders (R), Tom Buford (R), Julie Denton (R), Ernie Harris (R), David Karem (D), Elizabeth Tori (R), Johnny Turner (D), Ed Worley (D)

### House Agriculture and Small Business

Roger Thomas, **Chair** (D), Royce Adams, **Vice Chair** (D), John Arnold Jr., **Vice Chair** (D), Thomas McKee, **Vice Chair** (D), Don Pasley, **Vice Chair** (D), Ken Upchurch, **Vice Chair** (R), Adrian Arnold (D), Sheldon Baugh (R), James Bruce (D), Dwight Butler (R), Mike Cherry (D), Jack Coleman (D), James Comer (R), Mike Denham (D), Jimmy Higdon (D), Charlie Hoffman (D), Brad Montell (D), Fred Nesler (D), Dottie Sims (D), Tommy Turner (R), Susan Westrom (D)

### House Appropriations and Revenue

Harry Moberly, **Chair** (D), Mike Cherry, **Vice Chair** (D), Robert Damron, **Vice Chair** (D), Bob DeWeese, **Vice Chair** (R), Joni Jenkins, **Vice Chair** (D), Charles Siler, **Vice Chair** (R), Robin L. Webb, **Vice Chair** (D), Royce Adams (D), Rocky Adkins (D), Joe Barrows (D), Scott Brinkman (R), Dwight Butler (R), Jim Callahan (D), Larry Clark (D), Jack Coleman (D), Jesse Crenshaw (D), Jon Draud (R), Danny Ford (D), Jimmie Lee (D), Mary Lou Marzian (D), Thomas McKee (D), Lonnie Napier (R), Fred Nesler (D), Stephen Nunn (R), John Will Stacy (D), Tommy Turner (R), John Vincent (R), Jim Wayne (D), Rob Wilkey (D)

### House Natural Resources and Environment

James Gooch, **Chair** (D), Howard Cornett, **Vice Chair** (R), Keith Hall, **Vice Chair** (D), Rocky Adkins (D), Scott Brinkman (R), Hubert Collins (D), Don Pasley (D), Marie Rader (R), Rick Rand (D), Brandon Smith (D), Jim Stewart (R), Robin L. Webb (D), Brent Yonts (D)

KCC thanks **Plan Graphics**, Frankfort, KY for **KCC Alert** production assistance.

## Seed Planted for Weed Eradication

Non-native, invasive plants can transform our natural landscapes by out-competing native plants and reducing diversity. They are the second leading cause for the loss of biodiversity behind habitat destruction. For farmers these imported plants can sometimes mean expensive control measures and sick animals. Well-known examples are Kudzu, garlic mustard, and bush honeysuckle.

HB 59 would create a Pest Plant Board within the Natural Resource and Environmental Protection Cabinet to help protect our land and waters from the negative impacts of these weeds to public health, crops or other desirable plants, livestock, land, and other property.

The duties of the board would be to raise awareness and promote public understanding of non-native invasive plants and to facilitate the exchange of information concerning their management and control by working through existing state and local agencies, industries, and organizations.

The primary board responsibility would be to promulgate administrative regulations to adopt and maintain a state noxious weed list. Presently the lists are scattered among different agencies and don't address some of the worst problems.

The board may also apply for and receive and disburse grants, state or federal appropriations, or any other moneys as may become available for the board's purposes

Members of the board include agency representatives appointed by their cabinet secretaries. The Agencies represented would be the Nature Preserves Commission, the Division of Forestry (co-chairs), the Transportation Cabinet, the Department of Agriculture, the Department of Parks, and the Department of Fish and Wildlife Resources. Also included is the Extension Professor of Weed Science or other appointee from the University of Kentucky School of Agronomy.

The Governor would appoint representatives from the utility, the Kentucky Horticulture Council, the Kentucky Exotic Pest Plant Council, and the Kentucky Academy of Science.

## Legislative Schedule Part 2: Feb 4 - March 25

Last Day to introduce new bills: Feb 18

Concurrence Days March 7, 10

Veto Days: March 11- 21.

Veto Override: March 24, 25

## 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](http://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. Call 8:00 AM to 11:00 pm.

You can send a fax; the number is listed here. A fax can be sent to multiple legislators, you must list all names individually.

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

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.

## 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 on the Legislative Research Commission's Web Site. <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: 1-800-776-9158

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

## 2003 KCC Board of Directors

**Russell Barnett**, President, Lawerenceburg

**Ramesh Bhatt**, Lexington

**Rosetta Fackler**, Louisville

**Joyce Fry**, Bloomfield

**Kazi Javed**, Frankfort

**Thomas Martin**, Lexington

**Brian Myres**, Carlisle

**Joshua Bills**, Berea

**Robin Fisher**, Louisville

**Dwight Hitch**, Nicholasville

**Barbara Kelly**, Prospect

**Gary Michael**, Louisville

**Joan Noel**, Elizabethtown

## 2003 KCC Lobbyists

**Bruce Williams**, 502-863-5938

**Kristen Dunaway**, 502-585-6980 x245

## River Corridor Improvement Districts Proposed

Allowing communities to create river corridor improvement zones is the intent of HB 120, sponsored by Paul Bather of Louisville. A river corridor improvement area could be proclaimed by a local government and would include land contiguous to a river that is no further than two miles from the river. Property owners contiguous to the proclaimed boundary could petition the local government to be included or excluded within the area.

Each river corridor improvement district would have an advisory board. Each local government within the corridor would have one representative on the board. The judge executive or mayor of the local government with jurisdiction over the river district would appoint two members from the local legislative body, two other employees or officers of the local government, and three at large citizens from within the district to serve on the board. The executive director the area development districts in which the river corridor is located (or his/her designee) would serve on the board as well as the commissioner or the commissioner's designee from the Kentucky Housing Corporation, the Kentucky Cabinet for Economic Development, the Kentucky Department for Natural Resources and Environmental Protection, the Kentucky Department of Transportation; and the Kentucky Department for Local Government.

The responsibility of the board is to act in an advisory capacity to the local government that established the river corridor improvement area. The board would advise on environmental issues related to the river and greenway areas associated with the river; development and preservation of the river corridor through appropriate planning and zoning and other means; housing within and immediately adjacent to the river corridor improvement area, economic development within and immediately adjacent to the river corridor; and infrastructure management within and immediately adjacent to the river corridor improvement area.

A local government that has established a river corridor improvement area would be allowed to levy an ad valorem tax of no greater than ten cents per one hundred dollars on real and personal property within the boundaries of the river corridor. This tax could be used solely for projects and improvements within the boundaries of the river corridor as determined by the local government.

### Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SB 6	Oppose	Roeding	State and official vehicles to have emission testing same as private vehicles: every two years rather than every year. (See HB 18)	Sen Ag & Nat, Resources
SB 11	Oppose	Seum	Prohibit enforcement of a vehicle emission-testing program In Louisville until the end the program (10/31/03).	Sen Ag & Nat, Resources
SB 47	Monitor	Tori	Planing units must make provisions for the accommodation of military installations within 50 miles of their borders.	Sen Veterans, Military Affairs & Public Protection
HCR 20	Monitor	Buckingham	Study the issue of energy education during the 2003 interim, support the creation of an Energy Education Foundation.	Posted House Education
HB 18	Oppose	Marcotte, et al	State and official vehicles to have emission testing same as private vehicles: every two years rather than every year. (See SB 6)	House Transportation
HB 35	Support	Baugh	A solid waste transfer facility using permit-by-rule must comply with any local ordinance effective up to 30 days after permit registration.	House Nat Resource & Env
HB 59	Strong Support	Belcher	Create the Pest Plant Board to coordinate a statewide response to invasive, exotic weeds	House Ag & Small Bus.
HB 66		Damron	Allow cities and counties operating a joint system of parks and recreation facilities, to create a joint city/county department to maintain and conduct a park and recreational systems.	House Local Government
HB 98	Monitor	Wayne	Statutory cause of action against nonprofits shall first go to mediation or other alternative resolution; presiding judge shall consider alternative resolution for all other claims.	House Judiciary
HB108	Oppose	Palumbo	Regulatory entities to provide for the reduction or waiver of civil penalties for businesses employing < 100.	House Economic Development
HB 120	Support	Bather	Allow river corridor improvement areas and advisory boards to be created; allow project financing from tax on property in corridor.	House Local Government
HB 122	Monitor	Stumbo	Eliminate runoff primary for gubernatorial slates; increase contribution limits from \$1,000 to \$2,000; allow gubernatorial slates to accept contributions within last 28 days prior to the primary election;	Elections, Const Ammend & Intergov affairs
HB159	Strong Oppose	Gooch	Utility wastes from burning petcoke singularly or blended with coal are not special wastes and can be disposed of in a contained landfill;	House Natural Resources & Environment
HB 189	Strong Oppose	Bather	Permit vegetation control obscuring outdoor advertising devices located on interstates in Louisville or Lexington.	House Transportation
HB 213	Strong Oppose	Ballard, et al	\$2.00/ton income & corporate tax credit for purchase of coal combustion by-product used as construction aggregate or fill material.	Unassigned

***The Earth Needs a Friend in Frankfort*****Please check all that apply:**

\$25 (individual)  \$35 (family)  \$15 (limited Income)  \$50 (contributor)  \$100+(patron)  \$365("365 Club")  
 I am enclosing an extra \$10 to offset the cost of the Legislative Alert during sessions

Total Enclosed: \$ \_\_\_\_\_

Name: \_\_\_\_\_ My state representative is: \_\_\_\_\_

Address: \_\_\_\_\_ My state senator is: \_\_\_\_\_

\_\_\_\_\_ Home phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email address: \_\_\_\_\_ Fax number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**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: 502-875-0909.

**Internet Access of the Alert**

Sierra Club graciously posts the Alert on their web site, go to <http://kentucky.sierraclub.org/alert/billsummary.htm>

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