

KCC Alert



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

502-875-0909

Don't Shoot the Messenger

The Senate's version of the budget kills the Environmental Quality Commission (EQC) by eliminating its funding, even though its tiny budget would have no impact on the overall budget.

In a now familiar tactic, the Senate is trying to kill a program, disliked by some as the bearer of bad news, through the budget process rather than an open, and debated legislative act.

Created 31 years ago, the seven-member volunteer citizen advisory board works to strengthen the public role in solving environmental problems.

Last year the EQC Issued 41 recommendations including measures to better respond to emergency spills such as the Martin County Coal Slurry Spill and ensure that the Maxey Flats Superfund Site had adequate plans in the event of a forest fire or earth quake.

It also held 7 public meetings on topics such as forestry. It convened a 60-person roundtable in Harlan County to promote nature tourism in the Pine Mountain region. The EQC fielded 500 public inquiries regarding environmental matters.

The commission continues to use more than 100 indicators to track and report on environmental conditions in the state to determine if the investments being made to protect the environment are achieving results.

The information from the biennial EQC State of Kentucky's Environment report has been used by legislators to help develop laws; by regulatory agencies to assess programs and help set priorities; by teachers and professors to provide real life facts in order to engage students in learning; and by the public to make government more accountable.

The EQC brings together a diversity of Kentuckians from the industry, environmental, government, and academic communities to work together for a better environment.

Take action. See the "To-do List" above.

KCC To Do List:

- ❑ **Leave a message for Senate leadership (Williams, Roeding, Kelly, Borders, Tori, Worley, Turner and Jackson) to kill HB 458 unless the KRC amendment is accepted. (see Oil and Gas, pg 1).**
- ❑ Ask the budget conference committee to restore EQC funding (see Don't Shoot pg 1). Sens. Williams, Kelly, Borders, Worley, Turner, Palmer, Sanders, & Leeper, and Reps Richards, L. Clark, Callahan, Stumbo, Moberly, Hoover, DeWeese, Upchurch, Crenshaw, & J. Lee.
- ❑ Ask House Leadership to kill HCR 140 (see Coal Industry pg 1) Reps. Greg Stumbo, Jim Callahan, Joe Barrows, Jeff Hoover, Bob DeWeese and Ken Upchurch
- ❑ Leave a message for Sen. Ernie Harris to hear HB 473 (see Waste Fuel pg 1).

Oil and Gas Industry Over Reach

Abuses by the Oil and Gas industry have motivated Letcher County toward regulation of the location of the industry's gas transport lines. In response, the industry has put forth HB 458, which proposes to remove almost all county authority over the industry. Oil and Gas representatives say they want a single statewide standard of conduct, but HB 458 does not provide such. An amendment proposed by Kentucky Resources Council would fix that by demanding that the Department of Mines and Minerals develop a permit program for controlling all environmental impacts of all aspects of the industry.

This bill has passed the House and is in the Senate Agriculture and Natural Resources Committee. Its swift advance has been slowed slightly by citizen response. Calls and faxes are needed to ensure Senate leadership gives more thought to the radical nature of this assault on county home rule authority. See To-Do List above.

Call and thank House members that voted against this bill in the face of pressure: Bather, Belcher, Bratcher, Cornett, Embry, Feeley, Graham, Hall, Higdon, Jenkins, Kerr, Marzian, Meeks, Moberly, Nelson, Palumbo, Pasley, Reinhardt, Richards, Riggs, Riner, Simpson, Ancel Smith, Brandon Smith, Walton and Wayne. Jim Wayne spoke against the bill.

Coal Industry Seeks Special Exemption

HJR 140, now on the House floor would rescind the general coal wastewater discharge permit that requires coal mining operations and inspectable surface mining reclamation sites to test for oil and grease in the water. It would then reinstate the general coal permit in effect prior to August 2002 that does not include the requirement to test for oil and grease.

Calls are needed to stop this resolution. See To-Do list above.

Waste Fuel Bill Moves Forward

HB 473, a bill to clarify that local communities have the same say over imported fuel derived from solid waste as other imported solid waste, was passed by the House and resides in the Senate Agriculture and Natural Resources. The bill was inspired by a proposed power plant near Winchester and a cabinet ruling (recently overridden) to the contrary. See To-Do list above.

2003 Session In End Game

As of the date of this issue there are six legislative days left before the veto break. Any bill that has not already moved out of its chamber of origin can be considered dead.

A few bills to keep an eye on as the session wraps up are: SB 159 -- a takings bill we strongly oppose; SB 162 -- a bill to ensure emergency plans are in place before the destruction of the chemical weapons at Blue Grass Army Depot; HB 286 -- a bill to create a coal development fund we oppose.

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 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>

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

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2003 KCC Lobbyists

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Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SJR 22	Monitor	Seum	Jefferson Cnty to seek dismissal of orphan warrants for VET violations	Sen Ag & Natural Resources
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)	House Posted for passage, Regular Orders for March 3
SB 11	Oppose	Seum	Remove VET requirement for vehicle registration after Oct 2003. \$22 fine to reinstate registration revoked after Oct 2003.	House, Recommended to Approp. & Revenue
SB 47	Monitor	Tori	Planing units must make provisions for the accommodation of military installations within 50 miles of their borders, include in comp. plan.	House, 2 nd reading, to Rules
SB 64	Monitor	Harris	Exclude sewer systems run by counties from Public Service Commission control.	House, 2 nd reading, to Rules
SB 81	Oppose	Tapp	Require only motorized or mechanized pesticide applicators to be registered with the Department of Agriculture	Posted House Ag & Small Business
SB 127	Monitor	Thayer, et al	Allow revolving loan funds for wastewater and water supply be used for securing bonds issued by the Kentucky Infrastructure Authority.	House Approp. & Revenue
SB 135	Strong Support	Kelly	All sources of sewage must connect to on-site sewage treatment system or sanitary sewer system; prohibit use of straight pipes, and cesspools, and sinkholes; prohibit storm water runoff into sanitary sewer.	Sen Ag & Natural Resources
SB 137	Support	Guthrie	Allow the appeal of a state local debt officer's decision to approve bonds to the Circuit Court of the county proposing to issue the bonds; remove review by the County Debt Commission.	Posted House Local Government
SB 142	Monitor	Tori	Enable federal agencies to participate in water commissions that administer joint water operations. (see HB 357)	Sen. Posted to Consent orders for March 3
SB 147	Support	Harris	Allow Merchant Power Plant Board to hire consultants and enforce orders, require notice of intent for companies seeking permit, and allow applicant to appeal any decision within 20 days	House Nat. Resources & Env.
SB 148	Support	Harris	Electric utilities must sell their power to native load customers in their territory at just and reasonable rates before selling it to anyone else.	Sen. Ag & Nat Resources
SB 150	Support	Worely	Gives Kentucky River Authority prime authority for water supply and drought response plans for the Kentucky River basin; authorizes KRA to assess a fee on water transferred into the Kentucky River Basin.	Sen. Ag. & Nat. Resources
SB 159	Strong Oppose	Harris	Establish guidelines for governmental taking of property or regulation of use of property that is privately owned.	Sen. 2 nd reading, to Rules
SB 162	Support	Worely	Disallows experimental permits to treat or destroy chemical agents;	House, uncommitted

			allow pilot scale operations; require emergency plan infrastructure and funding for emergency planning, community oversight of construction, operation, and closure. (HB 474)	
SB 163	Strong Support	Palmer	Defines a municipal solid waste facility as a facility using waste, processed waste or refuse-derived materials as fuel for elect. generation	Sen Ag & Natural Resources
SB 164	Support	Leeper	Allowed controlled burns on land leased or managed by a state agency	Posted House Nat Res & Env
SB 165	Support	Harris	Provide public access to mine maps submitted by taxpayers beginning with the 1989 tax year.	Posted House Nat Res & Env
SB 170	Monitor	Jones	Name Pine Mt Trail State Park to Harold E. Rogers Pine Mt Trail S.P.	House, Uncommitted
HCR 20	Monitor	Buckingham	Study the issue of energy education during the 2003 interim, support the creation of an Energy Education Foundation.	Senate Education
HCR 99	Monitor	Buckingham	Direct LRC to study coal bed methane extraction, report by 12-31-03.	Sen. Ag. & Nat Resources
HCR 113	Monitor	Geveden, et al	Offer state support for U.S. Enrichment Corp it pursues technological advances for uranium enrichment.	Sen. Ag & Natural Resources
HJR 140	Strong Oppose	Yonts	Rescind requirement that coal wastewater be tested for oil and grease.	H Posted Reg OrdersRetained
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)	Sen. Posted to Consent orders for March 3
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.	Recommitted House Approp & Revenue
HB 59	Strong Support	Belcher	Create the Pest Plant Board to coordinate a statewide response to invasive, exotic weeds	Posted House Ag & Small Bus., Heard-no vote taken.
HB 98	Monitor	Wayne	Monetary claims against 501(c)(3) corps shall first go to mediation; presiding judge shall consider mediation for all other claims.	Sen. Judiciary
HB 108	Monitor	Palumbo	Interim Joint Committee for Econ. Dev. and Tourism to conduct a study on regulatory policies that affect small business entities.	Sen. Economic Dev., Tourism & Labor
HB 120	Support	Bather	Allow river corridor improvement areas and advisory boards to be created; allow project financing from tax on property in corridor.	Posted House Local Government
HB 122	Monitor	Stumbo	Allow gubernatorial slates to accept contributions within last 28 days prior to the primary election.	Sen. State & Local Gov.
HB 159	Monitor	Gooch	NREP Cabinet and PSC to study petcoke usage in the Commonwealth.	Sen. Ag & Natural Resources
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.	House Appropriations & Revenue
HB 269	Monitor	Stumbo, Moberly	State budget appropriation for FY03-04	House Approp. & Revenue
HB 285	Oppose	Gooch, Crimm	Create an energy production tax on electric generating facilities and sunset the coal severance tax by June 30, 2003	House Appropriation & Revenue
HB 286	Strong Oppose	Gooch	Establish a Coal Development Fund to be used to finance projects approved by the Kentucky Coal Council, including research projects.	Sen. Approp. & Revenue
HB 305	Monitor	Thomas	Require quarterly reports, rather than monthly, quarterly, or semiannual, on the number of tons of fertilizer sold in the state	Senate Ag. & Natural Resources
HB 335	Strong Support	Pasley	Define any electric generating station using solid waste as fuel as a "municipal solid waste disposal facility" (see SB 163 & HB 473)	House Natural Resources & Env.
HB 345	Strong Support	Stein, Marzian	All-terrain vehicle drivers must be 16, carry no passengers, stay off public highways, take a safe rider course, carry proof of training, and wear a helmet. \$500 fine and permit suspension for traffic violation.	Posted House Transportation
HB 357	Monitor	Lee	Enable Federal Agencies to participate in water commissions which administer joint water operations. (see SB 142)	Sen. Ag & Natural Resources
HB 375	Support	Brinkman, et al	Trans. Cab. To consult with local gov. on desire for noise barriers and erect them along highways if requested.	Posted House Transportation
HB 382	Strong Support	Napier	Require electric utilities to support Net metering.	House Tourism Dev & Energy
HB 401	Support	Nelson	"cash rent" method to set property tax value of forest land.	House Nat Resources & Env.
HB 408	Support	Pasley	Allow counties to require property owners or occupants to remedy public nuisances such as the excessive weed growth, grass, or rubbish.	Sen. State & Local Gov.
HB 449	Monitor	Denham	Limit the liability of persons who have agritourism operations	Recommitted House A & R
HB 458	Strong Oppose	Collins	Reaffirm the State's authority over all aspects of oil & gas exploration; limit oil & gas spillage, venting or destruction whether or not on the surface; add owner notification requirement for permit extension	Senate Agriculture & Natural Resources
HB 468	Monitor	Simpson	Land bank authorities to specify that references to "local school district" include both county and independent systems.	Senate Education
HB 473	Strong Support	Pasley	Defines a municipal solid waste facility as a facility using waste, processed waste or refuse-derived materials as fuel for elect. generation	Senate Ag & Natural Resources

HB 474	Support	Moberly	Disallows experimental permits to treat or destroy a live chemical agents except for a pilot scale operation; infrastructure needs in the emergency plan and funding for emergency planning, community oversight of construction, operation, and closure, required. (SB 162)	House Seniors, Military Affairs & Pub Safety
HB 496	Support	Riggs	Establishes procedures to appoint members of air quality boards.	Sen. State & Local Govern.
HB 506	Support	Butler	In addition to any fine for a person cutting timber on the land of another without legal right, add payment of attorney fees and expert witness fees incurred by the owner of the timber.	House Nat.Resources & Env
HB 521	Support	Meeks	Establish a certification program for lead-free structures and a fund for certification activities; require owners of affected properties to register with the cabinet; require liability insurance for affected properties; provide for a tax credit for the cost of certification.	House Health & Welfare
HB 534	Strong Oppose	Coleman	Exempt local government from obtaining a stream construction permit when reconstructing, improving, or replacing an existing road structure	House Nat Resource & Env.
HB 552	Oppose	Hall, Nelson, Cornett, Stewart	Delete the requirement that a violation at a mining operation result in an abate and alleviate order to be replaced with a statement that the mine will diligently pursue abatement of the violation	Posted Nat. Resources & Env.

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 (R), 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)

Internet Access of the Alert

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

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