

KCC Alert



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

502-875-0909

Environmental Cabinet Restructured

Following the recommendation of his Blue Ribbon Commission on Governmental Organization and Efficiency, Governor Ernie Fletcher signed an executive order reorganizing the Cabinet structure of state government.

The number of cabinets is reduced from 14 to 8 by combining some cabinets and creating new ones.

The former Natural Resources and Environmental Protection Cabinet (NREPC) is now incorporated into the Environmental and Public Protection Cabinet.

The new Cabinet was created by combining NREPC, the Labor Cabinet and the Public Protection, and Regulation Cabinet.

Other changes include abolishing the Department for Surface Mining Reclamation and Enforcement and the Department for Mines and Minerals and moving those divisions to the Department for Natural Resources. The order also abolished the Office of the Petroleum Storage Tank Environmental Assurance Fund and transferred its functions to the Division of Waste Management.

To head the new Environmental and Public Protection Cabinet he appointed LaJuana Wilcher, a biologist and environmental lawyer with almost three decades of experience in environmental and natural resources issues. She began her career with the U.S. National Park Service and was Assistant

Environmental Protection Agency (EPA). During the Bush I era, she managed EPA's national water programs, including planning, policy and program management for the nation's drinking water, waste water, ground water, oceans and estuaries. Ms. Wilcher was also responsible for EPA's wetlands program, managed EPA's negotiations on the \$1.1 billion Exxon Valdez oil spill settlement, and led U.S. delegations to international water conferences and events. While Ms. Wilcher has the credentials for the job, KCC is anxious to see how Fletcher's proclaimed "Business Friendly" policy impacts environmental enforcement.

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.
- ❑ Contact Rep. Coleman. Ask him to withdraw HB 179 exempting local governments from stream construction permits. (see *Déjà Vu...* pg 1)

It's Déjà Vu All Over Again

In the grandest of green traditions, old, underused legislation is often recycled rather than thrown in the landfill. Some early bills introduced in the 2004 session will look very familiar to those who closely follow the legislature.

For instance there is Senate Bill 3, one in a long line of bills to help Kentucky producers of biodiesel fuel. Biodiesel is made partially from vegetable fats, usually by blending them with regular diesel fuel. Biodiesel burns slightly cleaner. This bill would create tax credits for producers and distributors of biodiesel.

SB 22 offers tax incentives for rehabilitating certified historic structures. This is reminiscent of one of the smart growth bills arising out of Governor Patten's Smart Growth Task Force. Reusing old buildings helps prevent urban sprawl while keeping the urban core vital while protecting our cultural heritage.

HCR 8 is back for another round. It would create a task force to suggest ways to complete the Lexington/Big Sandy trail. This is an abandoned railroad to recreational trail conversion project masterminded by the private Kentucky Rail Trail Conservancy. It would extend from Lexington to Ashland. A few miles of the biking/hiking trail in Fayette county are completed, but the project is still in it's infancy.

Then there is HB 53, a perpetual attempt to exempt newer model cars from the Vehicle Emissions tests in areas where these are required to meet EPA air quality standards.

HB 157 is a friendly bill that first appeared last year. It would create a Pest Plant board that would identify undesirable, non-native, invasive plants that threaten Kentucky's biodiversity and agricultural crops and coordinate action.

HB 155 would require all-terrain vehicle drivers to wear a helmet and would prohibit anyone under the age of 16 from driving one.

HB 179, also first appeared last year, attempts to exempt local governments from obtaining construction permits when repairing, upgrading or replacing stream crossing structures. Fundamentally, there is no good reason to exempt governments from water quality protections and regulations. The need for emergency reconstruction after flooding could better be handled through regulation and education.

Indoor Air Quality Get Attention

Practically ignored in past years, the issue of indoor air quality has drawn the attention of legislators in early bill introductions.

The biggest portion of this attention is over the anti-smoking ordinance passed by the Lexington-Fayette Urban County Council last year. The ordinance, when in effect, will prohibit smoking in all public indoor spaces, including restaurants and bars. The ordinance is on hold while legal challenges wind their way through the courts. Foes of the smoking ban are trying to end run the court decision by passing a law forbidding such ordinances, retroactively.

SB 10, sponsored by Sen. Seum from Louisville, would make smoking bans on private property not occupied or leased by a government agency illegal and do it retroactively so that Lexington's law would be trumped by state law. This bill is likely to leave legislators torn between their support for the tobacco industry and their preference for supporting local control over state mandates. HB 66 sponsored by Rep Gray is similar.

SB 68, sponsored by Sen. Harris, the chair of the Senate Ag. and Natural Resource committee, is more intricate. It would deny tobacco settlement money to any county in which a local government regulates any type of tobacco use. Since some tobacco settlement money is used to help tobacco farmers find alternative crops and markets, this is punishing the farmers for an action by the local lawmakers. The intention is to put pressure on the local politicians to prevent smoking bans without the state government technically prohibiting a local option. But as the saying goes, if it looks like a duck, and walks like a duck....

HB 132 sponsored by Rep. Webb seeks to educate heating, ventilating and air conditioning professionals about detecting, preventing and remediating indoor air toxins, especially toxic molds.

Cont. on pg 3

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 Schedule

March 1: Last Day for New House Bills
 March 3: Last Day for New Senate Bills
 March 26, 29: Concurrence with other chamber's bills
 March 30 - April 9: Governor's veto days, no meetings
 March 12-13: Veto override & final business

Key Committee Assignments

Senate Ag. and Nat. Resources Ernie Harris (R), **Chair** Vernie McGaha (R), **Vice Chair** Daniel Kelly (R) Robert Leeper (R) Virgil Moore (R) Damon Thayer (R) Elizabeth Tori (R) David Boswell (D) Paul Herron Jr (D) Joey Pendleton (D) Tim Shaughnessy (D)
Senate Econ. Dev., Tourism & Labor Katie Stine (R), **Chair** Alice Kerr (R), **Vice Chair** Julie Denton (R) Brett Guthrie (R) Vernie McGaha (R) Richard Roeding (R) Damon Thayer (R) David Boswell (D) Daniel Mongiardo (D) Joey Pendleton (D) Jerry Rhoads (D)
Senate State and Local Gov. Albert Robinson (R), **Chair** Alice Kerr (R), **Vice Chair** Charlie Borders (R) Tom Buford (R) Julie Denton (R) Ernie Harris (R) Elizabeth Tori (R) Walter Blevins (D) David K. Karem (D) Johnny Ray Turner (D) Ed Worley (D)
House Ag. and Small Bus. Roger Thomas (D), **Chair** Royce Adams (D), **Vice Chair** John Arnold Jr. (D), **Vice Chair** Thomas McKee (D), **Vice Chair** Don Pasley (D), **Vice Chair** Ken Upchurch (R), **Vice Chair** 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 Hidgon (R) Charlie Hoffman (D) Brad Montell (R) Fred Nesler (D) Rick Rand (D) Dottie Sims (D) Tommy Turner (R) Susan Westrom (D)
House Approp. & Revenue Harry Moberly (D), **Chair** Mike Cherry (D), **Vice Chair** Robert Damron (D), **Vice Chair** Bob DeWeese (R), **Vice Chair** Joni Jenkins (D), **Vice Chair** Robin L. Webb (D), **Vice Chair** Royce Adams (D) John Arnold (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) Charles Siler (R) John Will Stacy (D) Tommy Turner (R) John Vincent (R) Jim Wayne (D) Rob Wilkey (D)
House Economic Dev., Nat Res. & Tourism Bob Damron (D), **Chair** Harry Moberly (D), **Ex-Officio** Ruth Ann Palumbo (D), **Non-voting Ex-Officio** Buddy Buckingham (D), **Liaison Member** Charlie Hoffman (D), **Liaison Member** Tommy Thompson (D), **Liaison Member** Jim Callahan (D) Larry Clark (D) Lonnie Napier (R) John Vincent (R)
House Natural Resources and Environment James Gooch (D), **Chair** Howard Cornett (R), **Vice Chair** Keith Hall (D), **Vice Chair** Scott Brinkman (R) Hubert Collins (D) Tim Couch (R) Don Pasley (D) Marie Rader (R) Rick Rand (D) Brandon Smith (R) Jim Stewart (R) Robin L. Webb (D) Brent Yonts (D)
House Tourism Dev. and Energy Eddie Ballard (D), **Chair** Jodie Haydon (D), **Vice Chair** Thomas McKee (D), **Vice Chair** Brandon Smith (R), **Vice Chair** Royce Adams (D) Carolyn Belcher (D) Howard Cornett (R) Keith Hall (D) Mike Harmon (R) Mary Harper (R) Thomas Kerr (R) Brad Montell (R) Tanya Pullin (D) Anceel Smith (D) Charles Walton (R) Robin L. Webb (D)

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 LaJuana Wilcher: 502-564-3350
 Legislator Fax line: 502-564-6543

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2003 KCC Lobbyists

Bruce Williams, 502-863-5938
Kristen Dunaway 1-800-292-1862 x245

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

Indoor Air, from pg 2

HB 145 introduced by Rep. Hoffman would require radon mitigation in new residential dwellings, child day care centers and elementary schools that are located in areas with high incidence of radon.

HB 197, also from Hoffman, would require home sellers to disclose radon levels prior to the sale of the property.

Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SJR 3	Strong Oppose	Roeding	Direct Health & Natural Resources Cabinet to shutter N. KY Vet prog.	Sen. Ag. & Nat Resources
SB 3	Support	Tapp, Herron, Pendleton	Provide nonrefundable tax credits of \$1/gal for biodiesel producers, two cents per gallon for blenders, and one cent per gallon for retailers.	Sen. Appropri. & Rev.
SB 10	Monitor	Seum, Roeding	Prohibit local anti-smoking ordinances for private property not leased or occupied by government. Retroactive.	Sen. State & Local Gov.
SB 22	Strong Support	Scoresone, Neal	Provide a tax credits for qualified rehabilitation expenses paid to rehabilitate a certified historic structure. (Smart Growth)	Sen. Econ Devl, Tourism & Labor
SB 33	Monitor	Karem	Allow state and local agencies involved in land use disputes to utilize alternative dispute resolution proceedings. (see HB133)	Sen. Judiciary
SB 50	Strong Oppose	Roeding Thayer	Restrict the use of emergency regulations.	Sen. State & Local Gov.
SB 58	Monitor	Denton	Establish a process to review all state government agency functions to determine which can be privatized.	Sen. State & Local Gov.
SB 68	Monitor	Harris	Deny tobacco settlement money to counties where a Gov. unit has regulated tobacco use.	Sen. Ag & Natural Resources
SB 69	Support	Harris	Expand the definition of nuisance wrt/contained landfills including odor, require the cabinet to establish permit conditions to stop such	Sen. Ag. & Natural Resources
SB 76	Monitor	Denton	Transfer all hearing officers employed in the state to a Div of Administrative Hearings within the Justice Cabinet	Sen. Judiciary
SB 89	Strong Oppose	Roeding	Establish guidelines for governmental taking or regulation of use of private property.	Sen. Unassigned
HCR 8	Support	Vincent	Create task force to suggest a strategy to complete the Lexington/Big Sandy Rail Trail	H. Tourism Dev. & Energy
HJR 12	Strong Oppose	Marcotte	Direct Health & Natural Resources Cabinet to shutter N. KY Vet prog.	H. Local Government
HB 41	Support	Yonts	Require anhydrous ammonia storage areas owned by any wholesaler, retailer, or dealer be enclosed by a wire fence	H. Ag & Small Business
HB 53	Monitor	Marcotte, Walton	Exempt cars and trucks four model years and newer from mandatory vehicle emission testing	H. Local Government
HB 66	Monitor	Gray	Preempt local laws, relating to the use or consumption of tobacco	H. Local Government
HB 127	Strong Support	Belcher	Establish the Pest Plant Board to identify and coordinate a statewide response to noxious weeds and invasive plant species	H. Ag & Small Business
HB 132	Support	Webb	Require education about prevention, detection, and remediation of toxic mold or other indoor environmental toxins, for any person seeking licensure HVAC contractor	H. Labor & Industry
HB 133	Monitor	Brinkman	Allow state and local agencies involved in land use disputes to utilize alternative dispute resolution proceedings (see SB33)	H. Judiciary
HB 145	Support	Hoffman	Require radon mitigation in new residential dwellings, daycare, and public/priv. elementary schools located in zones w/high radon levels.	H. Health & Welfare
HB 155	Support	Marzian, Buckingham	Require all-terrain vehicle drivers be 16 or over & wear protective headgear.	H. Transportation
HB 179	Oppose	Coleman	Exempt local governments from obtaining a stream construction permit when reconstructing, improving, or replacing an existing structure.	Posted H. Natural Resources & Env.
HB 197	Support	Hoffman	Add radon to seller's disclosure of conditions prior to sale of residential property.	Posted H. Labor and Industry
HB 202	Monitor	Adams	Require wastewater treatment entities furnishing treatment services to customers of another sewer system to pay just compensation; grant the power of eminent domain over sewage treatment facilities; permit entities to recover costs through surcharge to customers	Posted H. Local Government
HB 281	Support	McKee et al	Require all state-proposed projects acquiring 50+ acres of farmland and converting it to non-farm use be reported to a committee to submit to the Governor with the committee's findings and recommendations.	H. Ag & Small Business
HB301	Monitor	McKee	Require unobligated money in the waste tire trust fund be used for projects to manage and develop markets for waste tires, including projects that use crumb rubber for athletic fields as a first priority.	H. Natural Resources & Env.

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

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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>

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