

KCC Alert



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

502-875-0909

Net Metering Bill Back for Another Spin

HB 490, sponsored by Reps Wayne and Napier, requires that every retail electric supplier provide net metering to any eligible customer-generator.

Net metering is the concept that any customer can generate electricity for their own use and sell their excess to the Power Company at rates comparable to what the customer pays. Currently, it is allowed that customers can sell power to the Power Company, but the rate the power company pays the customer is not set by law and is usually quite low.

Net metering makes the installation of solar energy systems more economical since the customer no longer has to install a battery system to store excess power for when the sun isn't shining. He simply sells his excess to the power company as he generates it and buys it back when he needs it.

Net metering is not limited to solar energy though; it would be available to other "green" sources of energy. Under the provisions of the bill any electricity generated in excess of electricity used would be tallied and reimbursed to the customer in cash on an annual basis. In the meantime, the excess would be used as a credit against energy used.

This bill also opens the door for independent green power producers to set up operations and be guaranteed a set rate for their power. The rate is set by the legislation and would be adjusted by the Public Service Commission for inflation.

A similar bill was introduced in 2003, was heard in committee, but was not voted on. Several other states have passed similar legislation. This is a bill KCC supports and hopes to get out of committee this session.

KCC To Do List:

- ❑ Ask your Representative to vote for HB 388 (see Planning Ethics...)
- ❑ Ask Rep. Moberly (Appropriation & Revenue Chair) to restore full funding for Environmental Quality Commission and Kentucky Nature Preserves Commission. (see Budget... below)
- ❑ Ask members of the House Tourism, Development, and Energy Committee to approve HB 490 (see Net Metering... left) (Committee members are listed on page 2).

Planning Ethics Bill Progresses

Calls from KCC members were helpful in moving HB 388 (sponsored by Jim Wayne and Steve Riggs) forward. The bill was voted out of the House Local Government Committee favorably on Feb. 10. HB 388 requires that the provisions of local ethics ordinances (already mandated by law) be extended to cover local Planning Commissions and Zoning Boards of Adjustment. It further requires that a record of each Planning Commissioner's vote be kept.

HB 388 also requires the Local Planning Commission to get input in the development of a 20 year comprehensive plan from public and private gas, water, sewer, electric, telephone, and wireless telecommunications utilities; public school districts; chambers of commerce; special taxing districts; agricultural organizations; city and county governments; area development districts; and neighborhood, historic preservation, conservation, and homebuilding organizations. The input from these entities is to be documented in the plan.

The bill was amended in committee to delete the requirement for members of local planning commissions to file financial disclosure information. Some committee members thought this would discourage qualified candidates from serving on planning commissions (usually a volunteer position).

Some smaller cities were uncomfortable with the provisions requiring a 20-year component to the plan and the requirement to open the process up to other interested groups. We may see attempts to amend these provisions on the House floor.

This bill is a recommendation from of Governor Patton's Smart Growth Task Force.

Budget Provisions to Watch

KCC would like to see the restoration of funding to the Environmental Quality Commission (EQC) to FY01-02 levels. The EQC is an advisory board that acts as a citizen barometer on the state of Kentucky's environment and compiles essential data used by Department for Environmental Protection. It was removed from last year's budget, but continued under the Natural Resources Cabinet. HB 396 cuts the EQC budget by 1/3 to \$150,000. This will necessitate the elimination of the Commission's only staff position.

Another improvement is to fully fund the Kentucky Nature Preserves Commission (KNPC). To continue current staffing levels an additional \$70,000 is needed in 2005 and \$140,000 in 2006 over the proposed budget. KNPC manages Kentucky's natural areas, inventories remnant natural areas and evaluates potential impacts on protected species and natural habitats for air, land, and water permit applications.

There is some existing language in the proposed budget worthwhile preserving. One is the continuation of the hazardous waste generator fees. These fees support the clean up of state superfund sites. Without reauthorization this fund will cease to exist after April.

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.

Important Legislative Phone Numbers

Legislator Message Line: 1-800-372-7181
 To talk to a legislator: 1-502-564-8100
 Bill Status Line: 1-866-301-9004
 Committee Calendar Line: 1-800-633-9650
 Governor's Office: 502-564-2611
 Secretary LaJuana Wilcher: 502-564-3350
 Legislator Fax line: 502-564-6543

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

Legislative Information On the Internet

The Bill summaries, status, the full text of all filed bills, the legislative calendar, 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>

Key Committee Assignments

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Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SJR 3	Strong Oppose	Roeding	Declare the N. KY Emission testing program unconstitutional, illegal and unenforceable.	H. Nat Resources & Env.
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. Approp. & Rev.
SB 10	Oppose	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. Approp. & Revenue
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	Oppose	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. Judiciary
SB 114	Strong Oppose	Harris	Establish a process for owners of billboards to trim or prune vegetation obscuring them.	Sen. Transportation
SB130	Oppose	Seum	Prohibit local governments from adopting smoking policies in private buildings.	Sen. 2 nd Reading, to Rules Committee
SB 154	Monitor	Kelly	Reorganize Env. Protection Cabinet per Governor's order	S. Ag & Natural Resources
SB 164	Monitor	Boswell	Establish a "domestic use only" permit for drilling natural gas, eligibility requirements & permit application requirements.	S. Ag. & Natural Resources
SB 175	Support	Tapp	Disallow pesticide dealers from being applicators.	S. Uncommitted
HCR 8	Support	Vincent	Create task force to suggest a strategy to complete the Lexington/Big Sandy Rail Trail	H. Posted for passage in regular orders of the day
HCR 114	Monitor	Denham	Urge the Division of Conservation to give greater consideration to unsuccessful previous applicants for soil erosion and water quality cost share program.	H. 2 nd Reading, to Rules Committee
HJR 12	Strong Oppose	Marcotte	Direct Health & Natural Resources Cabinet to shutter N. KY Vet prog.	Posted H. Local Government
HJR 98	Support	Gooch, Gray, Nesler	Declare emergency regs for noncoal mines deficient; require new emergency regs same as previous noncoal mining regs.	Sen Uncommitted.
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	Posted 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	Posted 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	Posted 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	Sen. Ag. & Natural Resources
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.	Sen. Ag. & Natural Resources
HB 301	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.	House Posted for passage in regular orders of the day
HB 349	Strong Oppose	Meeks, et al	Establish a lead free certification program for property. Relieve owner of certified property from liability.	H Health & Welfare
HB 355	Monitor	Nelson	Create designation of "classified forest" Provide tax incentives.	H Natural Resources & Env.
HB 369	Strongly Oppose	Collins, Hall	Sets a 15-day limit for health departments to respond to requests for on-site sewage disposal system evaluations and permit approval.	Sen. Uncommitted
HB 370	Oppose	Collins, Hall	Deletes the exception of surface discharge systems to on-site sewage disposal systems that local health departments approve and permit;	Posted H Natural Resources & Env.
HB 388	Strong Support	Wayne, Riggs	Sets ethics and training requirements for zoning boards	Senate Uncommitted
HB 395		Hoover	Executive Branch Budget	H. Approp. & Revenue
HB 423	Support	Callahan	\$0.25 per vehicle/month of Vehicle Emissions Testing fees to go to county clerk where vehicle is registered.	H. Natural Resources & Env.
HB444	Monitor	Denham	Limits the liability of persons who have agritourism operations.	H. 1 st Reading

HB 451	Strong Support	Simpson, Callahan	Tax credits for historic property rehabilitation and new homes built as historic area infill complying with standards of KY Heritage Council.	H. Approp. & Revenue
HB478	Support	Riner	Prohibit all-terrain vehicle (ATV) on any public highway; require Kentucky residents under the age of 16 to have a youth ATV license.	H. Transportation
HB 490	Strong Support	Wayne, Napier	Require every retail electric supplier to provide net metering to any eligible customer-generator.	H. Tourism, Dev. & Energy
HB 505	Oppose	Ballard	\$2.00 per ton tax credit for the purchase of coal combustion by-product for use as construction aggregate or fill material; sunset in five years	H. Uncommitted

The Earth Needs a Friend in Frankfort

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

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

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