

# KCC Alert



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

502-875-0909

## Which Direction Will the Scales Trip?

Two opposing bills dealing with hauling mining products over state roads have been introduced.

HB 8 Increases the allowable weight of non-coal mineral, oil and gas trucks by bringing them under the same rules as the extended weight coal haul road system. Under this system trucks can exceed the normal weight limits for state or county road system. They are required to pay a fee. The bill also allows overweight trucks on roads outside the system through cooperative agreements.

KCC strongly objects to increasing the weight limits on trucks that already damage roads and pose safety concerns. This bill would allow trucks to travel on roads that were never designed to handle the loads and through neighborhoods where they pose significant health, safety and annoyance issues.

If anything, the maximum weight limits on coal trucks should be reduced to improve safety, reduce damage, reduce road maintenance costs, and equalize the rules. HB 129 would take a step in that direction by reducing the weight limits on coal truck with 2 to 5 axles by 10,000 pounds.

## KEEC Survey of Kentuckians' Environmental Knowledge Released

Less than half of people surveyed know that coal is the number one source of electricity generation in the US. For details of this survey and other interesting facts get the full survey results by calling the Kentucky Environmental Education Council: 1-800-882-5271.

## KCC To Do List:

- ❑ Find out who your state Senator and Representative are by contacting your county clerk's office. All you need give them is your address.
- ❑ Ask members of the House & Senate Appropriation and Revenue Committee to retain funding for the Kentucky Land Heritage Trust.
- ❑ Watch for the release of the Governor's energy policy on February 7.

## What Kind of Session Should We Expect?

From all appearances we are headed into a very contentious and non-productive legislative session. Consider the combination of factors. There are only 22 days left on the legislative calendar. The session ends in mid-March. We are coming off a very partisan session that failed to pass a budget and a judicial ruling threatening to shut down state government if the legislature doesn't pass a budget this session. Revenues are up but not enough to prevent the need to cut expenditures. We are also coming off a session where committee chairs seemed reluctant to hear bills in their committees. All sides want to change the tax laws but can't agree on what or how to change them. The governor has proposed raising cigarette taxes to 40 cents, something akin to blasphemy. There is an unresolved Senate race that is embroiling a power struggle and a possible constitutional crisis. One Senator has already threatened to quit and then exited the Republican party for Independent status over the unresolved seat. The fireworks are lit. Here's a summary of what's been introduced so far.

HB 59 would create exemptions to open meeting and open records laws for public utilities such as water, wastewater, sewage and gas. The purported reason is to allow for the protection of vital and potentially hazardous infrastructure against terrorist attack. Unfortunately, it is likely to do more damage to the public's right to know about the presence and handling of and potential exposure to hazardous substances than it is to thwart a terrorist. Ultimately, it inhibits the citizen oversight of anti-pollution laws and the holding of public agencies accountable for safety.

HB79 creates a "temporary master logger" designation, allowing the temporary master logger to supervise a timber harvesting operation as long as he notifies the Department of Natural Resources before starting. The qualifications for "temporary master logger" would be up to the cabinet. The rationale given for this provision is to allow logging operations to proceed if a master logger is hurt until a new master logger can be certified. KCC believes that there are other ways to handle.

HB 137 attempts to limit the Kentucky River Authority's ability to assess withdrawal fees. These fees pay for the projects on the River like rebuilding the crumbling locks and dams. Some communities in the watershed resent paying withdrawal fees because they withdraw from tributaries.

HB 302 would create Multiple-use Recreational Trail Commission to develop and implement a multi-county demonstration trail system project funded by interested counties. Before it sunsets in two years it would be required to recommend a transition plan for a permanent state entity to plan, promote, fund, and manage multi-county recreational trails on privately owned land.

## Pest Plant Legislation Expected

Last year a bill to create a pest plant board made it to the House floor after a sneak attack in committee hearings by ill informed antagonists but was scuttled by House leadership. We fully expect the bill will get another run at passage this session. If it is similar to last session's bill it would create a Pest Plant Board within the Department of Natural Resource for the purpose of protecting the Commonwealth's land and waters, whether they are developed, agricultural, or natural, from the negative impacts of invasive weeds. An invasive weed is defined as a nonnative, pest plant whose presence is detrimental to crops or other desirable plants, livestock, land, or other property, or is injurious to the public health. The mission of the board would be to raise awareness and promote public understanding of the threat posed by invasive weeds; facilitate the exchange of information concerning the management and control of invasive weeds; and work to achieve these ends through existing state and local agencies, industries, and organizations. The board as previously proposed would have no regulatory authority.

### Key Committee Assignments

**Senate Ag. and Nat. Resources** Tom Jensen (R), Chair; Vernie McGaha (R); Vice Chair, David Boswell (D); Ernie Harris (R); Dan Kelley (R); Bob Leeper (R); Joey Pendleton (D); Dorsey Ridley (D); Richie Sanders (R); Ernesto Scorsona (D); Damon Thayer (R)

**Senate Econ. Dev., Tourism & Labor** Alice Kerr (R), Chair; Brett Guthrie (R), Vice Chair; Julian Carroll (D); Julie Denton (R); Denise Harper Angel (D); Ray Jones II (D); Jerry Rhoads (D); Richie Sanders (R); Katie Stine (R); Jack Westwood (R); Ken Winters (R)

**Senate State and Local Govt.** Damon Thayer (R), Chair; Alice Kerr (R), Vice Chair; Walter Blevins (D); Julian Carroll (D); Carroll Gibson (R); Ernie Harris (R); Tom Jensen (R); Sen. Elizabeth Tori (R); Johnny Ray Turner (D); Ed Worley (D)

**House Ag. and Small Business** Tom McKee (D), Chair; Royce Adams (D), Vice Chair; John Arnold Jr. (D), Vice Chair; Mike Denham (D), Vice Chair; Don Pasley (D), Vice Chair; Ken Upchurch (R), Vice Chair; Adrian Arnold (D); James Bruce (D); Dwight Butler (R); James Carr (D); Mike Cherry (D); James Comer (R); Melvin Dedman (R); C.B. Embry (R); Jimmy Higdon (R); Charlie Hoffman (D); Brad Montell (R); Fred Nesler (D); Rick Rand (D); Seven Rudy (R); Tommy Turner (R); Susan Westrom (D)

**House Economic Dev.** Ruth Ann Palumbo (D), Chair; Tim Couch (R), Vice Chair; Ted Edmonds (D), Vice Chair; Dennis Horlander (D), Vice Chair; Dennis Keene (D), Vice Chair; Joe Bowen (R); Kevin Bratcher (R); Denver Butler (D); James Carr (D); Perry Clark (D); Jesse Crenshaw (D); Jim DeCasare (R); Mike Denham (D); Bob Deweese (R); Melvin Henley (R); Thomas Kerr (R); Stan Lee (R); Gross Lindsay (D); Gerry Lynn (R); Brad Montell (R); Fred Nesler (D); John Will Stacy (D); Tommy Thompson (D); Mike Weaver (D)

**House Nat. Res. & Enviro.** James Gooch (D), Chair; Howard Cornett (R), Vice Chair; Keith Hall (D), Vice Chair; Charles Meade (D), Vice Chair; Hubert Collins (D); Tim Couch (R); Reginald Meeks (D); Don Pasley (D); Marie Rader (R); Terry Shelton (R); Brandon Smith (R); Jim Stewart (R); Robin L. Webb (D)

**House Tourism Dev. and Energy** Eddie Ballard (D), Chair; Tanya Pullin (D), Vice Chair; Brandon Smith (R), Vice Chair; Royce Adams (D); Carolyn Belcher (D); Joe Bowen (R); Larry Clark (D); Howard Cornett (R); Milward Dedman (R); James Gooch (D); Keith Hall (D); Mike Harmon (R); Mary Harper (R); Thomas Kerr (R); Tom McKee (D); Brad Montell (R); Ancel Smith (D); Robin L. Webb (D)

### Legislative Schedule

Feb 1: Part 2 Convenes  
Feb 14: Last Day for New Bills  
Feb 21: Holiday  
March 4-7: Concurrence with Changes made by other chamber  
March 8-18: Governor Veto Days, no meetings  
March 21 - 22: Veto override & final business

### Contacting 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.

### 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

### 2005 KCC Board of Directors

**Wade Helm**, LaGrange, President  
**Russell Barnett**, Lawerenceburg  
**Ray Barry**, Lexington  
**Rosetta Fackler**, Louisville  
**Robin Fisher**, Louisville  
**Joyce Fry**, Frankfort  
**Hillary Lambert**, Lexington  
**William Martin**, Lexington  
**Gary Michael**, Louisville  
**Brian Myres**, Carlisle  
**Bruce Scott**, Frankfort  
**Geoff Young**, Lexington  
**Jack Wilson**, Lexington

### 2005 KCC Lobbyists

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

## Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SB 31	Support	Tapp	Create nonrefundable tax credits to producers, blenders and retailers of biodiesel fuel; annual limit of \$1,000,000; See HB 57.	Senate Approp. & Revenue
SB 41	Monitor	Kelly	Reorganizes state Agencies to create Environmental and Public Protection Cabinet	Senate Ag & Natural Resources
SB 48	Monitor	Harris	Cities can assume control of sewers in a part of a sanitation district it plans to annex only if approved by sanitation district. See HB 122	Senate Ag & Natural Resources
SB 104	Under Review	Thayer	Sets up new operating rules for sanitation districts and allows sanitation districts to manage storm water systems.	Senate uncommitted
SB 123	Under Study	Buford	Changes the rules about promulgating administrative regulations	Senate State & Local Gov.
SB 133	Support	R Sanders	Include water, sewer, and metering upgrades as items appropriate for guaranteed energy savings performance contracting.	Senate uncommitted
HCR 57	Monitor	P Clark	Create Task Force to study the use of eminent domain and assess safeguards to protect private property owners and the environment in eminent domain situations.	House Judiciary
HJR 65	Support	Nelson	Reauthorize the Forest Health Task Force for 2 years; designate the State Entomologist as chair; require state agencies to identify threats to Kentucky forests and ways to address them.	House Natural Resources & Environment
HB 8	Oppose	Cornett	Extend the weight limits on coal trucks to all "natural resource" haulers	House Transportation
HB 56	Under Review	Burch, et al	Develop a plan to improve the health and well being of all Kentuckians pursuant to the goals identified by Healthy Kentuckians 2010.	House, to Rules
HB 57	Support	Baugh	Create nonrefundable tax credits to producers, blenders and retailers of biodiesel fuel; annual limit of \$1,000,000; See SB 31.	House Approp. & Revenue
HN 59	Oppose	Weaver	Create Open Meetings Law & Open Records Law exceptions for the discussion of certain public utility records.	Posted House State Gov.
HB 64	Support	Meeks	Creates financial incentives for counties to share fire, police, emergency services & landfills. Additional money to eliminate illegal dumps for counties sharing landfills.	House Local Gov.
HB 79	Oppose	Baugh	Create temporary master logger designation with authority to supervise logging operations provided the cabinet is notified logging begins.	Posted Natural Resources & Environment
HB 87	Support	Marzian	Extend statute of limitations to 20 years for workman compensation claims resulting from exposure to vinyl chloride	House Labor & Industry
HB 122	Monitor	Feeley	Cities can assume control of sewers in a part of a sanitation district it plans to annex only if approved by sanitation district. See SB 48.	House Local Gov.
HB 129	Support	Smith	Reduces weight limits for coal tucks (2-5 axles) by 10,000 pounds.	House Transportation
HB 137	Oppose	Harmon	Limits the Kentucky River Authority's ability to assess water use fees.	House State Gov.
HB 153	Support	Wayne	Stipulates there cannot be more than one planning unit covering the same territory in merged urban/county governments.	House State Gov.
HB 172	Under Review	Nelson	Defines designation of "classified forest" for purposes tax assessment to give woodland owners tax relief. Owner must have approve management plan. System run by Division of Forestry.	Posted House Economic Development
HB 190	Oppose	Collins et al	Health Depts must respond to application for on site sewage treatment systems and plumbing installation within 15 days.	Posted House Natural Resources & Environ.
HB 225	Under Review	Pullin et al	Create Ky Gas Transmission Authority with ability to issue revenue bonds and construct/maintain natural gas transmission lines.	House Tourism Development & Energy
HB 232	Support	Wayne, Tiggs	Ethics codes for planning board members.	Posted House Local Gov.
HB 235	Support	Crimm, et al	Legislature must approve sale of State Park Real Estate.	House Tourism Dev & Enrgy
HB 267		Hoover	The Executive Branch Budget	House Approp & Revenue
HB 272		Hoover	The Governor's Tax package	House Approp & Revenue
HB 283	Support	Vincent	Require junkyard operators to report material quantities ad income for taxation purposes	House Natural Resources & Environment
HB 302	Support	Hall, et al	Create the Kentucky Mutiple-use Recreational Trail Commission to develop and implement a multi-county demonstration trail system project funded by interested counties and to recommend a transition plan for a permanent state entity to plan, promote, fund, and manage multi-county recreational trails on privately owned land.	House uncommitted
HB 319	Oppose	Fischer, Keene	Allow independent planning units created prior to 1966 to continue to operate and not be required to conduct or respond to interrogations for joint planning units or to dissolve.	House uncommitted

*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")

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

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

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

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

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

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/billssummary.htm>

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

**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>

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