

KCC Alert



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

Will the STARs be Outed?

SB 39, sponsored by Sen. Dan Seum, (D. Louisville), and companion bill HB 166 would take away the right of local municipalities to decide how much industrial toxins can be dumped into their air.

Currently, local air pollution control districts (APCDs) are given the authority by federal law (and, in Kentucky, state law) to adopt regulations more stringent than the U.S. EPA's when supported by evidence of local problems.

SB 39 would prevent APCD's from establishing standards that are more stringent than state or federal standards. Louisville is the only locality with an APCD at this time. Communities that create ADCDs in the future would also be affected.

The EPA has ranked Jefferson County worst in the Southeast for health risks from air pollution. In response to the high level of toxic emissions in Louisville, the Louisville-Metro APCD board has worked with stakeholders over the last couple of years to develop a plan and set of standards to improve the regional air quality. They have named it the Strategic Toxic Air Reduction program, or STAR program for short.

Adopted last June, the program attempts to curb some harmful chemicals that were measured at unsafe levels in Louisville by requiring some industries to evaluate their emissions and possibly reduce them, thus reducing the risk levels faster than a corresponding Federal program.

Proponents for SB 39 fear The STAR program will cost jobs in Louisville.

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 Senate Agriculture and Natural Resources Committee (listed pg 2) to reject the Dirty Air Bill, SB 39 (see left).
- ❑ Contact us to give a presentation to your group on our Land Stewardship and Conservation Initiative.

KCC Promotes Land Stewardship and Conservation Initiative

The KCC is proposing that the state provide adequate funding for a long-range land conservation strategy and initiate a taskforce to come up with recommendations for a Kentucky Land Stewardship and Conservation Program by June of 2007 .

Kentucky is converting 130 acres of forest daily to urban use, a square mile each week. Funding for land conservation is less than \$5 million annually, a fraction of the amount that surrounding states spend. The initiative would work to provide a stable funding source for four existing programs: the Kentucky Heritage Land Conservation Fund, PACE, Fish and Wildlife Program, and the Forest Stewardship Fund.

Kentucky's conversion rate to urban development is one of the fastest in the nation. Our family farms, 86,000 in total, which defines Kentucky's rural character, are in danger. The forest industry contributes \$5 billion to the state's economy, but there are no incentives for the 300,000 private landowners to manage them on a sustainable basis. Kentucky's natural resources are the foundation of a \$9.1 billion tourism industry. Protecting our natural heritage is critical to Kentucky's quality of life, yet only 0.9% of Kentucky's land area is state owned, the 47th lowest percent of all states. There will never be a better time to purchase land, with low prices and large blocks of land still available.

The KCC estimates that \$30 million annually is needed to implement a sound land conservation program. Compared to North Carolina's recent \$1 billion bond issuance or Missouri and Arkansas' earmark of their sales tax for land conservation, this is a conservative amount. KCC is proposing to increase the Heritage Land Conservation Fund from \$4 to \$10 million a year, approximately the amount of requests received. The PACE program for farmland preservation would be increased from less than \$400,000 to \$10 million, with the inclusion of federal matching funds. The Fish and Wildlife Program would provide up to \$5 million to purchase or lease wildlife habitat and recreational lands from willing sellers. The Forest Stewardship Fund, which is currently unfunded, would receive \$5 million. A number of funding sources are being proposed for consideration.

The initiative was presented to the Governor, Environmental and Public Protection Cabinet, and the Agriculture and Natural Resources Committee over the last three months. The entire initiative is being presented to the General Assembly for their consideration this month.

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 Scorsone (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); Dan Kelly (R); 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); Mike Cherry (D); James Comer (R); Melward Dedman (R); C.B. Embry (R); Jimmy Higdon (R); Charlie Hoffman (D); Brad Montell (R); Fred Nesler (D); Rick Rand (D); Steven 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 Keene (D), Vice Chair; Fred Nesler (D), Vice Chair; Joe Bowen (R); Kevin Bratcher (R); Denver Butler (D); James Carr (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); David Osborne (R); John Will Stacy (D); Tommy Thompson (D); Mike Weaver (D)

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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); James Carr (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); Davide Osborne (R); Ancel Smith (D); Robin L. Webb (D)

Legislative Schedule

Feb 20: Holiday (Presidents Day)
Feb 27: Last Day for New House Bills
March 1: Last Day for New Senate Bills
March 24-27: Concurrence with Changes made by other chamber
March 28- April 7: Governor Veto Days, no meetings
April 10 - 11: 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 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.

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

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2005 KCC Lobbyists

Bruce Williams, 502-863-5938
Kristen Dunaway 502-777-5429

Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SB 29	Monitor	J. Carroll	Restrict the use of eminent domain by public entities to only "qualified public uses" involving public ownership and control.	Senate Judiciary
SB 39	Strong Oppose	Seum	Require air pollution control district rules and regulations be no more stringent than state or federal. Same as HB 166.	Senate Ag & Natural Resources
SB 50	Strong Support	Kelly	Stipulate uses of Kentucky Pride Funds for such things as hazardous waste cleanups, landfill protection, litter control, recycling, etc.	Senate 2 nd Reading, to Rules
SB 75	Support	Harris	Extend the hazardous waste assessment fee from June 30, 2006 to June 30, 2008; waive it if under \$50/year.	Senate State & Local Gov.
SB 76	Study	Harris	Allow EPPC to review applications to cease post-closure monitoring of hazardous waste disposal sites before the end of the 30 yr. responsibility.	Senate Ag & Natural Resources
HCR 24	Monitor	Brinkman	Urge the US Congress to amend the Constitution to protect the citizens from govt. takings for private economic development.	House Judiciary

HCR 28	Strong Support	Webb	Create a task force to study ways to increase recycling of electronic waste; report to LRC by Dec. 1, 2006.	House Natural Resources & Env
HB 53	Support	Meeks	Allow the Kentucky Bicycle and Bikeways Commission to file an amicus curiae brief in cases involving the rights of bicyclists.	House Transportation
HB 55	Support	Nunn	Require a state government smoking policy; permit smoking policies in local government office buildings or workplaces; permit those policies to restrict indoor smoking.	House State Government
HB 69	Study	Yonts	Updates nuisance laws to reflect other forms of local govts and imposes liability on landowners for fines and court costs.	House Local Government
HB 83	Strong Support	Pasley, Meeks, Wayne	Surface mine overburden must be returned to mine area to the maximum extent possible, other overburden is to be disposed of in permitted or previously mined areas. No overburden or spoil is to be disposed of in the waters of the Commonwealth. Spoil not returned to mine area must be disposed of only in previously disturbed areas eligible for reclamation under the abandoned mine land program.	House Nat. Resources & Env.
HB 85	Support	Vincent	Record keeping requirements for automobile junkyards.	House Transportation
HB 114	Monitor	Wilkey	Delineate allowable and prohibited public uses of property subject to eminent domain.	House Judiciary
HB 117	Strong Support	Meeks	Require testing for an elevated blood lead level of at-risk persons and other target populations of children under age six and pregnant women. Require remediation of lead hazards. Needs stronger penalties and to protect renters from retaliation.	House Health & Welfare
HB 120	Support	Crimm	Require bottled water distributed in the Commonwealth to identify the source of the water on a label affixed to the bottle.	House Seniors, Military Affairs, and Public Safety
HB 122	Monitor	Nelson	Delineate allowable and prohibited public uses of property subject to eminent domain.	House Judiciary
HB 145	Strong Support	Pasley, et al	Extend the waste tire fee until July 31, 2010; EPPC to report program effectiveness to General Assembly.	Posted House Nat Resources & Env.
HB 165	Monitor	Floyd	Define permitted and prohibited practices in the use of eminent domain.	Posted House Judiciary
HB 166	Strong Oppose	Perry	Require that air pollution control district rules and regulations be no more stringent than state or federal. Same as SB 39.	House Local Government
HB 183	Monitor	Wilkey	Delineate allowable and prohibited public uses of property subject to eminent domain.	House Judiciary
HB 229	Monitor	Jenkins, Wayne, Clark	Establishes a permitting program for development within noise sensitive areas around airports.	Posted House Local Gov.
HB 233	Support	Hall	Establish a temporary Multiple-use Recreational Trail Commission in the Commerce Cabinet to develop and implement a multi-county demonstration trail system project funded by counties and managed for statewide and multi-state promotion and access; require semiannual reports on access to multiple-use recreational trails on privately owned land in Kentucky to include recommendations for improvements; recommend a transition plan for a long-term permanent state entity to plan, promote, fund, and manage multi-county, multi-use recreational trails, including pedestrians, horses, motorized and nonmotorized vehicles, and are on privately owned land.	House Tourism Dev & Energy
HB 239	Oppose	Gray	Exclude sand or gravel from the definition of "strip mining."	House Nat. Resources & Env.
HB 248		McKee	Modification to ginseng harvesting rules and agreements.	Posted House Ag & Small Bus.
HB 262	Monitor	Denham	Authorize local governments to issue building permits for land in a flood hazard area; require EPPC abide by local decisions.	House Local Gov.
HB 271	Support	McKee	Allow land of at least five contiguous acres that is used for agriculture to be included in an agricultural district.	House Ag & Small Bus
HB 283	Support	Owens, et al	Appropriate \$5 million from the budget reserve trust fund in fiscal year 2005-2006 to support the crisis component of the Low Income Home Energy Assistance Program; require utilities to file an annual report regarding weatherization assistance and low-income heating programs.	Posted House Approp & Rev
HB 299	Monitor	Adkins et al	Kentucky Energy Security National Leadership Act: direct the Office of Energy Policy to develop a strategy for production of transportation fuels from fossil energy resources (coal) and biomass, and for encouraging renewable energy sources. Require bidders for government construction contracts to include consideration of energy efficient HVAC systems, including geothermal. KCC has concerns about producing transportation fuels from coal.	House Tourism Dev. & Energy

HB 311	Oppose	Weaver	Increase Interstate Speeds from 65 mph to 70 mph	House Transportation
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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 _____

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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>

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