

KCC Alert



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

Seum's Dirty Air Bill Deferred, but Alive

The Senate Agriculture and Natural Resources Committee deferred a vote on Senate Bill 39, Sen. Dan Seum's Dirty Air Bill. This bill would put a halt to Louisville's novel program to reduce toxic air emissions. Now, the earliest that the bill will be called for a vote will be Thursday, February 23.

Numerous proponents and opponents turned out to testify before the committee on February 16. Notably, testifying against the bill was Louisville's mayor, Jerry Abramson.

The vote in committee is expected to be very close. Passage of the bill in the full Senate is even less certain.

Efforts of Sierra Club and other allied groups to rally opposition to the bill have gotten the attention of Senators inside and outside of the Louisville-metro region.

Proponents of SB 39 think that efforts to clean up Louisville's toxic air emissions will drive away industry. In an effort to prove their point they have introduced HCR 174 into the House. This is a resolution that urges the Mayor to study the economic impacts of the Strategic Air Toxic Removal (STAR) Program on Ford Motor Co. and other industries in the area.

Ultimately, the ability of local officials to have any say in their air quality standards would be compromised by this bill.

KCC members need to keep up the pressure on their Senators to oppose SB 39. Even if you have already called, please call again. This is a strategically important bill. See "What is STAR?" at right.

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 your local representative to support HCR 120, the Land Stewardship and Conservation Task Force (see below)
- ❑ Ask your Senator to oppose SB 39, Seum's dirty air bill. Even if you've already called, call again. (see left)
- ❑ Ask your Representative to co-sponsor the Stream-Saver bill, HB 83.

KCC's Land Stewardship and Conservation Program goes to Full House for Vote

KCC received a Valentine's day gift from the House Natural Resources and Environment Committee when it approved a resolution to create a Land Stewardship and Conservation Task Force. That action moved HCR 120 a step forward, queuing it up for a vote by the whole House.

If approved by both chambers, the Task Force would be charged with studying the Commonwealth's strategy for the protection of natural resources, farmlands, habitats and forests. It will review ways to provide long term funding for existing programs: Land Heritage Conservation Fund, Forest Stewardship Fund, PACE and Fish and Wildlife Land.

The Task Force will include representatives from the General Assembly, League of Kentucky Sportsman, Kentucky Resource Council, Kentuckians for the Commonwealth, the Sierra Club Kentucky League of Cities, Kentucky Woodland Owners, Kentucky Farm Bureau, Kentucky Homebuilders Association, Kentucky Association of Counties, KY Nature Preserves Commission, the Dept of Fish and Wildlife, and the State Parks. The resolution established a deadline of June 30, 2007 for the task force to report to the legislature.

The Stewardship Program was proposed by the Kentucky Conservation Committee. Kentucky is losing 130 acres a day to urban use. Kentucky is ranked 47th in the nation of state ownership and protection of natural areas. The sponsors of the resolution are Reps. Webb, Burch, Cherry, L. Clark, Hall, Moberly, Pasley, Riggs, Siler, Westrom, and Wilkey.

What is STAR?

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, the Air Pollution Control District (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.

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)

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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); 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. 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 oppose bill xyz." You don't have to be an expert. Your relevant personal experiences 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

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2005 KCC Lobbyists

Bruce Williams, 502-863-5938
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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 ones.	Senate Ag & Natural Resources
SB 50	Strong Support	Kelly	Stipulate uses of Kentucky Pride Funds for purposes such as hazardous waste cleanups, landfill protection, litter control, recycling, etc.	House Natural Resources & Environment
SB 75	Support	Harris	Extend the hazardous waste assessment fee from June 30, 2006 to June 30, 2008; waive it if under \$50/year.	House Natural Resources & Environment
SB 76	Monitor	Harris	Allow EPPC to terminate post-closure monitoring of hazardous waste disposal sites before the end of the 30-year responsibility.	House Natural Resources & Environment
SB 82	Oppose	Tapp	Restricts sale of winery sales directly to customers, or package alcohol distributors. This is anti small-farm/winery.	Posted House License & Occupations

SB 96	Oppose	Roeding et al.	Would require a cost-benefit analysis when a state agency proposes administrative regulations.	House State Government
SB 103	Oppose	Guthrie	Allow speed limits on interstates and parkways to be raised to 70 mph, and 65 mph on all other four-lane state highways. KCC feels higher speeds will increase traffic deaths and waste gas.	House Transportation
SB120	Support	Stivers	Prohibits transfer of Game and Fish Funds to transfer general fund	Senate Appropriations
SB 129	Monitor	McGaha, Pendleton	Legislation to enable deer farming.	Senate Ag. & Natural Resources
SB 136	Support	Jensen	Brings mining laws into alignment with the federal Office of Surface Mining.	Posted for passage in Consent Orders for Feb. 22
SB 147	Support	Jensen	Updates Forestry Best Management Practices Board statute to clarify funding and timing of report presentations.	Senate 2nd reading, to Rules
SB 203	Strongly Support	Jones, Worley	Income tax credits for properties with solar, wind and geothermal energy systems. Broadens net metering to include hydro, wind, landfill gas, biogas, fuel cell, and combined heating and power systems.	Senate Uncommitted
HB 53	Support	Vincent, Meeks	Allow the Kentucky Bicycle and Bikeways Commission to file amicus briefs in cases involving the rights of bicyclists.	Senate Judiciary
HB 55	Support	Nunn et al.	Require a state government smoking policy; permit smoking policies in local government office buildings including restricting indoor smoking.	Senate State & Local Government
HB 69	Support	Yonts	Updates nuisance laws to include other forms of local govts and imposes liability on landowners for fines and court costs.	Senate State & Local Government
HB 83	Strong Support	Pasley et al.	"Stream-Saver Bill." 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 & Environment
HB 85	Support	Vincent	Record-keeping requirements for automobile junkyards.	Posted 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, Brinkman	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.	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.	Posted House Seniors, Mil. Affairs & Public Safety
HB 122	Monitor	Nelson et al.	Define permitted & prohibited practices in the use of 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.	Senate Approp. & Revenue
HB 165	Monitor	Floyd	Define permitted & prohibited practices in the use of eminent domain.	House Judiciary
HB 183	Monitor	Wilkey et al.	Define permitted & prohibited practices in the use of eminent domain.	Posted 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	Monitor	W. Hall	Create the KY Hatfield-McCoy ATV trail system in eastern KY and a commission to develop and demonstrate the trail as a pilot project.	Senate Approp. & Revenue
HB 239	Strong Oppose	Gray, Rudy	Exclude sand or gravel from the definition of "strip mining."	Posted House Nat. Resources & Environment
HB248	Monitor	McKee	Modification of ginseng harvesting rules and agreements	Posted House Ag and Small Business
HB 262	Oppose	Denham	Authorize local governments with sufficient expertise to issue building permits for land in a flood hazard area.	House Local Gov.
HB 271	Support	McKee, Arnold, Osborne	Allow land of at least five contiguous acres that is used for agriculture to be included in an agricultural district.	Senate Ag. & Natural Resources
HB 283	Support	Owens et al.	Appropriate \$10 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.	Signed by Governor
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 liquid fuels from coal and biomass, and for energy conservation.	Senate Ag. & Natural Resources
HB 311	Oppose	Weaver	Increase speed limit from 65 mph to 70 mph	House Transportation
HB 374	Monitor	Palumbo et al.	Would require a cost-benefit assessment when a state agency proposes administrative regulations.	Senate Approp. & Revenue
HB 380	Needs	Moberly,	Executive Budget proposal. Would remove money from Kentucky	Posted House Appropriations

	amendment	Hoover	Pride Fund (\$18 mill) and Petroleum Storage Tank Assurance Fund (\$41 mill) and transfer \$550,100 from Air Quality to Water for 404 primacy.	& Revenue
HB 383	Support	Gooch	Would increase penalties for persons failing to comply with water well drilling certification provisions.	Senate Ag. & Natural Resources
HB 450	Support	Comer, Hall, Rudy	Require Cabinet to issue immediate cease order to a logger with two bad actor designations who is violating best management practices and causing water pollution.	Posted for passage in Regular Orders for Feb. 15
HB 470	Monitor	Gooch	Administrative hearings held by the EPPC be finished within a 180-day window; set procedures for requesting an extension.	Senate Ag. & Natural Resources
HB 508	Monitor	Wilkey, et al	Delineates the allowable public uses for eminent domain in the Commonwealth; replace "public purpose" with "public use".	Senate State & Local Gov.
HB 538	Support	Webb, Brinkman	Creates cost recovery mechanism for "clean coal" technology through rate recovery means similar to the Environmental Cost Recovery fees.	Posted House Tourism Development & Energy
HB 558	Support	Barrows	Allow local governments to create by ordinance a purchase of development rights program, allow use of local funds, gifts, devises, grants, bequests and other appropriations.	Posted House Ag. & Small Bus.
HB 560	Support	Nelson	Requires recording and reporting of coal haul weight loads to better enforce the weight haul limits.	House Transportation
HB 573	Strong Oppose	Collins, Hall, Meade	Eliminates review by Cabinet for Families and Health Services of on-site sewage systems designed for more than 10,000 gallons per day. Requires cabinet to accept engineers opinion on site suitability -- an improper delegation of authority to a private party in the employ of a permit applicant.	House Health and Welfare
HB 574	Oppose	Simpson	Require that if the material comprising a container's label, base cup, layer of resin, or other plastic component is different but of the same predominant resin comprising the bottle or container then the container shall be labeled the same as the plastic container; and the word "OTHER" and the number "7" if the material comprising the product label, base cup, layer of resin, or other plastic component is not compatible for the purposes of recycling with the material comprising the bottle or container.	House Natural Resources & Environment
HB 600	Monitor	Barrows	Allows casino gambling at racetracks. A portion of the funds accruing to the state would fund land conservation initiatives.	House
HCR 24	Monitor	Brinkman	Urge the US Congress to amend the Constitution to protect the citizens from government 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.	Posted for passage in Reg. Orders for Feb 2
HCR 115	Support	Adams	Would reauthorize the Task Force on Funding for Wildlife Conservation.	Senate Approp. & Revenue
HCR 120	Strong Support	Webb, Burch, Cherry, Clark, Pasley, Siler	Would create a Land Stewardship and Conservation Task Force to study strategies for protection of natural areas, farmlands, habitats and forests. This is a KCC initiative.	Posted for passage in Reg. Orders for Feb. 16
HCR 174	Monitor	L. Clark, et al	Urge that the Mayor of Metro Louisville, the Director of the Metro Louisville Air Pollution Control District, members of the Louisville Metro Council, members of the Louisville delegation to the General Assembly, representatives from Ford Motor Company, a representative from the United Auto Workers, the president of Greater Louisville Inc., and the secretary for the Cabinet for Economic Development evaluate the Louisville STAR air toxics program in terms of its impact on Ford Motor plants and other existing entities, and to economic development.	Posted House Local Gov.
HR 149	Support	Marzian	Urge creation of dedicated funding source for public transportation.	House Floor
HR 155	Support	Riggs	Urge the Division of Water to submit a general summary of the water quality monitoring program and the status of Kentucky water quality to the LRC, local governments, and citizens.	House Floor

*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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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.

KCC thanks **Plangaphics**, Frankfort, KY for *KCC Alert* production assistance.

Internet Access to the Alert

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

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