

March 6, 2006

KCC Alert



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

Seum's Dirty Air Bill Advances

Your Help Needed Now

The Senate approved a modified version of Senate Bill 39, Sen. Dan Seum's Dirty Air Bill. Intended to put a halt to Louisville's novel program to reduce toxic air emissions, this bill would require a 3/5 majority of the Louisville-Metro council to approve toxic air regulations stricter than state or Federal rules.

The Issue

While Louisville, KY struggles with the highest health risk from toxic air pollution in the Southeast, Ford Motor Company is trying to derail the city's attempt to clean up the air. The Strategic Toxic Air Reduction (STAR) Program was unanimously adopted after unprecedented community involvement and debate. Ford is now strong-arming the state legislature into badly crippling if not killing STAR by demanding the passage of the SB 39.

Just two years ago Ford won the Environmental Protection Agency's Clean Air Excellence Award for its Fumes-to-Fuel project. Jim Padilla, Executive Vice President of Ford said, "As the Clean Air Excellence Award recognizes, we at Ford Motor Company take our corporate responsibility very seriously. ... (t)he Fumes-to-Fuel project at the Rouge is about both lean manufacturing and environmental stewardship."

A company that touts corporate responsibility and environmental stewardship at the national level and works ferociously for the freedom to pollute at the local level suffers from a disconnect that challenges its integrity, threatens the health of its employees and damages its relationship with its customer base.

Take Action

Call or email Ford Motor Company today! Ask them to honor their commitment to environmental stewardship by dropping their support for Kentucky's Dirty Air Bill (SB 39). Encourage them not to emit dangerous levels of pollutants from any of their plants and not to stand in the way of any community that wants clean air.

Phone: (313) 322-3000 or (800) 392-3673 [press option 4 and wait for a service representative]

TDD for the hearing impaired: 1-800-232-5952

Fax Number: (313) 845-6073

E-mail: crcredir@ford.com (Customer Relationship Center)

fordir@ford.com (Ford Investor Relations)

WFord@ford.com (William Clay Ford, Jr.)

KCC To-Do List:

- Ask Senate Leadership and Senate Appropriations and Revenue Committee to move HCR 120, the Land Stewardship and Conservation Task Force, out of committee (see below).
- Ask Ford Motor Co. to rescind its support for SB 39 (see left).
- Ask your local Representative to oppose SB 39.
- Vote! Return your ballot for the KCC Board (pg 6)

KCC's Land Stewardship and Conservation Program In Trouble in the Senate *Calls needed Now*

Passing in the House with a bipartisan 96-3 vote, KCC's Land Stewardship and Conservation Program, HCR 120, is now before the Senate.

It is in serious danger because it was sent by Senate leadership to the Appropriations and Revenue Committee rather than the Natural Resources committee, where it would normally go. This means that it must find its way out over the intense demands of the budget process, and is likely to not hold a high enough priority to get a hearing in committee.

The decision to send it to A&R was that of leadership so Senate Leadership must hear from us. It has already been the subject of several editorials in the states two largest newspapers. Diverse groups representing farming, sportsmen and women, woodland owners and conservationists support it.

Please call Senator David Williams, Senator Dan Kelly, Senator Katy Stein, Senator Richie Sanders and members of the Senate Appropriations and Revenue Committee, especially the Chairman, Senator Charlie Borders at 1-800-372-7181. Leave a message asking them to bring HCR 120 out of committee. This is a free call. It would be best to leave each message individually if possible. This is your chance to really make a difference

HCR 120 creates a Task Force charged with studying the State'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 various stakeholders.

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)

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

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

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 ones unless approved by 3/5 majority of local government council.	House
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 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.	House 2 nd Reading, to Rules
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 2 nd Reading, to Rules
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.	Posted 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 general fund	Senate Appropriations & Rev
SB 129	Monitor	McGaha, Pendleton	Legislation to enable deer farming.	Withdrawn. See SB 230
SB 136	Support	Jensen	Brings mining laws into alignment with the federal Office of Surface Mining.	Posted House Natural Resources and Env.
SB 147	Support	Jensen	Updates Forestry Best Management Practices Board statute to clarify funding and timing of report presentations.	House
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 Appropriations & Revenue
SB 219	Monitor	Jensen, McGaha	Create statutory easement of necessity to conduct reclamation operations; specify conditions to be met before easement is created.	Senate 1 st Reading
SB 223	Oppose	Denton	Creates barriers to litigation for exposure to silica dust.	Senate Health & Welfare
SB 230	Monitor	McGaha	Legislation to enable deer farming.	Senate 1 st Reading
SB 237	Monitor	Jensen	Allows for blanket bonds for oil and gas wells as opposed to individual well bonding.	Senate Ag. & Natural Resources
SB 241	Monitor	Mongiardo, Stivers	Authorize gov. entities to enter agreements with private individuals and corporations for public recreational use of private lands.	Senate
SJR 230	Support	Jones	Direct the EPPC to promulgate administrative regulations for emergency action plans for high or significant hazard impoundment dams.	Senate Ag. & Nat. Resources
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 2 nd Reading, to Rules
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.	Senate
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
HB 248	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	Signed by Governor

			year 2005-2006 to support the crisis component of the Low Income Home Energy Assistance Program.	
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 amendment	Moberly, Hoover	Executive Budget proposal. Would remove money from Kentucky Pride Fund (\$18 mill) and Petroleum Storage Tank Assurance Fund (\$41 mill) and transfer \$550,100 from Air Quality to Water for 404 primacy.	Recomitted House Appropriations & Revenue
HB 383	Support	Gooch	Would increase penalties for persons failing to comply with water well drilling certification provisions.	Senate 1 st Reading
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.	Senate Ag & Natural Resources
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	Support HCS	Collins, Hall, Meade	Bill has been modified to strengthen rules for installation and monitoring of onsite sewage facilities.	1 st Reading
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.	Posted House Licensing and Occupations
HB 626	Oppose	Pullin, Ballard	Make the Public Service Commission consider the interstate benefits expected to be achieved by proposed construction of electric transmission facilities.	House, 1 st Reading
HB 634	Oppose	McKee	Transfer one million dollars from the petroleum environmental assurance fee to the Department of Agriculture to pay for the motor fuels quality program.	House 1 st Reading
HB 642	Support	Adams, Webb	Establish a tax credit for conservation easements donated for wildlife-associated public access.	Posted House Ag. & Small Business
HB 661	Monitor	Draud	Weakens state oversight of local sanitation districts.	House Natural Res. & Env.
HB 665	Needs Amendment	Pullin, Lindsay	Define a demonstration project for coal-based production of hydrogen and electricity as a qualifying electric generating facility. Exempts the project from merchant plant siting process.	House, 1 st Reading
HB 669	Strong Support	Arnold, McKee	Require state agencies to purchase Kentucky-grown agricultural products if the vendor can meet quality and pricing requirements.	House 1 st Reading
HB 726	Strong Oppose	Edmonds, et al	Require UK to seek the removal of the "lands unsuitable for mining" designation from all or portions of E.O. Robinson Forest; allow for coal and mineral mining planning and activities; provide that royalties and other income from mining be apportioned between the Robinson Agricultural Experiment Station (10%) the Robinson Scholars program (40%) and the University of Kentucky for research (50%).	House Natural Res & Env.
HB 742	Support	Wuchner	Make any utility establish a voluntary energy cost assistance fund.	House Tourism Dev. & Energy
HB 746	Monitor	Webb	Require the EPPC develop a watershed-based planning program for the nine major watersheds in Kentucky; provide requirements for the	House Natural Resources & Env.

			membership of planning and administration of watershed-based planning councils; require that area development districts provide support to councils and have authority to contract; provide for submission from councils of watershed-based plans to the Division of Water; require the cabinet to promulgate regulations.	
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.	Senate Ag. & Natural Res.
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.	Senate Appropriations & Revenue
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.	Senate State & Local Gov.
HJR 188	Monitor	Nelson	Direct the Department of Agriculture to reauthorize the Forest Health Task Force for a period of two years.	House Natural Res. & Env.
HJR 193	Support	Webb	Direct the Environmental and Public Protection Cabinet to promulgate administrative regulations for emergency action plans for high or significant hazard impoundment dams.	Posted House Natural Res. & Env.
HJR 202	Oppose	Webb	The Transport. Cabinet is directed to develop a pilot project to allow the trimming and pruning of vegetation on state owned rights-of-way (in front of billboards).	House Transportation
HR 149	Support	Marzian	Urge creation of dedicated funding source for public transportation.	Adopted
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.	Adopted

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: (_____) _____ - _____

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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 **Plangraphics**, 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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Frankfort, KY 40602