

KCC Alert



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

Stream Saver Bill Returns

The goal of HB385 sponsored by Rep. Don Pasley and thirteen other sponsors is to limit the destruction caused by mountaintop removal mining.

This bill requires that the overburden (that is, the top of the mountain that was blown off) must be returned to the mine area to the maximum extent possible and that the other overburden must be disposed of in permitted areas or previously mined areas, and that no overburden is to be disposed of in the waters of the Commonwealth.

This bill further requires that no spoil (the leftovers after processing the coal) be disposed of in the waters of the Commonwealth, and that any spoil not returned to mine area be disposed of only in previously disturbed areas on lands eligible for reclamation under the abandoned mine land program.

Known as the "Stream Saver Bill", it is essentially the same bill introduced in the 2006 General Assembly by the same name.

Current mountaintop removal mining practice destroys streams, many of which are the headwaters for essential Kentucky drinking water sources, by burying them under mining debris. Whatever flow might remain is generally contaminated by the same debris.

KCC To-Do List:

- ❑ Call your Representative, let him/her know you support the Stream Saver Bill HB 385, (see left, this page).
- ❑ **Renew your membership** to KCC. Consider an extra donation above your normal membership.
- ❑ Invite KCC to present info about land conservation and stewardship to any organization of which you are a member.

Legislation on the Move

While none of the Senate Bills we are following have received any action, several House bills have taken wings.

HB 55, the Kentucky Clean Election Act introduced by Reps. Jim Wayne and Kathy Stein would establish the Kentucky Clean Election Fund to provide public funding to certified candidates to supplement small contributions from individuals. This bill is intended to remove the corrupting influence of campaign contributions. It is posted for a hearing in the House Elections, Constitutional Amendments & Intergovernmental Affairs Committee.

Set for final House approval on Feb 12 is **HB 123** introduced by Rep Pullin. It mandates that the Public Service Commission initiate a 3-year pilot program for installation of "next-generation" electric meters in at least 300 homes in a target community. These meters have interior readouts and remote reporting to utilities of energy use. The objective of this program is to increase consumer awareness of their energy use with the hope that, in doing so, they will use energy more wisely. Data will be assembled by the participating utility to evaluate the effectiveness.

Also set for final House approval on Feb 12 is **HB 137** sponsored by Rep. Yonts. It extends the deadline that expired in 2006 for the registration of old underground storage tanks, moving it to 2010. This allows the removal of newly discovered tanks to be reimbursed by the state petroleum storage tank account. Most of these are rusted out, leaking tanks from filling stations, no longer in use. Often times the surrounding soil requires remediation as well.

HJR 14, adopted by the House 98-0, directs The Kentucky Recreational Trail Authority to study the impacts of, and the ways to stop, illegal trespass of ATVs on private and public property, with particular emphasis on private farmland. The authority shall further develop a strategy for promoting responsible ATV recreational usage. It also directs the Governor to appoint a member to the Kentucky Recreational Trails Authority representing the Kentucky Farm Bureau.

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 (I); 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); Gary Tapp (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; Richard Henderson (D), Vice Chair; Ken Upchurch (R), Vice Chair; Dwight D Butler (R); Mike Cherry (D); James R Comer Jr (R); W Milward Dedman Jr (R); C B Embry Jr (R); Jimmy Higdon (R); Charlie Hoffman (D); Brad Montell (R); Fred Nesler (D); Don R Pasley (D); Rick W Rand (D); Tom Riner (D); Steven Rudy (R); Tommy Turner (R); Susan Westrom (D); Rob Wilkey (D)

House Economic Dev. Ruth Ann Palumbo (D), Chair; Tim Couch (R), Vice Chair; Ted Edmonds (D), Dennis Horlander(D), Vice Chair; Vice Chair; Dennis Keene (D), Vice Chair; Fred Nesler (D), Vice Chair; Eddie Ballard (D); Kevin Bratcher (R); Jesse Crenshaw (D); Jim DeCasare (R); Mike Denham (D); Bob Deweese (R); Myron Dossett(R); Melvin Henley (R); Thomas Kerr (R); Adam Koenig(R); Brad Montell (R); Dottie Sims(D); John Will Stacy (D); Tommy Thompson (D)

House Nat. Res. & Enviro. Jim Gooch (D), Chair; Keith Hall (D), Vice Chair; Brandon Spencer(D), Vice Chair; Hubert Collins (D); Tim Couch (R); Reginald Meeks (D); Tim Moore(R); Don Pasley (D); Tanya G Pullin (D); Rep. Marie L Rader (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; Ancel Smith(D), Vice Chair; Brandon Smith (R), Vice Chair; Ron Weston(D), Vice Chair; Royce Adams (D); Carolyn Belcher (D); Larry Clark (D); Leslie Combs (D); Milward Dedman (R); Bob DeWeese(D); Myron Dossett(R); James Gooch (D); Keith Hall (D); Mike Harmon (R); Thomas Kerr (R); Tom McKee (D); Tim Moore(R); David Osborne (R); Robin L. Webb (D)

Legislative Schedule

Jan 2: Part 1 Convenes
 Jan 5: Part 1 Adjourns
 Feb 6: Part 2 Convenes
 Feb 16 Last Day for new Senate Bills
 Feb 19: Holiday (Presidents Day)
 Feb 20: Last Day for new House Bills
 March 9-12: Concurrence days (with bills from other chamber)
 March 13-23: Governor's Veto Days
 March 26-27: 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? You have several options.

Phone: 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.

Send a fax: The number is listed below. A fax can be sent to multiple legislators; you must list all names individually.

Send email: Addresses can be found from the web site listed above. Some legislators respond, to email; some do not.

Send postal mail 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. Including your relevant personal experiences can be very 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 Teresa J. Hill (Envir. & Pub. Prot.): 502-564-3350
 Legislator Fax Line: 502-564-6543

2007 KCC Board of Directors

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2007 KCC Lobbyist

Bruce Williams, 502-863-5938; cell: 859-221-1132

Bill Summaries and KCC Position

| Bill No | KCC Position | Sponsor | Summary | Status |
|---------|------------------|--|---|--------------------------------|
| SB 1 | Amendment needed | Williams | Education bill to promote advanced placement courses in math and science classes. Amend to include environmental science. | Senate Education |
| SB 10 | Support | Tapp | Creates uniform state permit and inspection process for installation of heating, ventilation and air conditioning systems. Could improve energy efficiency. | Senate Licensing & Occupations |
| SB 24 | Support | Angel, Boswell Pendleton, Rhoads | Create nonrefundable tax credit for producers of ethanol, up to a cap of \$1,500,000 per year. | Senate Approp. & Revenue |

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| SB 25 | Strong Support | Angel, Pendleton | Create the Kentucky Farmers Market Nutrition Program to provide fresh, locally grown produce to low-income seniors and recipients of the federal Special Supplemental Nutrition Program for women, infants, and children; and introduce fresh, locally grown fruits and vegetables into school nutrition programs. | Senate Ag. & Natural Resources |
| SB 27 | Study | Roeding, Pendleton | Eliminates the tax credit for blenders of biodiesel; requires producers of biodiesel to certify the fuel meets the current ASTM standards. | Senate Approp. & Revenue |
| SB 33 | Support | Angel, Boswell, Rhoads | Create a Biofuels Transportation Grant Program to encourage the purchase and installation of renewable biofuel refueling facilities; state government agency would prefer and set goals for biofuel-capable vehicle purchases. | Senate State & Local Gov. |
| SB 48 | Support | Stivers | Allows government-private agreements for the recreational use of private land. Makes government responsible for the upkeep of the land. Exempts the landowner from liability due to damage or accident by the user; prohibit the land being declared unsuitable for mining or becoming the basis for the denial of a mining permit. | Senate State & Local Gov. |
| SB 82 | Strong Support | Leeper | Amendments to the Brownfields laws by improving eligibility for tax incentives and provides for a no more remediation letter from the state agency in place of a covenant not to sue. | Senate Ag. & Nat. Resources |
| SB 91 | Study | Pendleton | Declares no local gov. shall regulate fertilizer or its distribution. See HB399 | Senate Ag. & Nat. Resources |
| SB 92 | Support | Boswell | Allows the use of state funds to purchase infra-structure for Soil and Water Conservation Districts. See HB 136 | Senate Ag. & Nat. Resources |
| SB 96 | Study | McGaha | Changes to the operations of Water Districts, their boards and mergers. Gives districts more authority over sewage. | Senate Ag. & Nat. Resources |
| SB 120 | Support | Guthrie | Require titles for multipurpose vehicles. | Senate Transportation |
| SB 125 | Oppose | Jensen | Exclude tire-derived fuel from the definitions of solid waste, household waste, commercial waste, and industrial waste. Amendments needed to correct adverse impacts. | Senate Ag & Nat. Resources |
| SB 142 | Oppose | R Jones | Provide an income tax credit for mining of thin-seam coal. | Senate |
| SB 146 | Study | Tapp | Establish a Floyd's Fork Water Resources Council to plan and implement a pilot project to assess current stream loading and present alternatives for protecting water quality and manage growth economically. | Senate |
| HB 5 | Oppose | Adkins | Creates tax incentives for coal-to-liquids and gasification. Would encourage increased greenhouse gas emissions and mountaintop removal. | Senate Ag & Nat. Resources |
| HB 29 | Study | Floyd | Would allow judges to reduce or deny awards to successful party in certain cases. Could have a chilling effect on efforts to assure accountability in the administration and enforcement of environmental and health laws. | House Judiciary |
| HB 55 | Support | Wayne, Stein | KY Clean Election Act. Comprehensive reform of state campaign finance law, providing for public financing and setting limits on individual and aggregate private contributions for participating candidates. | Posted House Elections, Const. Amend, & Inter-Gov. Affairs |
| HB 69 | Oppose | Arnold, Adkins, Gooch | Coal mining operations that resume after temporary closure, have raw production of at least 3 million tons of coal, and employ over 500 persons would be entitled to economic revitalization tax credits. | Posted for passage in Regular Orders, Feb 12 |
| HB 94 | Support | Pullin, Denham | Would create standards and procedures for remediation of properties contaminated from methamphetamine labs. | Posted for Passage in Regular Orders, Feb 9 |
| HB 102 | Study | Pullin | Adds crude oil, petroleum products and CO2 to the definition of "gas" to allow financing under the Kentucky Gas Pipeline Authority. | Posted for passage in Regular Orders, Feb 12 |
| HB 113 | Support | Hoffman, Wayne | Create a nonrefundable credit for new 2007 or later-year models of hybrid dual-fuel electric vehicles purchased after December 31, 2006. | House Approp. & Revenue |
| HB 123 | Strong Support | Pullin | Mandates that the Public Service Commission initiate a 3-year pilot program for installation of "next-generation" electric meters in residences, with interior readouts and remote reporting to utilities of energy use; provides for compilation and reporting of study results. | Posted for passage in Regular Orders, Feb 12 |
| HB 134 | Support | Yonts | Requires railroad companies to develop risk assessments, training, security, and community protection plans to assess and reduce risks of sabotage, terrorism and others crimes from storage and movement of hazardous cargo and oil. | House Transportation |
| HB 136 | Support | Pasley, Moberly | Amends law for lease and purchase of infrastructure of the Soil and Water Conservation Commission with state funds. | Posted for passage in Regular Orders, Feb 12 |
| HB 137 | Support | Yonts | Extend, from July 15, 2006 to July 15, 2008, the deadline date for registering and filing applications relating to underground petroleum storage tanks. | Posted for passage in Regular Orders, Feb 12 |

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| HB 161 | Oppose | Edmonds, Hall | Require the cabinet to issue multi-axle permits in excess of 120,000 pounds for carriers that meet the axle weight provisions and meet safety standards. | House Transportation |
| HB 327 | Study | Moberly | Budget Amendments | House Approp. & Revenue |
| HB 333 | Study | Simpson | Plastic containers comprising similar but multiple resins can be labeled as one material for recycling. | House Nat. Resources & Environment |
| HB 349 | Study | Draud | Allows for creation of "local development areas" and for tax increment financing and other financing mechanisms for redevelopment of areas. Includes land contaminated by current owner. Insufficient public notice. | House Ag & Small Business |
| HB 354 | Strong Support | Webb | Establish a tax credit for easements granted to allow wildlife-associated public access to private lands | House |
| HB 385 | Strong Support | Pasley | KY Stream Saver Bill: Prohibits disposing of mining overburden from being disposed of in water ways and requires it be returned to mined area | House |
| HB 399 | Study | McKee, Pasley | Declares that no local government shall regulate fertilizer. Possibly preempts local gov. from regulating manure application from industrial chicken & hog operations. See SB91 | House |
| HCR 18 | Support | Pullin | Encourage the Kentucky Transp. Cabinet and the Kentucky Cabinet for Econ. Devel. to promote and market the use of Amtrak rail passenger service and the communities which serve as Amtrak passenger stations. | Posted House Transportation |
| HJR 14 | Support | Pullin | Direct the Kentucky Recreational Trails Authority to study illegal trespass by ATV users on private and public property. | Passed by House |

KCC thanks **PlanGraphics**, Frankfort, KY for technical and material assistance in producing the *KCC Alert*.

Internet Access to the Alert

The Sierra Club graciously posts the KCC Alert on the Club's web site; go to <http://kentucky.sierraclub.org/kcc/billsummary.asp>

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