

# KCC Alert



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

## Billboard Bill Has Greased Wheels

With the momentum of a fully loaded 18 wheeler on a down hill run, SB 155 sponsored by Sen. Ernie Harris has skidded out of the Senate on a 32-5 vote and awaits action in the House.

This bill attempts to change current policy and allow billboard owners to cut down trees on state right-of-ways that might interfere with the visibility of their sign.

The bill creates a zone up to 1150 feet long on the side of highways near billboards wherein the sign owner could obtain a permit to "trim" vegetation currently inhibiting visibility or that might inhibit visibility within two years.

Several industry attempts at acquiring this authority through a change of regulation via the Transportation Cabinet met with a large public outcry and proved unsuccessful. The billboard industry then turned to the legislature. This type of bill has been introduced for the past several sessions.

In an unusual parliamentary procedure, the bill was heard twice on the Senate floor before being blessed by the Transportation Committee. On the very day it was released from committee the bill got its final reading and full Senate approval.

Not only is this an extremely unpopular bill, it creates a lot of extra work for the Transportation cabinet to administer and monitor.

This bill would also extend the life of non-conforming billboards by allowing repairs costing up to 60% of the value of the structure.

Consistent with our past position, KCC is opposed to this bill.

## KCC To-Do List:

- ❑ **Call speaker of the House, Jody Richards (D)**, Bowling Green, to ask that a hearing be held on the Stream Saver Bill HB 385.
- ❑ 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.

## Energy Bill, The Good and Bad

A multifaceted and double-edged energy bill, HB 5 sponsored by over half of the House of Representatives, has gained approval of the House and has been assigned to the Senate Appropriations and Revenue Committee.

HB 5 encourages the use of the Energy Star system and LEED Standards in construction of new state facilities, encourages measuring the energy efficiency of existing facilities and directs the state to purchase alternative fuel vehicles, including hybrids.

HB 5 also creates a sales tax refund for machinery and equipment purchased by a manufacturer for an "energy efficiency project"

However, the real heart of the bill seems to be in the following provisions: it creates a personal property tax exemption for equipment used in construction, repair, renovation, or upgrade of an "alternative fuel or renewable energy facility;" it allows an alternative fuel or renewable energy facility to qualify for the coal incentive tax credit and qualify for various economic development incentives; it direct the Office of Energy Policy to develop a list of potential sites suitable for development of alternative fuel or renewable energy facilities; and it provides that state funds may be expended for preliminary environmental and baseline assessments, inventories, and other activities on or for potential sites.

KCC sees this as direct and intentional promotion of a coal to liquid fuels plant. Such a facility would only accelerate the mining of coal and the practice of mountaintop removal mining. The plants that do the processing would also likely be sites of more air and water pollution. The use of coal in any form is the worst source of global warming pollution. There are better strategies for Kentucky than mining more coal and converting it to liquid fuels. The fuel efficiency of vehicles can be raised, and truck traffic can be taken off the highways by expanding the freight hauling railroad system, which is much more energy efficient.

Since its introduction the sponsor has lowered the eligibility for incentives of renewable sources from 10 megawatts to 1 megawatt generating capacity, except for solar which would be 50 kilowatts of generating capacity. The bill is still a primarily a coal to liquid fuels effort. The energy efficiency and renewable energy provisions could be separated out into a bill worthy of support.

## Land Conservation Bill Out of Committee

HB 354 provides tax credits to land owners for easements granted to wildlife and public access to private lands. It is the most significant land conservation bill since the establishment of the Land Heritage Conservation Fund. sponsored by Rep. Robin Webb will be voted on the House floor this week.

### 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](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?** 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.	Passed Senate, House unassigned
SB 10	Support	Tapp	Creates uniform state permit and inspection process for installation of heating, ventilation and air conditioning systems. Could improve energy efficiency.	House Labor & Industry
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

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		Roeding, Pendleton	Eliminates the tax credit for blenders of biodiesel; requires producers of biodiesel to certify the fuel meets the current ASTM standards.	Withdrawn
SB 33	Support	Angel, Boswell, Pendleton, 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 75	Oppose	Williams	Moves the venue involving appeals of admin. agency actions including enforcements, out of Franklin Circuit Court. Adverse impacts would be loss of continuity and consistency in interpreting and applying statutes and significant additional costs to agencies for traveling to 120 venues to defend and enforce agency actions.	Passed Senate, House unassigned
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.	House Approp. & Revenue
SB 91	Study	Pendleton	Declares no local gov. shall regulate fertilizer or its distribution. Clarified to make it clear planning and zoning are not subjugated. See HB399	Senate 2nd Reading to Rules
SB 92	Support	Boswell	Allows the use of state funds to purchase infra-structure for Soil and Water Conservation Districts. See HB 136	Senate recommitted to State & Local Gov.
SB 96	Study	McGaha	Changes to the operations of Water Districts, their boards and mergers. Gives districts more authority over sewage.	Passed Senate, House unassigned
SB 120	Support	Guthrie	Require titles for multipurpose vehicles.	Senate Transportation
SB 125	Study	Jensen	Clarifies regulations regarding the use of tire derived fuel.	Passed Senate, House unassigned
SB 142	Oppose	R Jones	Provide an income tax credit for mining of thin-seam coal.	Senate Approp & Revenue
SB 146		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. See HB 435.	Withdrawn
SB 155	Oppose	Harris, Boswell	Creates permit system for billboard owners to cut vegetation in public right-of-way that blocks the sign visibility up to 1100ft along the road.	House uncommitted
SB 159	Study	Thayer, Seum,	Changes to the Campaign Finance Rules. Increases contribution limits to \$5000.	Posted H. Elections, Const. Amend. & Intergov. Affairs
SB 187	Study	Jensen	Updates state statutes concerning expenditures under the abandoned mine program.	2 <sup>nd</sup> Reading, to Rules
SB 191	Support	Jensen	Dep. Of Fish & Wildlife to establish regulations for harvesting wild ginseng including a limited harvest season, establishes fines.	Senate Ag & Nat Resources
SB 196	Strong Oppose	Stivers	Facilities that produces transportation fuels, synthetic natural gas, chemicals, electricity, or other useful products, costing in excess of seven hundred fifty million dollars (\$750,000,000) would be eligible for one-stop shopping for environmental permits; require that permitting appeals skip the circuit court level and be heard by the Court of Appeals; exempt such facilities from Siting Board approval.	Senate Ag & Natural Resources
SB 206	Oppose	Thayer	Persons in areas not served by a sanitary system are exempt from storm water rate charges that are charged by that system.	Senate Approp, & Revenue
SB 210	Study	Stivers	Replace hearing officers with administrative law judges; create administrative law board to nominate administrative law judges and administer the administrative law judge program.	Senate Judiciary
SCR 41	Support	Rhoads	Creates a task force to study availability of lands for hunting.	Senate Ag. & Natural Res.
SR 143	Support	H. Angel, et al	A Senate Resolution urging the U.S. Congress to extend the home energy efficiency tax credits contained in the Energy Policy Act of 2005	Senate Approp & Revenue
HB 5	Oppose	Adkins	Creates tax incentives for coal-to-liquids and gassification. Would encourage increased greenhouse gas emissions and mountaintop removal.	Senate Approp. & Revenue
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	House Judiciary

			accountability in the administration and enforcement of environmental and health laws.	
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 long term 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.	Senate Ag. & Natural Resources
HB 94	Support	Pullin, Denham	Would create standards and procedures for remediation of properties contaminated from methamphetamine labs.	Passed by House
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.	Senate Ag. & Natural Resources
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.	Passed by House
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.	Senate Ag. & Natural Resources.
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.	Senate Ag. & Natural Resources
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.	Posted House Approp & Revenue
HB 354	Strong Support	Webb	Establish a tax credit for easements granted to allow wildlife-associated public access to private lands	House 1 <sup>st</sup> Reading
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 Nat. Resources & Env.
HB 399	Study	McKee, Pasley	Declares no local gov. shall regulate fertilizer or its distribution. Clarified to make it clear planning and zoning are not subjugated. See SB91	House Posted for passage in Reg Orders Feb. 22
HB 417	Opposed	Gooch, Cherry, Floyd	Creates procedures and alters existing civil proof standards for occupational claims from exposure to silica dust causing silicosis.	Posted House Judiciary
HB 435		Belcher, et al	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. See SB146.	House Local Government, posting waived.
HB 442	Study	Baugh	Brownfields projects to be eligible infrastructure projects under programs administered by Kentucky Infrastructure Authority.	House Nat. Resources & Env. Posting waived.
HB 444	Study	Weston, et al	Allow counties with large cities or consolidated governments to issue citations for violations of land use provisions, conditional use permits, and subdivision regulations.	Posted House Local Gov.
HB 454	Support	Smith, et al	Requires shippers and receivers of coal to report shipment weights to Department of Vehicle Enforcement.	House Transportation
HB 458	Study	DeCesare	Rescinds the authority of local governments to exercise the power of eminent domain to eliminate blighted or slum areas; limit eminent domain to situations involving public use.	House Health & Welfare
HB 472	Support	Miller, et al	Allow local governments to adopt ordinances regulating junked, wrecked, or nonoperative motor vehicles that are more restrictive than the state provisions.	Posted House Local Gov.
HB 521	Support	Smith, Adams, Couch	Creates a preapproved advanced clean up program that will allow tank operators or owners to pay for corrective action and apply for reimbursement under the underground storage tank program. Prohibits the transfer of program funds to the general fund or the road fund.	Posted House Nat Resources & Env.

HB 534	Support	Webb	Lets local gov. use the transient room tax to finance local parks.	House Local Gov.
HB 539	Study	Richards, Wilkey	Financing mechanisms for redevelopment of blighted urban areas in cities of the second class.	House Approp & Revenue Posting waived
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
HCR131	Support	Webb	Create an E-scrap Task Force to be composed of 15 members to study ways to increase recycling of electronic waste.	House Natural Resource & Env.
HCR160	Support	Stacy, Richards, Gooch, Hall	Direct the Kentucky Division of Water to create a Save Our Streams Task Force to study possible legislation to coordinate education on water quality.	Posted House Natural Resources and Env.
HJR130	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 Resources and Env.

### *The Earth Needs a Friend in Frankfort – Membership Form*

**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 (if you know): \_\_\_\_\_

Address: \_\_\_\_\_ My state senator (if you know): \_\_\_\_\_

\_\_\_\_\_ 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: 502-223-1240.

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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