

KCC Alert



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

—EYE ON THE SESSION—

A QUIET WEEK IN THE CAPITAL

It's been a quiet week or two in Frankfort. It seems the legislature is waiting for something, but it's unsure of what.

An important factor is the budget, which is spare. But another may be the casino bills, introduced late in the week.

While few bills are moving, legislation that advance environmental concerns generally aren't, and there are quite a few. Several bills expand net metering for home energy production, encourage micro hydro plants, and promote vegetable oil as an alternative diesel fuel. One exception is a Senate bill sponsored by Sen. Ernie Harris that adds renewable sources as eligible for net metering.

HCR 93, the bill to re-authorize the Land Stewardship and Conservation Task Force, was scheduled for a hearing Thursday at the House Natural Resources and Environment Committee, but the committee meeting was canceled. Ironically, the committee was scheduled to meet on the day of the "I Love Mountains" demonstration to advance the "Stream Saver" bill.

KCC's legislative proposal for "High Performance" state buildings is in the hopper for comprehensive alternative energy legislation that is still under development. At the same time, a bill has been introduced to require one High Performance standard, LEED, in certain state-financed construction.

KCC To-Do List:

- ❑ Ask your Senator to oppose SB 69, which cuts hazardous waste fees, and to support SB 145 for pedestrian and bicycle trails.
- ❑ Urge your Representative to support land conservation through HCR 93.

SB 69 cuts funds for hazardous waste prevention

In exchange for an extension of the fee (due to sunset in July) charged to producers of hazardous waste, SB 69 would halve the fee for entities using the waste as a fuel. This would have the effect of cutting significant funds from both the EPPC's efforts to clean up old toxic waste sites, and reducing payments to the Kentucky Pollution Prevention Center, which receives a share of the fees, for ongoing work in pollution prevention and waste stream reduction.

Senate Bill 69 would mainly benefit two companies (Rohm and Haas and Safety Clean) and serve as an incentive for them to continue to dispose of hazardous waste by incinerating it in ordinary boilers and cement kilns. While reducing the volume of hazardous waste, burning it produces hazardous ash and can release significant amounts of toxins into the air.

The KCC, with the Kentucky Resources Council and the University of Louisville, are working with the sponsor, Senator Ernie Harris, to come to a fair resolution to this issue without sacrificing these important programs. So far, amendments have been filed to restore KPPC's funding, but not the Cabinet's.

HCR 93 still in committee

Due to the death of the sponsor's father, HCR 93, the reauthorization of the Land Stewardship and Conservation Task Force has yet to clear the House Natural Resources and Environment Committee. Plans now are to bring it out this Thursday.

The KCC wishes to extend its deepest sympathy to Representative Webb at her loss. Without her continuing efforts, this Task Force would not have been authorized.

The mission of the Kentucky Conservation Committee is to work for sustainable use of renewable natural resources, prudent use of non-renewable resources, conservation and preservation of critical and unique areas, and a healthful environment for all Kentuckians.

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; Johnny Bell (D), Dwight D Butler (R); Mike Cherry (D); James R Comer Jr (R); W Milward Dedman Jr (R); C B Embry Jr (R); Jeff Greer (D); Jimmy Higdon (R); Charlie Hoffman (D); Brad Montell (R); Fred Nesler (D); David Osborne (R); Don R Pasley (D); Rick W Rand (D); Tom Riner (D); Steven Rudy (R); Dottie Sims (D); Tommy Turner (R); Susan Westrom (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); Joni Jenkins (D); Thomas Kerr (R); Adam Koenig (R); Brad Montell (R); Don Pasley (D); Dottie Sims(D); Ancel Smith (D); John Will Stacy (D); Tommy Thompson (D); Addia Wuchner (R)

House Nat. Res. & Enviro. Jim Gooch (D), Chair; Keith Hall (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;; Ancel Smith(D), Vice Chair; Brandon Smith (R), Vice Chair; Ron Weston(D), Vice Chair; Royce Adams (D); Larry 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)

Contacting Legislators

Who are my legislators? Representative s and Senators are listed by county at www.lrc.ky.gov/Legislators.htm. Or, input your address at <http://vote-smart.org>. Or, call your county clerk.

How do I communicate with legislators? Legislators want to hear from their constituents. You have several options—use the telephone numbers in the box below.

Leave a message: The legislator message line will get you an operator who will take a message you dictate, no questions asked. Include the Bill Number in your message. You may call 7 am to 11 pm ET M-Th, 7 am to 6 pm F.

Send a fax: A fax can be addressed to individual members, members of a committee, or members of the House or Senate.

Send email: Email addresses are available here:

<http://www.lrc.ky.gov/whoswho/email.htm>

Some legislators respond to email; some do not.

Send postal mail to the Capitol Annex, Frankfort, KY 40601.

Call direct: Legislators are very busy during the session, but many will try to take time to talk to a constituent.

What do I say? Your message can be as simple as “Please oppose House Bill 888.” You don’t have to be an expert. Sharing relevant personal experiences can be *very* effective.

Important Phone Numbers

Legislator Message Line: 1-800-372-7181

Legislator Fax Line: 502-564-6543

To talk directly 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

EPPC Secretary: 502-564-3350

Learn More about Bills

The Legislative Research Commission’s website posts bills and amendments and is updated nightly:

<http://www.lrc.ky.gov/legislation.htm>

If you want to track a particular bill or subject area through email updates, subscribe to the “Bill Watch” service here: <http://kentucky.gov/services/billwatch/>

Legislative Schedule

Jan 8: Convenes

Jan 21: ML King holiday

Feb 18: Presidents’ Day holiday

Feb 25: Last day for bill requests

March 3: Last day for new House Bills

March 5: Last day for new Senate Bills

March 28, 31: Concurrence only (bills from other chamber)

April 1-11: Governor’s veto days

April 14-15: Veto override & final business

2008 KCC Board of Directors

Vicki Holmberg, Lexington, President

Russ Barnett, Lawrenceburg **Ray Barry**, Lexington

Ramesh Bhatt, Lexington **Leslie Cole**, Lexington

Bruce W. Scott, Frankfort **Greg Kuhns**, Louisville

William Martin, Lexington **David Wicks**, Louisville

Pam Wood, Harrodsburg **Jack Wilson**, Lexington

2007 KCC Lobbyist

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

Bill Summaries and KCC Position

NOTE: At our meetings during the session, the board of KCC tracks bills before the General Assembly that fall within our mission, and considers what KCC's position on them should be. Bills that are central to our mission are identified as "**Priority**" for work by our lobbyist and to encourage communications with legislators by our members. The newsletter is sent out immediately after our meetings, held on Saturdays. The listing should be inclusive of legislative activity up to the Friday evening prior to your receiving this newsletter. Updates from the previous newsletter are in **bold**.

Bill No	KCC Position	Priority	Sponsor	Summary	Status/ Committee
SB 7	Monitor		Williams	Permits local authorities to create "public infrastructure authorities" with the approval of the Governor to issue bonds for highways and bridges and to collect tolls; gives authorities eminent domain. Concerns: NEPA.	S-Transportation
SB 54	Monitor		Winters	Creates a limited sand and gravel permit under one acre conducted by the property owner. Cf HB 286. Committee substitute makes additional restrictions.	Reported favorably with SCS S-Rules
SB 69	Oppose	✓	Harris	Reduces hazardous waste fee for wastes delivered to an energy recovery incinerator by 50%; reduces percent of the hazardous waste fund sent to the Pollution Prevention Center from 20% to 5%. Amendments restores PPC remittance to 25% and extends assessment to 2012, but preserves the 50% reduction in fees.	Reported favorably with SCAs S- Rules
SB83	Support		Harris, Blevins	Adds wind, water, or other renewable energy sources to solar as eligible for net metering. Cf HB 313.	passed Senate H-Tourism & Energy
SB 99	Monitor		Seum	Prohibits counties with consolidated local governments from approving subdivisions with densities less than one house per five acres if access is by rural or scenic road. Cf HB 144.	1-24 S-State and Local Govt
SB 107	Oppose		Pendleton	Limits data on water pollution discharge permits to be less than 3 years old and from certified organizations. Concerns: delays permitting process if data is lacking; existing monitoring cycle is 5 years; no certification procedure for labs exist.	1-28 S-Ag & NR
SB 145	Support	✓	Stine	Requires KDOT to fully include bicycle and pedestrian facilities in transportation planning and to develop standards.	S-Transportation
SB 147	Monitor		Buford, Carroll	Appropriate \$15k for a study by UK of water supply in central Kentucky.	S-A & R
SB 156	Oppose		Leeper, Borders	Permits PSC to certify a nuclear facility without first finding that a federally-approved waste disposal method exists, and without finding that there are adequate existing facilities to receive the waste. Cf HB 542.	2-14 Introduced
SB 165	Monitor		Leeper	Establish the "Kentucky Bluegrass Turns Green" program to promote "demand-side energy management," but the program is vague.	2-14 Introduced
SB 168	Support		Stine	Encourage the construction and renovation of school buildings in accordance with principles of sustainable design and life cycle cost.	2-15 Introduced
SB 171	Study		Carroll	Creates a felony crime of timber theft. Cf HB 489.	2-15 Introduced
SJR 72	Support		Jones	Requires EPPC to require emergency action plans for high or significant hazard dams.	Reported favorably S-Rules
SJR 76	Support		Harper-Angel	Requires EPPC to report to LRC on disposal and recycling of electronic waste.	Reported favorably S-Rules
HB 80	Support		Meeks	Encourages inter-local agreements to close of dumps and operate recycling programs, among others, and requiring approval by the Governor's Office of Local Development.	1-22 H-A & R

Bill No	KCC Position	Priority	Sponsor	Summary	Status/ Committee
HB 92	Support		Wayne et al	Redefine “renewable energy facility” in Energy Bill to encourage on-site biomass and methane generation, and reduces minimum investment to obtain the tax credit.	1-25 H-A & R
HB 93	Monitor		Wayne et al	Redefine “carbon dioxide capture” in Energy Bill to require compression of the gas. Concerns: may not address issues related to carbon sequestration.	H-NR & Environment
HB 100	Support		Denham	Allows local governments to contract with the Dept of Revenue to collect delinquent solid waste taxes and fees.	2-6 H NR & Environment
HB 106	Support		Denham	Requires junk yards to keep records of transactions for metals and creates crimes of stolen property. Cf HB 279.	H-Judiciary
HB 144	Monitor		Bratcher	Prohibits counties with consolidated local governments from approving subdivisions with densities less than one house per five acres if access is by rural or scenic road. Cf SB 99.	H-Local Government
HB 149	Support		Nelson	Creates individual tax credits up to 30% of cost for installation of solar or other residential energy systems 2009-2014. Cf HB 268.	H-Trsm, Dev & Energy
HB 153	Support		Owens et al	Appropriate \$10 m for Low Income Home Energy Assistance.	H-A & R
HB 164	Support	✓	Pasley et al	“Stream Saver Bill” prohibiting valley fills from surface mining.	H- NR & Environment
HB 205	Oppose		Yonts	Requires regulations by F & W to approve structures on F & W lakes constructed by adjacent property owners.	H- NR & Environment
HB 206	Monitor		Higdon	Permits local authorities to regulate noise from commercial development over 15 acres.	H-Local Government
HB 212	Monitor		Cherry	Extensive changes to the Code of Legislative Ethics, including changes affecting registered agents and their employers.	H-State Govt
HB 214	Study		Wayne et al	Expands fuel tax incentives to vegetable oils (new or waste) and provides a tax credit for converting engines to diesel using vegetable oils.	H-A & R
HB 215	Monitor		Gooch and Stewart	Appropriates up to \$15 m in prior fiscal year funds to match deposits into the F & W “Kentucky Wetland and Stream Mitigation” fund.	H-NR & Environment
HB 216	Study		Wayne	Requires PACE to pay fair market value to the donor or heirs for a donated easement terminated at the donor’s request by the courts.	1-30 passed House S-Judiciary
HB 231	Support		Jenkins	Prohibits sale of lead-bearing items that may be used by children; requires labeling of lead-bearing items.	H-H & W
HB 233	Oppose		Simpson	Clarifies labeling plastic containers for recycling with a base cup of a different substance.	H-NR & Environment
HB 268	Support		Nelson	Revision of HB 149 on residential alternative energy credits.	Introduced Jan 10
HB 271	Support		Meeks	Requires the Department of Transportation to implement California’s LEV II standards for vehicle emissions.	Introduced Jan 10
HB 279	Support		Harmon	Requires tracking of scrap metal. Cf HB 106.	Introduced Jan 11
HB 286	Monitor		Rudy, Nesler	Permits one-acre gravel pits. Cf SB 54.	H-NR & Environment
HB 291	Support		Adkins	Establishes an abandoned rail line bank fund in KDOT permitting KDOT to acquire them and to lease them to state or local governments.	H-Transportation
HB 292	Support		McKee, Graham	Limits qualifications for agricultural districts.	1-29 passed House S-Ag & NR
HB 299	Support		Moberly et al	Requires Governor’s Office of Energy Policy to recommend incentives and requirements for retail suppliers to use renewable sources of energy.	H-Tourism & Energy
HB 312	Support		Moberly et al	Encourages private investment in hydro power on dams operated by the Kentucky River Authority.	H-Tourism & Energy

Bill No	KCC Position	Priority	Sponsor	Summary	Status/ Committee
HB 313	Support		Moberly et al	Adds wind, biomass, hydro, and co-generation to sources for net metering and requires PSC to set standards for networks.	H-Tourism & Energy
HB 347	Support		Greer, Butler	Defines "poultry feeding facility" and prohibits its location within 3000 feet of a school or church.	H-Ag & Small Business
HB 378	Support		Glenn	Requires labeling of packaged foods from cloned animals.	H-Ag & Sm Business
HB 406	Study		Moberly et al	Executive Branch budget bill. Extends annual hazardous waste assessment until 2010.	H-A & R
HB 484	Study*		Butler, Hoffman	Requires post-secondary institutions to purchase KY grown agricultural products.	H-Ag & Sm Business
HB 489	Study*		Combs	Makes theft of timber a crime.	H-NR & Environment
HB 517	Monitor		Rollins, Brinkman	Requires state financed buildings to be LEED compliant.	H-State Govt
HB 529	Monitor		Montell	Require state vehicles equipped to use biofuels to refuel with them when available.	H-State Govt
HB 542	Oppose		Rudy	Permits PSC to certify a nuclear facility without first finding that a federally-approved waste disposal method exists, and without finding that there are adequate existing facilities to receive the waste. Cf SB 156.	H-Tourism & Energy
HCR 93	Support	✓	Webb, Osborne	Re-authorize the Land Stewardship and Conservation Task Force.	H-NR & Environment
HJR 54	Support		Pasley et al	Encourage Corps of Engineers to install hydro power generators on suitable federal dams.	Reported favorably H-Rules
HJR 68	Support		McKee et al	Re-authorize the Aquaculture Task Force.	2-1 Passed House S-Ag & NR

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://www.kentucky.sierraclub.org/kcc/alert.asp>

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

