

KCC Alert



Kentucky Conservation Committee

February 7, 2009

—Eye on the Session—

Money, money, money

By Bruce Williams,
KCC's legislative agent

Money, money and money are the three main topics of conversation around the halls of the Capitol this session. I've talked to more than one high-ranking official in the executive cabinets who said that state government lay-offs and furloughs are imminent. Suffice it to say that all other issues have by default become secondary to budget issues.

On the environmental front, it seems that a revisitation of the "Stream Saver" bill (HB 104 filed by Rep. Don Pasley) will likely have the same result as last time (no hearing in the committee of origin). SB 13 by Senator Bob Leeper seeks to revitalize the moribund nuclear power industry by dropping the requirement that the plants must have a means to dispose of nuclear waste and changing it to requiring a plan for storage of waste for recovery at a later date.

SB 55 by Sen. Ray Jones would grant alternate energy status under the Incentive for Energy Independence Act to new or existing coal-fired electric generators if they meet a few rather nebulous energy saving/carbon reducing

requirements, seemingly giving them an 80 percent severance tax credit for essentially doing what they are doing now.

HJR 7 would direct the U of K to study and make recommendations on the effects of mining in the Robinson forest.

Rep Leslie Combs has a bill (HB 211) that would extend oversight of timber operations to woodcutting and recovery for purpose of energy production.

HB 162 would provide tax incentives for using brownfield sites for agricultural production of energy feedstocks (which are not defined in the bill).

The main theme of all environmental endeavors these days seems to be **energy**. It is likely that incentives for increasing coal production will multiply along with other forms of renewable energy and energy efficiency measures.

Carbon sequestration will be looming, but any full-scale push in this direction will have to come from Washington and any perceived impediments to the production of coal in this legislature will be met with strong resistance.

No nukes is good nukes

Global climate change and the search for cleaner alternative energy sources are turning heads toward nuclear energy, and Kentucky heads are no exception.

Sen. Bob Leeper (Paducah) has re-introduced a bill from the last session that lifts the existing prohibition on the Public Service Commission's approval of new nuclear generating plants lacking plans for permanent disposal.

Sen. Leeper's legislative initiative,

this year, requires a plan for storage of wastes "in accordance with federal law and regulations" only if there is "intent to recover the waste or fuel for subsequent use, processing, or disposal."

Mitigating against the construction of new nukes is economics; *Mother Jones* magazine reported in July that the last application for a nuke was withdrawn in 1979, about the time of the near-meltdown of Three-Mile Island, because they're simply too expensive to build.

KCC's To-Do List:

- Ask your Senator to support SB 51 for demand-side utility programs.
- Send your membership dues, if you haven't yet!

Is Ethanol sustainable?

By Andy McDonald

Governor Beshear's Energy Strategy emphasizes the development of ethanol and other biomass resources. But the development of bio-energy must be governed by principles of environmental sustainability and the common good.

Lifecycle energy and environmental costs and benefits of biomass must be analyzed before we conclude that their development would be beneficial. Biofuels and other "alternative" fuels must provide reduced lifecycle carbon emissions, environmental damage, and public health risks versus conventional fuels.

We should also ensure that biofuel crops don't compete with food crops for land and that biofuel production doesn't drive up the cost of food. Biofuels that fail these tests should not receive state incentives or support.

Assessing alternative fuels must also consider costs of transportation, mobility, and community. The challenges presented by climate change and our dependence on oil mean that we must look beyond finding substitutes for liquid fuels – we must seek to transform our transportation system itself. Mass transit, better community planning, improved fuel-efficiency, and electric vehicles and plug-in hybrids powered by renewable electricity offer similar and more sustainable benefits.

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2009 Kentucky General Assembly

House Leadership

Speaker: Greg Stumbo

Speaker Pro Tem: Larry Clark

	Majority (D)	Minority (R)
Floor Leader	Rocky Adkins	Jeff Hoover
Caucus Chair	Robert Damron	Bob DeWeese
Whip	John Will Stacy	David Floyd

Key House Committees

House Agriculture and Small Business

Tom McKee, chair; Royce W. Adams, John A. Arnold, Dwight W. Butler, Mike Denham, Richard Henderson, Ken Upchurch, vice chairs; Johnny Bell, Mike Cherry, James R. Comer, C. B. Embry, Jeff Greer, Jimmy Higdon, Charlie Hoffman, Martha Jane King, Brad Montell, Fred Nesler, David Osborne, Don Pasley, Tom Riner, Steven Rudy, Dottie Sims, Kent Stevens, Wilson Stone, Tommy Turner, Susan Westrom.

House Natural Resources and Environment

Jim Gooch, chair; Tim Couch, Keith Hall, Fitz Steele, and Jim Stewart, vice chairs; Hubert Collins, Stan Lee, Reginald Meeks, Tim Moore, Don Pasley, Marie Rader, Kevin Sinette, Robin Webb.

House Tourism Development and Energy

Eddie Ballard, chair; Mike Harmon, Ancel Smith, Fitz Steele, Ron Weston, vice chairs; Royce Adams, Larry Clark, Leslie Combs, Bob DeWeese, Myron Dossett, Kelly Flood, Jim Gooch, Keith Hall, Thomas Kerr, Martha Jane King, Tom McKee, Tim Moore, David Osborne, Robin L. Webb.

Senate Leadership

Speaker: David Williams

Speaker Pro Tem: Katie Stine

	Majority (R)	Minority (D)
Floor Leader	Dan Kelly	Ed Worley
Caucus Chair	Dan Seum	Johnny Ray Turner
Whip	Carroll Gibson	Jerry Rhoads

Key Senate Committees

Senate Natural Resources and Energy

Tom Jensen, chair; Brandon Smith, vice chair; David Boswell, Ray S. Jones, Bob Leeper, Dorsey Ridley, John Schickel, Katie Stine, Robert Stivers, Gary Tapp, Johnny Ray Turner.

Senate Economic Development, Tourism, and Labor

Alice Forgy Kerr, chair; Gary Tapp, vice chair; Julian M. Carroll, Julie Denton, Denise Harper Angell, Ray S. Jones, Jerry P. Rhoads, Katie Stine, Jack Westwood, Ken Winters.

Senate Agriculture

David Givens, chair; Vernie McGaha, vice-chair; David Boswell, Ernie Harris, Dan Kelly, Bob Leeper, Joey Pendleton, Dorsey Ridley, Kathy W. Stein, Damon Thayer, Ken Winters.

Calendar

February 3: Part II convenes

Feb 13: Last day for new Senate bills

Feb 23: Last day for new House bills

March 12, 13: Concurrence

Mar 16-25: Veto

Mar 27: Adjourn sine die

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 the 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>

It works best with MS Explorer.

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/>

2009 KCC Board of Directors

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502-863-5938; cell: 859-221-1132

The **Kentucky Conservation Committee** is not associated with the “Kentucky Conservation Coalition.”

Bill Summaries and KCC Positions

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 and should be inclusive of legislative activity up to the Friday evening prior to your receiving this newsletter.

Senate Bills

Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
SB 7	Monitor		Tapp, Seum	cf HB 21, 81, 135. Allows low-speed electric vehicles to use highways with a posted speed limit of 45 mph or less; requires title, registration, insurance.	S-Trans
SB 12	Study		Pendleton	Requires fuel terminals to sell ethanol blends; permits biodiesel and ethanol blended gasoline to be freely blended for retail.	S-NR & E
SB 13	Oppose		Leeper	Changes "means for permanent disposal" to "plan for storage" for nuclear waste in criteria for PSC approval of nuclear power facilities.	S-Rules
SB 27	Monitor		Leeper	Establish a brownfield development fund.	S-NR & E
SB 49	Oppose		Thayer	Prohibits charging stormwater rates against unsewered persons.	S-S & LG
SB 51	Strongly support		Harris	Authorizes PSC to require demand-side plans from utilities and to review and approve them.	S-NR & E
SB 52	Support		Jones	Requires emergency action plans to include information to expedite medical air evacuation from mine sites.	S-NR & E
SB 55	Oppose		Jones	Makes new coal generating plants and modifications to existing plants eligible for the HB 1 incentives.	S-A & R
SB 63	Support		Harper Angel	Creates an e-scrap recycling program requiring registration of manufacturers and their recycling plans, prohibits sale of non-registered equipment after 2011, separates e-scrap from regular waste after 2014, provides for fines, and establishes a trust fund from fees.	S
SB 64	Monitor		Jensen	Amends law to conform repair of mine ventilation fans with MSHA standards.	S
SB 66	Oppose		Boswell	Adds crude oil from tar sands to the definition of alternative fuels eligible for incentives under HB 1; sets minimum investment at level for coal.	S

Senate and House Resolutions

No	KCC Position	Priority	Sponsor	Summary	Status/Committee
SJR 37	Strongly Support		Jones	Requires EPPC regulations for emergency action plans for high-hazard-potential dams.	S-NR & E
HJR 7	Oppose		Edmunds	Directs UK to study potential impact of mining in Robinson Forest on forests and streams. NOTE: Robinson Forest has been designated "lands unsuitable for mining."	H-NR & E

House Bills

Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
HB 21	Monitor		Riggs	cf SB 7, HB 81, 135. Allows low-speed electric vehicles to use highways with a posted speed limit of 35 mph or less; requires title, registration, insurance.	H-Trans
HB 34	Monitor		Marzian	Adds a representative of the Brain Injury Assn to the KY Recreational Trails Authority.	H-TD & E
HB 53	Support		Edmonds	Requires titling of ATVs.	H-Trans 2-4 posted
HB 65	Monitor		Meeks	Permits F & W staff to assist the KY F & W Foundation.	H-NR & E
HB 81	Monitor		Yonts	cf SB 7, HB 21, 135. Allows low-speed electric vehicles to use highways with a posted speed limit of 45 mph or less; requires title, registration, insurance.	H-Trans
HB 84	Monitor		Glenn	Authorizes lifetime hunting/ fishing licenses for persons 65 and older.	H-NR & E
HB 88	Monitor		Wayne	Establishes offense of vehicular assault of a bicyclist or pedestrian.	H-Judiciary
HB 91	Monitor		Denham	Defines "agro-terrorism": "Using any biological, chemical, or radiological agent against, or damaging or destroying, any agricultural facility, agricultural equipment, or agricultural product with the intent to deprive the public of a source of food or water or adversely affect the agriculture industry, the economy, or the public."	H-Judiciary
HB 92	Support		Yonts	Extends registration deadline for petroleum storage tanks to 2015.	H-NR & E
HB 104	Strongly support		Pasley	"Stream-Saver" Bill. Prohibits placing mining spoil in streams.	H-NR & E
HB 119	Oppose		Hall, Edmonds	Reduces number of required emergency-trained staff from two to one in mining operations with fewer than 18 employees.	H-NR & E
HB 122	Monitor		Nelson, Denham	Requires teaching of "fire ecology" in core science curriculum.	H-Edn
HB 127	Monitor		Rollins	Reduces duration of scenic easements on property owned by air boards from 30 to 20 years.	H-LG 2-6 posted
HB 135	Monitor		Higdon	cf SB 7, HB 21, 81. Allows low-speed electric vehicles to use highways with a posted speed limit of 45 mph or less; requires title, registration, insurance.	H-Transpnt
HB 160	Study		Meeks, Butler	Requires state agencies and universities to estimate recycled waste.	H-NR & E
HB 162	Study		Pullin, Hoffman	Reduces property taxes on land used to produce "energy feedstocks" (eg switchgrass) on voluntarily-remediated brownfields.	H-Ag & SB
HB 172	Needs revision		McKee, Osborne	Clarifies land size (min 5 acres), duration of use, and uses of lands that qualify for an agricultural district; requires conservation district to consider comprehensive and drinking water facilities plans before approving; requires periodic reviews. Agricultural Water Quality Plans aren't included.	H-Ag & SB
HB 178	Strongly support	✓	Atkins	Re-enacts HB 2, including "High Performance Building" requirements for state offices and conservation incentives. HB 2 passed the 2008 session after midnight of the last day.	H-A & R 2-6 posted
HB 185	Study		Webb	Permits electrical trainee to make repairs in mines if under direct supervision of a certified electrician.	H-NR & E
HB 205	Monitor		Riggs et al	Requires impairment as basis for lawsuit for cancer from silica dust.	H-Judiciary
HB 211	Study		Combs	Includes "removal of woody biomass" in definition of "timber harvesting operations" related to forest conservation (master logger); restricts exemption for firewood to personal use; makes other housekeeping changes.	H-NR & E

House Bills (cont'd)

Bill No	KCC Position	Priority	Sponsor	Summary	Status/ Committee
HB 215	Monitor		Flood	Expands coverage of the Environmental Trust Fund to "environmentally beneficial projects;" prohibits trust funds for routine EPPC activities.	H-NR & E
HB 217	Monitor		Floyd	Amends the KY constitution to permit 5% of registered voters for a statute and 8% for a constitutional amendment to petition for a ballot initiative that must be constitutional and cannot be vetoed. Permits KY attorney general to advise potential petitioners on constitutionality of a hypothetical initiative.	H-ECAIA
HB 224	Support		Wayne, Clark	Exempts vegetable oil from motor fuels tax for five years.	H-A & R
HB 235	Support		McKee, Denham	Establishes a "Forest Health Board" related to identifying/ prioritizing threats; includes Woodland Owners Assn; requires the Division of Forestry's education program to include fire prevention.	H-NR & E
HB 245	Support	✓	Collins	Designates Heritage Lands nature license plates as the official "green license plate."	H-Transpt
HB 266	Support		Napier	Creates a "Go Green" license plate with proceeds payable to Kentucky PRIDE.	H-Transpt
HB 285	Needs revision		Atkins	Establishes tax incentives for a pilot "clean coal" generating plant with certain carbon capture or sequestration <i>capabilities</i> greater than 300 mw if federal incentives become available.	H-A & R

Join KCC!

The Kentucky Conservation Committee advocates with the members of the General Assembly for the environmental and conservation concerns of its members.

Size matters! Join or contribute today!

KCC Membership Application



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): _____

City _____ State _____ ZIP _____ - _____ Home phone: (____) _____ - _____

Email address: _____

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.**

Visit us on the web: www.kyconservation.org

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