

KCC Alert



Kentucky Conservation Committee

February 6, 2010

—eye on the session—

KCC and allies beat back horse trail initiative in wildlife and natural areas

By Bruce Williams,
KCC Legislative Agent

An assault on the state's system of Nature Preserves was warded off in large part by an email blitz from all of you.

The plan in HB 312 was to re-designate all state nature preserves and wildlife management areas as "state recreational lands." This would have gone much beyond allowing a horse trail or two. It would have changed the legislative mandate of the programs.

KCC, KRC and the Director of the Nature Preserves program all tried to bring that point home to the committee. Apparently it worked, as HB 312 was passed over for more amending.

KCC has committed to work with the Kentucky Horse Council and others to come up with an acceptable plan for equine trails on state owned land.

In the meantime, thanks to everyone who emailed the committee--you don't know how much it helps!

Stealth CAFO bill draws sponsors like flies

An innocuous-sounding Senate bill establishing a "Kentucky Livestock Care Standards Commission" stands to pre-empt local standards for agricultural feeding operations and has gained broad bipartisan support.

The commission is dominated by agricultural interests with participation from UK veterinarians and a consumer.

The standards of care it creates would pre-empt more stringent local ordinances. However, a Committee

KCC's To-Do List:

- ❑ If you want to receive KCC's "Email Alerts" and aren't, perhaps we don't have your current address. Update it using our website's "Contact Us" page at www.kyconservation.org. KCC does not share private information about our members with anyone without the member's permission.

Horse trail advocates eye more public lands

Horse trail enthusiasts are again advancing legislation in the House that targets existing public lands whose Kentucky inventories are less than many neighboring states and whose state park lands are already overused.

One bill, HB 312, promoted by the Horse Council, would force state land managers, including state nature preserves and wildlife management areas, to justify not allowing horses on foot trails. HB 312 was heard by the Tourism, Development, and Energy committee last week but did not pass out of committee (see "Eye on the Session").

HB 312 is a response to the panning received by HB 173. HB 173 aims to expand the authority of the KY Recreational Trails Authority, whose focus has been mostly to advance

"adventure tourism". The bill also creates a "Gaining Access to Nature" program under the authority that would open state recreational lands to more trails and increase public access. The bill is assigned to the same committee as HB 312 but hasn't had a hearing, and is unlikely to progress.

The primary sponsor of both bills is Rick Nelson (D-Middlesboro).

The bills are promoted as relieving discrimination against horse riders, but over reach by reclassifying all state lands as "recreational," including lands with conservation and preservation missions. Some nature preserves are closed to the public except by appointment to protect unusually rare habitat.

A 2007 LRC study, initiated by KCC, identified a crisis in the ability of the state to acquire lands currently available for conservation purchase or easement from willing sellers, and the past two sessions of the General Assembly have laid the groundwork for expanding land conservation efforts such as HB 310.

Horses are particularly inappropriate in state nature preserves because they introduce alien species through their wastes.

House Tourism, Development, and Energy Committee Chair Eddie Ballard requested the Horse Council and conservation groups work out a solution.

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2010 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, Mike Denham, C.B. Embry, Richard Henderson, Ken Upchurch, vice chairs; Johnny Bell, John Carney, Mike Cherry, James R. Comer, Jeff Greer, 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, Ancel Smith, Jill York.

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, Addia Wuchner, Jill York.

Senate Leadership

Speaker: David Williams

Speaker Pro Tem: Katie Kratz Stine

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

Key Senate Committees

Senate Natural Resources and Energy

Brandon Smith, chair; Tom Jensen, vice chair; David Boswell, Ray S. Jones, Bob Leeper, Dorsey Ridley, John Schickel, Katie Kratz 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 Kratz Stine, Robin L. Webb, Jack Westwood, Ken Winters.

Senate Agriculture

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

KCC-Kentucky Conservation Committee is not associated with the "Kentucky Conservation Coalition."

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/>

Legislative Calendar

March 1--last day for House bills

March 3--last day for Senate bills

March 26, 29--concurrence only

March 30-April 9--veto

April 13--sine die

2010 KCC Board of Directors

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KCC Lobbyist: **Bruce Williams**
502-863-5938; cell: 859-221-1132

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. **Information that has been added or changed from our last newsletter is in bold.**

Senate Bills and Resolutions					
Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
SB 6	Monitor		Seum, P. Clark	Limits use of metal detectors in state parks to unimproved areas.	S-S & L Govt
SB 14	Support		Pendleton, P. Clark	Creates licensing program in Dept of Agriculture for growers of industrial hemp; requires criminal records check and random testing of fields.	S-Ag
SB 26	Strongly Oppose	✓	Leeper, Winters	Ends prohibition of certification of new nuclear facilities without a plan for permanent disposal of nuclear waste; prohibits construction of facilities that receive or create low-level waste.	Passed Senate H-A & R
SB 56	Support		Leeper	Changes standards for environmental remediation from EPA Region 9 to Region 3.	S-NR & E
SB 63	Support		Rhoades	Increases mine subsidence reinsurance from \$100k to \$300k.	S-NR & E
SB 64	Monitor		Tapp et al	Subjects appointments to the F & W Resource Commission to Senate ratification; prohibits co-mingling of moneys in Fish & Game Fund; requires Commissioner to be hired under contract approved by the Commission; restricts wildlife officers to enforcing F & W laws; deletes General Fund appropriations for F & W enforcement.	S-NR & E
SB 105	Oppose		Givens et al	Establishes a "Kentucky Livestock Care Standards Commission"; prohibits local government from issuing more stringent requirements; (SCS) cannot preempt local planning and zoning.	Senate floor
SB 132	Support		Stine, Harris	Encourages construction and renovation of school buildings using "efficient design concepts" (LEED); establishes a trust fund and requires reports.	Introduced
SB 133	Oppose		Harris	Allows billboard owners to apply to KDOT for "view permits" to trim vegetation in front of their signs.	Introduced
SB 139	Support		Stein	"Stream Saver Bill." Prohibits placing mining overburden in streams and requires restoration of original contours of the mined land.	Introduced
SR 90	Support		Kerr, Denton	Creates a "green schools" caucus. Cf HR 24.	S-S & L Govt
House Bills and Resolutions					
HB 93	Support		Meeks	Requires state agencies to report on recycling programs.	H-NR & E
HB 114	Support		Combs et al	Renames Pine Mountain Trail State Park the "Pine Mountain Scenic Trail."	Passed House S-ED T & L
HB 124	Support		Yonts	Extends registration deadline for petroleum storage tanks.	H-NR & E
HB 173	Strongly Oppose	✓	R. Nelson	Creates a "Gaining Access into Nature" or "GAIN" program coordinated by the KY Recreational Rails Authority; establishes the authority as a state agency in the Tourism Cabinet; authorizes the authority to coordinate a statewide system of trails on public recreational lands.	H-T D & E
HB 175	Support		Steele	Encourages pollinator habitat in reclaimed mine lands.	H-NR & E
HB 197	Support		Pasley et al	Extends waste tire fee four years (HCS).	House floor
HB 213	Monitor		Adkins et al	Gives pipeline companies eminent domain for transmission of carbon dioxide, and provides tax incentives. (KCC is concerned about the constitutionality of giving eminent domain capability to a private company).	H-NR & E
HB 221	Monitor		Belcher et al	Permits two or more wastewater authorities to organize regional wastewater commissions with rate-setting powers.	H-Local Govt
HB 240	Support	✓	Adkins	Re-enacts HB 2 passed late in the 2009 session related to High Performance Buildings and energy efficiency.	Passed House S-A & R
HB 283	Study		Gooch	Increase surface coal mining permit fees from \$375 to \$2500 plus \$75 per acre.	House floor
HB 308	Support		McKee, Denham	Establishes a "Forest Health Board"; includes forest fire prevention as part of Forestry Division's education program curriculum.	House floor
HB 309	Study		Koenig	Abolishes the "KY Wood Products Competitiveness Organization."	H-Econ Dev



Kentucky Conservation Committee
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Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
HB 310	Support		Marzian	Constitutional amendment to establish an "outdoor heritage fund," "parks and recreation fund," "clean water fund" and "arts and cultural heritage fund; increases sales tax 3/8 percent for 33 years to underwrite them; mandates that land acquired be open to the public for hunting and fishing except as provided by law. Resembles Minnesota legislation.	H-CA & IA
HB 312	Needs revision	✓	Nelson et al	Provides for the promotion of horse trails on public lands including those purchased with moneys from the KY Heritage Land Conservation Fund.	H-TD & E
HB 318	Support		McKee, Osborne	Adds requirements to definition of agricultural district, requires districts less than 10 acres to have annual reviews and comply with conservation plans.	H-Ag & SB
HB 330	Monitor		Henley	Allows electronic multiple-message signs where billboards are permitted.	H-Transpntn
HB 349	Support		Jenkins	Requires a "environmental status review" by planning units of local government to assure that comprehensive plans will not violate pollution control requirements; requires analysis of environmental impacts of plans, requires remediation plans, and protection of natural resources.	H-Local Govt
HB 378	Monitor		McKee	Prohibits petroleum storage tank environmental assurance fund from limiting the number of tanks whose removal it will reimburse.	Introduced
HJR 20	Oppose		Fischer et al	Prohibits enforcement of restrictions on carbon dioxide emissions by state and local agencies and governments	H-NR & E
HR 24	Support		Marzian et al	Creates a "green Schools" caucus. Cf SR 90.	Passed House