

KCC Alert



Kentucky Conservation Committee

February 20, 2010

Conservation bill expands scope to land trusts, forestry

By Bruce Williams,
KCC Legislative Agent

Rep Charlie Hoffman served as the last chairman of the Land Stewardship Task, and has taken the Task Forces' first legislative recommendation to this year's session.

The bill will create a trust fund to receive monies generated by the next,

—eye on the session—

funding phase of the Task Forces' recommendations. The monies will be automatically divided between the Purchase of Agricultural Easements (PACE) program and the Kentucky Heritage Conservation Fund.

The bill will also increase the membership of the Heritage Land Conservation Fund Board by two people, one the director of the state Division of Forestry, the other a

representative from a private land trust organization. This second appointment coincides with a change to the mandate of the Heritage Land Conservation Fund to accept grant applications from private, non-profit land trusts and conservation organizations.

This expansion of the Board's mandate will allow for greater participation by the many private land trusts involved in Heritage Land fund projects.

Next session we will be seeking a long-term and significant source of funds for land conservation and we will need everyone on board. It's been a long process, but we are beginning to see increasing interest in a well-funded program.

HB 419 has been sent to the Appropriations and Revenue committee. Please urge Rep Rick Rand, chair of the committee, to hear the bill and help move it through the legislative process.

Hoffman introduces land conservation task force bill

Rep Charlie Hoffmann and nine co-sponsors have introduced legislation establishing fund for land conservation, laying the groundwork for a ballot initiative to raise substantial funds.

The bill is this year's legislative recommendation from the Conservation Lands Task Force, which was established at KCC's urging.

HB 419 establishes a raid-proof fund in the Kentucky Treasury and permits it to receive federal and private funds as well as funds raised by the state through taxes or bonds.

Accumulated funds will be disbursed on July 1 of each year, with fifty percent going to the Heritage Lands Conservation Fund and the remainder to the PACE program.

The Heritage Lands fund is currently supported by coal severance taxes and "Nature" license plates sales. PACE, a program that purchases conservation easements to preserve agricultural and forest lands, matches federal funds with state money, which must be appropriated from the hard-pressed General fund.

One co-sponsor of HB 408, Rep Mary Lou Marzian, earlier introduced legislation proposing a ballot measure to raise sales taxes in support of a conservation and arts fund.

HB 408 is intended to lay the foundation for a bill similar to Marzian's, which is based on a successful ballot initiative in Minnesota.

KCC's To-Do List:

- Urge Rep Rick Rand to schedule a hearing for HB 419, the conservation lands bill
- Ask Reps Stumbo, Atkins, and Gooch to hold a hearing on HB 408, the renewable energy bill.
- Express to Rep McKee your opposition to SB 105 that will preempt local ordinances over factory farms.

Omnibus renewable energy bill introduced in House

Rep. Harry Moberly, Jr., and three co-sponsors have introduced omnibus renewable energy legislation in the House. It's been assigned to the Natural Resources committee.

The bill was crafted by the Kentucky Resources Council based on the work of the Kentucky Sustainable Energy Alliance, a collaborative among renewable energy advocates that includes KCC.

The bill establishes standards for the proportion of renewable energies provided by utilities that increase to proportions based on the Governor's energy plan and those of surrounding states. Failure to achieve them must be offset by the utility by a reduction of utilization.

The bill also requires the Public Service Commission to establish incentive rates based on production costs for electricity from renewable energy sources so that renewable energy standards may be met.

The bill also requires energy providers to implement energy efficiency plans that reduce utilization, with special requirements related to low-income households, and to submit reports on renewable utilization and efficiencies.

Current co-sponsors include Reps Marzian, Wayne, and Horlander.

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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, Ansel Smith, Jill York.

House Tourism, Development and Energy

Eddie Ballard, chair; Mike Harmon, Ansel 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 Vicki Holmberg, Lexington, President

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

Bill Summaries and KCC Positions

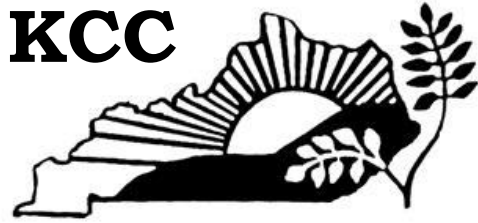
NOTE: At our meetings during the session, the board of KCC tracks bills before the General Assembly that fall within our mission and considers what KCC's position on them should be. Bills that are central to our mission are identified as "**Priority**" for work by our lobbyist and to encourage communications 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 public areas.	S-Rules
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 R 3.	S-Rules
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	Strongly 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.	passed Senate H-Ag & SB
SB 132	Support		Stine, Harris	Encourages construction and renovation of school buildings using "efficient design concepts" (LEED); establishes a trust fund and requires reports.	passed Senate
SB 133	Oppose		Harris	Allows billboard owners to apply to KDOT for "view permits" to trim vegetation on the right of way in front of their signs.	S-Transpnt
SB 139	Support		Stein	"Stream Saver Bill." Prohibits placing mining overburden in streams and requires restoration of original contours of the mined land. cf HB 396, HB 416	S-NR & E
SB 160	Support		Harper Angel	Sets standards for recycling electronics and establishes a task force.	S-NR & E
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.	Passed House
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; redefines wildlife and natural preserves as public recreational and subject to establishing trails.	H-T D & E
HB 175	Support		Steele et al	Encourages pollinator habitat in reclaimed mine lands.	House floor
HB 197	Support		Pasley et al	Extends waste tire fee four years (HCS).	H-A & R
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).	Passed House
HB 221	Needs amendment		Belcher et al	Permits two or more wastewater authorities to organize regional wastewater commissions. HCS establishes pilot project in Bullitt, Hardin, Meade, Nelson, Oldham, Spencer counties. KRC has posted a critique.	H-Rules
HB 240	Support	✓	Adkins	Re-enacts HB 2 passed late in the 2008 session related to High Performance Buildings and energy efficiency.	Passed House Passed Senate
HB 283	Needs amendment		Gooch	Increase surface coal mining permit fees from \$375 to \$2500 plus \$75/ acre, but does not cover full cost of permitting and enforcement.	Passed House S-A & R
HB 308	Support		McKee, Denham	Establishes a "Forest Health Board"; includes forest fire prevention as part of Forestry Division's education program curriculum.	Passed House S-NR & E
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 funds for recreation, clean water, and arts and increases sales tax 3/8 percent for 33 years to underwrite them.	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 348	Support		Jenkins	Requires analysis of environmental impacts of local comprehensive plans; requires remediation plans, and protection of natural resources.	H-Local Govt
HB 362	Support		Thompson et al	Permits federal Energy Star home credits to be used for state individual tax credits.	H-A & R
HB 378	Monitor		McKee	Prohibits petroleum storage tank environmental assurance fund from limiting the number of tanks whose removal it will reimburse.	Passed House
HB 396	Support		Riner, Marzian	"Stream Saver" bill. Prohibits placing mining overburden in streams and requires restoration of original contours of mined land. cf HB 416, SB 139.	H-NR & E
HB 408	Strongly Support	✓	Moberly et al	Establishes portfolio standards for renewable energy and efficiencies; requires PSC to establish production-based incentive rates (see article, p. 1).	H-NR & E
HB 416	Support		Marzian et al	"Stream Saver" bill. Prohibits placing mining overburden in streams and requires restoration of original contours of mined land. cf HB 396, SB 139.	H-NR & E
HB 419	Strongly Support	✓	Hoffman et al	Establishes the Kentucky Land Stewardship and Conservation Fund (see articles, p. 1).	H-A & R
HB 433	Oppose		Yonts	Prohibits Fish and Wildlife Dept from interfering with a county's "stream cleanups" that impede "stream water flow" on Fish and Wildlife property.	H-NR & E
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
HR 132	Oppose		Gooch et al	Urges Congress to postpone EPA regulation of greenhouse gases.	H-Rules
HCR 171	Study		McKee, Pullin	Urges support for biomass and biofuels.	H-NR & E