

KCC Alert



Kentucky Conservation Committee

March 20, 2010

KCC's To-Do List:

- ❑ Ask your Senator to support the Land Stewardship bill, HB 419. Mention specific parks or preserves that are important to you.
- ❑ Contact chair Tom Jensen and other members of the Senate Judiciary committee to hear HB 562, a net-metering and feed-in tariff bill.

—eye on the session—

Unexpected testimony puts Land Conservation bill “on the table”

By Bruce Williams,
KCC Legislative Agent

No one was as surprised as myself, board member Bill Martin and the bill's sponsor, Rep **Charlie Hoffman**, when two private citizens showed up at the Senate Natural Resources Committee to speak against the Land Stewardship bill.

What was the gist of their problem? They were opposed to using tax dollars to purchase private land.

I guess they've never stayed at a state park or fished in a reservoir. One of the men actually alluded to the bill being a tool promoted by the United Nations to take private land away.

As crazy as it may sound, their opinions teamed with the absence of two key Senators and long-held resentments against the PACE program was enough to get the bill “laid on the table.”

It was a bad sign, but a lot of work by a lot of folks is keeping the bill alive. Credit goes especially to Sen **Brandon Smith**, chair of the committee, along with Sens **David Boswell** and **Dorsey Ridley**, for their continuing interest in the bill.

HB 419 carries no appropriation; it will receive appropriations if they are made, and opens land conservation funds to private trusts as well as public agencies. It's a good bill.

I urge all of you to email or call the members of the Senate to voice your support for the protection of what's left of Kentucky's unique natural areas and for the future of outdoor activities in our fair state.

Vital bills jockey for a place on session's dance card

Leadership of the House and Senate are focused on an under-funded biennial budget bill, but at the same time several important conservation and energy bills are being readied for action when the final dance begins as March and the session conclude.

The third installment of House Leader **Rocky Adkins'** energy reforms, **HB 3**, stumbled midstep in the House Natural Resources Committee last week and again this week, tripped by Big Coal and the state's publicly-regulated utilities. The bill would set renewable energy goals and has the administration's support, but is weaker than **HB 408** sponsored by Rep **Harry Moberly**, which was based on work of the KY Sustainable Energy Alliance, of which KCC is a member. HB 408 hasn't left committee, either.

HB 562 sponsored by Rep **Tonya Pullin** expands net metering and has a feed-in tariff component, and has passed the House. It's been inexplicably assigned to the Senate Judiciary committee, and its chances are uncertain.

The quick foxtrot out of the Senate of **SB 26** challenged the House early but the nuclear facility bill, sponsored by Sen **Bob Leeper**, hasn't found a quick-stepping partner in the House. It also faces opposition from fossil fuel interests as well as legislators concerned about nuclear waste disposal, and is parked in the House Appropriations and Revenue Committee.

Waltzing boldly into the spotlight is the prom's biggest stinker, **SB 105**, but it doesn't lack for suitors. Sponsored by Sen David Givens and a host of cosponsors, the bill establishing a “Livestock Standards Commission” seeks to pre-empt local nuisance laws against factory farms. A late amendment betrays its purposes by prohibiting penalties against farmers who violate the commission's humane standards, but changes have somewhat diluted its power.

Horse trail bill morphs again, creates trail board

Defenders of state nature preserves were startled by the resurrection of **HB 173**, one of two bills filed to open state nature preserves and other conservation lands to horse trails. Advocates had negotiated a compromise, HJR 192, which opens a horse trail on a trial basis; it has passed the House and is presently on hold in Senate Rules.

A substitute for HB 173 completely replaces the original and revives a regional trail initiative for sixteen counties on strip-mined land in southeastern Kentucky. The independent board could establish ATV and other trails with the cooperation of willing landowners. The commission would be empowered to issue bonds, charge fees, and employ rangers to enforce its policies..

Visit us on the web: www.kyconservation.org

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

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Russ Barnett , Lawrenceburg	Andy McDonald , Frankfort
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Greg Kuhns , Louisville	Jack Wilson , Lexington
Bill Martin , Lexington	Pam Wood , Harrodsburg

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-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 R 3.	Passed Senate House Floor
SB 63	Support		Rhoades	Increases mine subsidence reinsurance from \$100k to \$300k.	S-NR & E
SB 64	Oppose		Tapp et al	Subjects appointments to the F & W Resource Commission to Senate ratification; prohibits co-mingling of moneys in Fish & Game Fund; requires Commission's approval of Commissioner's contract; restricts wildlife officers to enforcing F & W laws; deletes General Fund appropriations for F & W enforcement. SCS (2) adds: requires annual audits and replacement of hunting land transferred to other uses; permits firearms not used for hunting; requires separation of restricted funds; requires commissioner's annual review by commission; addresses transport of cervids across the state; requires tiered penalties for firearm hunting during bow season.	Passed Senate H-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. House Committee Substitute prohibits enforcement of standards.	passed Senate House Floor
SB 132	Support		Stine, Harris	Encourages construction and renovation of school buildings using "efficient design concepts"; establishes a trust fund and requires reports.	passed Senate H-Education
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. Cf HB 536.	Withdrawn
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
SB 185	Support		Higdon	Requires public buildings tested for radon prior to occupancy.	S-L O & AR
SB 212	Support		Schickel	Provides tax credits to installers of solar PV in public buildings. Cf. HB 560.	S-A & R
SJR 177	Support		Givens	Requires State Apiarist to work with KDOT to identify potential pollinator habitat and cooperate with F & W and local bee-keeping clubs to obtain appropriate plants.	Passed Senate H-Transpntn
SR 90	Support		Kerr, Denton	Creates a "green schools" caucus. Cf HR 24.	S-S & L Govt

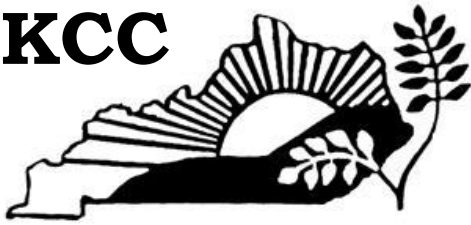
House Bills and Resolutions

Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
HB 3	Support		Adkins	Sets benchmarks for utilities for energy efficiency, renewable energy, and low-carbon resources.	H-NR & E
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-Rules
HB 124	Support		Yonts	Extends registration deadline for petroleum storage tanks.	Passed House Passed Senate
HB 173	Monitor		Hall et al	HCS establishes a corporation to establish a "KY Regional Mountain Recreation Area" that may build trails patrolled by rangers.	H-Rules
HB 175	Support		Steele et al	Encourages pollinator habitat in reclaimed mine lands.	Signed by Governor
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 S-Judiciary
HB 221	Monitor		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. HFA addresses accountability and transparency issues.	Passed House S-S & L Govt
HB 240	Support		Adkins	Re-enacts HB 2 passed late in the 2008 session related to High Performance Buildings and energy efficiency.	Signed by Governor
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. SCS: revenues stay in Div of Mine Permits.	Passed House Passed Senate
HR 290	Monitor		Rand	Governor's budget. Environmental protection budget reductions are a concern. HCS replaces Governor's budget.	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 Senate Floor
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 Fund. Cf HJR 192.	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.	Passed House S-Agriculture
HB 330	Monitor		Henley	Allows electronic multiple-message signs where billboards are permitted.	H-Transp'tn
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 Senate Floor
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).	Passed House S-NR & E

House Bills and Resolutions (cont'd)

Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
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. House Committee Substitute includes metro sewer district as "authorized agent" and requires supervision of DEP and compliance with state and federal rules.	Passed House S-Judiciary
HB 481	Monitor		Thompson	Extends term for economic development incentives for environmental technology businesses.	H-A & R
HB 485	Monitor		Wayne	Requires Louisville Metro Council to approve sewer and water rates prior to PSC approval; requires planning and zoning of facilities.	H-Local Govt
HB 486	Support		McKee	Includes sustainable agriculture within the definition of "agricultural operation."	Passed House S-Agriculture
HB 489	Monitor		Collins et al	Ends automatic addition of voluntary fees to special license plate renewals.	Passed House S-Rules
HB 491	Needs Revision		Yonts	Directs Div of Oil & Gas to plan for development of geologic carbon dioxide storage including condemnation, permitting, and assessments against generators; creates KY Carbon Storage Authority and management fund.	H-NR & E
HB 502	Monitor		Moore	Prohibits public agencies from requiring compact fluorescent light bulbs for energy savings without safe means of disposal; orders plans and studies.	H- Rules
HB 504	Oppose		Sinnette et al	Requires Environmental Cabinet to consider affordability and other factors when permitting wet weather discharges.	Passed House S-Rules
HB 529	Needs Revision		Floyd, Wuchner	Establishes a Waste Tire Working Group in Environmental Cabinet; extends waste tire fee three years; permits use of funds for crumb rubber grants, tire derived fuel, and amnesties.	H-NR & E
HB 533	Strongly Support		Pasley et al	Provides tax credits for retrofitting diesel engines to reduce air pollutants.	H-Transpntn
HB 536	Oppose		Bell et al	Exempts noncommercial billboards from state permitting. HCS further defines criteria for exemption.	H-Floor
HB 552	Monitor		Owens	Adds "energy-efficient" fuels including coal waste and coal with biomass to those eligible for alternative fuel production tax credits.	Passed House Senate Floor
HB 560	Support		Webb-Edgington et al	Provides tax credits to installers of solar PV in public buildings. Cf SB 212.	H-A & R
HB 562	Support	✓	Pullin	Creates feed-in-tariff program; authorizes PSC to set rates for renewable electricity; increases allowable capacity of customer generation and net metering.	Passed House S-Judiciary
HB 567	Support		Hoffman	Requires PSC to adopt federal standards for energy efficiency, conservation, demand-side management, etc.	H-TD & Energy
HB 588	Monitor		Adkins	Authorizes tax incentives for up to 3 carbon storage projects incentivized by USDOE.	H-Rules
HB 589	Monitor		Adkins	Provides incentives for liquid fuels from natural gas. Cf HB 3. HCS makes technical changes.	H-Rules
HB 598	Strongly Support		Combs	Requires loggers to file NOI; creates "bad actors" for those who fail twice.	H-NR & E
HCR 171	Support		McKee, Pullin	Urges support for biomass and biofuels.	Passed House S-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
HJR 187	Oppose		Koenig et al	Supports federal legislation requiring EPA to consider affordability in controlling combined sewer overflows.	House Floor
HJR 192	Support		Nelson	Encourages State Nature Preserves, KY F & W, and other state agencies to cooperatively restore and manage the "Brush Mountain Trail."	Passed House S-Rules
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.	Passed House

KCC



Kentucky Conservation Committee
P O Box 1152
Frankfort, KY 40602



Visit us on the web: www.kyconservation.org

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!

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): _____

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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.**