

KCC Alert



Kentucky Conservation Committee

March 6, 2010

—eye on the session—

House takes next step in KY land conservation

By Bruce Williams,
KCC Legislative Agent

HB 419, with Rep **Charlie Hoffman** as the primary sponsor, sailed out of the full House Thursday on a 91-2 vote.

The two nay votes were from Rep **Stan Lee** from Lexington and Rep **Mike Harmon** from Danville. My only guess as to why they opposed it was a concern over funding. The bill establishes a fund for heritage lands and agricultural reserve programs but carries no fiscal impact for this session, as the new fund can only be activated when it receives some money from some source.

That very problem is what your KCC will be addressing in the next session of the legislature. We are poised to make a push for a real land conservation program for this, one of America's most beautiful states, in 2011.

We will need the help of every individual and organization concerned with leaving a bit of this beautiful Commonwealth for future generations to enjoy. The strategizing for the big push will start very shortly after the end to this session.

In the meantime, we still have the challenge of getting this bill through the Senate. I'll be asking for every one's support through emails and phone calls soon, so stay tuned.

P.S.: Many thanks to the fine co-sponsors of HB 419: Reps **Eddie Ballard**, **Derrick Graham**, **Joni Jenkins**, **Mary Lou Marzian**, **Tom McKee**, **Reginald Meeks**, **Don Pasley**, **Jody Richards**, **Jim Wayne**, and **Brent Yonts**.

KCC's To-Do List:

- Express your concerns to members of the House Agriculture and Small Business Committee about SB 105, which will stop local nuisance ordinances on factory farms.
- Urge your representative to support HB 598, which strengthens protections for forest stewardship.

Energy reform bills cascade as filing deadline closes

Important bills that seek to diversify Kentucky's energy portfolio were introduced just days before the deadline for new legislation as the 2010 Regular Session moves toward its conclusion.

Chief among the bills is **HB 3**, sponsored by Majority Leader **Rocky Adkins**. Similar to HB 408, the bill establishes energy portfolio standards for sustainable energy and energy conservation that utilities must meet, but excludes industrial utilization in its basis. Unlike HB 408, which was developed through the KY Sustainable Energy Alliance, HB 3 includes "low carbon" sources in the array, doesn't address energy impacts on low-income citizens, and omits production-based

incentives (also known as feed-in tariffs), which set rates for sustainable energies based on cost and reasonable return on investment.

Remedying the absence of production-based incentives in HB 3 is **HB 562**, sponsored by Rep **Tonya Pullin**. Her bill borrows HB 408 language but caps production; on the other hand, the production limits would mirror the net-metering cap, which the bill helpfully raises.

Rep **Brent Yonts** has introduced **HB 491** establishing a KY Carbon Storage Authority, anticipating the necessity for carbon sequestration strategies. Carbon storage is also addressed by **HB 588** sponsored by Rep **Adkins**, which would provide tax incentives for carbon storage projects approved by the US Department of Energy.

The production of "Energy-efficient" fuels using coal waste and other marginal fossil sources would receive tax incentives under **HB 552**, introduced by Rep **Darryl Owens**. Rep **Adkins'** **HB 589** would incentivize liquid fuels from natural gas.

The Public Service Commission would take on a more aggressive role for energy efficiency and conservation under **HB 567**, sponsored by Rep **Charlie Hoffman**. The bill would bring the PSC into line with federal standards for regulatory efficiency, and would require the PSC to account for environment-related economic impacts in their decisions.

Horse trail conflict resolves with local focus

HJR 192 appears to resolve controversy over legislation that would open nature preserves to horse trails, **HB 173** and **HB 312**. KCC opposed those bills and advocated for a moderate solution.

The resolution, introduced by Rep **Rick Nelson**, encourages state agencies to open the Brush Mountain trail to the Hensley settlement in Harlan County for one year, and then to evaluate damage.

The trail had been open to horses until State Nature Preserves acquired the property, in part to protect the watershed that supplies water to Whitesburg.

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 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-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 H-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	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"; 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.	S-Transpntn
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.	Introduced
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.	S-Rules
SR 90	Support		Kerr, Denton	Creates a "green schools" caucus. Cf HR 24.	S-S & L Govt
SR 160			Smith	Encourages Congress to postpone EPA regulation of greenhouse gases from stationary sources.	Introduced

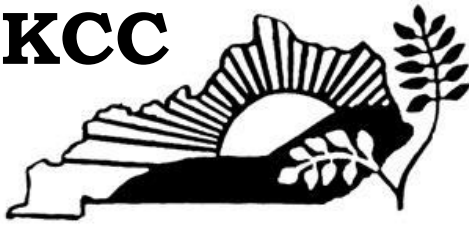
House Bills and Resolutions

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-ED T & L
HB 124	Support		Yonts	Extends registration deadline for petroleum storage tanks.	Passed House
HB 173	Oppose		R. Nelson	Creates a "Gaining Access into Nature" or "GAIN" program coordinated by the KY Recreational Rails Authority. Cf HJR 192.	H-T D & E
HB 175	Support		Steele et al	Encourages pollinator habitat in reclaimed mine lands.	Passed House S-Rules
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.	Passed House S-A & R
HR 290	Monitor		Rand	Governor's budget. Environmental protection budget reductions are a concern.	H-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 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
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 S-NR & E
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

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.	H-NR & E
HB 481	Study		Thompson	Extends term for economic development incentives for environmental technology businesses.	H-A & R
HB 485	Study		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."	House floor
HB 489	Study		Collins et al	Ends automatic addition of voluntary fees to special license plate renewals.	House floor
HB 491	Needs Revision		Yonts	Directs Div of Oil & Gas to plan for development of geologic carbon dioxide storage including condemnation, permitting, assessments against generators; creates KY Carbon Storage Authority and management fund.	H-NR & E
HB 502	Study		Moore	Prohibits public agencies from requiring compact fluorescent light bulbs for energy savings without safe means of disposal; orders plans and studies.	H-NR & E
HB 504	Oppose		Sinnette et al	Requires EPPC to consider affordability and other factors when permitting wet weather discharges.	House floor
HB 529	Needs Revision		Floyd, Wuchner	Establishes a Waste Tire Working Group in EPPC; 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-A & R
HB 536	Oppose		Bell et al	Exempts noncommercial billboards from state permitting.	H-TD & Energy
HB 552	Study		Owens	Adds "energy-efficient" fuels including coal waste and coal with biomass to those eligible for alternative fuel production tax credits.	H-NR & E
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.	H-NR & E
HB 567	Support		Hoffman	Requires PSC to adopt federal standards for energy efficiency, conservation, demand-side management, etc.	H-TD & Energy
HB 588	Study		Adkins	Authorizes tax incentives for up to 3 carbon storage projects incentivized by USDOE.	H-NR & E
HB 589	Study		Adkins	Provides incentives for liquid fuels from natural gas. Cf HB 3.	H-NR & E
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.	House floor
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.	H-Rules
HJR 192	Support		Nelson	Encourages State Nature Preserves, KY F & W, and other state agencies to cooperatively restore and manage the "Brush Mountain Trail."	House floor
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
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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")

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Name: _____ My state representative (if you know): _____

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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.**