

# KCC Alert



Kentucky Conservation Committee

February 12, 2011

—eye on the session—

## Round up the Usual Suspects!

By Bruce Williams,  
KCC Legislative Agent

A usual suspect showed up again in the opening days of the 2011 “short” session in the form of Senate Bill 34.

Sponsored by Senator Bob Leeper (I) from Paducah (home of the gaseous diffusion plant), SB 34 would spur the development of nuclear power facilities by dropping the requirement for a plan for permanent disposal of wastes.

By 2020, it’s estimated by Rodney Ewing, a researcher at the University of Michigan, that more than 77,000 tons of spent nuclear fuel from power plants will be stored in the US.

While the greatest part of the volume will be lower-level, shorter-lived nuclear constituents, the threat from actinides such as Plutonium 239 (half-life 24,000 years) and the Neptunium isotope Np 237 (2,000,000 years) will constitute the bulk of the radio-toxicity problems.

Researchers are studying ways to possibly bind these wastes with minerals such as zircon for safer long-term disposal, but the results of tests on the effectiveness of this are not yet in.

KCC opposed this bill the past 2 sessions, and will oppose it again.

Another bill of interest is SB 10, which would amend the KY Constitution to give citizens an inalienable right (among other things) to hunt, fish and trap on public lands unless the state can show a “compelling interest” to restrict it using “least restrictive means.”

The standards for a “compelling interest” and “least restrictive means.” This raises the specter of unrestricted hunting and trapping on nature pre-

### KCC’s To-Do List:

- Register online for KCC’s Annual Meeting March 12: <http://www.kyconservation.org/annualmeeting-registration.htm>
- Return your ballot (page 5) your choices for KCC’s new and renewing directors for 2011.
- Ask your legislator to drop by the KCC slide show, “The Biodiversity of Kentucky,” on Wednesday, February 16 (see page 4)



*Parking is available behind the Vogt and other Speed School buildings, or in the green lot off Third Street south of the RR.*

serves, wildlife management areas, trail riding reserves, and state parks.

SB 120 is a positive development, requiring certification of water quality laboratories that submit results for pollution discharge permits. It’s posted for passage in the house.

SB 50 is a bill of concern: it gives a private company eminent domain to lay a CO-2 recovery pipeline.

Stay tuned to this noisy but likely unproductive session.

## KCC Annual Meeting March 12 at U of L

KCC’s annual meeting will be held Saturday, March 12, from 10 am to 2:30 pm in Rm 311 of the Vogt Building on the Belknap Campus of the University of Louisville. A 45-minute tour of sustainable projects on the University’s campus will follow.

The cost of attendance including lunch is \$20, or \$25 for attendance and an annual membership in KCC.

The agenda:

- 10:00 Welcome
- 10:15 Update on the Land Stewardship Campaign--Terry Cook, Kentucky Nature Conservancy
- 11:00 Update on the Kentucky Sustainable Energy Alliance--Andy McDonald
- 11:40 Lunch--catered by Expressions of You (local foods)
- 12:25 Recognition and Plenary: Finance Secretary Jonathan Miller
- 12:45 Presentation on Floyds Fork Urban Park, Louisville--Dr. Dan Jones, 21st Century Parks
- 1:15 Kentucky Legislative Forum--Guest Legislators TBA
- 2:00 KCC Annual Meeting and Director Elections
- 2:15 Conclusions and next steps
- 2:30 Adjourn

Visit us on the web: [www.kyconservation.org](http://www.kyconservation.org)

## 2011 Kentucky General Assembly

### House Leadership

**Speaker:** Greg Stumbo

**Speaker Pro Tem:** Larry Clark

	Majority (D)	Minority (R)
<b>Floor Leader</b>	Rocky Adkins	Jeff Hoover
<b>Caucus Chair</b>	Robert Damron	Bob DeWeese
<b>Whip</b>	Tommy Thompson	Danny Ford

### Key House Committees

#### *House Agriculture and Small Business*

Tom McKee, chair; Royce W. Adams, John A. Arnold, Mike Denham, C.B. Embry, Richard Henderson, Terry Mills, vice chairs; Johnny Bell, John Carney, Mike Cherry, James R. Comer, Jeff Greer, Charlie Hoffman, Martha Jane King, Brad Montell, Myron Dossett, Jim Glenn, Sara Beth Gregory, Kim King, Martha Jane King, Michael Meredith, Brad Montell, Fred Nesler, David Osborne, Sannie Overly, Ryan Quarles, Tom Riner, Steven Judy, Rita Smart, 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, Marie Rader, John Short, Kevin Sinette, Jill York.

#### *House Tourism Development and Energy*

Leslie Combs, chair; Mike Harmon, Kim King, Fitz Steele, vice chairs; Royce Adams, Larry Clark, Myron Dossett, Ted Edmonds, Kelly Flood, Leslie Combs, Bob DeWeese, Myron Dossett, Kelly Flood, Jim Gooch, Jeff Greer, Keith Hall, Melvin Henley, Wade Hurt, Thomas Kerr, Martha Jane King, Tom McKee, David Osborne, John Short, Addia Wuchner, Jill York.

### Senate Leadership

**Speaker:** David Williams

**Speaker Pro Tem:** Katie Kratz Stine

	Majority (R)	Minority (D)
<b>Floor Leader</b>	Robert Stivers	R. J. Palmer
<b>Caucus Chair</b>	Dan Seum	Johnny Ray Turner
<b>Whip</b>	Carroll Gibson	Jerry Rhoads

### Key Senate Committees

#### *Senate Natural Resources and Energy*

Brandon Smith, chair; Tom Jensen, vice chair; Joe Bowen, Ernie Harris, Ray Jones, Bob Leeper, Dorsey Ridley, Katie Kratz Stine, Robert Stivers, Gary Tapp, Johnny Ray Turner, Robin Webb.

#### *Senate Economic Development, Tourism, and Labor*

Alice Forgy Kerr, chair; Jack Westwood, vice chair; Jared Carpenter, Julian Carroll, Julie Denton, Ernie Harris, Jerry Rhoads, Tim Shaughnessy, Kathy Stein, Katie Kratz Stine, Ken Winters.

#### *Senate Agriculture*

David Givens, chair; Vernie McGaha, vice-chair; Joe Bowen, Carroll Gibson, Paul Hornback, Bob Leeper, Dennis Parrett, Joey Pendleton, Dorsey Ridley, Damon Thayer, Robin Webb, Ken Winters.

### Contacting Legislators

**Who are my legislators?** Representative s and Senators are listed by county at [www.lrc.ky.gov/Legislators.htm](http://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: 1-866-840-2835

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 (works best with IE):

[www.lrc.ky.gov/record/11RS/record.htm](http://www.lrc.ky.gov/record/11RS/record.htm)

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

Feb 5—Part Two Convenes

Feb 11—Last day for new Senate bills

Feb 14—Last day for new House bills

March 4, 7—Concurrence

March 8-18—Veto

March 21, 22—Sine Die

### KCC Board of Directors

**Vicki Holmberg**, Lexington, President

<b>Russ Barnett</b> , Lawrenceburg	<b>Andy McDonald</b> , Frankfort
<b>Ray Barry</b> , Lexington	<b>Lisa Satin</b> , Lexington
<b>Ramesh Bhatt</b> , Lexington	<b>Bruce W. Scott</b> , Frankfort
<b>Rick Clewett</b> , Lexington	<b>David Wicks</b> , Louisville
<b>Greg Kuhns</b> , Louisville	<b>Jack Wilson</b> , Lexington
<b>Bill Martin</b> , Lexington	<b>Pam Wood</b> , 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.

Senate Bills and Resolutions					
Bill No	KCC Position	Priority	Sponsor	Summary	Status/Committee
SB 10	Oppose		Thayer et al	Creates constitutional rights among other things to mine coal without a finding of a compelling interest not to by the General Assembly.	Passed Senate H-E & CA
SB 30	Support		Pendleton et al	Permits and regulates the growth or processing of industrial hemp.	S-Ag
SB 34	Oppose	✓	Leeper	Permits the licensing of a nuclear power facility without a means of permanent disposal.	Passed Senate 2/9 recd Hse
SB 50	Oppose	✓	Jensen	Makes CO2 transmission pipelines eligible for tax incentives and gives siting authority to the Board of Electric Generation and Siting. SCS removes PSC oversight, permits siting board to hire a consultant, permits three residents to request hearing, and deletes provisions to consider adverse impacts on private landowners, cost-effectiveness, or environmental factors.	S-Rules
SB 61	Monitor		Rhoads	Enables local recreation boards to establish "landowner incentive programs" for increasing access to lands for recreational use, establishes a recreational lands fund, directs part of ATV title fee to the fund.	S-St & LG
SB 70	Support		Leeper	Changes standards for environmental cleanups from EPA Region 9 to 3.	Passed Senate 2/9 recd Hse
SB 81	Oppose		Seum	Permits regulated use of metal detectors in state parks.	S-ED T & L
SB 113	Monitor		Turner	Establishes KY Mountain Trail Authority to develop trails on private lands. Cf HB 130.	S-St & LG
SB 115	Support	✓	Stein	"Stream Saver" bill prohibiting disposal of mine waste in streams.	S-NR & E
SB 117	Monitor		Wilson et al	Creates income tax credit for plug-in electric vehicles.	S-A & R
SB 120	Support	✓	Smith	Permits DEP to certify and regulate environmental laboratories; requires all water quality data for KPDES to be submitted by a certified laboratory..	Posted
SB 137	Support		Jones	Includes natural gas as a transportation fuel eligible for tax credits; encourages cooperation between universities and KY Dept of Energy Independence.	Introduced
SB 146	Monitor		Smith	Appears to make technical corrections in Abandoned Mine laws.	
SCR 49	Support		Carroll	Encourages outdoor learning for children, but may need revision.	S-S & LG
SJR 99	Oppose		Smith	Declares KY a "sanctuary state" from EPA "regulatory overreach," and directs the state to issue a coal mining permit even if EPA objects.	S-NR & E
SR 1	Oppose		Smith	Urges Congress to prohibit EPA from adopting regulations on greenhouse gases and conduct cost impact analysis. [This bill does not go to the House.]	Passed
House Bills and Resolutions					
HB 1	Needs revision		Combs et al	"Right to Hunt" amending the KY Constitution establishing private hunting and fishing as the primary method for managing wildlife except as legislated and regulated. KCC is concerned that it is overbroad, and notes that KRC has drafted an alternative.	Passed House Recd Senate
HB 22	Monitor		Coursey	Gives state fire marshal authority to regulate persons who install, repair, close, or remove underground petroleum storage tanks and provides for referral of violations.	H-NR & E
HB 26	Monitor		Belcher	Authorizes the creation of a regional wastewater commission as a pilot project within Bullitt, Hardin, Jefferson, Meade, Nelson, Oldham, and Spencer Counties. HCS removes Spencer County.	In Reg Orders
HB 29	Support		Henderson	Establishes a "Historic Farms Program" under the KY Heritage Council.	Passed House Recd Senate

HB 130	Monitor		Hall, Steele	Establishes the "Kentucky Mountain Trail Authority" attached to the KY Tourism Cabinet, permits it to establish the "KY Mountain Regional Recreation Area," and provides regulatory authority. HCS identifies ADDs as administrative support.	Passed House Recd Senate
HB 166	Support		McKee et al	Requires promotion in state parks of the "KY Proud" program that promotes KY agricultural products.	Passed House S-Ag
HB 205	Needs amendment		McKee et al	Expands State Board of Agriculture to include representatives of the seven largest commodity producers and the Farm Bureau. HCS prohibits lobbyist members. Representatives of silviculture, aquaculture, and CFA are needed.	In Reg Orders
HB 237	Support	✓	Jenkins, Marzian	Regulates the disposal or re-use of coal combustion wastes.	H-NR & E
HB 239	Support	✓	Marzian, Jenkins, Wayne	Establishes renewable energy portfolios and establishes standards for weatherization, efficiency and use reduction; requires PSC to deny certificates for conventional generation when diversification/efficiency goals aren't met.	H-TD & E
HB 253	Oppose		Rudy, Nesler	Exempts removal of sand and gravel by a property owner for noncommercial purposes from surface mining permits.	H-NR & E
HB 259	Monitor		Yonts	Establishes a demonstration program for geological storage of carbon dioxide.	In Reg Orders
HB 270	Support		Richards	Requires railroad companies to prevent flaking of paint from bridges into waterways.	H-Trans
HB 312	Support		Damron	Grants sewer authorities power to suspend water delivery for failure to pay sewer charges.	Passed House Recd Senate
HB 340	Support		Adkins et al	Expands tax incentives to facilities manufacturing components for energy storage, conservation, and efficiency.	In Reg Orders
HB 353	Monitor		Nelson	Prohibits release of animal weighing more than 500 pounds without permission of the county's legislative body.	H-TD & E
HB 368	Support	✓	Wayne et al	"Stream Saver Bill" prohibiting disposal of mine wastes in streams	H-NR & E
HB 385	Monitor		Gooch	Requires new administrative regulations to change surface mining bonds.	H-NR & E
HB 421	Oppose		Gooch	Exempts mines providing coal for intrastate use from requirements of the Clean Water Act.	H-NR & E
HB 433	Support		McKee	Establishes a "waste tire working group" in the Energy and Environment Cabinet; requires tire retailers to provide information about disposal.	Introduced
Hb 443	Support		Marzian	Restricts amount of cadmium in articles used by children.	Introduced
HB 455	Support with amendment	✓	Stumbo	Requires utilities to purchase energy from a "qualified biomass energy facility" at up to 10 cents/kwh. Needs amendment that identifies a process for defining sustainable biomass as in HB 239.	Introduced
HCR 37	Oppose		Koenig et al	Supports federal legislation to urge EPA to consider affordability when considering combine sewer overflow measures. Existing EPA guidance addresses cost.	H-NR & E
HCR 89	Support		Marzian	Urges Congress to amend the Toxic Substance Control Act to make it more stringent.	H-H & W
HJR 27	Support		Glenn	Requires water districts to monitor levels of hexavalent chromium	H-NR & E
HJR 49	Oppose		Fischer et al	Prohibits restriction on carbon dioxide emissions by state and local agencies.	H-NR & E
HJR 90	Oppose		Steele et al	Directs KY Fish and Wildlife to renegotiate the in-lieu-fee mitigation program; urges the KY Congressional delegation to amend the Clean Water Act to disallow a regional conductivity standard.	H-NR & E
HJR 116	Support		Bell, Short	Directs the Tourism Cabinet to enter into agreements with counties traversed by the Sheltoewe Trace National Recreational Trail and provide a report.	Introduced

## The Biodiversity of Kentucky

The KCC Educational Foundation will present a slide show celebrating Kentucky's biodiversity using images from the recent book, Kentucky's Natural Heritage. The slide show with posters will be presented in Room 111 of the Capitol Annex on **Wednesday, February 16, from 9-11:30.**

# Candidates for the KCC Board of Directors

The Bylaws of the Kentucky Conservation Committee provide for the annual election of members of its board of directors by the general membership. Directors serve terms of two years; the candidates below will serve for calendar years 2011 and 2012. The Bylaws provide for the re-election of directors for up to three consecutive terms, and these directors are also listed for re-election below. Members of KCC whose dues of \$25 per year are paid in full are eligible to submit the following ballot by mail or in person at our Annual Meeting on March 12 at the University of Louisville (see page 1). **You may vote for as many directors as you wish.**

## New Directors:

- William W. Overbeck-Brotz, Lexington**, is a student at EKU, a member of the Friends of Wolf Run, and a freelance restoration specialist. His work experience includes The Nature Conservancy in Illinois and the KY Division of Forestry.
- Hugh Archer, Lawrenceburg**, is the Executive Director of the KY Natural Lands Trust and served as Commissioner of the Department of Natural Resources and Director of the Kentucky River Authority.
- Lynn Garrison, Eminence**, is retired from the KY Dept of Fish and Wildlife Resources where he served as Director of Public Affairs and Policy. His professional memberships include the American Institute of Biological Sciences, Society of American Foresters, and The Wildlife Society.
- Tamara Sluss, Frankfort**, is an assistant professor of biology at KY State University. She holds a PhD in environmental biology, and BS and MS degrees in biology from the University of Louisville. Her research has focused on zooplankton in lotic systems and the effect of turbulence on the structure of these communities.
- Tim Mayer, Louisville**, is the Rural Organizer for the Community Farm Alliance. He is a graduate of the Kent State University.

## Renewing Directors:

- Greg Kuhns, Louisville and Bullitt County**, is a retired physician and manages a sustainable forest on his property. He is a member of the board of the KY Natural Lands Trust and the KY Woodland Owners Association.
- David Wicks, Louisville**, is a retired environmental educator. He Past President of the North American Association for Environmental Education and the Kentucky Association for Environmental Education.
- Ramesh Bhatt, Lexington**, is an engineer and has held a variety of leadership positions in the Cumberland Chapter of the Sierra Club. He has been Treasurer of KCC for a decade.
- Vickie Holmberg, Lexington**, is a physician and a member of the Sierra Club. She has been President of KCC for the past three years.
- Andy McDonald, Frankfort**, is coordinator of the KY Solar Partnership, a program of Appalachia-Science in the Public Interest (ASPI). He is a co-founder of the Frankfort Climate Action Network.

RETURN THIS BALLOT TO:     **Kentucky Conservation Committee**  
P O Box 1152  
Frankfort, KY 40602



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Frankfort, KY 40602



**Visit us on the web: [www.kyconservation.org](http://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): \_\_\_\_\_

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.**