

The Guardian

*A review of conservation issues addressed by
the 2009 Kentucky General Assembly*



Kentucky Conservation Committee

May 30, 2009

No nukes, but no coal-slurry emergency action plans, either

Distracted by several 800 pound gorillas in the room, the legislature considered the usual large number of bills but ended up passing few.

Of the 66 bills and resolutions tracked this past session by KCC, only eight passed both houses and were signed by the Governor (see summary, next page)

The gorillas in the room included a yawning budget deficit caused by the slowing national economy and a looming crisis in under-funded state pension programs. Special sessions are expected to address them.

Several important energy bills proceeded through the legislative process but stalled when the House refused to participate in brinksmanship because of rules set by new House Speaker Greg Stumbo (D-Prestonsburg).

One bill followed closely by KCC that stalled was SB 13, which would have permitted the licensing of new nuclear facilities without plans for permanent disposal of wastes.

This was the second session the bill had been introduced by Sen. Bob Leeper (R-Paducah). It's likely we'll see it again: nuclear energy has an important role in the Governor's energy plan, and the nuclear processing plant in Paducah is closing, stranding over a thousand nuclear energy workers.

Several initiatives affecting the extrac-

tive industries had hearings, including bills that would weaken miner safety rules (which failed) and regulating gas drilling near coal mines (which passed). A resolution requiring "emergency action plans" for slurry and other high-risk

impoundments was gutted by the coal industry and failed to pass.

The now-perennial "Stream-Saver" bill gained a Senate sponsor (Kathy Stein, D-Lexington) but failed to get a hearing.

Land Stewardship Task Force gains new life

A strategic meeting with House Speaker Greg Stumbo requested by KCC about the fate of the Land Stewardship and Conservation Task Force seems to have born fruit.

KCC President Vicki Holmberg and board members Horace Brown and Bill Martin joined Representative Robin Webb (D-Grayson), sponsor of the enabling legislation, in a meeting with Speaker Stumbo earlier this month to advance the task force, which had been languishing since its reauthorization in 2008.

The task force, whose charge is to come up with a comprehensive statewide program for land conservation by 2010, is tentatively scheduled to meet July 9th.

Joining Rep. Webb as co-chair of the Task Force will be Senator Brandon Smith (R-Hazard). Sen. Smith has been very active in conservation and recreation issues in Kentucky and will be a valuable addition to the group, which includes representatives of the governmental conservation programs and other stakeholders including KCC. Also joining the task force will be four new representatives appointed by the Governor.

In its first meeting, the task force will review the status of current state conservation and preserve programs and begin to look at what would constitute the elements of a comprehensive, statewide

land conservation program.

The task force is required to recommend funding and coordinating mechanisms, and is authorized to meet up to six times before the 2010 session begins.

—eye on the session—

A brief requiem for a short session

*By Bruce Williams,
KCC Legislative Agent*

The 2009 "short" session *is* history, but didn't make much of it. In a nutshell, it was a tale of insolvency, inaction and un-passed bills.

This is not necessarily a bad thing.

In the un-passed bill category, we dodged the bullet on nuclear power renewal when, in an attempt to attach it to another bill, SB 13 failed to reach a vote in the House.

SB 138 which would have mandated a leasing program on State owned lands for oil and gas production also died in the House.

Most of the energy of the session was expended in trying to come to grips with the pressing budget problems of the State—education, Medicaid and government pensions—and this issue should carry over into the 2010 session.

In all, it was a quiet session.



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2009 conservation and energy legislation that became law

Brownfields: SB 27, sponsored by Bob Leeper (R-Paducah) establishes a Brownfields Development Fund. However, no appropriation was made. (KCC position: *Support*)

Kentucky agriculture: SB 84, (David Givens, R-Greensburg), requires reports from state agencies on their purchases of Kentucky-grown agricultural products. Previous legislation requires preferential purchasing (KCC: *Support*). HB 344 (Tom McKee, D-Cynthiana) establishes an agricultural commodities program that distributes surpluses to food banks (KCC: *Support*).

State-owned oil and gas reserves: SJR 67 (Tom Jensen, R-London) directs the Department of Energy to contract with the Kentucky Geological Survey to study potential oil and gas reserves on lands owned by state agencies and public universities (KCC: *Monitor*).

Low-speed electric vehicles: In anticipation of a major factory, HB 21 (Steve Riggs, D-Jeffersontown) permits electric vehicles on highways with limits of 35 mph or less (KCC: *Monitor*).

ATVs: HB 53 (Ted Edmonds, D-Jackson) requires titling all-terrain vehicles; a successful amendment prohibits their registration (KCC: *Oppose* as amended).

Mining: HB 452 (Jim Gooch, D-Providence) specifies how plans for drilling in the proximity of underground coal mines will be permitted. The legislation reduces the required buffer between them from 500 to 300 feet (KCC: *Oppose*).

Pesticides: HB 485 (McKee) doubles the cost of registering a pesticide with the Department of Agriculture (KCC: *Support*).

The mission of the Kentucky Conservation Committee is to work for sustainable use of renewable natural resources, prudent use of non-renewable resources, conservation and preservation of critical and unique areas, and a healthful environment for all Kentuckians.

Coming Up!
KCC Annual Meeting
*Focus on **sustainable energy**
and **land conservation***
Fall 2009 TBA

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For a full listing of the final status of 2009 bills
Tracked by KCC, log on to our website:
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