



February 4, 2022

## **Legislative Report No. 6**

### **2022 Kentucky General Assembly**

Yesterday, marked the twenty-second legislative day of the 2022 Session of the Kentucky General Assembly. The legislature did not meet today due to the inclement weather. There has been a total of 242 senate and 515 house bills and resolutions introduced in the first eighteen legislative days.

#### **Bills of interest:**

#### **[HB 392: J. Branscum - AN ACT relating to merchant electric generating facilities.](#)**

This bill would provide the terms of service for the ad hoc members of the Kentucky State Board on Electric Generation and Transmission Siting end when the merchant electric generating facility for which they were appointed has been constructed and has begun generating electricity for sale. It would also include decommissioning requirements within the requirements over which local planning and zoning requirements shall have primacy and require that a decommissioning plan be included in an application for construction of a merchant electric generating facility, establish minimum requirements for a decommissioning plan and require as part of a decommission plan that a bond or similar security be secured to assure that the decommissioning plan is accomplished. This bill would also require that an updated copy of the bond or similar security be refiled at least once every five years and require that notice be given of any transaction involving the sale or transfer of ownership of the facility to the board and local officials within five days of finalizing the transaction and require a person who has acquired a merchant electric generating facility to file with the board written consent to assume the obligations in the decommissioning plan for the facility and to adopt or replace the required decommissioning bond. This bill has passed the House Local Government Committee and now heads to the full House for their consideration.

**2022 KFB State Priority Issues:**

*"Support a decommissioning bond on all commercial solar projects. These bonds should be reviewed at least every three years."*

*"Support oversight of ownership and control for energy infrastructure."*

**SB 69: P. Hornback - AN ACT relating to merchant electric generating facilities and declaring an emergency.**

This bill would prohibit an electrical interconnection with a merchant electric generating facility that either operates at an aggregate capacity in excess of 10 megawatts or occupies in aggregate 10 acres or more of land until the plans for the electrical interconnection have been filed with the Public Service Commission. It would also prohibit a utility from beginning construction on an electric generating facility that either operates at an aggregate capacity in excess of 10 megawatts or occupies in aggregate 10 acres or more of land without first obtaining a site compatibility certificate from the Public Service Commission. This bill would establish setback requirements for solar merchant electric generating facilities of 50 feet from the property boundary of any nonparticipating adjoining property and 100 feet from a residence on any other property than the one on which the facility is to be located unless waived in writing and would provide exceptions. It would require that before exercising an option to acquire any interest in real estate in a county, that a merchant electric generating entity notify the heads of local government entities of jurisdiction and allow the local officials or the commission to request a public hearing on the proposed merchant electric generating project. This bill would require the site assessment report submitted by a person proposing to construct a merchant electric generating facility to include a decommissioning plan to explain in detail how the facility and its components will be removed at the end of their useful lives; require the decommissioning plan to be reviewed as needed, but at least once every 5 years; establish minimum requirements for the decommissioning plan. It would provide that the construction certificate holder and any of its successors in interest shall be required to comply on an ongoing basis with all conditions of its application approval, subject to enforcement in Franklin Circuit Court. This bill would require that prior to the commencement of construction, the holder of a construction certificate for a merchant electric generating facility shall furnish bond or other similar security to assure the decommissioning of the facility at the end of its useful life. EMERGENCY. This bill has been assigned to the Senate Nature Resources and Energy Committee. It is our understanding that a committee substitute is being worked on for this bill.

**2022 KFB State Priority Issues:**

*"Support a decommissioning bond on all commercial solar projects. These bonds should be reviewed at least every three years."*

*"Support oversight of ownership and control for energy infrastructure."*

**SB 28: R. Girdler - AN ACT relating to water rates.**

This bill would allow a utility to grant free or reduced rate service to any commercial food production operation that produces food items intended for human consumption, subject to the Public Service Commission approval of the tariff. This bill has passed the Senate Natural Resources and Energy Committee and now heads to the full Senate for their consideration.

**KFB Policy:**

*"We recommend the PSC encourage utilities to develop a new rate classification specifically designed for farms to address seasonal peak demand charges."*

**SB 53: P. Hornback - AN ACT relating to the acquisition of conservation equipment.**

This bill would include heavy or specialized equipment acquired by the Soil and Water Conservation Commission with the types of equipment that the board of a conservation district may make available or lease to landowners and occupiers within the district. This bill has passed the Senate Natural Resources and Energy Committee and now heads to the full Senate for their consideration.

**HB 390: K. King - AN ACT relating to economic development.**

This bill would add the Commissioner of Agriculture as a voting member to the Kentucky Economic Development Partnership Board and change the quorum from seven to eight members.

**SB 121: D. Givens – AN ACT relating to agriculture exemption license numbers and declaring an emergency.**

This bill would require a person who has an agriculture exemption license number to provide it to the seller or retailer at the time of purchase and allow a retailer to accept an agriculture exemption license number instead of a certificate of exemption at the time of a sale. This bill has been assigned to the Senate Appropriations and Revenue Committee.

**HOW TO CONTACT YOUR LEGISLATORS**

During the week, you may reach your representative and senator in Frankfort by calling 502.564.8100.

If you do not desire to talk to your state legislator immediately or you just want to leave a message, you may dial toll-free 800.372.7181. An answering service will take your message for your representative or senator. The legislative calendar information line is 800.633.9650, the bill status line is 866.840.2835, and the Governor's office number is 502.564.2611.

If you desire to e-mail your representative or senator, [click here](#) for a list of e-mail addresses for members of the Kentucky General Assembly. Find your legislator and click on his or her name to access their e-mail address.

### **YOUR LOBBYISTS**

The following are registered to lobby for Kentucky Farm Bureau for the 2022 session: Jeff Harper, Public Affairs Director, extension 5104; Kyle Kelly, extension 7417; and Drew Graham, extension 5121. If you would like to call your lobbyists during the evening, call 502.495.5000 and key in their extensions.

If you would like to contact one of your lobbyists during the day, please call Katie Weatherholt at 502.493.7669 and she will put you in touch with one of them.

### **KEEP ALL LEGISLATIVE REPORTS FOR FUTURE USE**

We suggest that you keep a record of the Legislative Reports on file because, on occasion, we may refer to a previous report as a source of more details regarding an issue.

### **FUTURE DATES OF INTEREST**

February 21..... President's Day Holiday  
February 22..... Last Day for Bill Requests  
March 1..... Last Day for New House Bills  
March 3..... Last Day for New Senate Bills  
March 16..... KFB Legislative Drive-In/Food Check-Out Day  
March 29 & 30 ..... Concurrence Only  
March 31 - April 12..... Veto Period  
April 14..... General Assembly, Sine Die

**The Legislative Report and KFB's Priority Issues are also on  
KFB's website at [kyfb.com](http://kyfb.com) and the KFB app.**