

## **LEGISLATIVE UPDATE**

As of 3/20/03

### **GRAVEL MINING**

#### **SB360 - Steelman**

Most of the language from SB360 was added to SB36 which contained other important DNR-related issues. The bill passed the Senate as SC SCS SB36 and went to the House where it was assigned to the Agriculture Committee. The sand and gravel mining-related language is different in that those mining less than 2000 tons per year would be exempt from "permitting" but still have to follow "excavation standards" (hopefully the performance requirements proposed as Land Reclamation Commission rules). Those mining less than 2000 tons are supposed to file an annual report, however there is no realistic way of confirming how much was mined.). ALL those who are exempt, INCLUDING COUNTY OPERATIONS, will be required to file the report and follow excavation standards. Currently, operators that mine less than 5000 tons/year pay less than those mining over 5000 tons. The bill may require all those mining OVER 2000 tons/year to pay the higher permit fee formerly required for only those mining over 5000 tons.

#### **SS/SCS/SB36 - Klindt**

03/13/03 passed Senate and referred to House Agriculture Committee

Perfected bill points that did not come from SB360:

- Requires regulatory impact statement including risk assessment and cost-benefit analysis be prepared when certain environmental rules are promulgated
- For rules challenges, the burden of proof shifts to the department to prove that the rule is necessary to prevent specific circumstances of conditions causing harm to human health, public welfare or the environment.
- Requires the Department to state specific reasons for denials of permits.
- DNR may establish excavation standards for exempt persons which are not more stringent than those for permitted operators. If an operator violates the standards DNR may then require that operator to be permitted.

This act is similar to SCS/SB 971 (2002) and contains provisions from SB 546 (2003), SB 360 (2003), and SB 392 (2003).

### **DEPARTMENT OF CONSERVATION**

The Missouri Department of Conservation is under attack by the General Assembly. Several bills that target MDC have gained ground in the House and Senate set restrictions on how MDC can manage and purchase land for Missouri's Citizens. One of MDC's greatest accomplishments has been the land they have obtained for Missouri citizen's recreational use and enjoyment, yet these pieces of legislation would restrict the Department and its staff from professionally going about their business as a state conservation department. Even more severe than these bills, is [SJR 21](#) which targets MDC's dedicated, voter approved, and constitutional tax for voter renewal every four years. If this tax were to be revoked MDC would

be required to come to the General Assembly for its \$90 million budget.  
**You put this special tax in place through petition and a vote of the people. Make sure your legislators know how you feel about their trying to meddle with it.**

**HJR23 – Quinn** Read 2<sup>nd</sup> time

Currently not on House Calendar

Proposes a constitutional amendment dedicating one-half of the conservation sales tax to public schools.

**SB 683 –Clemens** 1<sup>st</sup> Read 2/23/03

Requires any land purchased by the Department of Conservation which has not been improved upon by more than \$10,000 to be sold at public auction

**SJR 22 – Klindt**

Agriculture, Conservation, Parks & Natural Resources Committee

This proposed constitutional amendment eliminates the authority of the Department of Conservation to purchase land.

**SJR 21 – Cauthorn** 1<sup>st</sup> Read 2/19/03

This proposed constitutional amendment, if approved by the voters, would require that the Conservation sales tax be resubmitted to the voters every four years.

**HJR 20 - Dethrow**

2-26-03 Introduced and read first time

03/06/2003 - Referred: Conservation and Natural Resources (H) - Hearing Scheduled 4/2/03

Proposes a constitutional amendment requiring four-sevenths majority vote on initiatives relating to fish and wildlife management.

**HB 386 - Pearce, David**

Conservation and Natural Resources Committee – Hearing held 3/12/03

Requires the Department of Conservation to pay the first \$250 in repairs to motor vehicles that collide with deer.

## **DEPARTMENT OF NATURAL RESOURCES**

DNR could very likely have no general revenue by the end of the 2003 legislative session. It's general revenue budget has been cut 75% since 2001 and is marked for an additional 43% cut in the House appropriations committee. It will be impossible for DNR to function adequately without general revenue. DNR will be forced to rely solely on funds generated by fees from the business community and matching funds from the Federal

Government. However, it has been noted that for every dollar cut from DNR general revenue budget they can expect a four dollar loss due to a loss of Federal matching funds. **Make sure that your elected officials know how important the Department of Natural Resources is to you.**

**HB 295 – Sander** Hearing held 3/5/03

Conservation and Natural Resources Committee

Requires risk assessment and cost-benefit analysis to be prepared when certain environmental rules are promulgated.

**HB 519 - Bivins**

02/27/2003 - Referred: Conservation and Natural Resources

Creates environmental audit privileges.

**SB 394 - Klindt**

02/17/03 - Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee

Sweeps the balances of a number of Department of Natural Resource Fee Funds into General Revenue. This act also requires fees collected in various programs to be deposited into general revenue.

**HCS HB 215, 218, 115 & 83**

2/26/03 Voted "do pass" by the Committee on Conservation and Natural Resources Prohibits certain rules of the Department of Natural Resources from being stricter than current state statute, extends tire waste fee to January 1, 1009, requires DNR to send notification of late reports by certified mail.

Combines the following bills:

**HB 215 - Meyers**

03/06/2003 - HCS Reported Do Pass (H) HCS HB 215, 218, 115 & 83

Conservation & Natural Resources Committee

Prohibits certain rules of the Department of Natural Resources from being stricter than current state statute, extends tire waste fee to January 1, 1009, requires DNR to send notification of late reports by certified mail.

On House Calendar for House Bills For Perfection

**HB218** - Regulates fines for failing to file report with DNR

**HB115** - Concerns waste tire fees

**HB83** - Extends waste tire fee to 2011