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MISSOURI LEGISLATIVE UPDATE

H.B. 215, 92nd Leg., 1st Reg. Sess. (2003)

The first section of this proposed Act would repeal section Mo. Rev. Stat. § 260.273 (2003), and to enact in lieu thereof one new section relating to the disposal of used tires and retail sale of new tires. This new law would impose a fee of fifty cents on each new tire sold to anyone who purchases tires for use, not for resale. This fee would be passed on to the customer by affixing it to the cost of purchase after all applicable taxes have been calculated.

Six percent (6%) of that fee would go to the dealer to cover its costs of receiving and handling the used tires from the purchaser. The remainder of the fee would then be paid to the Missouri Department of Revenue. From this amount, the Department of Revenue will keep four percent as collection costs. The remainder would then be transferred to the Solid Waste Management Fund. This account would be used to clean up illegal tire dumps, provide grants to persons using products derived from waste tires or using waste tires for fuel, and fund various other resource recovery activities conducted by the Department. This law would have a planned expiration date of January 1, 2014.

Subsection five of this proposed law distributes money further. Up to twenty-five percent (25%) may be used to administer programs instituted by this proposed section. Up to five percent (5%) may be used for the grants mentioned above. Finally, up to five percent (5%) may be allocated to the Department of Natural Resources to fund educational programs cooperatively with the Department of Secondary Education.

As of the end of the First Regular Session of the 92nd General Assembly, this bill had been voted "Do Pass" by the House Committee on Conservation and Natural Resources.

C. TRAVIS HARGROVE

H.B. 257, 92nd Leg., 1st Reg. Sess. (2003)

Rep. Brian Munzlinger (R-Williamstown) introduced House Bill 257 with the goal of enabling farmers to more easily invest in farmer-owned cooperative businesses. Originally, the focus of the Bill was to enhance the Missouri value-added agricultural tax credit program by providing additional flexibility for farmers and farmer-owned entities. But in the final weeks of the session, H.B. 257 became an omnibus bill dealing with multiple other agricultural issues. The Senate then added even more issues. The most controversial issue, and the issue that led the Governor to veto the bill, affected the laws regarding "confined animal feeding operations" ("CAFOs").

In many areas of Missouri, traditional family farms are being replaced by large-scale CAFOs. Due to increasing demand for cost-effective production, these modern commercial livestock operations concentrate thousands of animals in confined facilities. The efficiency of CAFOs is based on intensive use of feeds containing additives of hormones, antibiotics, and trace metals which accumulate in waste products. Livestock manure is concentrated into a small geographical area, which creates a disposal problem. This problem poses a threat to the water, air, and soil in the surrounding community. A constant flow of manure streams out of holding areas and pours into nearby lagoons. Once the lagoons reach capacity, the liquid waste is sprayed onto the land. Health officials are increasingly concerned that contaminated water from such commercial farming operations is drifting onto neighboring property and possibly polluting groundwater supplies. According to the Environmental Protection Agency, hog, chicken, and cattle waste has polluted 35,000 miles of rivers in 22

states and contaminated groundwater in 17 states. Environmental groups assert that factory farms create negative economic, environmental and social impacts on rural communities.

Missouri Votes Conservation, an environmental group which fought passage of the bill, warned that the H.B. 257 severely loosened restrictions on CAFO development, relaxing limitations on potential sites as well as the public notification process. They also warned that the Bill loosened penalties for the CAFO waste that is released across property lines. H.B. 257 removed the requirement for CAFO operators to notify their affected neighbors and authorities of any pollution spills. Environmental groups characterize H.B. 257 as “disastrous” and predict that it would have reversed most of the protections that groups like the Sierra Club, Missouri Farmers Union, the Rural Crisis Center, and County Commissioners have struggled to establish. The bill would have allowed factory farms with up to 17,499 Hogs or 699,999 chickens to move into communities without any notification to adjacent landowners or County officials. It attempted to remove the right of counties to act to limit these facilities, taking away local county control. Many claim that the bill ended up being nothing more than an attempt to exempt highly polluting facilities from any regulations that protect the environment and Missouri communities.

On July 9, Governor Holden vetoed the bill. The Governor believed that the proposed CAFO requirements would fail to satisfy minimum EPA standards, and that other provisions violated the Missouri Constitution. The veto message cited several problems with the agriculture bill, and stated, “while H.B. 257 contains provisions that could contribute to the general health of agriculture in Missouri, it’s lack of compliance with federal law, apparent unconstitutionality, imprecision and disregard for the larger welfare of livestock producers call for a veto.”

Environmentalists praised the Governor. “It is a good thing Governor Holden is paying attention and acted to protect the true family farmers, local communities and our environment,” stated Carla Klein, Chapter Director for the Sierra Club. But many mainstream agriculture organizations opposed the Governor’s veto, including the Missouri Corn Growers Association, Missouri Soybean Association, Missouri Pork Association, Missouri Cattlemen’s Association, and Missouri Dairy Association.

CLARE N. MURPHY