

HCS SB 419 -- NATURAL RESOURCES

SPONSOR: Kennedy (Hobbs)

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 9 to 2.

This substitute changes the laws regarding natural resources. In its main provisions, the substitute:

(1) Authorizes the Missouri Agriculture and Small Business Development Authority to issue tax credits to owners of livestock operations to partially offset certain expenses incurred for implementing odor abatement best management practices and systems;

(2) Requires the authority to establish rules for tax credit eligibility based on odor abatement impact, the owner's prospective use and funding of proven technologies, and other factors that the authority deems necessary;

(3) Modifies the length of the terms of the board directors of a public water supply district elected in 2008, 2009, and 2010;

(4) Authorizes public water supply districts to collect charges and fees for sewer services and the construction of water or sewerage systems. The charges and fees may be determined by any reasonable plan or method of calculation established by the district's board of directors;

(5) Authorizes the Director of the Department of Natural Resources to enter into cooperative agreements with private, not-for-profit organizations to reimburse the department for the actual costs of providing state park facility space and incidental staff support. The agreement must also clearly demonstrate the fiscal, interpretive, educational, and facility enhancement benefits to the state;

(6) Authorizes a geologic resources fee to be deposited into the Geologic Resources Fund. The fee will be paid by any operator who applies for a surface mining permit under Section 444.772, RSMo, and mines more than 5,000 tons annually. The fee may be assessed per permit, site, and acre and may not exceed \$100 per permit, \$100 per site, or \$10 per acre, or a total of \$3,500;

(7) Establishes the Industrial Minerals Advisory Council to advise the state geologist. The council will consist of nine members appointed by the department director;

(8) Specifies that a person commits the crime of disposition of

demolition waste if he or she purposely or knowingly disposes of or causes the disposal of demolition waste on any property in the state that is not a solid waste processing facility or a solid waste disposal area that has obtained an operating permit from the Department of Natural Resources. Any person that knows or should have known that his or her agent or employee has committed criminal disposition of demolition waste will be guilty of conspiracy to commit disposition of demolition waste. The penalty for the crime of disposition of demolition waste is increased from a class A misdemeanor to a class D felony, except that any person who disposes of construction or demolition waste on his or her own property will be guilty of a class C misdemeanor. The crime of criminal disposition of demolition waste in the second degree is abolished. The civil penalties for violations of the solid waste management provisions are increased;

(9) Includes plasma arc technology as a way to process waste. Any facility designated as a waste to energy facility that generates electricity fueled from solid waste can use this technology;

(10) Allows yard waste to be disposed of in a municipal solid waste disposal area if the Department of Natural Resources has approved the disposal area to operate as a bioreactor and its landfill gas is used to produce electricity;

(11) Allows a property owner, an operator conducting gravel removal at the request of a property owner, or a political subdivision who contracts with an operator for excavation to remove and sell excess gravel without a permit if the primary purpose for removal is to manage seasonal gravel accretion on property not used primarily for gravel mining. Gravel removal must be conducted from June 1 through March 14, solely on the property owner's or political subdivision's property and not within a distance to be determined by the Department of Natural Resources of any building, structure, highway, road, bridge, viaduct, or water or sewer line. Property owners and operators must follow the departmental guidelines regarding surface mining and gravel removal. Any person filing a complaint with the department for an alleged violation of the provisions of the substitute must identify himself or herself by name and telephone number; specify the date and location of the violation; and provide adequate information as determined by the department of the violation. Any records, statements, or communications submitted by any person to the department will be confidential and used solely by the department to investigate the alleged violation;

(12) Increases the land reclamation permit application fees and

extends the expiration of the fees from December 31, 2007, to December 31, 2013;

(13) Allows companies to conduct voluntary environmental audits in order to discover and correct noncompliance with environmental regulations. If a company complies with the voluntary audit requirements, it will be exempt from certain types of criminal and administrative penalties and may keep its voluntary audit reports confidential. Companies will not be exempt from any tort actions by private parties; and

(14) Establishes the Clean American Fuel Board consisting of eight members, seven of whom are voting members and represent various industries and coalitions concerned with the use of alternative fuel and alternative fuel vehicles. The Director of the Department of Natural Resources is an ex officio member and will serve as the chairman. The department will provide the needed staff and assist the board in carrying out its duties. The qualifications and terms of the appointed members are specified. The board is required to establish and administer policies to promote individual, industrial, and governmental compliance with the United States Department of Energy and the Environmental Protection Agency and report by January 1, 2008, and every year thereafter, to the General Assembly, Governor, Department of Transportation, and Department of Natural Resources on a calculation of fuel cost differential rebates and designation of certified conversion and original equipment manufacturer technologies. The Alternative Fuel Vehicle Revolving Fund is created for the deposit of appropriated moneys and other donations. The board will administer the distribution of grants to qualifying applicants for alternative fuel vehicle infrastructure projects, education, and alternative fuel vehicles. The applicant requirements, grant uses, and grant amounts are specified.

The provisions of the substitute regarding the tax credits for managed environment livestock operations will expire June 30, 2012.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$0 to \$3,064,532 in FY 2008, \$0 to \$3,069,842 in FY 2009, and \$0 to \$3,071,935 in FY 2010. Estimated Income on Other State Funds of \$145,881 in FY 2008, \$130,120 in FY 2009, and \$125,844 in FY 2010.

PROPOSERS: Supporters say that the bill eliminates a lapse between the time in which a public water supply district board director is elected and the time the director serves.

Testifying for the bill were Senator Kennedy; and Department of

Natural Resources.

OPPONENTS: There was no opposition voiced to the committee.