

STATE REPRESENTATIVE  
BRYAN SPENCER  
63RD DISTRICT



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## Capitol Report



As a kid, I grew up with a keen interest in conserving our natural resources. I was a fan of Ranger Rick. I fondly remember a conservation field trip to the forest where we learned about trees. During the late summer, at the Central Missouri Regional Fair, if I wasn't tending my livestock entries or competing in the greased pig contest; I was hanging out at the Missouri Department of Conservation booth viewing/learning about the different animals, insects, and snakes. I have enjoyed touring Missouri, seeing the fish hatcheries, hunting for wildlife, and have spent many hours catching and cleaning fish. As a teacher, I used conservation educational materials in my classroom. I have visited the stream to see Missouri's dedicated conservation agents working and teaching students. I have truly appreciated the work that the Department of Conservation has done for our state.

Coming to the Missouri House of Representatives, there was not even a thought of questioning a department that I have admired for so many years. However, I have learned that there is a

difference between conservation management, and management of conservation. The 2015 session has begun and the Department of Conservation has emerged as a concern for not only me, but for many of my colleagues as well. Among the bills currently filed:

SB 56—Modifies hunting, fishing, and trapping permit fees for Missouri residents

HJR 8—Proposes a constitutional provision repealing the conservation sales and use tax.

HJR 27—Proposes a constitutional amendment reducing the conservation sales tax from 1/8 to 1/16 of a cent. (Talk about an amendment to appropriate the freed 1/16 of a cent to MoDOT.)

HJR 28—Proposes a constitutional amendment requiring the conservation sales tax to be approved by the voters every (10) ten years. (If approved by the House and the Senate, it will go to a vote of the people. If approved by voters, then every ten years it would need to be re-authorized. The measure does not call for a complete repeal of the Missouri Conservation tax, as some have indicated. The bill's sponsor stated it is his belief, as well as the belief of other members of the General Assembly, that all tax measures of this magnitude should have a sunset and need to be re-authorized by voters periodically.)

HB 315—Requires the Department of Conservation to conduct testing of deceased deer found along state highways for chronic wasting disease.

HB 316—Requires Conservation Commission members to register as lobbyists upon appointment by the Governor and to follow all lobbyist rules and regulations

HB 317—Requires the Department of Conservation to reimburse automobile owners up to \$500 for damages to their vehicles by deer.

HB 318—Prohibits Department of Conservation to agents from entering poultry barns without notifying the owner and requires agents entering the barns to take necessary precautions to prevent contaminations.

More bills are in the development stage, which has raised concerns at the Department of Conservation.

For a number of years before I became a member of the House of Representatives, there has been resentment between some legislators and the Department of Conservation. Most of the problems seem centered around the Department's constitutional authority, glut of money/spending, and their claim they are completely independent of all state government including the people/taxpayers within. Upon hearing the accusations, I decided to do my own research.

### **History:**

It was in 1935 when a group of sportsmen met in Columbia with their desire to create a conservation department. They used the ballot petition initiative process to create a constitutional amendment, devoted to conservation, whereby there would be something permanent that would be extremely difficult for lawmakers to challenge or change. After gathering the necessary signatures, the petition was placed on the November 3, 1936 ballot as Constitutional Amendment 4. Voters overwhelmingly approved the measure 71 to 29 percent. As a result, Missouri would lead the nation by establishing the first non-political conservation agency.

The Conservation Commission consisted of (4) four individuals appointed by the governor to serve (6) six-year, unpaid terms. No more than two of these commissioners are to be from the same political party. Their purpose is to control, manage and help establish good conservation practices, while regulating fishing, forestry, and wildlife resources in the state.

Missouri's Department of Conservation (MDC) owns and oversees all of the state's sanctuaries, hatcheries, refuges, and preservations across the state, as well as enforces the state's wildlife code.

In 1976, forty years after the MDC became a department, another citizen-led group was successful in placing before voters an additional petition initiative, designed to provide a dedicated source of revenue for the Department. This was to be done through a 1/8<sup>th</sup> of one percent sales tax. With the slim passage of this constitutional amendment, the Department had its own permanent revenue source—and it had no sunset attached. News articles from 1976 give the appearance that the MDC would use this revenue to maintain/manage state parks. The ballot issue does not contain language to suggest this claim. There are concerns that the public voting on this issue was misled about this issue.

State officials attempted to divert some of the monies from the conservation tax to other state projects in 1999, only to have the Missouri Supreme Court rule in favor of the Department, stating that the tax was to be used solely for the Department. In 2012, HJR 22 (a proposed constitutional amendment) was filed that sought to establish a ten-year sunset on the conservation tax and would require it to go before voters every ten years to be re-authorized. The proposal died in committee.

Currently the Department has been described as an independent, autonomous, self-regulated department that is not accountable to the taxpayers and has no checks and balances.

### **Conservation Begins to Overstep Boundaries:**

Last year, several representatives had concerns with the MDC regulating businesses out of business. Agree or disagree about the type of business, the Missouri Whitetail Deer Association has been in business for several decades. Not only are they a profitable business, but they help to define what private-sector conservation should look like. One of their most notable business ventures has been to help restock western Texas deer herds after they were depleted from a devastating 2012 drought. In response, many legislators have asked several questions of MDC, and the answers have not been satisfactory. Why is a bureaucracy regulating a business out of business? Why now, after decades of existence? The Missouri Whitetail Deer Association has been in operations for about four decades. Now regulations are being implemented which would force all captive cervid farms out of business due to the expense to remain in operation. Many pieces of information and misinformation have traveled; not only throughout the hallways of the capitol but also through the different pathways of the public. This is another case of how the truth doesn't necessarily matter—only what you get the public to believe is the truth.

### **What We Know, and What We Don't Know**

Chronic Wasting Disease (CWD) is a disease of many different unknown factors. Such factors include nature of the transmission, gestation period and how it is carried from one animal to another. CWD is a neurological disease that affects the brain causing the animal to have behaviors that affects eating patterns. There is a test that can determine if the animal is affected by CWD by taking brain tissue. The test cannot be administered to a live animal. There is an

unproven test that the MDC uses, taken from a rectal sampling. MDC has deemed it as an appropriate test for themselves, but the test is not a valid test for the captive cervid farmers.

Elk were eradicated from Missouri in 1865. MDC is currently trying to reintroduce elk to Missouri. According to the Missouri State Auditor Report, MDC spent \$3.4 million on 129 elk. Elk are susceptible to brainworm, blue tongue and CWD. Elk and deer share the same type of diseases. The first case of CWD was detected in an area around Macon, Missouri. Captive cervid farmers have been blamed for this contamination by the MDC.

I have visited several captive cervid farms throughout Missouri, both on announced and unannounced visits. Deer farmers have their livestock seen by a veterinarian every year they are vaccinated. Every interaction with the deer population is well documented and appears very well maintained. The deer farmer's livestock has to maintain a CWD free status and are CWD free rated by the state and individual farm. Livestock cervids only cross state lines if they are from a CWD free state. Farmers are very careful purchases of cervid due to the ratings of the state and individual farm will affect their ratings. I personally was impressed with their operation. Growing up on a beef farm in Rolla; I will interject that the cervid farms were immaculate in comparison to the farm I was raised on.

Is MDC bringing in diseases by elk introduction that may hurt the deer population in Missouri? Are the MDC blaming the cervid farmers for the MDC actions or what can accrue naturally? So far, the answer appears to be unknown.

Other wildlife that are livestock/farmed fall under the Department of Agriculture. If they were found in the wild, they are part of the Missouri Department of Conservation; if they are wildlife livestock, they are a part of the Department of Agriculture. There is a line drawn between the two departments. The only exception is captive cervid. The cervid farmers have to follow regulation under both Department of Conservation and Agriculture. Many times the two sets of rules/regulations that the cervid farmers must follow conflict with each other, making it impossible to follow one rule without breaking the other regulation. 2014 legislation led an attempt to separate the cervid by the same standards as the other wildlife livestock verses wildlife in the wild. An aggressive campaign by the Missouri Conservation Department was levied.

Many legislators felt the campaign was filled of misinformation and inappropriate partial truth about the issue.

### **More Questions Remain**

There is a discrepancy about land ownership with the MDC. One report shows that in 2010, MDC owns 783 thousand acres. By 2014 MDC owns 940 thousand acres of land. The MDC reports that they own in 2014, 799 thousand acres and manage 200 thousand acres. Reports from Missouri State Auditor Tom Schweich show that MDC capital assets totals \$558 million, and that 3/5 of their capital asset is land. Why is there a massive recent purchase of land? Do they have too much money and have a need to spend it annually? Questions have developed over the purpose of the land grab with unknown answers. If any other agency was to accumulate this much land, citizens would be outraged.

Agriculture is Missouri's number one economic industry. They are questions about the amount of farm land that is leaving the productivity of corn, soybean and other crops. Education is a concern when large amounts of land that serves as rural school's tax base is now tax exempt causing strain on underfunded schools. MDC does provide some money to counties to counteract the loss of tax base but is not at the level it would have been if the land was under private ownership. Money is given to the county by the MDC. There's concern about the dollars given being divided amongst the different political subdivision such as fire, ambulance, and school districts or is it being deposited in the general revenue of the county.

Another issue was revealed by Auditor Schweich during the 2013 audit. The upper management of the Department (6 people) received a pay raises of 17%. Is this another example of excessive spending?

### **Current Sales Tax collected by the state:**

Missouri's general state sales and use tax is 4.225%, which is divided into four funds to finance portions of state government and is distributed as follows: 3 cents on every dollar of sales goes to general revenue; 1 cent goes to education; .125% (1/8<sup>th</sup> of 1 cent) goes to the Department of Conservation; Missouri Parks and Soil gets .1% (1/10<sup>th</sup> of 1 cent). When a Missouri individual buys \$8 of taxable goods, 1 cent of the state sales tax collected goes to the Missouri Department

of Conservation. These pennies add up, and in the fiscal year 2014, they will exceed \$107 million. Sales tax revenue makes up roughly 60% of MDC's annual budget, with the other 40% (or \$40 million) coming from license and permit sales. These sales include licenses for hunting, fishing, and trapping. The \$40 million also includes some federal reimbursement money. SB 56 proposes to do away with all hunting, fishing, and trapping fees and permits for Missouri residents. The Department of Conservation supports 100,000 Missouri jobs with a reported economic impact of more than \$12 billion annually. It is one of our state's most powerful economic entities, but many feel that the MDC is "flush with cash". Some say that they have more money than they know what to do with and point to their ownership of over 900,000 acres of Missouri land (some of which was gifted) as evidence. Since the tax passed in 1976, taxpayers have put 1.5 billion into the Missouri Department of Conservation. Some legislators say the Department is a self-governing body that answers to no one and has very little accountability to the state. The Department says the people of Missouri have given them the constitutional authority to operate in the manner in which they do and they do not have to answer to the legislature.

### **Summary:**

The issues surrounding the Missouri Conservation Department have turned out to be very complicated that have many different avenues of questions. I have done my best to put the issue on the table for discussion and discovery. This has been—and will continue to be—a difficult issue with many compelling arguments on both sides of the matter. People are very passionate about the Missouri Department of Conservation. Emotions will run rampant and may win over the facts. I am looking for complete facts and not partial bits and pieces of the truth left to the imagination. Right now I have more questions than actual answers. When talking with the Missouri Conservation Department, I get the feeling that they are not disclosing all the information so I keep digging for information. The MDC is an important agency that provides a vital service to Missourians. No agency should go unchecked or be allowed to over reach their boundaries.



## Legislator Pay Raise

There has been much speculation about what the House will do regarding the recommendation of the Missouri Citizens' Commission on Compensation for Elected Officials to raise the pay of legislators. I

am confident that with our Republican controlled House that we will vote down the pay increase. Many Missourians are not getting pay raises themselves so I am voting to turn down the pay increase. Rep. Mark Parkinson has introduced House Concurrent Resolution 3 to turn the pay increase down and I will be voting in favor of keeping our pay the same.



## Job Fair

If you are looking for work or know someone who is, please come to the job fair I am co-hosting with



Wentzville Mayor Guccione at the Progress Park Banquet Hall at 968 Meyer Rd, Wentzville, MO 63385. The event will be held on February 13<sup>th</sup> from 10am to 2pm and will include representatives from various industries. If you are a business owner and would like to attend, please just advise my office as soon as possible by calling (573) 751-1460. The event is free and open to the public. I am personally paying for advertising for the event along with the City of Wentzville. Radio, newspaper, flyers, etc. have all been used to promote this event.



### **I have filed the following pieces of legislation**

[HB234 Spencer, Bryan](#)

HB 234 1/8/2015 Read Second Time (H)

0667H.01I - Prohibits the use of automated traffic enforcement systems beginning August 28, 2015, and requires any political subdivision to complete or terminate any automated traffic enforcement contract within one year

[HB236 Spencer, Bryan](#) HB 236 1/8/2015 Read Second Time (H)

0668H.01I - Establishes the Missouri Good Samaritan Law

[HB361 Spencer, Bryan](#) HB 361 1/8/2015 Read Second Time (H)

1084H.01I - Designates the third week of February as "Engineer Awareness Week" in Missouri

[HB365 Spencer, Bryan](#) HB 365 1/8/2015 Read Second Time (H)

0671H.01I - Establishes the Student Accountability Act that requires a student score proficient or higher on a state assessment in order to receive a high school academic diploma

[HB498 Spencer, Bryan](#) HB 498 1/14/2015 Read Second Time (H)

1183H.01I - Prohibits any person under the age of 18 from operating a motorcycle or motortricycle without protective headgear

[HB546 Spencer, Bryan](#) HB 546 1/15/2015 Introduced and Read First Time (H)

1319H.01I - Changes the laws regarding adoptions

[HB565 Spencer, Bryan](#) HB 565 1/20/2015

0658L.01I - Establishes the Missouri Course Access Program

[HJR26 Spencer, Bryan](#) HJR 26 1/14/2015 Read Second Time (H)

1291H.01I - Proposes a constitutional amendment authorizing an increase in the amount a school district can become indebted

[HJR27 Spencer, Bryan](#) HJR 27 1/14/2015 Read Second Time (H)

0616H.01I - Proposes a constitutional amendment reducing the conservation sales tax from 1/8 to 1/16 of a cent

[HJR28 Spencer, Bryan](#) HJR 28 1/14/2015 Read Second Time (H)

0615H.01I - Proposes a constitutional amendment requiring the conservation sales tax to be approved by voters every 10 years

Best regards,

*Bryan Spencer*

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