

J. SCOTT CHRISTIANSON

General Assembly hits environmental highs, lows



Several important environmental bills percolated through the General Assembly during the past session and now await Gov. Mel Carnahan's signature. Unfortunately, the General Assembly also failed to pass some important pieces of environmental legislation.

Two important energy bills passed. Senate Bill 80 directs the Department of Natural Resources to develop an energy-efficiency standard for state buildings and to upgrade all state buildings to this standard. This bill has the potential to save Missouri \$6 million to \$12 million per year in energy costs. House Bill 195, which is very similar to Senate Bill 80, pays for energy audits of state buildings.

The controversial ethanol subsidy and promotion bill also passed. This bill subsidizes ethanol producers at the rate of 20 cents per gallon for the first 12.5 million gallons of ethanol produced each month. It also requires that state cars use ethanol-blended gasoline to reduce air pollution.

An important energy bill that failed to pass this session was House Bill 219, which would have hastened the development of renewable energy sources and created an Energy Futures Coalition to recommend and oversee longterm energy policies.

One failed bill in the Senate would have created an energy-efficiency advisory committee within the Public Service Commission. This committee would have worked with electric utilities to reduce energy consumption, increase energy efficiency and use of renewable resources and reduce the environmental impact of energy use.

A bill to fund public transportation also failed.

"We had really hoped it would have been a better year for energy," said Becky Rawlings, lobbyist for the Ozark Chapter of the Sierra Club. Rawlings noted the General Assembly had two new important energy-related reports to consult while making its decisions. Released last year, both the Missouri Statewide Energy Study and the Global Climate

Change Commission report indicated that the state could save money and strengthen Missouri's economy by increasing the state's energy efficiency.

House Bill 312, amendments to the surface coal mining law, did pass. Introduced by Rep. Sam Leake, D-Ladonia, this bill increases fees for mining waste management to cover the costs of inspections. It also requires that mining companies identify all underground mines and structures — such as slurry ponds — that remain after mining is completed.

An important piece of environmental legislation that the General Assembly failed to pass was Senate Bill 171, pertaining to petroleum storage tanks. This bill would have provided money to help gasoline station owners remove leaky underground storage tanks and clean up the surrounding soil to protect our ground water.

Many surrounding states have already created funds to help owners of underground storage tanks pay the cost of complying with federal and state regulations for the retirement of old tanks, most of which were installed before current regulations. Without such a fund, we run a greater risk of increased abandonment of leaky tanks, which can ruin our ground-water supplies.

Senate Bill 171 was a fair compromise between the protection of the public good and private property interests; the failure of the General Assembly to pass this legislation jeopardizes our ground-water supply.

One so-called "takings" bill passed this year. Senate Bill 315 requires that every state agency that creates a rule or regulation relating to flood plain management review the rule to determine whether it will involve a "taking of private property rights." If so, the rule must then be reviewed by the attorney general. In other words, it adds another layer of bureaucracy to an already complicated system of regulation making.

Several more hideous bills, House Bills 26, 174 and 544, failed. These bills would have required this type of review by every state agency for every rule and regulation.

The Conservation Federation of Missouri analyzed the proposed "takings" bills in a recent legislative report. "These bills could force agencies to hire legions of lawyers and accountants to analyze environmental regulations for the possibility that their public-interest regulations could result in a possible 'taking' when there are already mechanisms in place to resolve such claims. ... These bills seem to be an attempt to intimidate agencies and divert attention from the real issues."

The proposed purchase of a stained-glass window for the Capitol from parks and soils tax money still taints the budget bill. As I write, Carnahan can still use his line-item veto to eliminate this misappropriation.

Overall, the 87th session of the Missouri General Assembly was a session of highs and lows for the environment.

For a copy of the House bills passed this session, write: Chief clerk of the House, Capitol Building, Jefferson City, Mo., 65101. For Senate bills, write: Senate secretary, Room 325, Capitol Building, Jefferson City, Mo., 65101.

If you have a suggestion for a column, a gripe, a success story or whatever, write it down and send it to me, in care of the Columbia Daily Tribune, PO Box 798, Columbia, Mo., 65205.