

MISSOURI'S TOP-RANKED CONSERVATION MODEL THREATENED BY PROPOSED LEGISLATION

By Edge Wade

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The Missouri Plan for Conservation

Few if any human creations or accomplishments are perfect, but some come close enough to be held up as examples of what we can achieve. The Missouri Department of Conservation (MDC) is one of those exemplary endeavors.

In 1936 the people of Missouri overwhelmingly approved a constitutional amendment to create a new model for state conservation agencies. A politically independent conservation commission with authority to oversee a professional department was established. In 1976 we affirmed our support of that model by voting to tax ourselves with the Design for Conservation 1/8-cent sales tax to fund MDC in a manner independent of the political agendas of any governor or session of the state legislature.

These two voter-determined constitutional authorizations are the bases of a firm foundation to ensure the professional management and operation of MDC, allowing the agency to be free to function solely on science-based wildlife management principles and practices.

The "Missouri Plan" is the envy of wildlife conservation professionals throughout the U.S. and around the world. This foundation of political independence in oversight and funding is the critical factor in the department's ability to attract and retain the highest quality personnel available. The *avant garde* philosophy, ecosystem-based management, and habitat restoration accomplishments are examples others study and strive to equal.

Chiseling Away at a Firm Foundation

In recent years there have been several attempts to bring Missouri's conservation department under the control of the legislature by undermining that solid independent foundation. These efforts typically focus on ways to reduce MDC's funding or to require specific kinds of expenditures, thus crippling its ability to operate free of political agendas. The motivations and ramifications of some bills are less obvious, but are detrimental to sound conservation efforts, nonetheless.

Several bills have been introduced in this legislative session. The list below is current at the time of the writing of this article. You may see the full texts of these bills online at <http://www.senate.mo.gov/BTSSearch/Default.aspx>. Take the time to familiarize yourself with the content and intent of these measures.

HJR27 and HJR28 are two attempts to chip away at the (as of 2012) 59.3% of MDC's annual funding obtained from the conservation sales tax.

The other bills apply restrictions or interfere with the independence of MDC in several ways. All have potential hamstringing effects on the professional activities of the agency. Examples of the implications of just two of these bills give some understanding of what is at stake.

No Permit Fees? Not Really

Some bills are not as straightforward as they seem. An example of duplicity is SB56. In 2012 the \$32,850,045 from permit sales accounted for 19.4% of MDC's operating budget. The dual purpose of this bill is to deny this income to MDC, and to fill the coffers the legislature draws upon for other purposes.

The wording within the bill begins, "The department of conservation and its permit issuing agents shall not charge a permit fee for the acquisition of a hunting, fishing or trapping permit for a Missouri resident..."

Note that the bill doesn't really say no fee will be charged [for hunting, fishing or trapping licenses]. It says only that the conservation department and its permit issuing agents cannot charge for these permits.

This bill's summary description on the Missouri Senate webpage is written to garner support of those who would welcome free hunting, fishing and trapping. That is unlikely to come about even with passage of the bill. These are privileges that under current law may be suspended or revoked for wildlife code violations or non-payment of child support.

If SB56 passes, the legislature can then authorize hunting, fishing and trapping permits to be issued by any entity of the legislature's choice with the proceeds designated for the general fund. Missourians would still pay the permit fees (with the amounts determined by the legislature), MDC would not have direct (if any) access to these funds to support managing and policing these activities, and the funds would be available for the legislature to use in any way members choose, whether or not related to wildlife resources.

Making it Illegal to Work Together

SB337 and the identically worded HB763 are truly pernicious. The bills clearly state that MDC would be prohibited from partnerships with any 501(c)(3) not-for-profit organization “whose primary or incidental purpose is to benefit the commission or the department of conservation by advancing the conservation and appreciation of Missouri’s forest, fish and wildlife resources”.

If passed, it would be illegal for MDC to work with not-for-profit organizations for the benefit of wildlife, habitat, or wildlife appreciation in which anything of value is exchanged. “Anything of value” is defined in the bill as including professional or clerical services, money or work product.

There could be no agreements with the Audubon Society of Missouri (ASM) to monitor and report birds or provide workshops involving MDC personnel.

There could be no projects conducted with the Missouri Conservation Heritage Foundation (MCHV), which since its inception in 1999 has contributed about twenty million dollars to conservation activities as diverse as MO Girls Discover Nature, Stream Teams, and feral hog eradication.

There could be no partnership agreements for management activities with groups like The Nature Conservancy or Missouri Prairie Foundation.

There could be no MDC involvement in the Green Leadership Academy for Diverse Ecosystems (GLADE) conducted by the Greater Ozarks Audubon Society. Currently, MDC contributions include providing the residence facility, instruction, and plants for the cane restoration project.

There could be no MDC-related bird surveys conducted by St. Louis Audubon Society or the Missouri River Bird Observatory.

There could be no grant funding through Missouri Bird Conservation Initiative (MoBCI) for habitat improvement of wetlands or prairies funded in part by MDC or used on MDC properties.

There could be no joint efforts to work with Ducks Unlimited, Quail Unlimited or the National Wild Turkey Foundation to provide habitat or manage for those species.

In short, MDC could not function as we know it. Current agreements and relationships with the active members of not-for-profit groups who are on the ground working to improve wildlife management and habitat in Missouri as an extension of the abilities and resources of MDC professionals would be illegal. And all of Missouri would lose.

What We Can Do

Read the texts of these bills. Be informed. Consider the implications of the passage of any of them. Work to preserve the politics-free foundation of our independent state conservation agency.

- SB56 (Munzlinger) - Eliminates hunting, fishing and trapping permit fees for Missouri residents.
- SJR1 (Munzlinger) - Modifies the membership composition and terms of service of the commissioners on the Conservation Commission.
- SB178 (Munzlinger) - Modifies provisions relating to captive cervids.
- SB337 (Munzlinger) - Bans the Conservation Commission and the Department of Conservation from engaging in prohibited conduct with a connected not-for-profit corporation.
- HJR27 (Spencer) - Proposes a constitutional amendment reducing the sales tax from 1/8 of a cent to 1/16 of a cent.
- HJR28 (Spencer) - Proposes a constitutional amendment requiring the conservation sales tax to be approved by voters every 10 years.
- HB315 (Brown) - Requires the Department of Conservation to conduct testing of deceased deer found along state highways for chronic wasting disease.
- HB316 (Brown) - Requires Conservation Commission members to register as lobbyists upon appointment by the Governor and to follow all lobbyist rules and regulations.
- HB317 (Brown) - Requires the Department of Conservation to reimburse automobile owners up to \$500 for damages inflicted upon their vehicles by deer.
- HB479 (Houghton) - Exempts data collected by state agencies under the federal Animal Disease Traceability Program from disclosure under Missouri's Sunshine Law.
- HB710 (Basye) - Allows nonresidents who own property or pay income taxes in Missouri to receive resident hunting and fishing permit privileges.
- HB763 (Houghton) - Prohibits the Conservation Commission and the Department of Conservation from engaging in prohibited conduct with a connected not-for-profit corporation.