

SECOND REGULAR SESSION

HOUSE BILL NO. 1951

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SUTHERLAND.

4843L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 640.235, RSMo, and to enact in lieu thereof one new section relating to the natural resources protection fund, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 640.235, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 640.235, to read as follows:

640.235. 1. Damages received pursuant to this act **or section 644.096** shall be used solely for the following purposes, subject to appropriation: Ten percent of each receipt of natural resources damages shall be deposited in the chemical emergency preparedness fund, established under section 292.607, RSMo, not to exceed one hundred thousand dollars per year from all receipts of natural resources damages.

2. All remaining moneys received from damages after moneys have been made available for chemical emergency preparedness under subsection 1 of this section shall be deposited in the natural resources protection fund created by the provisions of section 640.220 and, subject to appropriation, shall be used solely for the following purposes:

(1) To pay for restoration or rehabilitation of the injured or destroyed natural resources by the state agency bringing the action for damages;

(2) To pay for the development of or restoration of a natural resource similar to that which was damaged or destroyed; **or**

(3) To provide funds for the department of natural resources and the department of conservation for reasonable costs incurred in obtaining an assessment of such injury, destruction, or loss of natural resources, including expenses.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. In addition, moneys in this fund may be used in conjunction with other funds, such
18 as the hazardous waste fund created by the provisions of section 260.391, RSMo, only for the
19 purposes of subdivisions (1), (2) and (3) of subsection 1 of this section, except that sums
20 recovered by the state under the provisions of Title 42, United States Code, part 9607(f), shall
21 be available for use only to restore, replace or acquire the equivalent of such natural resources
22 by the state.

23 4. Moneys in the subaccount referred to in section 640.220 may be transferred to the
24 conservation commission fund as reimbursement for expenses incurred by the department of
25 conservation in evaluating or rehabilitating natural resource damage and as reimbursement for
26 damages directly attributable to wildlife, fisheries and forestry resources of the state of Missouri
27 and caused by the specific incident for which natural resources damages were received.

28 5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in
29 the subaccount shall not be transferred to general revenue at the end of each biennium[, except
30 that any amount in the subaccount in excess of two million dollars at the end of each biennium
31 may be transferred to general revenue by appropriation].

32 **6. This section shall take effect on June 30, 2010.**

Section B. Because immediate action is necessary to maintain moneys in the natural
2 resources protection fund, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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