

HCS SB 659 -- DEPARTMENT OF NATURAL RESOURCES

SPONSOR: Hegeman (Redmon)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 8 to 0.

This bill modifies the provisions relating to the Department of Natural Resources.

STATE PARKS

This bill requires the Department of Natural Resources to submit a report to the General Assembly on or before January 1, 2019, and annually thereafter, regarding the maintenance, repair, and construction at State Parks and Historic Sites. The bill must include certain information including the total cost of maintenance; repair and construction projects the prior fiscal year; specific information on projects where costs exceed the state competitive bid minimum; a list of projects for the upcoming year that meet certain criteria; the amount of revenue generated and the operating expenditures for each park and historic site; and the total revenue generated at all parks and historic sites averaged over the past two fiscal years (Section 253.147, RSMo).

ENVIRONMENTAL RESTORATION ACT

This bill creates the "Environmental Restoration Corporation Act," which allows for the formation of a nonprofit corporation to hold, manage, or own environmentally impaired property that is subject to an ongoing cleanup or remedial action. In addition to the powers of all nonprofit corporations, any environmental restoration corporation has certain additional powers as specified in the bill, including the ability to acquire, accept, convey, dispose, encumber, manage and own real property that is subject to certain clean up or remedial action and to enter into contracts with private or public entities to conduct, manage, oversee, and regulate activities that may be necessary for the implementation of clean up and remedial actions on such property. The property must be located in Jefferson, Washington, St. Francois, Iron, Madison, Reynolds and Wayne counties.

Any environmental restoration corporation will be managed by a board of no less than five directors, who will initially be appointed by the incorporators. The bill specifies the make-up of the board and its duties and requirements. All actions of the corporations must be taken at meetings open to the public, except

for confidential matter relating to personnel, contracts, or litigation.

If an environmental restoration corporation receives public funds for any activities at a specific property, the corporation must allow for periodic audits by the State Auditor and upon request, provide an annual report to the General Assembly concerning the receipt and use of the funds.

Any conveyance of property to a third party may include an environmental covenant or conservation easement. Prior to acquiring interest in real property subject to restoration activities, a corporation must undertake all due diligence activities under U.S. Environmental Protection Agency regulations to qualify as a bona fide prospective purchaser, which would make the corporation immune from liability under certain Missouri laws. However, the corporation must comply with all regulatory requirements. A corporation owes no duty of care and has no liability to any trespasser who enters onto the corporation's property (Section 260.1150).

WATER SUPPLY AND SEWER SYSTEM GRANTS

This bill increases the potential grant amount administered by the Department of Natural Resources for the benefit of public water supply districts, sewer districts, rural community water or sewer systems, or municipal sewer systems. The current grant limitation of \$1,400 per water connection is increased to \$3,000 per connection (Section 640.620).

PROPONENTS: Supporters say that the amount of the grant has not been increased since 1989. This bill would allow more small communities to use the grant by increasing the allowable amount to reflect the increase in costs in the last 30 years.

Testifying for the bill were Senator Hegeman and the Missouri Department of Natural Resources.

OPPONENTS: There was no opposition voiced to the committee.