

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1442, 1137 & 1454
103RD GENERAL ASSEMBLY

2654H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 12.025, RSMo, and to enact in lieu thereof two new sections relating to federally managed lands.

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

Section A. Section 12.025, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.2050 and 12.025, to read as follows:

1.2050. 1. This section shall be known and may be cited as the "Natural Resource and Community Protection Act".

2. The provisions of this section shall apply to all federally managed lands within the boundaries of the state of Missouri including, but not limited to, national parks, scenic riverways, wildlife refuges, and other federally designated areas. This section shall not apply to any area specifically excluded by the United States Constitution.

3. Missouri residents shall have priority rights to engage in subsistence activities within federally managed lands including, but not limited to, hunting, fishing, trapping, and gathering.

4. Federal agencies operating within Missouri shall not impose regulations or restrictions that interfere with subsistence activities unless explicitly authorized by Congress.

5. The department of natural resources shall develop and implement, with the assistance of the relevant regional planning commission, comprehensive management plans for natural resources within federally managed lands, ensuring sustainable use and prioritizing local community benefits.

6. Federal agencies operating in Missouri shall:

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.

18 **(1) Adopt and adhere to state management plans for water, wildlife and game,**
19 **timber, and mineral resources; and**

20 **(2) Coordinate with state authorities before implementing any regulations or**
21 **actions affecting natural resources including, but not limited to, closing portions of or**
22 **changing the allowed uses of areas specified in subsection 2 of this section.**

23 **7. Federal agencies shall submit an economic, environmental, and cultural**
24 **impact assessment to the Missouri attorney general before undertaking any actions on**
25 **federally managed lands unless specifically authorized by Congress.**

26 **8. No federal agency shall acquire lands within Missouri or impose new**
27 **regulations on existing federally managed land unless:**

28 **(1) The general assembly gives express consent; and**

29 **(2) The agency seeking to acquire the land consults with the affected**
30 **communities in at least two public hearings at least thirty days apart and held in the**
31 **county seat of each affected county.**

32 **9. Federal regulations conflicting with state laws governing natural resources**
33 **shall be deemed unenforceable unless explicitly authorized by Congress.**

34 **10. State and local law enforcement agencies shall have primary authority to**
35 **enforce laws related to natural resources and subsistence activities within areas of**
36 **concurrent jurisdiction.**

37 **11. Federal enforcement actions related to natural resources, traffic laws, or the**
38 **Missouri criminal code within Missouri shall:**

39 **(1) Be conducted in coordination with state or local law enforcement;**

40 **(2) Receive prior written approval from the local sheriff or chief law**
41 **enforcement officer, except in emergencies; and**

42 **(3) Any enforcement action taken on a state road or highway shall be conducted**
43 **by a peace officer standards and training certified law enforcement official.**

44 **12. Federal law enforcement officers shall not issue citations, make arrests, or**
45 **take enforcement actions for minor nonfederal infractions, such as equipment violations**
46 **or minor traffic offenses, within Missouri unless:**

47 **(1) The action is taken in direct coordination with state or local law**
48 **enforcement; and**

49 **(2) The enforcement officers hold a peace officer standards and training**
50 **certification.**

51 **13. Any enforcement actions by federal officers in violation of this provision**
52 **shall be deemed unlawful and subject to penalties under this section.**

53 **14. Federal law enforcement officers are prohibited from impounding vehicles,**
54 **seizing domestic animals, or confiscating personal property within Missouri unless:**

55 (1) The officer has prior written approval from state or local law enforcement
56 authorities; or

57 (2) A state court order explicitly authorizes such actions.

58 15. Any property seized in violation of this section shall be returned immediately
59 to the owner and the federal agency involved shall be subject to penalties under this
60 section. Additional penalties, including actual and punitive damages, may be
61 determined by a court of competent jurisdiction.

62 16. Revenues generated from activities on federally managed lands within
63 Missouri, including resource extraction, permits, and fines, shall be shared with the
64 state government. Such revenues shall be allocated in part to:

65 (1) Support local community projects;

66 (2) Fund subsistence activities and conservation efforts; and

67 (3) Develop infrastructure for economic development in areas near federally
68 managed land.

69 17. The state of Missouri asserts ownership of all surface and groundwater
70 within its boundaries. Federal agencies shall obtain state permits for any water use,
71 diversion, or activities that may impact water quality.

72 18. The state of Missouri retains exclusive jurisdiction over all wildlife within its
73 borders. Hunting, fishing, and wildlife management on federally managed lands shall
74 comply with state laws and regulations.

75 19. The state of Missouri asserts control over all mineral rights beneath federally
76 managed lands. Federal agencies shall obtain state approval for any mining or resource
77 extraction activities on federally managed lands.

78 20. (1) A "State-Federal Dispute Resolution Board" shall be established to
79 mediate conflicts between federal agencies and state authorities over land management
80 and enforcement actions.

81 (2) The board shall include representatives from the department of natural
82 resources, local governments, legal experts, two members of the house of representatives
83 appointed by the speaker of the house of representatives, and two members of the senate
84 appointed by the speaker pro tempore of the senate.

85 (3) Mediation is mandatory before any new federal regulations or enforcement
86 actions affecting natural resources are implemented.

87 21. The state of Missouri shall impose an annual property tax on all federally
88 managed lands within its boundaries. Revenue from this tax shall be allocated to local
89 governments to offset economic impacts of federal land ownership.

90 **22. Residents or local governments adversely affected by violations of this**
91 **section may file suit in state court for injunctive relief or damages. Any federal agency**
92 **found in violation of this section shall:**

93 **(1) Cease the offending action immediately; and**

94 **(2) Pay civil penalties to the state of Missouri as determined by a court of**
95 **competent jurisdiction.**

 12.025. ~~[1.]~~ Jurisdiction concurrent with that of the state of Missouri in and over land
2 which is now, or may hereafter be, owned and used by the United States as an honor farm in
3 connection with the operation of a federal penitentiary is hereby ceded to the United States for
4 so long as the United States shall own and so use the land.

5 ~~[2. Jurisdiction concurrent with that of the state of Missouri is hereby ceded to the~~
6 ~~United States within the area comprising the "Ozark National Scenic Riverways" for so long~~
7 ~~as this area is administered and maintained by the United States.~~

8 ~~3. Provided that no part of this section shall apply to the White River watershed.~~

9 ~~4. Provided further that no part of this section shall apply to the Osage and St.~~
10 ~~Francois River watersheds.]~~

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