

HCS HBs 1442, 1137 & 1454 -- STATE NATURAL RESOURCE AND COMMUNITY PROTECTION ACT

SPONSOR: Mayhew

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Government Efficiency by a vote of 13 to 3.

The following is a summary of the House Committee Substitute for HBs 1442, 1137 & 1454.

NATURAL RESOURCES AND COMMUNITY PROTECTION ACT (Section 1.2050)

This bill establishes the "Natural Resources and Community Protection Act", which applies to all Federally managed lands within the State, except any area specifically excluded by the United States Constitution, and specifies that Missouri residents have priority rights to engage in subsistence activities within Federally managed lands. Federal agencies operating within the State will not impose regulations or restrictions that interfere with subsistence activities unless explicitly authorized by Congress.

The Department of Natural Resources must develop and implement, with the assistance of the relevant regional planning commission, comprehensive management plans for natural resources within Federally managed lands. The plans must ensure sustainable use and prioritize local community benefits.

Federal agencies operating in Missouri must adopt and adhere to State management plans for water, wildlife and game, timber, and mineral resources, and coordinate with State authorities before implementing any regulations or actions affecting natural resources. Federal agencies must also submit an economic, environmental, and cultural impact assessment to the Missouri Attorney General before undertaking any actions on Federally managed lands unless specifically authorized by Congress.

The bill prohibits Federal agencies from acquiring land within Missouri or imposing new regulations on existing Federally managed land unless specified requirements are met. Federal regulations conflicting with State laws governing natural resources are unenforceable unless explicitly authorized by Congress.

The bill specifies that State and local law enforcement agencies have primary authority to enforce laws related to natural resources and subsistence activities within areas of concurrent jurisdiction. Federal enforcement actions related to natural resources, traffic laws, or the Missouri criminal code within Missouri must meet

certain requirements, specified in the bill. Any enforcement actions by Federal officers in violation of these requirements are unlawful and subject to penalties, specified in the bill.

Federal law enforcement officers are prohibited from impounding vehicles, seizing domestic animals, or confiscating personal property except under certain circumstances specified in the bill. Any property seized in violation of these provisions will be returned immediately to the owner and the Federal agency involved will be subject to penalties.

Revenues generated from activities on Federally managed lands within Missouri, including resource extraction, permits, and fines, must be shared with the State government and allocated as specified in the bill.

Federal agencies must obtain State permits for any water use, diversion, or activities that may impact water quality. Hunting, fishing, and wildlife management on Federally managed lands must comply with State laws and regulations. Federal agencies must obtain State approval for any mining or resource extraction activities on Federally managed lands.

A "State-Federal Dispute Resolution Board" must be established to mediate conflicts between Federal agencies and State authorities over land management and enforcement actions. The board must include representatives from the Department of Natural Resources, local governments, legal experts, two members of the House of Representatives appointed by the Speaker, and two members of the Senate appointed by the President Pro Tem. The bill requires mediation before any new Federal regulations or enforcement actions affecting natural resources are implemented.

The bill requires the State to impose an annual property tax on all Federally managed lands within its boundaries. Revenue from this tax must be allocated to local governments to offset economic impacts of Federal land ownership.

Residents or local governments adversely affected can file suit in State court for injunctive relief or damages. Any Federal agency found in violation the provisions of this bill must cease the offending action immediately, and pay civil penalties as determined by a court of competent jurisdiction.

#### JURISDICTION OVER MISSOURI LAND (Section 12.025)

Currently, Missouri has ceded to the Federal government concurrent jurisdiction within the area comprising the Ozark Scenic Riverways as long as the area is administered and maintained by the Federal

government. This bill repeals this statutory language granting concurrent jurisdiction.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the Ozark Scenic Riverway covers 80,000 acres and has 1.5 million visitors in a year. Currently the Federal park rangers are issuing citations on State land, confiscating private property outside of the park boundaries, and have prevented local Missourians from accessing the riverway in the manner that they are accustomed. Numerous stories were shared about violations of civil rights by park rangers. The current laws relating to easements and the disregard for these laws is an overarching concern with the authorities seemingly not following Federal guidelines. The local community has attempted to have meetings with the authorities on this matter and have been rebuffed time and again.

Testifying in person for the bill were Representative Mayhew; Karen S. Dearlove, Thomas J. Dearlove; James D Ellis; Steven Ray Hogan, Sheriff Shannon County; Missouri Sheriffs United; Steve Hogan; Philip D. Watson; Allen Ramsey; Michael Bell; Carli Warren; Herman Kelly, Shannon County Commissioner; Damon Cernetisch; Rob Damouth; Edward Piatt; Arnie C. Dienoff; Gerald G. Hubbard; Dennis Ellis; and Greg Rowden.

OPPONENTS: Those who oppose the bill say that Missouri's natural heritage belongs to all Missourians and all Americans. Limitations on the Federal government will indirectly impact air quality monitoring, wildlife refuges, conservation areas, and can threaten the environment and harm the resources that may no longer be protected.

Testifying in person against the bill was Melissa Vatterott, Missouri Coalition For The Environment.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.