

SECOND REGULAR SESSION

# HOUSE BILL NO. 2905

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYHEW.

4248H.02I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

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

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*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Section A. Section 12.025, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.2050 and 12.025, to read as follows: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. No federal agency shall acquire lands within Missouri or impose new regulations on existing federally managed land unless:

4. The general assembly gives express consent; and

5. The agency seeking to acquire the land consults with the affected communities in at least two public hearings at least thirty days apart and held in the county seat of each affected county.

6. Federal regulations conflicting with state laws governing natural resources shall be deemed unenforceable unless explicitly authorized by Congress.

7. State and local law enforcement agencies shall have primary authority to enforce laws related to natural resources within areas of concurrent jurisdiction.

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

19           **(1) Be conducted in coordination with state or local law enforcement;**  
20           **(2) Receive prior written approval from the local sheriff or chief law**  
21 **enforcement officer, except in emergencies; and**  
22           **(3) Any enforcement action taken on a state road or highway shall be conducted**  
23 **by a peace officer standards and training certified law enforcement official.**

24       **7. Federal law enforcement officers shall not issue citations, make arrests, or**  
25 **take enforcement actions for minor nonfederal infractions, such as equipment violations**  
26 **or minor traffic offenses, within Missouri unless:**

27           **(1) The action is taken in direct coordination with state or local law**  
28 **enforcement; and**  
29           **(2) The enforcement officers hold a peace officer standards and training**  
30 **certification.**

31       **8. Any enforcement actions by federal officers in violation of this provision shall**  
32 **be deemed unlawful and subject to penalties under this section.**

33       **9. Federal law enforcement officers are prohibited from impounding vehicles,**  
34 **seizing domestic animals, or confiscating personal property within Missouri unless:**

35           **(1) The officer has prior written approval from state or local law enforcement**  
36 **authorities; or**  
37           **(2) A state court order explicitly authorizes such actions.**

38       **10. Any property seized in violation of this section shall be returned immediately**  
39 **to the owner and the federal agency involved shall be subject to penalties under this**  
40 **section. Additional penalties, including actual and punitive damages, may be**  
41 **determined by a court of competent jurisdiction.**

42       **11. Revenues generated from activities on federally managed lands within**  
43 **Missouri, including resource extraction, permits, and fines, shall be shared with the**  
44 **state government, with seventy percent of the revenue allocated to the state government**  
45 **and thirty percent of the revenue allocated to the federal government. Such revenues**  
46 **shall be allocated in part to:**

47           **(1) Support local community projects;**  
48           **(2) Fund transportation improvements on state and county roads adjacent to or**  
49 **near federal land; and**  
50           **(3) Develop infrastructure for economic development in areas near federally**  
51 **managed land.**

52       **12. The state of Missouri asserts control and managements of all surface and**  
53   **groundwater within its boundaries. Federal agencies shall obtain state permits for any**  
54   **water use, diversion, or activities that may impact water quality.**

55       **13. The state of Missouri retains exclusive jurisdiction over all wildlife within its**  
56   **borders. Hunting, fishing, and wildlife management on federally managed lands shall**  
57   **comply with state laws and regulations.**

58       **14. The state of Missouri asserts control over all mineral rights beneath federally**  
59   **managed lands. Federal agencies shall obtain state approval for any mining or resource**  
60   **extraction activities on federally managed lands.**

61       **15. (1) A "State-Federal Dispute Resolution Board" shall be established to**  
62   **mediate conflicts between federal agencies and state authorities over land management**  
63   **and enforcement actions.**

64       **(2) The board shall include representatives from the department of natural**  
65   **resources, local governments, legal experts, two members of the house of representatives**  
66   **appointed by the speaker of the house of representatives, and two members of the senate**  
67   **appointed by the president pro tempore of the senate.**

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

70       **16. All navigable rivers and streams of the state shall remain available for public**  
71   **use, regardless of federal ownership of surrounding lands.**

72       **17. The state of Missouri shall impose an annual property tax on all federally**  
73   **managed lands within its boundaries. Revenue from this tax shall be allocated to local**  
74   **governments to offset economic impacts of federal land ownership.**

75       **18. Residents or local governments adversely affected by violations of this**  
76   **section may file suit in state court for injunctive relief or damages. Any federal agency**  
77   **found in violation of this section shall:**

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

79       **(2) Pay civil penalties to the state of Missouri as determined by a court of**  
80   **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, **except that concurrent**  
5 **jurisdiction shall not apply to state highways or county roads on such land.**

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

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

12       **2. Federal officers may not pursue, arrest, or detain for any violation of law that**  
13     **occurs outside of federal property unless a memorandum of understanding is agreed to**  
14     **and signed by federal authorities and the state and local law enforcement.**

15       **3. Federal officers or property managers shall not close any road, except for**  
16     **emergencies, without prior written approval of the state and county commission. Any**  
17     **and all roads closed by federal agencies prior to this act are hereby deemed open to**  
18     **public use and any future need to close any road for any period of time shall only be**  
19     **done by written agreement with the county commission or authority having jurisdiction**  
20     **and shall only be closed after complying with all applicable state statutes.**

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