

FIRST REGULAR SESSION

HOUSE BILL NO. 1138

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

2257H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 12.010, 12.025, 12.027, 12.030, 12.050, and 95.525, RSMo, and to enact in lieu thereof four new sections relating to the acquisition of land by the United States government.

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

Section A. Sections 12.010, 12.025, 12.027, 12.030, 12.050, and 95.525, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 12.010, 12.025, 12.030, and 12.050, to read as follows:

12.010. ~~[The]~~ **Any** consent of the state of Missouri ~~[is]~~ given in accordance with the seventeenth clause, eighth Section of the first Article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land **or other real estate** in this state acquired for the purpose of ~~[establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, and land for reforestation, recreational and agricultural uses; but land acquired by eminent domain or condemnation for the purpose of reforestation, Native American/Indian gaming, recreational or agricultural uses shall only be acquired with]~~ **erection of forts, magazines, arsenals, dock yards, and other needful buildings shall only be by** statutory authorization of the general assembly **on a case-by-case basis**. Land used exclusively for the erection of hospitals by the United States may also be acquired by condemnation, **but only upon case-by-case statutory authorization of the general assembly. Whether acquired by cessation or condemnation, the state of Missouri saves and reserves the right of taxation to the same extent and in the same manner as if this cession had not been made.**

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.

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

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

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

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

12.030. ~~The~~ **Any** consent of the state of Missouri ~~is~~ given~~;~~ in accordance with the seventeenth clause, eighth Section of the first Article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise, of any land in this state as sites for customhouses, courthouses, post offices, arsenals, forts and other needful buildings required for military purposes **shall be by case-by-case statutory authorization of the general assembly.**

12.050. ~~Consent of the state of Missouri is given to the acquisition~~ **Land or water acquired** by the United States by purchase, gift, devise or lease of such areas of land or water, or of land and water in Missouri ~~as the United States deems necessary~~ **prior to August 28, 2017**, for the establishment of migratory-bird reservations in accordance with the act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes", (16 U.S.C.A. § 715 et seq.) ~~reserving, however, to~~ **shall be subject to the state of Missouri's right of taxation to the same extent and in the same manner as if this cession had not been made; and further saving and reserving to the state of Missouri the right to serve thereon any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred, or crimes committed in this state.** The state of Missouri~~;~~ **reserves** full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of the act of Congress~~;~~ **but acquisition and the operation of any such areas are subject to the approval of the state conservation commission**].

2 ~~[12.027. 1. Concurrent legislative jurisdiction over crimes and offenses~~
 3 ~~under the laws of the state is ceded to the United States over and within all the~~
 4 ~~lands and lands acquired after August 28, 1996, dedicated to national park~~
 5 ~~purposes in the following tracts:-~~

- 6 ~~_____ (1) The George Washington Carver National Monument;~~
- 7 ~~_____ (2) The Jefferson National Expansion Memorial National Historic Site;~~
- 8 ~~_____ (3) The Wilson's Creek National Battlefield;~~
- 9 ~~_____ (4) The Harry S Truman National Historic Site; and~~
- 10 ~~_____ (5) The Ulysses S. Grant National Historic Site.~~

11 ~~_____ 2. The concurrent jurisdiction ceded by subsection 1 of this section is~~
 12 ~~vested upon acceptance by the United States by and through its appropriate~~
 13 ~~officials and shall continue so long as the lands within the designated areas are~~
 14 ~~dedicated to park purposes.-~~

15 ~~_____ 3. The governor is hereby authorized and empowered to execute all~~
 16 ~~proper conveyances in the cession herein granted, upon request of the United~~
 17 ~~States by and through its appropriate officials.-~~

18 ~~_____ 4. The state of Missouri retains concurrent jurisdiction, both civil and~~
 19 ~~criminal, with the United States over all lands affected by the provisions of this~~
 20 ~~section.]~~

21 ~~[95.525. The consent of the state of Missouri is hereby fully given to the~~
 22 ~~acquisition by the United States or any qualified authority thereof, by purchase,~~
 23 ~~grant or condemnation, of any lands or improvements thereon, in any of the cities~~
 24 ~~to which sections 95.510 to 95.525 are applicable, for the purpose of establishing,~~
 25 ~~improving in any manner, and maintaining any national park or plaza of the~~
 26 ~~character described.]~~

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