

SECOND REGULAR SESSION

SENATE BILL NO. 723

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4573S.01I

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to natural resource damages.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new
2 section, to be known as section 640.230, to read as follows:

**640.230. 1. In assessing natural resource damages authorized to
2 be recovered on behalf of the public under any state or federal law by
3 the natural resources trustee designated by the governor of the state
4 of Missouri under 42 U.S.C. 9607, the trustee shall offset such natural
5 resource damages against a potentially responsible party by crediting
6 the party for the past, current, and future value of any economic
7 benefits and ecological benefits to the state of Missouri and its citizens
8 from any land or other property rights donated to the state of Missouri
9 by the potentially responsible party.**

10 **(1) In determining the economic benefits of any land or other
11 property rights donated to the state of Missouri, the natural resources
12 trustee shall include any fees and other revenues received, or projected
13 revenues to be received, by the state of Missouri from such land or
14 other property rights donated, as well as indirect economic benefits to
15 the state of Missouri and its citizens from such land or other property
16 rights donated, including recognition of monetary spending by patrons
17 of the land or property, and the economic multiplier effects of the
18 spending by patrons of the land or property rights donated on the
19 geographic region, household income, and jobs.**

20 **(2) In determining the ecological benefits of land or other
21 property rights donated to the state of Missouri by the potentially**

22 responsible party, the trustee shall not use assessed value, but shall
23 include the full value of all past, present, and future ecological benefits
24 of the property, including any values calculated according to the
25 National Contingency Plan (42 U.S.C. 9605).

26 2. In determining the economic and ecological benefits to the
27 state of Missouri and its citizens for any land or other property rights
28 donated to the state of Missouri by the potentially responsible party,
29 the potentially responsible party or any other interested party may
30 submit to the natural resources trustee an economic impact report
31 estimating such benefits. Any economic impact report submitted to the
32 trustee may be performed by any public or private entity, but shall
33 calculate the past, current, and future value of any economic benefits
34 and ecological benefits to the state of Missouri and its citizens from any
35 land or other property rights donated to the state of Missouri by the
36 potentially responsible party as set forth in subsection 1 of this section.

37 3. Once the natural resources trustee has offset such natural
38 resource damages against a potentially responsible party by crediting
39 the party for the past, current, and future value of any economic
40 benefits and ecological benefits to the state of Missouri and its citizens
41 from any land or other property rights donated to the state of Missouri
42 by the potentially responsible party, the potentially responsible party
43 shall not be credited for the same benefits in any other assessment of
44 natural resource damages. Notwithstanding the immediately preceding
45 sentence, if the past, current, and future value of any economic benefits
46 and ecological benefits to the state of Missouri and its citizens from any
47 land or other property rights donated to the state of Missouri by the
48 potentially responsible party exceed the amount of natural resource
49 damages to be recovered by the trustee, such benefits may be carried
50 forward by the potentially responsible party to offset additional natural
51 resource damages until such benefits no longer exceed the amount of
52 natural resource damages assessed against the potentially responsible
53 party.

54 4. Any assessment or claim of damages to natural resources of
55 the state of Missouri shall be governed by this section, and the natural
56 resources trustee designated by the governor of the state of Missouri
57 under 42 U.S.C. 9607 shall not transfer any such authority to assess or
58 recover damages to such natural resources, whether by agreement or

59 otherwise, to any federal or other trustee of natural resources.

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