

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2187

## 98TH GENERAL ASSEMBLY

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Reported from the Committee on Governmental Accountability and Fiscal Oversight, April 14, 2016, with recommendation that the Senate Committee Substitute do pass.

5785S.03C

ADRIANE D. CROUSE, Secretary.

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### AN ACT

To amend chapters 444 and 640, RSMo, by adding thereto two new sections relating to the sale of certain lands acquired through legal settlements, with an emergency clause.

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

Section A. Chapters 444 and 640, RSMo, are amended by adding thereto two new sections, to be known as sections 444.1000 and 640.780, to read as follows:

**444.1000. 1. There is hereby created the "Land Reclamation Legal Settlement Commission", which shall be composed of four members, with one being the chair of the Southeast Missouri Regional Planning Commission, one being the vice chair of the Southeast Missouri Regional Planning Commission, one being the chair of the Ozark Foothills Regional Planning Commission, and one being the chair of the Meramec Regional Planning Commission. The purpose of the commission shall be to develop and implement a plan for primary restoration projects for areas affected by lead mining in southeast Missouri which lead to the legal settlement between ASARCO, L.L.C., the United States, the state of Missouri, and the Doe Run Company in 2008. Such plan shall be submitted to the chair of the Missouri house of representatives select committee on budget and the chair of the Missouri senate appropriations committee by February 2, 2017. Moneys from the land reclamation legal settlement fund created in subsection 2 of this section shall be used to implement the commission's plan for primary restoration projects for areas affected by lead mining in**

18 southeast Missouri.

19           2. There is hereby created in the state treasury the "Land  
20 Reclamation Legal Settlement Fund", which shall consist of moneys  
21 derived from the department of natural resources' sale of land located  
22 in any county of the third classification without a township form of  
23 government and with more than ten thousand but fewer than twelve  
24 thousand inhabitants and with a city of the fourth classification with  
25 more than eight hundred but fewer than nine hundred inhabitants as  
26 the county seat. The state treasurer shall be custodian of the fund. In  
27 accordance with sections 30.170 and 30.180, the state treasurer may  
28 approve disbursements. The fund shall be a dedicated fund and money  
29 in the fund shall be used solely for the purpose of implementing the  
30 commission's plan for primary restoration projects for areas affected  
31 by lead mining in southeast Missouri. Notwithstanding the provisions  
32 of section 33.080 to the contrary, any moneys remaining in the fund at  
33 the end of the biennium shall not revert to the credit of the general  
34 revenue fund. The state treasurer shall invest moneys in the fund in  
35 the same manner as other funds are invested. Any interest and moneys  
36 earned on such investments shall be credited to the fund.

          640.780. 1. The department of natural resources and all other  
2 state departments, agencies, or entities shall sell at public auction,  
3 provided that such requirement to sell at public auction does not  
4 conflict with any other provision of law, any and all property interest  
5 to land situated in a county of the third classification without a  
6 township form of government and with more than ten thousand but  
7 fewer than twelve thousand inhabitants and with a city of the fourth  
8 classification with more than eight hundred but fewer than nine  
9 hundred inhabitants as the county seat purchased on or before August  
10 28, 2016, through legal settlement funds administered in whole or in  
11 part by the department of natural resources. If there is no purchaser,  
12 the property shall revert to the ownership of the county government.

13           2. Any agreement, condition, restriction, dedication, covenant,  
14 or other encumbrance included in the conveyance of land required in  
15 subsection 1 of this section shall be considered null, void, and  
16 unenforceable upon the effective date of this section.

17           3. As a condition of the sale of this property, the purchaser shall  
18 agree to the following covenant appurtenant, which shall be included

19 in the conveyance following the property description and shall remain  
20 in effect on this property for a specifically limited amount of time as  
21 any agency of the state of Missouri exists to permit, restrict, regulate,  
22 and otherwise harass Missouri citizens and businesses, for the  
23 purported purpose of environmental restoration, preservation, and  
24 protection:

25 "Provided that this property shall never be sold to, leased, or otherwise  
26 controlled by a state or federal agency."

27 4. After August 28, 2016, the department of natural resources and  
28 all other state departments, agencies, or entities shall not purchase any  
29 property interest in a county of the third classification without a  
30 township form of government and with more than ten thousand but  
31 fewer than twelve thousand inhabitants and with a city of the fourth  
32 classification with more than eight hundred but fewer than nine  
33 hundred inhabitants as the county seat through legal settlement funds  
34 administered in whole or in part by the department of natural  
35 resources.

36 5. Any taxpayer of the state shall have standing to enforce the  
37 provisions of this section and, in addition to specific performance, shall  
38 be entitled to reasonable attorney's fees.

39 6. The provisions of this section shall be construed to include  
40 any leasehold, option contracts, or easement rights acquired by any  
41 state department, agency, or entity.

42 7. The provisions of this section are severable. If any part of this  
43 section is declared invalid or unconstitutional, it is the intent of the  
44 legislature that the remaining portions of this section shall remain and  
45 be in full force and effect.

46 8. The provisions of this section shall expire on August 28, 2017.

Section B. Because of the timely nature of the state seeking to recover  
2 assets to reallocate for environmental remediation, section A of this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace and  
4 safety, and is hereby declared to be an emergency act within the meaning of the  
5 constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.