

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703,
2 Page 36, Section 414.082, Line 27, by inserting after all of said section and line the following:

3
4 "444.1000. 1. There is hereby created the "Land Reclamation Legal Settlement
5 Commission", which shall be composed of four members, with one being the chair of the Southeast
6 Missouri Regional Planning Commission, one being the vice chair of the Southeast Missouri
7 Regional Planning Commission, one being the chair of the Ozark Foothills Regional Planning
8 Commission, and one being the chair of the Meramec Regional Planning Commission. The purpose
9 of the commission shall be to develop and implement a plan for primary restoration projects for
10 areas affected by lead mining in southeast Missouri which lead to the legal settlement between
11 ASARCO, L.L.C., the United States, the state of Missouri, and the Doe Run Company in 2008.
12 Such plan shall be submitted to the chair of the Missouri house of representatives select committee
13 on budget and the chair of the Missouri senate appropriations committee by February 2, 2017.
14 Moneys from the land reclamation legal settlement fund created in subsection 2 of this section shall
15 be used to implement the commission's plan for primary restoration projects for areas affected by
16 lead mining in southeast Missouri.

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

30
31 Further amend said bill, Page 45, Section 620.1958, Line 17, by inserting after all of said section
32 and line the following:

33
34 "640.780. 1. The department of natural resources and all other state departments, agencies,
35 or entities shall sell at public auction, provided that such requirement to sell at public auction does
36 not conflict with any other provision of law, any and all property interest to land situated in a county

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1 of the third classification without a township form of government and with more than ten thousand
 2 but fewer than twelve thousand inhabitants and with a city of the fourth classification with more
 3 than eight hundred but fewer than nine hundred inhabitants as the county seat purchased on or
 4 before August 28, 2016, through legal settlement funds administered in whole or in part by the
 5 department of natural resources. If there is no purchaser, the property shall revert to the ownership
 6 of the county government.

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

10 3. As a condition of the sale of this property, the purchaser shall agree to the following
 11 covenant appurtenant, which shall be included in the conveyance following the property description
 12 and shall remain in effect on this property for a specifically limited amount of time as any agency of
 13 the state of Missouri exists to permit, restrict, regulate, and otherwise harass Missouri citizens and
 14 businesses, for the purported purpose of environmental restoration, preservation, and protection:
 15 "Provided that this property shall never be sold to, leased, or otherwise controlled by a state or
 16 federal agency."

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

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

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

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

30 8. The provisions of this section shall expire on August 28, 2017."; and

31
 32 Further amend said bill, Page 46, Section 266.341, Line 52, by inserting after all of said section and
 33 line the following:

34
 35 "Section B. Because of the timely nature of the state seeking to recover assets to reallocate
 36 for environmental remediation, sections 444.1000 and 640.780 of section A of this act is deemed
 37 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
 38 hereby declared to be an emergency act within the meaning of the constitution, and sections
 39 444.1000 and 640.780 of section A of this act shall be in full force and effect upon its passage and
 40 approval."; and

41
 42 Further amend said bill by amending the title, enacting clause, and intersectional references
 43 accordingly.