

FIRST REGULAR SESSION

HOUSE BILL NO. 553

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

1273H.011

D. ADAM CRUMBLISS, Chief Clerk

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.

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 that 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 committee on budget and the chair of the Missouri senate appropriations committee by February 2, 2018. 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 southeast Missouri.

2. There is hereby created in the state treasury the "Land Reclamation Legal Settlement Fund", which shall consist of moneys derived from the department of natural resources' sale of land located in any county of the third classification without a township

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.

18 form of government and with more than ten thousand but fewer than twelve thousand
19 inhabitants and with a city of the fourth classification with more than eight hundred but
20 fewer than nine hundred inhabitants as the county seat. The state treasurer shall be
21 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
22 may approve disbursements. The fund shall be a dedicated fund and money in the fund
23 shall be used solely for the purpose of implementing the commission's plan for primary
24 restoration projects for areas affected by lead mining in southeast Missouri.
25 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
26 in the fund at the end of the biennium shall not revert to the credit of the general revenue
27 fund. The state treasurer shall invest moneys in the fund in the same manner as other
28 funds are invested. Any interest and moneys earned on such investments shall be credited
29 to the fund.

640.780. 1. The department of natural resources and all other state departments,
2 agencies, or entities shall sell at public auction; provided that, such requirement to sell at
3 public auction does not conflict with any other provision of law, any and all property
4 interest to land situated in a county of the third classification without a township form of
5 government and with more than ten thousand but fewer than twelve thousand inhabitants
6 and with a city of the fourth classification with more than eight hundred but fewer than
7 nine hundred inhabitants as the county seat purchased on or before August 28, 2017,
8 through legal settlement funds administered in whole or in part by the department of
9 natural resources. If there is no purchaser, the property shall revert to the ownership of
10 the county government.

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

14 3. As a condition of the sale of this property, the purchaser shall agree to the
15 following covenant appurtenant, which shall be included in the conveyance following the
16 property description and shall remain in effect on this property for a specifically limited
17 amount of time as any agency of the state of Missouri exists to permit, restrict, regulate,
18 and otherwise harass Missouri citizens and businesses, for the purported purpose of
19 environmental restoration, preservation, and protection:

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

22 4. After August 28, 2017, the department of natural resources and all other state
23 departments, agencies, or entities shall not purchase any property interest in a county of
24 the third classification without a township form of government and with more than ten

25 **thousand but fewer than twelve thousand inhabitants and with a city of the fourth**
26 **classification with more than eight hundred but fewer than nine hundred inhabitants as**
27 **the county seat through legal settlement funds administered in whole or in part by the**
28 **department of natural resources.**

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

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

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

37 **8. The provisions of this section shall expire on August 28, 2018.**

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

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