

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

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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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.