

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2187

98TH GENERAL ASSEMBLY

5785H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to the sale of certain lands acquired through legal settlements.

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 section, to be
2 known as section 640.780, to read as follows:

**640.780. 1. The department of natural resources and all other state departments,
2 agencies, or entities shall sell at public auction any and all property interest to land situated
3 in a county of the third classification without a township form of government and with
4 more than ten thousand but fewer than twelve thousand inhabitants and with a city of the
5 fourth classification with more than eight hundred but fewer than nine hundred
6 inhabitants as the county seat purchased on or before August 28, 2016, through legal
7 settlement funds administered in whole or in part by the department of natural resources.
8 If there is no purchaser, the property shall revert to the ownership of the county
9 government.**

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

13 **3. As a condition of the sale of this property, the purchaser shall agree to the
14 following covenant appurtenant, which shall be included in the conveyance following the
15 property description and shall remain in effect on this property for a specifically limited
16 amount of time as any agency of the state of Missouri exists to permit, restrict, regulate,**

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.

17 and otherwise harass Missouri citizens and businesses, for the purported purpose of
18 environmental restoration, preservation, and protection:

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

22 4. Any proceeds from the sale of property required under subsection 1 of this
23 section shall immediately be distributed as a grant through the department of economic
24 development to the Southeast Missouri Regional Planning and Economic Development
25 Commission. The Southeast Missouri Regional Planning and Economic Development
26 Commission shall work in conjunction with the Meramec Regional Planning Commission
27 to develop and implement a plan for primary restoration of areas affected by lead mining
28 in southeast Missouri which lead to the legal settlement between ASARCO, L.L.C., the
29 United States, the state of Missouri, and the Doe Run Company in 2008. The grant money
30 shall be used for restoration activities and administrative costs shall not exceed five percent
31 of the total grant amount.

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

39 6. Any taxpayer of the state shall have standing to enforce the provisions of this
40 section and, in addition to specific performance, shall be entitled to reasonable attorney's
41 fees.

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

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

47 9. The provisions of this section shall expire on August 28, 2017.

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