

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 698, Page 2, Section 253.148, Line 13, by
2 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 that 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 committee on
13 budget and the chair of the Missouri senate appropriations committee by February 2, 2018. Moneys
14 from the land reclamation legal settlement fund created in subsection 2 of this section shall be used
15 to implement the commission's plan for primary restoration projects for areas affected by lead
16 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 required under section 640.780. The state treasurer shall be custodian of the fund. In accordance
20 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be
21 a dedicated fund and moneys in the fund shall be used solely for the purpose of implementing the
22 commission's plan for primary restoration projects for areas affected by lead mining in southeast
23 Missouri. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
24 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
25 state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
26 interest and moneys earned on such investments shall be credited to the fund.

27 640.780. 1. The department of natural resources and all other state departments, agencies,
28 or entities shall sell at public auction, provided that such requirement to sell at public auction does
29 not conflict with any other provision of law, any and all property interest to land purchased on or
30 before August 28, 2017, through funds acquired through the legal settlement between ASARCO,

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1 L.L.C., the United States, the state of Missouri, and the Doe Run Company in 2008 and
2 administered in whole or in part by the department of natural resources. If there is no purchaser, the
3 property shall revert to the ownership of the county government in which the property is located.

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

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

14 4. After August 28, 2017, the department of natural resources and all other state
15 departments, agencies, or entities shall not purchase any property interest through legal settlement
16 funds acquired through the legal settlement between ASARCO, L.L.C., the United States, the state
17 of Missouri, and the Doe Run Company in 2008 and administered in whole or in part by the
18 department of natural resources.

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

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

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

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

27 Section B. Because of the timely nature of the state seeking to recover assets to reallocate
28 for environmental remediation, sections 444.1000 and 640.780 of this act is deemed necessary for
29 the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to
30 be an emergency act within the meaning of the constitution, and sections 444.1000 and 640.780 of
31 this act shall be in full force and effect upon its passage and approval."; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.