

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 682**  
**98TH GENERAL ASSEMBLY**

4683H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 34.030, RSMo, and to enact in lieu thereof three new sections relating to land acquisitions, with an emergency clause for certain sections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 34.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 34.030, 444.1000, and 640.780, to read as follows:

34.030. **1.** The commissioner of administration shall purchase all supplies for all departments of the state, except as in this chapter otherwise provided. The commissioner of administration shall negotiate all leases and purchase all lands, except for such departments as derive their power to acquire lands from the constitution of the state.

**2. For the purposes of the commissioner of administration purchasing lands on behalf of any department of the state that will be owned and managed by such department, the respective department shall:**

**(1) Provide public notice on its departmental website and to each publicly elected official that represents all or the part of the county in which the land is to be purchased at least sixty days prior to the commissioner of administration purchasing such land on behalf of such state department;**

**(2) Hold a public hearing in every county in which the commissioner of administration intends to purchase private land on behalf of such state department. The department shall provide public notice of the public hearing on its departmental website and to each publicly elected official that represents all or part of the county in which the land is to be purchased at least fourteen calendar days prior to the hearing; and**

**(3) Provide public notice in at least one newspaper, qualified under chapter 493, located in each county in which the commissioner of administration intends to purchase**

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.

19 private land on behalf of such state department. Such public notice shall be published in  
20 the newspaper or newspapers once per week for two consecutive weeks with the final  
21 notice published at least fourteen calendar days prior to the hearing.

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

15 2. There is hereby created in the state treasury the "Land Reclamation Legal  
16 Settlement Fund", which shall consist of moneys derived from the department of natural  
17 resources' sale of land located in any county of the third classification without a township  
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, 2016,  
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: "Provided that this property  
20 shall never be sold to, leased, or otherwise controlled by a state or federal agency."

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

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

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

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

36 8. The provisions of this section shall expire on August 28, 2017.

Section B. Because of the timely nature of the state seeking to recover assets to reallocate  
2 for environmental remediation, sections 444.1000 and 640.780 of section A of this act are  
3 deemed necessary for the immediate preservation of the public health, welfare, peace and safety,  
4 and is hereby declared to be an emergency act within the meaning of the constitution, and

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5 444.1000 and 640.780 of section A of this act shall be in full force and effect upon its passage  
6 and approval.

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