

SECOND REGULAR SESSION

# SENATE BILL NO. 600

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2015, and ordered printed.

4730S.01I

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ADRIANE D. CROUSE, Secretary.

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### AN ACT

To repeal section 441.236, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste, with a penalty provision.

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

Section A. Section 441.236, RSMo, is repealed and five new sections 2 enacted in lieu thereof, to be known as sections 260.850, 260.855, 260.860, 3 260.865, and 441.236, to read as follows:

**260.850. Sections 260.850 to 260.865 shall be known as the 2 "Hazardous Waste Home Acquisition Program".**

**260.855. As used in sections 260.850 to 260.865, the following 2 terms shall mean:**

3       (1) "Department", the Missouri department of natural resources;  
4       (2) "Home", a single-family house, duplex, triplex, quadraplex, or  
5       a unit in a multiunit residential structure in which title to each  
6       individual unit is transferred to the owner under a condominium or  
7       cooperative system, and shall include common areas and common  
8       elements as defined in subdivision (4) of section 448.1-103. "Home" shall  
9       include the land and improvements to land under and around the  
10      house, unit, or structure. "Home" shall also include a manufactured  
11      home as defined in section 700.010.

**260.860. There is hereby created in the state treasury the 2 "Hazardous Waste Home Acquisition Program Fund", which shall consist 3 of moneys appropriated to the fund. The state treasurer shall be the 4 custodian of the fund. In accordance with sections 30.170 and 30.180, 5 the state treasurer may approve disbursements from the fund. Upon 6 appropriation by the general assembly, moneys in the fund shall be 7 used solely to purchase homes that meet the requirements set forth in**

8 section 260.865. Notwithstanding the provisions of section 33.080 to the  
9 contrary, any moneys remaining in the fund at the end of the biennium  
10 shall not revert to the credit of the general revenue fund. The state  
11 treasurer shall invest moneys in the fund in the same manner as other  
12 funds are invested. Any interest and moneys earned on such  
13 investments shall be credited to the fund.

260.865. 1. Any homeowner whose home is located within three  
2 miles of the West Lake Landfill, the Bridgeton Landfill, Coldwater  
3 Creek located in any county with a charter form of government and  
4 with more than nine hundred fifty thousand inhabitants or any  
5 tributary thereof, or within three miles of any additional sites deemed  
6 to contain radioactive material by either the United States  
7 Environmental Protection Agency or the Missouri department of  
8 natural resources, shall be eligible to sell such home for the fair market  
9 rate to the state of Missouri through the hazardous waste home  
10 acquisition program administered by the Missouri department of  
11 natural resources.

12 2. In order to sell such home, the homeowner shall complete an  
13 application to the department on forms prescribed by the  
14 department. The application shall include:

15 (1) The homeowners' name;  
16 (2) The address of the home;  
17 (3) Proof of home ownership, including relevant title documents,  
18 warranty deeds, special warranty deeds, trustee's deeds, and quit claim  
19 deeds;

20 (4) An appraisal of the home indicating the fair market rate of  
21 the home that is dated within the previous three calendar months from  
22 the date of application; and

23 (5) Any other information the department deems necessary.

24 3. The department shall assess the homeowners' application  
25 within thirty calendar days, and notify the applicant of any deficiencies  
26 in writing by certified mail. Upon notification of application  
27 deficiencies, the applicant shall have an additional thirty calendar days  
28 to cure such deficiencies. Upon receiving a completed application  
29 cured of any deficiencies, the department shall have thirty calendar  
30 days to process the homeowners' application, make its final decision to  
31 approve or disapprove the application, and advise the applicant in

32 writing by certified mail of its decision.

33       4. If the department disagrees with the appraisal of the home  
34 indicating the fair market rate of the home, then the department shall  
35 also perform an appraisal on the home with such expenses paid by the  
36 hazardous waste home acquisition program fund established under  
37 section 260.860. Concurrently, a third appraisal of the fair market rate  
38 of the home shall be conducted by a real estate appraiser certified or  
39 licensed under chapter 339 mutually agreed upon by the department  
40 and the applicant at the applicant's cost. Upon completion of all three  
41 appraisals, the fair market rate shall be determined by averaging the  
42 fair market rate of all three appraisals. The appraisal process shall be  
43 concluded within ninety calendar days from the applicant's date of  
44 application. In the event either party is dissatisfied with the value  
45 determined by averaging such three appraisals, such party may bring  
46 an action for review in any court of competent jurisdiction. The court  
47 shall rule on any such petition for review in an expedited manner.

48       5. The department shall prioritize the purchasing of homes  
49 eligible for purchase under the hazardous waste home acquisition  
50 program by the following order of priority:

- 51           (1) Homes located within one mile of the West Lake Landfill;
- 52           (2) Homes located within one mile of the Bridgeton Landfill;
- 53           (3) Homes located within two miles of the West Lake Landfill;
- 54           (4) Homes located within two miles of the Bridgeton Landfill;
- 55           (5) All other homes.

56       6. The department shall promulgate rules and regulations to  
57 administer the hazardous waste home acquisition program. Any rule  
58 or portion of a rule, as that term is defined in section 536.010 that is  
59 created under the authority delegated in this section shall become  
60 effective only if it complies with and is subject to all of the provisions  
61 of chapter 536, and, if applicable, section 536.028. This section and  
62 chapter 536 are nonseverable and if any of the powers vested with the  
63 general assembly pursuant to chapter 536, to review, to delay the  
64 effective date, or to disapprove and annul a rule are subsequently held  
65 unconstitutional, then the grant of rulemaking authority and any rule  
66 proposed or adopted after August 28, 2016, shall be invalid and void.

441.236. 1. In the event that any premises to be rented, leased, sold,  
2 transferred or conveyed is or was used as a site for methamphetamine production,

3 the owner, seller, landlord or other transferor shall disclose in writing to the  
4 prospective lessee, purchaser or transferee the fact that methamphetamine was  
5 produced on the premises, provided that the owner, seller, landlord or other  
6 transferor has knowledge of such prior methamphetamine production. The owner  
7 shall disclose any prior knowledge of methamphetamine production, regardless  
8 of whether the persons involved in the production were convicted for such  
9 production.

10       **2. In the event that any premises to be rented, leased, sold,  
11 transferred, or conveyed is or was previously contaminated with  
12 radioactive material, the owner, seller, landlord, or other transferor  
13 shall disclose in writing to the prospective lessee, purchaser, or  
14 transferee the fact the premises is or was previously contaminated with  
15 radioactive material, provided that the owner, seller, landlord, or other  
16 transferor has knowledge of such radioactive contamination. In the  
17 event that an owner, seller, landlord, or other transferor does not make  
18 the disclosure as required under this subsection, and the person had  
19 knowledge of such radioactive contamination, the person shall be guilty  
20 of a class A misdemeanor.**

Bill ✓

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