

SECOND REGULAR SESSION

SENATE BILL NO. 558

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4775S.01I

AN ACT

To repeal section 441.236, RSMo, and to enact in lieu thereof five new sections relating to contaminated homes, with a penalty provision and an emergency clause.

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Section A. Section 441.236, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 260.850, 260.855, 260.860, 260.865, and 441.236, to read as follows:

260.850. Sections 260.850 to 260.865 shall be known as the "Missouri Contaminated Home Acquisition Program".

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

(1) "Department", the Missouri department of natural resources;

(2) "Home", a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common areas and common elements as defined in subdivision (4) of section 448.1-103. "Home" shall include the land and improvements to land under and around the house, unit, or structure. "Home" shall also include a manufactured home as defined in section 700.010.

260.860. There is hereby created in the state treasury the "Missouri Contaminated Home Acquisition Program Fund", which shall consist of moneys appropriated to the fund. The state treasurer shall be the custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements from the

6 fund. Upon appropriation by the general assembly, moneys in the fund
7 shall be used solely to purchase homes that meet the requirements set
8 forth in section 260.865. Notwithstanding the provisions of section
9 33.080 to the contrary, any moneys remaining in the fund at the end of
10 the biennium shall not revert to the credit of the general revenue
11 fund. The state treasurer shall invest moneys in the fund in the same
12 manner as other funds are invested. Any interest and moneys earned
13 on such investments shall be credited to the fund.

260.865. 1. Any Missouri homeowner whose home is determined
2 by a federal or state environmental or state health agency to be
3 uninhabitable due to contamination of thorium-230, with such thorium-
4 230 levels exceeding five times the background level, for which the
5 homeowner is not responsible shall be eligible to sell such home for the
6 fair market value less any cash settlement previously received or
7 awarded on this property to the state of Missouri through the Missouri
8 contaminated home acquisition program administered by the
9 department.

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

13 (1) The homeowners' name;

14 (2) The address of the home;

15 (3) Proof of home ownership, including relevant title documents,
16 warranty deeds, special warranty deeds, trustee's deeds, and quit claim
17 deeds;

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

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

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

30 applicant in writing by certified mail of its decision.

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

47 5. Any homeowner who applies to the department under
48 subsection 2 of this section shall be given priority based upon the order
49 in which their application was received. Secondary priority shall be
50 given to any homeowner who applies to the department under
51 subsection 2 of this section who has not received any past remediation
52 from, or on behalf of, any private or government entity for the
53 contaminated home.

54 6. The Missouri contaminated home acquisition program costs
55 shall not exceed twelve million five hundred thousand dollars. Upon
56 such program costs meeting the twelve million five hundred thousand
57 dollar limitation, such program shall terminate.

58 7. The state of Missouri nor the department of natural resources
59 shall be held responsible for any demolition or remediation of any
60 home purchased under the program created under this section, nor
61 shall the state of Missouri nor the department of natural resources be
62 liable for any cause of action relating to the purchase of homes under
63 this section; provided however, the department of natural resources
64 may collaborate with any federal agency for costs beyond the fair
65 market value of the purchased homes for purposes including, but not
66 limited to, home remediation and demolition.

67 **8. The department shall promulgate rules and regulations to**
68 **administer the Missouri contaminated home acquisition program. Any**
69 **rule or portion of a rule, as that term is defined in section 536.010 that**
70 **is created under the authority delegated in this section shall become**
71 **effective only if it complies with and is subject to all of the provisions**
72 **of chapter 536, and, if applicable, section 536.028. This section and**
73 **chapter 536 are nonseverable and if any of the powers vested with the**
74 **general assembly pursuant to chapter 536, to review, to delay the**
75 **effective date, or to disapprove and annul a rule are subsequently held**
76 **unconstitutional, then the grant of rulemaking authority and any rule**
77 **proposed or adopted on or after the effective date of this section, shall**
78 **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**
16 **other transferor has knowledge of such radioactive contamination. In**
17 **the event that an owner, seller, landlord, or other transferor does not**
18 **make the disclosure as required under this subsection, and the person**
19 **had knowledge of such radioactive contamination, the person shall be**
20 **guilty of a class A misdemeanor.**

 Section B. Because of the need to assist Missouri citizens who reside in
2 areas that have been deemed unhealthy and uninhabitable, section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the

5 meaning of the constitution, and section A of this act shall be in full force and
6 effect upon its passage and approval.

✓