

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 22

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, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 441.236, RSMo, is repealed and five new  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

5 260.850. Sections 260.850 to 260.865 shall be known as the  
6 "Missouri Contaminated Home Acquisition Program".

7 260.855. As used in sections 260.850 to 260.865, the  
8 following terms shall mean:

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

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

1 defined in section 700.010.

2 260.860. There is hereby created in the state treasury the  
3 "Missouri Contaminated Home Acquisition Program Fund", which  
4 shall consist of moneys appropriated to the fund. The state  
5 treasurer shall be the custodian of the fund. In accordance with  
6 sections 30.170 and 30.180, the state treasurer may approve  
7 disbursements from the fund. Upon appropriation by the general  
8 assembly, moneys in the fund shall be used solely to purchase  
9 homes that meet the requirements set forth in section 260.865.  
10 Notwithstanding the provisions of section 33.080 to the contrary,  
11 any moneys remaining in the fund at the end of the biennium shall  
12 not revert to the credit of the general revenue fund. The state  
13 treasurer shall invest moneys in the fund in the same manner as  
14 other funds are invested. Any interest and moneys earned on such  
15 investments shall be credited to the fund.

16 260.865. 1. Any Missouri homeowner whose home is  
17 determined by a federal or state environmental or health agency  
18 to be uninhabitable due to contamination for which the homeowner  
19 is not responsible or is located within three miles of any area  
20 in which a report by the U.S. Geological Survey for the U.S.  
21 Environmental Protection Agency has determined that the presence  
22 of dissolved combined radium exceeded the maximum contaminant  
23 level in at least twenty percent of the groundwater samples  
24 collected where dissolved radium was analyzed shall be eligible  
25 to sell such home for the fair market value to the state of  
26 Missouri through the Missouri contaminated home acquisition  
27 program administered by the department.

28 2. In order to sell such home, the homeowner shall complete

1 an application to the department on forms prescribed by the  
2 department. The application shall include:

3 (1) The homeowners' name;

4 (2) The address of the home;

5 (3) Proof of home ownership, including relevant title  
6 documents, warranty deeds, special warranty deeds, trustee's  
7 deeds, and quit claim deeds;

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

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

12 3. The department shall assess the homeowners' application  
13 within thirty calendar days, and notify the applicant of any  
14 deficiencies in writing by certified mail. Upon notification of  
15 application deficiencies, the applicant shall have an additional  
16 thirty calendar days to cure such deficiencies. Upon receiving a  
17 completed application cured of any deficiencies, the department  
18 shall have thirty calendar days to process the homeowners'  
19 application, make its final decision to approve or disapprove the  
20 application, and advise the applicant in writing by certified  
21 mail of its decision.

22 4. If the department disagrees with the appraisal of the  
23 home indicating the fair market value of the home, then the  
24 department shall also perform an appraisal on the home with such  
25 expenses paid by the Missouri contaminated home acquisition  
26 program fund established under section 260.860. Concurrently, a  
27 third appraisal of the fair market value of the home shall be  
28 conducted by a real estate appraiser certified or licensed under

1 chapter 339 mutually agreed upon by the department and the  
2 applicant at the applicant's cost. Upon completion of all three  
3 appraisals, the fair market value shall be determined by  
4 averaging the fair market value of all three appraisals. The  
5 appraisal process shall be concluded within ninety calendar days  
6 from the applicant's date of application. In the event either  
7 party is dissatisfied with the value determined by averaging such  
8 three appraisals, such party may bring an action for review in  
9 any court of competent jurisdiction. The court shall rule on any  
10 such petition for review in an expedited manner.

11 5. Any homeowner who applies to the department under  
12 subsection 2 of this section who has not received any past  
13 remediation from, or on behalf of, any private or government  
14 entity for the contaminated home shall be given priority.

15 6. The Missouri contaminated home acquisition program costs  
16 shall not exceed twelve million five hundred thousand dollars.

17 7. The department shall promulgate rules and regulations to  
18 administer the Missouri contaminated home acquisition program.  
19 Any rule or portion of a rule, as that term is defined in section  
20 536.010 that is created under the authority delegated in this  
21 section shall become effective only if it complies with and is  
22 subject to all of the provisions of chapter 536, and, if  
23 applicable, section 536.028. This section and chapter 536 are  
24 nonseverable and if any of the powers vested with the general  
25 assembly pursuant to chapter 536, to review, to delay the  
26 effective date, or to disapprove and annul a rule are  
27 subsequently held unconstitutional, then the grant of rulemaking  
28 authority and any rule proposed or adopted on or after the

1 effective date of this section, shall be invalid and void.

2 441.236. 1. In the event that any premises to be rented,  
3 leased, sold, transferred or conveyed is or was used as a site  
4 for methamphetamine production, the owner, seller, landlord or  
5 other transferor shall disclose in writing to the prospective  
6 lessee, purchaser or transferee the fact that methamphetamine was  
7 produced on the premises, provided that the owner, seller,  
8 landlord or other transferor has knowledge of such prior  
9 methamphetamine production. The owner shall disclose any prior  
10 knowledge of methamphetamine production, regardless of whether  
11 the persons involved in the production were convicted for such  
12 production.

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

25 Section B. Because of the need to assist Missouri citizens  
26 who reside in areas that have been deemed unhealthy and  
27 uninhabitable, section A of this act is deemed necessary for the  
28 immediate preservation of the public health, welfare, peace and

1 safety, and is hereby declared to be an emergency act within the  
2 meaning of the constitution, and section A of this act shall be  
3 in full force and effect upon its passage and approval.