

SECOND REGULAR SESSION

# HOUSE BILL NO. 2038

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor), DENISON, NORR, BURLISON,  
VIEBROCK AND DIXON (Co-sponsors).

4496L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to public safety arising from geologic sequestration.

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

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be  
2 known as section 319.600, to read as follows:

**319.600. 1. As used in this section:**

2 (1) "Entity" means any person, group of persons, partnership, firm, association,  
3 joint stock association, corporation, cooperative, state agency, federal agency, political  
4 subdivision, municipality, any institution of higher education, or any other legal entity,  
5 whether profit or nonprofit;

6 (2) "Single injection site" means all contiguous real property owned, leased, or  
7 licensed by the entity or entities engaged contractually in such injection at a particular  
8 location, regardless of where a release or migration may occur, within or without the single  
9 injection site, and regardless of the number of injection points within the single injection  
10 site.

11 2. The limits of liability for personal injury or death of any public or private entity  
12 arising from or related to the geologic sequestration of carbon dioxide or related  
13 substances resulting from the combustion of coal, natural gas, propane, or any other  
14 substances in the generation of electricity, or any sequestration research or testing related  
15 thereto, shall not exceed two million dollars for all claims arising from a single injection

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.

16 site and shall not exceed three hundred thousand dollars for any one person arising from  
17 a single injection site, except for those claims governed by chapter 287.

18 **3. No award for personal injury or death arising from or related to the geologic**  
19 **sequestration of carbon dioxide and related substances resulting from the combustion of**  
20 **coal, natural gas, propane, or any other substances in the generation of electricity, or any**  
21 **sequestration research or testing related thereto, shall include punitive or exemplary**  
22 **damages.**

23 **4. The limitations on liability set forth in this section shall include any liability for**  
24 **the acts or omissions of the employees or agents of the public or private entity involved or**  
25 **related to the geologic sequestration of carbon dioxide and related substances or**  
26 **sequestration research or testing.**

27 **5. If the amount awarded to or settled upon multiple claimants exceeds two million**  
28 **dollars, any party may apply to the appropriate circuit court to apportion his or her**  
29 **proper share of the total amount. Such share shall be in the proportion that the ratio of**  
30 **the award or settlement bears to the aggregate awards and settlements for all claims**  
31 **arising out of a single injection site, but shall not exceed three hundred thousand dollars.**

32 **6. Nothing in this section shall be construed to waive any immunities or**  
33 **requirements of any cause of action, or create any cause of action.**

34 **7. The provisions of this section shall only apply to single injection sites located in**  
35 **a county of the first classification with more than two hundred forty thousand three**  
36 **hundred but fewer than two hundred forty thousand four hundred inhabitants.**

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