

SECOND REGULAR SESSION

HOUSE BILL NO. 2038

95TH GENERAL ASSEMBLY

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

4496L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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 known as section 319.600, to read as follows:

319.600. 1. As used in this section:

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

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

2. The limits of liability for personal injury or death of any public or private entity arising from or related to the geologic sequestration of carbon dioxide or related substances resulting from the combustion of coal, natural gas, propane, or any other substances in the generation of electricity, or any sequestration research or testing related 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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