

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 41, Page 1, Section 537.291, Line 15, by
2 inserting after all of said section and line the following:

3
4 "640.236. In all civil actions involving claims that arise from the ownership, maintenance,
5 management, or control of underground hard rock mining or hard rock milling sites that ceased
6 operations prior to January 1, 1975, or that arise from chat or tailings generated at those sites,
7 brought against persons or entities alleged to have owned, maintained, managed, or controlled such
8 sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or
9 exemplary damages with respect to all claims that relate in any way to the ownership, maintenance,
10 management, or control of such sites, chat, or tailings, so long as such persons or entities or their
11 employees, agents, owners, parent, subsidiary, or any related companies have made or are making
12 good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good
13 faith efforts to remediate; however, substantial compliance with an order or permit issued by or
14 negotiated with either the state of Missouri or the United States concerning remediation or closure
15 shall be deemed to be good faith efforts to remediate. The exemption from punitive damages
16 provided for in this section shall not apply if the trier of fact finds that the injury that is the subject of
17 the civil action is attended by circumstances of fraud, malice, or willful and wanton conduct. In the
18 event that good faith efforts to remediate a site have not been made or the injury is found to be
19 attended by circumstances of fraud, malice, or willful and wanton conduct, then the total of any
20 awards of punitive or exemplary damages shall not exceed five hundred thousand dollars in the
21 aggregate as to all defendants in a civil action within this section. The provision of section 537.675
22 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages
23 shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing
24 in this section shall be construed as precluding any party from pursuing compensatory damages,
25 including claims for natural resource damages."; and
26

27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.

Action Taken _____ Date _____