

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 650, Pages 127-128, Section 640.236, Lines _____,

2 by striking all of said section and inserting in lieu thereof the
3 following:

4 "640.236. In all civil actions involving claims for
5 exposure or contamination arising from the ownership,
6 maintenance, management, or control of underground hard rock
7 mining or hard rock milling sites that ceased operations prior to
8 January 1, 1975, or such claims that arise from chat or tailings
9 generated at those sites, brought against persons or entities
10 alleged to have owned, maintained, managed, or controlled such
11 sites, chat, or tailings at any time, such persons and entities
12 shall be exempt from punitive or exemplary damages with respect
13 to all such claims that relate in any way to the ownership,
14 maintenance, management, or control of such sites, chat, or
15 tailings, so long as such persons or entities or their employees,
16 agents, owners, parent, subsidiary, or any related companies have
17 made or are making good faith efforts to remediate such sites.
18 Any evidence may be introduced to demonstrate good faith efforts
19 to remediate including substantial compliance with an order or
20 permit issued by or negotiated with either the state of Missouri
21 or the United States concerning remediation or closure. The

1 total of any awards of punitive or exemplary damages shall not
2 exceed five million dollars against any one defendant, including
3 any employees or agents thereof, in a civil action within this
4 section. The provisions of section 537.675 shall not apply to
5 such action, and one-half of any such awards for punitive or
6 exemplary damages shall be paid into the Missouri lead abatement
7 loan fund established under section 701.337. Nothing in this
8 section shall be construed as precluding any party from pursuing
9 compensatory damages, including claims for natural resource
10 damages."; and

11 Further amend the title and enacting clause accordingly.