

SENATE BILL NO. 599

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

2161S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to water exportation across state boundaries.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be known as section 640.406, to read as follows:

640.406. 1. For the purposes of this section, the following terms shall mean:

(1) "Beneficial uses", uses of the waters of the state, which include but are not limited to domestic, agricultural, industrial, recreational, and other legitimate beneficial uses;

(2) "Department", the Missouri department of natural resources;

(3) "Director", the director of the department of natural resources;

(4) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, water district, or any agency, board, department, or bureau of the federal or any state government, or any other legal entity which is recognized by law as the subject of rights and duties;

18 (5) "Water sources", all waters of the state occurring
19 on the surface, in natural or artificial channels, lakes,
20 reservoirs, or impoundments, and in subsurface aquifers
21 which are available or which may be made available.

22 2. It shall be unlawful for any person to withdraw
23 from any water source for export outside the state of
24 Missouri unless such person holds a water export permit
25 issued by the department.

26 3. Before issuing a permit for water exportation, the
27 director within one hundred and eighty days of receipt of a
28 complete application for a water exportation permit shall
29 make a recommendation for approval of such permit to the
30 general assembly if the director determines that the
31 conditions for such permit have been met. The general
32 assembly shall issue a decision within sixty days from the
33 director's submission of such recommendation. If the
34 general assembly does not issue a decision within the sixty
35 days time period, a permit is automatically denied. The
36 governor may veto any approvals by the general assembly for
37 any such permits. The director shall deny any such
38 application if the director determines that conditions set
39 forth in subsection 5 of this section have not been met.

40 4. If the general assembly approves a permit for water
41 exportation, the director shall issue such permit within
42 ninety days after receiving an approval from the general
43 assembly.

44 5. The director's recommendation for a water
45 exportation permit shall be determined if the following
46 conditions have been met:

47 (1) There is water available in the amount specified
48 in the application to export for water use outside the state
49 of Missouri;

50 (2) The applicant has a present or future need for the
51 water and intends to put the water into beneficial use. In
52 making the determinations of need and beneficial use, the
53 director shall consider the availability of all water
54 sources and other relevant matters as the director deems
55 appropriate, and may consider the availability of
56 groundwater as an alternative source;

57 (3) The proposed use will not interfere with existing
58 in-state use; and

59 (4) The proposed use will not interfere with proposed
60 beneficial uses within the state. In making this
61 determination, the director shall conduct a review pursuant
62 to this section.

63 6. (1) Applications for renewal of a water export
64 permit shall be filed at least one hundred and eighty days
65 prior to the expiration date of the existing permit. Prior
66 to submitting a recommendation for renewal to the general
67 assembly, the director shall determine whether the
68 conditions in subsection 5 of this section are still
69 satisfied.

70 (2) The director shall consider existing and proposed
71 in-state uses in order to guarantee that in-state users will
72 have access to and use of all water required to maintain an
73 adequate supply for beneficial uses.

74 (3) The director shall review the needs for water
75 supply export every five years to determine whether the
76 water supply continues to be adequate for municipal,
77 agricultural, industrial, domestic, and other beneficial
78 uses within the state.

79 7. Consideration for each permit application and
80 renewal are subject to the most recent reports, data, and
81 information in consideration of each permit application,

82 whether the application is for an initial permit or renewal
83 of an active or expired permit.

84 8. The review conducted pursuant to subsection 5 of
85 this section shall not be used to reduce the quantity of
86 water authorized to be transferred pursuant to the active
87 life of permits issued prior to such review.

88 9. On the filing of an application to export water
89 outside the state, the applicant shall designate an agent in
90 the state of Missouri for service of process and to receive
91 other notices.

92 10. In the event of a conflict between the conditions
93 of use required in Missouri and conditions required in
94 another state, the water permit holder shall consent to
95 conditions imposed by the director.

96 11. The time-limited, active life of the permit, not
97 to exceed five years, requires the director to determine
98 whether there has been a substantial or material change
99 relating to renewals of such permits. The director may
100 recommend additional conditions to address any such
101 substantial or material change before submitting
102 recommendations for renewal of such permit to the general
103 assembly. The director may deny permit renewal applications
104 as necessary to comply with this section based on any such
105 substantial or material change.

106 12. At the request of the department, the attorney
107 general may bring an injunctive action or other appropriate
108 action to enforce provisions of this section. Suit may be
109 brought in any county where the defendant's principal place
110 of business is located or where violation under this section
111 occurred.

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