

HCS HB 2153 -- WATER EXPORTATION

SPONSOR: Burger

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 13 to 0.

The following is a summary of the House Committee Substitute for HB 2153.

This bill specifies that it is unlawful for any person to withdraw from any water source for export outside the state of Missouri unless he or she holds a water export permit issued by the Department of Natural Resources. However, a water export permit is not necessary for any withdrawal where the withdrawal and end use are in the same six digit hydrological unit code.

Before issuing a permit for water exportation, the Director must determine if certain conditions specified in the bill are met. In addition, the Director of the Department must, within 180 days of receipt of an application, submit a recommendation for such permit to the Clean Water Commission. The Commission, at its next meeting, must indicate its approval or disapproval of the Department's recommendation by a majority vote. If the Commission recommends approval, the Director must issue the permit within 90 days of approval. If the Commission recommends disapproval, the Director must deny the permit.

Applications for renewal of water exportation permit must be filed 180 days before the expiration date of a permit. The Director must review the water supply needs and considerations specified in the bill, and may recommend additional conditions to address any substantial or material change in the permit. If there is a conflict between conditions of use required in Missouri and in another state, the water permit holder must consent to the conditions imposed by the Director. The active life of a permit may not exceed five years.

At the request of the Department, the Attorney General may bring a civil action for injunctive relief in any county where defendant's principal place of business is located or where the violation occurred.

This bill is similar to SB 782 (2024); and SB 599 and HB 1129 (2023).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that unlike many other states, Missouri has an abundance of water and the state needs to protect the water supply for Missouri residents and businesses. This bill is a proactive measure to ensure that the water supply is protected from out-of-state parties.

Testifying in person for the bill were Representative Burger; Missouri Farm Bureau; Joshua B Youngblood, Missouri Public Utility Alliance; Missouri Soybean Association; Missouri Corn Grower's Association; and John Madras, Missouri Chapter Sierra Club.

OPPONENTS: Those who oppose the bill say that some water companies have contracts to move water to just over the border. The contracts are very limited but do provide water to those outside of the state.

Testifying in person against the bill was Missouri American Water.

OTHERS: Others testifying on the bill say that Missouri is a water rich state and the furthest west riparian rights state. In other states, large pipelines are being built to move water from one water basin to another.

Testifying in person on the bill was TJ Graven, Missouri Department Of Natural Resources.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.