

# SENATE BILL NO. 782

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4468S.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  
2 one new section, to be known as section 640.406, to read as  
3 follows:

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

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

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

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

11 (4) "Person", any individual, partnership,  
12 copartnership, firm, company, public or private corporation,  
13 association, joint stock company, trust, estate, political  
14 subdivision, water district, or any agency, board,  
15 department, or bureau of the federal or any state  
16 government, or any other legal entity which is recognized by  
17 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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