

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 63

96TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR MAYER.

Pre-filed December 22, 2010, and ordered printed.

Read 2nd time January 20, 2011, and referred to the Committee on Agriculture, Food Production and Outdoor Resources.

Reported from the Committee February 24, 2011, with recommendation that the bill do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 28, 2011.

Re-reported from the Committee March 3, 2011, with recommendation that the bill do pass.

Taken up for Perfection March 9, 2011. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0525S.01P

---

---

## AN ACT

To repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

---

---

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

Section A. Section 256.400, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 256.400 and 256.433, to read as  
3 follows:

256.400. As used in sections 71.287 and 256.400 to [256.430] **256.433**,  
2 unless the context clearly indicates otherwise, the following terms mean:

3 (1) "Department", the department of natural resources;

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

5 (3) "Division", the division of geology and land survey of the department  
6 of natural resources;

7 (4) "Major water user", any person, firm, corporation or the state of  
8 Missouri, its agencies or corporations and any other political subdivision of this  
9 state, their agencies or corporations, with a water source and equipment  
10 necessary to withdraw or divert one hundred thousand gallons or more per day  
11 from any stream, river, lake, well, spring or other water source;

12 (5) "State geologist", the director of the division of geology and land survey

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 of the department of natural resources;

14 (6) "Water source", any stream, river, lake, well, spring or other water  
15 source.

**256.433. Notwithstanding any provision of law to the contrary,  
2 no major water user shall convey water withdrawn or diverted from  
3 within the Southeast Missouri Regional Water District created under  
4 section 256.643 when such withdrawal or diversion and subsequent  
5 conveyance to a location outside such district unduly interferes with  
6 the reasonable and customary activities of a major water user  
7 registered under section 256.410 located within said district. If such  
8 conveyance occurs, the attorney general or the party or parties affected  
9 may file an action for an injunction, however, in no case shall an  
10 injunction be issued if the injunction would be detrimental to public  
11 health or safety.**

✓

Bill

Copy