

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1351

102ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LUETKEMEYER.

5262S.04P

KRISTINA MARTIN, Secretary

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## AN ACT

To repeal section 256.410, RSMo, and to enact in lieu thereof one new section relating to the release of certain confidential information by the Missouri geological survey, with penalty provisions.

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

Section A. Section 256.410, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 256.410,  
3 to read as follows:

256.410. 1. No major water user shall withdraw or  
2 divert water from any water source without filing an  
3 official registration document with the division. The  
4 registration document shall set forth:

- 5 (1) The name and mailing address of the applicant;
- 6 (2) The name, if any, and location of the water source;
- 7 (3) The type of water source (such as well, lake or  
8 stream);
- 9 (4) The point in the water source from which it is  
10 proposed to withdraw or divert the water;
- 11 (5) The name, location, and acreage of the lands or  
12 other application to which such water is to be diverted;

13           (6) The location and description of the water well,  
14 canal, tunnel or pipes and other works or equipment through  
15 which the water is to be withdrawn or diverted;

16           (7) The amount in gallons of water withdrawn or  
17 diverted on an average day of operation, and the number of  
18 days and the months during the preceding year, when water  
19 was diverted;

20           (8) The total amount in gallons withdrawn or diverted  
21 during the preceding year, and the periods of time when such  
22 diversion is scheduled during the current year.

23 The foregoing requirements of this subsection shall not  
24 apply to water being pumped from mines and quarries and such  
25 water user shall only be required to set forth the quantity  
26 pumped from the mine and quarry at each point where it is  
27 pumped to the point to discharge and only the name of the  
28 stream into which any of the discharge is permitted to flow.

29           2. Withdrawal or diversion of water by major users may  
30 continue during the first calendar year after September 28,  
31 1983, or after the initial date of their operation, at which  
32 time a registration document must be filed. The filing  
33 period shall extend from January first through March thirty-  
34 first. Withdrawal or diversion may continue during the  
35 filing period. Location data shall be given in terms of  
36 section, township and range.

37           **3. Except as provided in this subsection, all**  
38 **information obtained by the Missouri geological survey from**  
39 **the filed registration document shall remain confidential**  
40 **and shall not be released by the Missouri geological survey**  
41 **to the public or disclosed in response to any request,**  
42 **including a records request under chapter 610. However, the**  
43 **Missouri geological survey may disclose in the aggregate for**

44 each county the number of major water users and the amount  
45 of water used. Additionally, the Missouri geological survey  
46 may disclose information obtained from the document in  
47 response to a subpoena or a court order, but in doing so the  
48 Missouri geological survey shall not disclose more  
49 information than is necessary to comply with the subpoena or  
50 order. Any employee of the Missouri geological survey who  
51 purposely or knowingly discloses confidential information in  
52 violation of this subsection shall be subject to  
53 disciplinary action by the Missouri geological survey and is  
54 guilty of a class A misdemeanor. This subsection shall only  
55 apply to information obtained from major water users with  
56 respect to water withdrawn or diverted for use on  
57 agricultural land, as defined in section 350.010, within the  
58 state.

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