

SENATE BILL NO. 1397

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

5858S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 644.057, RSMo, and to enact in lieu thereof two new sections relating to water regulation.

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

Section A. Section 644.057, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 644.057 and 644.083, to read as follows:

644.057. Notwithstanding any statutory fee amounts or
2 maximums to the contrary, the director of the department of
3 natural resources may conduct a comprehensive review and
4 propose changes to the clean water fee structure set forth
5 in sections 644.052, 644.053, and 644.061. The
6 comprehensive review shall include stakeholder meetings in
7 order to solicit stakeholder input from each of the
8 following groups: agriculture, industry, municipalities,
9 public and private wastewater facilities, and the
10 development community. Upon completion of the comprehensive
11 review, the department shall submit a proposed fee structure
12 with stakeholder agreement to the clean water commission.
13 The commission shall review such recommendations at the
14 forthcoming regular or special meeting, but shall not vote
15 on the fee structure until a subsequent meeting. [In no
16 case shall the clean water commission adopt or recommend any
17 clean water fee in excess of five thousand dollars.] If the

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

commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structures set forth in sections 644.052, 644.053, and 644.061 shall expire upon the effective date of the commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, 2030. If the commission's authority to revise the fee structure as provided by this section expires, the fee structure in place at the time of expiration shall remain in place.

644.083. 1. Notwithstanding any provision of law to the contrary, a person who has contracted for the right to

3 store water in a reservoir owned by the United States Army
4 Corps of Engineers shall have exclusive rights to any return
5 flows generated directly or indirectly to that reservoir by
6 the person. The rights under by this section shall be
7 subject to regulatory requirements imposed by the state and
8 to the availability to the person of unused storage capacity
9 within the reservoir to store such return flows.

10 2. For purposes of this section, "return flow" means
11 water that is discharged directly or indirectly to a
12 reservoir from a water reclamation facility.

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