

# HB 1546 -- WATER EXPORTATION ACROSS STATE BOUNDARIES

SPONSOR: Burton

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 or within 30 miles of the state border.

Before issuing a permit for water exportation, the Director must determine if certain conditions specified in the bill are met and hold a 30 day public comment period. If the Department approves the application, it must send its findings to the Clean Water Commission and the Missouri Soil and Water Districts Commission for review. The Commissions, at their next meeting, must indicate agreement with the Department's recommendation. A permit is issued for a period of up to three years.

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.

A person is not precluded from bringing any claim to defend the person's water rights. A permit will not serve as a defense to any claim brought against a water permit holder for the infringement of water rights.

If the Attorney General receives a complaint alleging a violation of the provisions of the bill, 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.

Whenever a person applies for a permit, the Department must send a written notice to the County Commissioner of the county where the water for exportation is located.

Whenever the United States Drought Monitor (USDM) indicates a D2 level drought for any county for which an export permit has been issued, or whenever the Governor declares a state of emergency because of drought conditions, the Department must reevaluate all existing water exportation permits.

This bill is the same as SCS HB 2153 (2024).