

HCS SS SCS SB 82 -- WATER RESOURCES

SPONSOR: Burger

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 8 to 10.

The following is a summary of the House Committee Substitute for SB 82.

This bill modifies the provisions relating to water resources.

WATERWAYS AND PORTS TRUST FUND (Section 68.080)

This bill specifies that funds in the Waterways and Ports Trust Fund can only be withdrawn at the request of a Missouri Port Authority for statutorily permitted port purposes and adds the City of St. Louis to the locations in which a capital improvement project can be sited in order to receive an appropriation from the Waterways and Ports Trust Fund.

This provision is similar to HB 928 (2025) and HB 685 (2025).

LEAD IN SCHOOL DRINKING WATER (Sections 160.077 & 701.200)

Currently, there are two Missouri statutes that address lead contamination in school water.

This bill modifies the "Get the Lead Out of School Drinking Water Act", and the definitions of "drinking water outlet" and "remediation". A "drinking water outlet" now includes outlets that are used for cleaning cooking or eating utensils and "remediation" now excludes flushing practices and adds filtering the water.

The bill requires that lead filters meet the standards set by the Department of Natural Resources and allow for the removal of a water outlet from service as an option if lead contamination is discovered.

This bill specifies that if all drinking water outlets in a school have test results of less than five parts per billion for lead, the school is only required to be tested every five years.

The bill repeals provisions regarding school districts serving students under first grade that were constructed before 1996.

This provision is similar to HB 995 (2025).

WATER EXPORTATION(section 640.406)

This bill prohibits any person from exporting water resources outside the State unless the person holds a water exportation permit issued by the Department of Natural Resources, subject to certain specified exemptions.

The Director of the Department must review each water exportation permit application and all supporting documents to ensure the required conditions have been met prior to accepting a water exportation application for public comment and review by the State Soil and Water Districts Commission. In the event of a conflict between water uses outside the State and the needs of the State, the Director and the Commission must prioritize the needs of the State.

Within 120 days after receipt of a complete application, the Director must determine whether the applicant complied with the requirements for a permit. After making such a determination, the Director must hold a 30-day public comment period regarding the determination. Within 60 days after the comment period, the Director must recommend approval or denial of the permit and submit the recommendation and public comments to the Commission. The Commission must make the final decision as to the approval or denial of the permit, as specified in the bill.

To renew a water exportation permit, an applicant must file a renewal application with the Department, as required in the bill. The process for reviewing the renewal application is described in the bill. In the absence of an appeal, the decision of the Commission must be final.

The permit is in effect for three years from issuance and the permit holder will annually report the water use volumes, withdrawal rates, and end use to the Department. The water exportation permit application must include all water exportation requested by the applicant. An applicant can include multiple water withdrawals for export from various locations within one water exportation permit application.

A major water user can request the Department to reevaluate any existing water exportation permit using the criteria specified in the bill. The Department must create a mechanism for a major water user to submit a request for reevaluation of the permit.

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. In addition, any person harmed by the issuance of a permit can bring action to enforce the provisions of the bill.

If the Attorney General receives a complaint for violations of the provisions of the bill, or at the request of the Department, the Attorney General must bring an injunctive action or other appropriate action. A suit can be brought in Cole County or any county where the defendant's principal place of business is located or where the withdrawal of water occurred.

Whenever a state of emergency is declared by the Governor in any part of the State based on drought conditions, the Department must reevaluate any existing water exportation permit.

This provision is similar to HB 1295 (2025).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that unlike many other states, Missouri has an abundance of water and the State needs to protect the water supply for Missouri residents and businesses. Recently, the Kansas Governor has mentioned using the water in Missouri to meet Kansas's needs. This bill is a proactive measure to ensure that the water supply is protected from out-of-state parties.

Testifying in person for the bill were Senator Burger; The Nature Conservancy; Arnie Dienoff; Missouri Cattlemens Association ; Missouri American Water; Missouri Soybean Association; Missouri Farm Bureau; Missouri Corn Growers Association; and Jamie P. Blair, Missouri Rural Crisis Center.

OPPONENTS: Those who oppose the bill say that Missouri is a riparian rights state as it relates to water rights. This bill would infringe on such rights. In addition, companies bottling water have extracted large amounts of water in other states, but this practice is exempted under the bill.

Testifying in person against the bill was Armorvine, LLC.

OTHERS: Others testifying on the bill say the Kansas City has agreements with small communities across the border in Kansas to provide drinking water in times of extreme drought. The infrastructure is in place to provide the service and the city would like to continue providing the service.

Testifying in person on the bill was Shannon Cooper, City Of Kc.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.