

FIRST REGULAR SESSION

# HOUSE BILL NO. 858

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HAMPTON (Sponsor), RICHARDSON, SMITH (150),  
LICHTENEGGER, WRIGHT, WALLINGFORD, DAY, WETER, THOMSON,  
FITZWATER AND REDMON (Co-sponsors).

1230L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 256.400, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 256.400 and 256.433, to read as follows:

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

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

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

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

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

(5) "State geologist", the director of the division of geology and land survey of the department of natural resources;

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

**256.433. Notwithstanding any provision of law to the contrary, no major water user shall convey water withdrawn or diverted from within the Southeast Missouri Regional**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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