

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1713**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, April 27, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

5243S.04C

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**AN ACT**

To repeal sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, and to enact in lieu thereof six new sections relating to water systems, with an emergency clause for a certain section.

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

Section A. Sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 256.437, 256.438, 256.440, 256.443, 256.447, and 644.200, to read as follows:

256.437. As used in sections 256.435 to 256.445, the following terms mean:

- (1) "Director", the director of the department of natural resources;
- (2) "Flood control storage", storage space in reservoirs to hold flood waters;
- (3) "Plan", a preliminary engineering report describing the water resource project;
- (4) "Public water supply", a water supply for agricultural, municipal, industrial or domestic use;
- (5) "Sponsor", any political subdivision of the state or any public wholesale water supply district;
- (6) "Water resource project", a project containing **planning, design, construction, or renovation of:**
  - (a) Public water supply [storage and treatment and water source erosion];

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

15 [and]

16 (b) Flood control storage; or

17 **(c) Treatment or transmission facilities for public water supply.**

256.438. 1. There is hereby established in the state treasury a fund to be  
2 known as the "Multipurpose Water Resource Program [Renewable Water  
3 Program] Fund", which shall consist of all money deposited in such fund from  
4 whatever source, whether public or private. Notwithstanding the provisions of  
5 section 33.080 to the contrary, any moneys remaining in the fund at the end of  
6 the biennium shall not revert to the credit of the general revenue fund. The state  
7 treasurer shall invest moneys in the fund in the same manner as other funds are  
8 invested. Any interest and other moneys earned on such investments shall be  
9 credited to the fund. Any unexpended balance in such fund at the end of any  
10 appropriation period shall not be transferred to the general revenue fund and,  
11 accordingly, shall be exempt from the provisions of section 33.080 relating to the  
12 transfer of funds to the general revenue funds of the state by the state treasurer.

13 **2. The department of natural resources is hereby granted**  
14 **authority to establish rules by which project sponsors can remit**  
15 **contributions to the fund created under this section. Such**  
16 **contributions shall only be collected from water resource project**  
17 **sponsors who are awarded financial assistance from the fund for water**  
18 **resource projects, as described in sections 256.435 to 256.445. The**  
19 **contributions shall be used for the cost of administering the fund and**  
20 **the provision of financial assistance from the fund as described in**  
21 **sections 256.435 to 256.445.**

22 **3. Upon appropriation, the department of natural resources shall use**  
23 **money in the fund created by this section for the purposes of carrying out the**  
24 **provisions of sections 256.435 to 256.445, including, but not limited to, the**  
25 **provision of grants or other financial assistance, and, if such limitations or**  
26 **conditions are imposed, only upon such other limitations or conditions specified**  
27 **in the instrument that appropriates, grants, bequeaths, or otherwise authorizes**  
28 **the transmission of money to the fund.**

29 **4. The department of natural resources shall have the authority**  
30 **to promulgate rules to implement this section. Any rule or portion of**  
31 **a rule, as that term is defined in section 536.010 that is created under**  
32 **the authority delegated in this section shall become effective only if it**  
33 **complies with all of the provisions of chapter 536, and, if applicable,**

34 **section 536.028. This section and chapter 536 are nonseverable and if**  
35 **any of the powers vested with the general assembly pursuant to chapter**  
36 **536, to review, to delay the effective date, or to disapprove and annul**  
37 **a rule are subsequently held unconstitutional, then the grant of**  
38 **rulemaking authority and any rule proposed or adopted after August**  
39 **28, 2016, shall be invalid and void.**

256.440. In order to ensure adequate, long-term, reliable public water  
2 supply [storage], **treatment, and transmission facilities**, there is hereby  
3 established a "**Multipurpose Water Resource Program**". The program shall be  
4 administered by the department of natural resources. The state may participate  
5 with a sponsor in the development, construction or renovation of a water resource  
6 project if the sponsor has a plan which has been submitted to and approved by  
7 the director. **Prior to approval, such plan shall include a schedule,**  
8 **proposed by the sponsor, to remit contributions back to the fund**  
9 **created under section 256.438. Any money received by the department**  
10 **of natural resources as a result of its participation with any such**  
11 **sponsor shall be deposited in the multipurpose water resource program**  
12 **fund created under section 256.438.**

256.443. 1. The plan shall include a description of the project, the need  
2 for the project, land use and treatment measures to be implemented to protect the  
3 project from erosion, siltation and pollution, procedures for water allocation,  
4 criteria to be implemented in the event of drought or emergency, and such other  
5 information as the director may require to adequately protect the water resource.

6 2. The director shall only approve a plan upon a determination that long-  
7 term reliable public water supply [storage], **treatment, or transmission**  
8 **facility** is needed in that area of the state, **and that such plan will provide**  
9 **a long-term solution to water supply needs.** Implementation of approved  
10 plans will be eligible for cost-sharing expenses as approved by the state soil and  
11 water districts commission incurred for required land treatment practices to  
12 implement soil conservation plans.

13 3. **[Water] Approved water resource plans and** projects shall be  
14 eligible to receive any gifts, contributions, grants or bequests from federal, state,  
15 private or other sources for engineering, construction or renovation costs  
16 associated with such projects, except that no proceeds from the sales and use tax  
17 levied pursuant to Sections 47(a) to 47(c) of Article IV of the State Constitution  
18 shall be used for such purposes.

19           4. **Approved water resource projects may be granted funds from,**  
20 **and remit contributions to, the multipurpose water resource program**  
21 **fund pursuant to section 256.438.**

          256.447. **The department of natural resources may adopt rules**  
2 **and regulations necessary to implement the provisions of sections**  
3 **256.437 to 256.445. Any rule or portion of a rule, as that term is defined**  
4 **in section 536.010 that is created under the authority delegated in this**  
5 **section shall become effective only if it complies with and is subject to**  
6 **all of the provisions of chapter 536, and, if applicable, section**  
7 **536.028. This section and chapter 536 are nonseverable and if any of**  
8 **the powers vested with the general assembly pursuant to chapter 536,**  
9 **to review, to delay the effective date, or to disapprove and annul a rule**  
10 **are subsequently held unconstitutional, then the grant of rulemaking**  
11 **authority and any rule proposed or adopted after August 28, 2016, shall**  
12 **be invalid and void.**

          644.200. 1. **Notwithstanding any other provision of law, the**  
2 **department of natural resources shall provide any municipality or**  
3 **community currently served by a wastewater treatment system with**  
4 **information regarding options to upgrade the existing system to meet**  
5 **any new or existing discharge requirements. The information provided**  
6 **shall include available advanced technologies including biological**  
7 **treatment options.**

8           2. **The municipality or community, or a third party hired by the**  
9 **community or municipality, may conduct an analysis of available**  
10 **options to meet any new or existing discharge requirements including,**  
11 **but not limited to, the construction or installation of a new wastewater**  
12 **collection or treatment facility, connection to an existing collection or**  
13 **treatment facility outside the municipality or community, and**  
14 **upgrading or expanding the existing wastewater treatment system. The**  
15 **analysis shall include an examination of the feasibility and the cost of**  
16 **each option.**

17           3. **If upgrading or expanding the existing wastewater treatment**  
18 **system is feasible and cost effective and will enable the system to meet**  
19 **the discharge requirements, the department shall allow the entity to**  
20 **implement such option.**

          [256.439. **In order to provide public water supply storage**  
2       **treatment and water-related facilities in both urban and rural**

3 areas of the state, there is hereby established a "Multipurpose  
4 Water Resources Program". The program shall be administered by  
5 the state department of natural resources. The state department  
6 of natural resources may adopt rules and regulations necessary to  
7 implement the provisions of sections 256.437 to 256.445.]

Section B. Because immediate action is necessary to ensure that a  
2 municipality or community has the ability to select the most fiscally responsible  
3 option for safely treating wastewater in its community, the enactment of section  
4 644.200 of this act is deemed necessary for the immediate preservation of the  
5 public health, welfare, peace, and safety, and is hereby declared to be an  
6 emergency act within the meaning of the constitution, and the enactment of  
7 section 644.200 of this act shall be in full force and effect upon its passage and  
8 approval.

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