

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1179

96TH GENERAL ASSEMBLY

4114L.01T

2012

AN ACT

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

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Section A. Section 256.400, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 256.400 and 256.433, to read as follows: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 Notwithstanding any provision of law to the contrary, no major water user shall convey water withdrawn or diverted from within the Southeast Missouri Regional Water District created under section 256.643 when such withdrawal or diversion and subsequent conveyance to a location outside such district unduly interferes with the

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.

5 **reasonable and customary activities of a major water user registered under section 256.410**
6 **located within such 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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