

SECOND REGULAR SESSION

SENATE BILL NO. 1120

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS HEGEMAN, PEARCE, RICHARD AND KEHOE.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6606S.03I

AN ACT

To repeal sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, and to enact in lieu thereof four new sections relating to multipurpose water resources.

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Section A. Sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 256.437, 256.438, 256.440, and 256.443, to read as follows: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];
 - (b) Flood control storage[.]; **or**
 - (c) **Treatment or transmission facilities for public water supply.**

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

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 "Water Resource Program". The program shall be administered by
4 the department of natural resources. The state may participate with a sponsor
5 in the development, construction or renovation of a water resource project if the
6 sponsor has a plan which has been submitted to and approved by the director.
7 **Prior to approval, such plan shall include a schedule, proposed by the**
8 **sponsor, to remit contributions back to the fund created under section**
9 **256.438. Any money received by the department of natural resources**
10 **as a result of its participation with any such sponsor shall be deposited**
11 **in the multipurpose water resource program fund created under**
12 **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.**

2 [256.439. In order to provide public water supply storage
3 treatment and water-related facilities in both urban and rural
4 areas of the state, there is hereby established a "Multipurpose
5 Water Resources Program". The program shall be administered by
6 the state department of natural resources. The state department
7 of natural resources may adopt rules and regulations necessary to
 implement the provisions of sections 256.437 to 256.445.]

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Unofficial

Bill

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