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Concern SCS for SB 82

Senate Bill No. 82, introduced in the 103rd General Assembly of Missouri, amends Chapter 640 of the Revised Missouri Statutes (RSMo) by adding two new sections, 640.406 and 640.408, to regulate the exportation of Missouri's water resources. The bill establishes a permitting process overseen by the Missouri Department of Natural Resources and a newly created Missouri Water Resources Commission. It claims to protect in-state water access by requiring permits for exporting water out of Missouri, with exemptions for certain uses like bottled water and withdrawals within 30 miles of the state border. However, there are significant concerns about the consequences of this bill for Missourians.

Why People Should Oppose Changes to the Permitting Process

The permitting process outlined in Section 640.406 introduces a structured but potentially burdensome and politically influenced system that could disrupt the current balance of water resource management. Here's why maintaining the existing approach might be preferable:

- 1. Bureaucratic Overreach and Delay:** The bill imposes a multi-step review process involving the Department of Natural Resources, public comment periods, and approval by the Missouri Water Resources Commission (see *Section 640.406, subsections 3 and 4, lines 47-101*).
- 2. Political Influence Over Water Rights:** The Missouri Water Resources Commission, established in *Section 640.408 (lines 1-21)*, consists of nine members, including political appointees from the House and Senate, alongside agency representatives. Requiring a three-fourths majority vote for permit approval (*Section 640.406, subsection 4, lines 99-101*) introduces a risk of partisan gridlock or favoritism, potentially undermining fair access to water.
- 3. Potential for Arbitrary Restrictions:** The bill allows the director and Commission to impose additional conditions or revoke permits during renewals or emergencies (*Section 640.406, subsections 4(1) and 11, lines 109-113 and 171-184*), based on vague criteria like "substantial or material change" or drought conditions. This flexibility could lead to inconsistent enforcement, favoring large corporate interests over the needs of the people of Missouri.

Why We Should Worry About Large Water Companies Bottling and Shipping Water

The bill's exemption for bottled water exportation (*Section 640.406, subsection 2(2), line 45-46*) raises serious concerns about large water companies exploiting Missouri's resources, potentially at the expense of local needs:

1. Unregulated Exportation of Bottled Water: By exempting “*exportation of bottled water, or water packaged in containers intended for single use*” from the permitting process, the bill allows large corporations to extract and ship unlimited quantities of Missouri water without oversight. This loophole (found explicitly in *Section 640.406, subsection 2(2)*) could enable companies to profit by bottling Missouri's water resources and selling them elsewhere, depleting local supplies without scrutiny or limits.

2. Threat to Local Beneficial Uses: *Section 640.406, subsection 3(6) (lines 73-77)* prioritizes in-state beneficial uses over out-of-state needs in permit decisions, but this protection doesn't apply to bottled water exports. Large-scale bottling operations could reduce water availability for Missouri's domestic, agricultural, and industrial users, especially during droughts, when the governor might declare a state of emergency (*Section 640.406, subsection 11, lines 171-177*). Without regulation, these companies could operate unchecked, leaving local communities vulnerable.

3. Profit Over Public Interest: The lack of reporting or volume restrictions on bottled water exports (unlike permitted exports, which require annual reports per *Section 640.406, subsection 5, lines 125-128*) means large water companies could prioritize profit-driven exportation over the public good. This contrasts with the bill's stated goal of protecting Missouri's water for its citizens (*Section 640.406, subsection 2, lines 32-35*), creating a glaring inconsistency that favors corporate interests.

Conclusion

Senate Bill No. 82 aims to safeguard Missouri's water resources but introduces a permitting process that could complicate access and unfairly favor corporate interests, while its exemption for bottled water opens the door to exploitation by large companies. People should be wary of changing the current permitting framework due to the risk of bureaucratic inefficiency and political bias (*Sections 640.406 and 640.408*), and they should be alarmed by the potential for corporate overreach in bottling and exporting water (*Section 640.406, subsection 2(2)*). These provisions could undermine local water security and equitable resource management, making the bill a double-edged sword for Missouri residents.

ACT4MO.ORG asks that you oppose this legislation!