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Bill Analysis
Legislative Service Commission

H.B. 622

123rd General Assembly
(As Introduced)

Reps. Young, Allen, Buehrer, Schuring, Taylor, Terwilleger, Van Vyven

BILL SUMMARY

- Exempts agricultural facilities from registration requirements regarding the capacity for water withdrawals and reporting requirements regarding actual water withdrawals.

CONTENT AND OPERATION

Registration requirements: current law

General requirement

Current law requires any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources to register the facility with the Chief of the Division of Water in the Department of Natural Resources. The person must register the facility using a form prescribed by the Chief that must include at least the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the Chief may require by rule. (Sec. 1521.16(A).)

Ground water stress area requirement

Current law defines "ground water" as all water occurring in an aquifer and "ground water stress area" as a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals (sec. 1521.01(D) and (E), not in the bill). Under current law, the Chief must adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold

withdrawal capacity for the area below which the registration requirements regarding ground water stress areas do not apply (sec. 1521.16(B)).

The Chief may designate a ground water stress area by order. If the Chief does so, he must give notice of the designation by publication in a newspaper of general circulation in the designated area. A person who owns a facility in the designated ground water stress area that is not registered under the general registration requirement described above and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources must register the facility with the Chief not later than 30 days after publication of the notice. A person registering a facility must do so using a form prescribed by the Chief that includes all the information required under the general registration requirement described above. (Sec. 1521.16(B).)

Reporting requirement: current law

Under current law, any person who owns a facility registered under the general requirement or the ground water stress area requirement must file a report annually with the Chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information that the Chief may require by rule. A person who provides such information to the Environmental Protection Agency under the Safe Drinking Water Law is exempt from the reporting requirement. (Sec. 1521.16(C).)

Prohibitions: current law

Current law prohibits any person from knowingly failing to register a facility or file a report as required and establishes a penalty of a fourth degree misdemeanor for doing so (sec. 1521.99(A), not in the bill, and 1521.16(E)(1)). In addition, at the request of the Director of Natural Resources, the Attorney General may commence a civil action to compel compliance with the registration and reporting requirements against a person who knowingly fails to register or report as required (sec. 1521.16(F)). Filing a false report also is prohibited and constitutes the criminal offense of falsification (sec. 1521.16(E)(2)).

The bill: exemption from registration and reporting requirements for agricultural facilities

The bill specifies that none of the above registration or reporting requirements, including the requirements involving ground water stress areas, apply to a person who owns a facility that is engaged in agriculture (sec. 1521.16(G)). "Agriculture" includes farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities;

animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the above activities that are made by the Director of Agriculture by rule adopted in accordance with the Administrative Procedure Act (sec. 1.61, not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-28-00	p. 1719

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