

SENATE BILL NO. 1419

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

5619S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to the membership requirements of the clean water commission.

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

Section A. Section 644.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 644.021, to read as follows:

644.021. 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. [At least two members shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs] **Each member of the commission shall serve** in a manner consistent with the purposes of sections 644.006 to 644.141 [One member shall be knowledgeable concerning the needs of publicly owned wastewater treatment works. No more than

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

19 four members shall represent the public. No member shall
20 receive, or have received during the previous two years, a
21 significant portion of his or her income directly or
22 indirectly from permit holders or applicants for a permit
23 pursuant to any federal water pollution control act as
24 amended and as applicable to this state] **and the commission**
25 **shall be comprised of the following members:**

26 (1) **One member knowledgeable concerning the needs of**
27 **agriculture;**

28 (2) **One member knowledgeable concerning the needs of**
29 **industry or mining;**

30 (3) **One member knowledgeable concerning the needs of**
31 **publicly owned wastewater treatment works; and**

32 (4) **Four members representing the public.**

33 All members appointed on or after August 28, 2002, shall
34 have demonstrated an interest and knowledge about water
35 quality. All members appointed on or after August 28, 2002,
36 shall be qualified by interest, education, training or
37 experience to provide, assess and evaluate scientific and
38 technical information concerning water quality, financial
39 requirements and the effects of the promulgation of
40 standards, rules and regulations. At the first meeting of
41 the commission and [at yearly intervals] **annually**
42 thereafter, the members shall select from among themselves a
43 chairman and a vice chairman. **The governor shall not**
44 **appoint any person who has a substantial interest, as**
45 **defined in section 105.450, in any business entity regulated**
46 **under this chapter or any business entity which would be**
47 **regulated under this chapter if located in the state. The**
48 **commission shall establish rules which specify when members**
49 **shall exempt themselves from participating in discussions**

50 and from voting on issues before the commission due to
51 potential conflict of interest. Prior to any vote on any
52 variance, appeal, or order, the commission shall adopt a
53 rule to exclude from such vote any member with a conflict of
54 interest. Any person may appeal the appointment of a member
55 on the grounds of conflict of interest. A member of the
56 commission has a conflict of interest when he or she is able
57 to utilize the commission to obtain a personal or
58 professional benefit outside the jurisdiction of the
59 commission. Any rule or portion of a rule, as that term is
60 defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the
63 provisions of chapter 536 and, if applicable, section
64 536.028. This section and chapter 536 are nonseverable and
65 if any of the powers vested with the general assembly
66 pursuant to chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28,
70 2024, shall be invalid and void.

71 2. The members' terms of office shall be four years
72 and until their successors are selected and qualified.
73 Provided, however, that the first three members appointed
74 shall serve a term of two years, the next three members
75 appointed shall serve a term of four years, thereafter all
76 members appointed shall serve a term of four years. There
77 is no limitation on the number of terms any appointed member
78 may serve. If a vacancy occurs the governor may appoint a
79 member for the remaining portion of the unexpired term
80 created by the vacancy. The governor may remove any
81 appointed member for cause. The members of the commission

82 shall be reimbursed for travel and other expenses actually
83 and necessarily incurred in the performance of their duties.

84 3. The commission shall hold at least four regular
85 meetings each year and such additional meetings as the
86 chairman deems desirable at a place and time to be fixed by
87 the chairman. Special meetings may be called by three
88 members of the commission upon delivery of written notice to
89 each member of the commission. Reasonable written notice of
90 all meetings shall be given by the director to all members
91 of the commission. Four members of the commission shall
92 constitute a quorum. All powers and duties conferred
93 specifically upon members of the commission shall be
94 exercised personally by the members and not by alternates or
95 representatives. All actions of the commission shall be
96 taken at meetings open to the public. Any member absent
97 from ~~[six]~~ **four** consecutive regular commission meetings for
98 any cause whatsoever shall be deemed to have resigned and
99 the vacancy shall be filled immediately in accordance with
100 subsection 1 of this section.

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