

SECOND REGULAR SESSION

HOUSE BILL NO. 2853

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (87).

5957H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 644.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 644.021, to read as follows: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 four members shall represent the public. No member shall receive, or have received during the previous two years, a significant portion of his or her income directly or indirectly from permit holders or applicants for a permit pursuant to any federal water pollution control act as amended and as applicable to this state]~~ **and the commission shall be composed of the following members:**

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

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.

- 18 **(2) One member knowledgeable concerning the needs of industry or mining;**
19 **(3) One member knowledgeable concerning the needs of publicly owned**
20 **wastewater treatment works; and**
21 **(4) Four members representing the public.**

22

23 All members appointed on or after August 28, 2002, shall have demonstrated an interest and
24 knowledge about water quality. All members appointed on or after August 28, 2002, shall be
25 qualified by interest, education, training or experience to provide, assess and evaluate
26 scientific and technical information concerning water quality, financial requirements and the
27 effects of the promulgation of standards, rules and regulations. At the first meeting of the
28 commission and ~~[at yearly intervals]~~ **annually** thereafter, the members shall select from
29 among themselves a chairman and a vice chairman. **The governor shall not appoint any**
30 **person who has a substantial interest, as defined in section 105.450, in any business**
31 **entity regulated under this chapter or any business entity which would be regulated**
32 **under this chapter if located in the state. The commission shall establish rules which**
33 **specify when members shall exempt themselves from participating in discussions and**
34 **from voting on issues before the commission due to potential conflict of interest. Prior**
35 **to any vote on any variance, appeal, or order, the commission shall adopt a rule to**
36 **exclude from such vote any member with a conflict of interest. Any person may appeal**
37 **the appointment of a member on the grounds of conflict of interest. A member of the**
38 **commission has a conflict of interest when he or she is able to utilize the commission to**
39 **obtain a personal or professional benefit outside the jurisdiction of the commission. Any**
40 **rule or portion of a rule, as that term is defined in section 536.010, that is created under**
41 **the authority delegated in this section shall become effective only if it complies with and**
42 **is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
43 **section and chapter 536 are nonseverable and if any of the powers vested with the**
44 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
45 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
46 **rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be**
47 **invalid and void.**

48 2. The members' terms of office shall be four years and until their successors are
49 selected and qualified. Provided, however, that the first three members appointed shall serve
50 a term of two years, the next three members appointed shall serve a term of four years,
51 thereafter all members appointed shall serve a term of four years. There is no limitation on
52 the number of terms any appointed member may serve. If a vacancy occurs the governor may
53 appoint a member for the remaining portion of the unexpired term created by the vacancy.
54 The governor may remove any appointed member for cause. The members of the

55 commission shall be reimbursed for travel and other expenses actually and necessarily
56 incurred in the performance of their duties.

57 3. The commission shall hold at least four regular meetings each year and such
58 additional meetings as the chairman deems desirable at a place and time to be fixed by the
59 chairman. Special meetings may be called by three members of the commission upon
60 delivery of written notice to each member of the commission. Reasonable written notice of
61 all meetings shall be given by the director to all members of the commission. Four members
62 of the commission shall constitute a quorum. All powers and duties conferred specifically
63 upon members of the commission shall be exercised personally by the members and not by
64 alternates or representatives. All actions of the commission shall be taken at meetings open to
65 the public. Any member absent from ~~six~~ **four** consecutive regular commission meetings for
66 any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled
67 immediately in accordance with subsection 1 of this section.

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