

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 1351, Page 5, Section 644.016, Line 114, by inserting after all of the said section
3 and line the following:
4

5 "644.021. 1. There is hereby created a water contaminant control agency to be known as the
6 "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections
7 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The
8 commission shall consist of seven members appointed by the governor with the advice and consent
9 of the senate. No more than four of the members shall belong to the same political party. All
10 members shall be representative of the general interest of the public and shall have an interest in and
11 knowledge of conservation and the effects and control of water contaminants. At least two members
12 shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in
13 protecting these needs. At least one member shall be unaffiliated with agriculture, industry, mining,
14 or wastewater treatment works. Each member of the commission shall serve in a manner consistent
15 with the purposes of sections 644.006 to 644.141. One member shall be knowledgeable concerning
16 the needs of publicly owned wastewater treatment works. No more than four members shall
17 represent the public. [No member shall receive, or have received during the previous two years, a
18 significant portion of his or her income directly or indirectly from permit holders or applicants for a
19 permit pursuant to any federal water pollution control act as amended and as applicable to this
20 state.] All members appointed on or after August 28, 2002, shall have demonstrated an interest and
21 knowledge about water quality. All members appointed on or after August 28, 2002, shall be
22 qualified by interest, education, training or experience to provide, assess and evaluate scientific and
23 technical information concerning water quality, financial requirements and the effects of the
24 promulgation of standards, rules and regulations. At the first meeting of the commission and [at
25 yearly intervals] annually thereafter, the members shall select from among themselves a chairman
26 and a vice chairman. The governor shall not appoint any person who has a substantial interest, as
27 defined in section 105.450, in any business entity regulated under this chapter or any business entity
28 which would be regulated under this chapter if located in the state. The commission shall establish
29 rules which specify when members shall exempt themselves from participating in discussions and
30 from voting on issues before the commission due to potential conflict of interest. Prior to any vote

Action Taken _____ Date _____

1 on any variance, appeal, or order, the commission shall adopt a rule to exclude from such vote any
2 member with a conflict of interest. Any person may appeal the appointment of a member on the
3 grounds of conflict of interest. A member of the commission has a conflict of interest when he or
4 she is able to utilize the commission to obtain a personal or professional benefit outside the
5 jurisdiction of the commission. Any rule or portion of a rule, as that term is defined in section
6 536.010, that is created under the authority delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
8 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
9 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
11 rule proposed or adopted after August 28, 2024, shall be invalid and void.

12 2. The members' terms of office shall be four years and until their successors are selected
13 and qualified. Provided, however, that the first three members appointed shall serve a term of two
14 years, the next three members appointed shall serve a term of four years, thereafter all members
15 appointed shall serve a term of four years. There is no limitation on the number of terms any
16 appointed member may serve. If a vacancy occurs the governor may appoint a member for the
17 remaining portion of the unexpired term created by the vacancy. The governor may remove any
18 appointed member for cause. The members of the commission shall be reimbursed for travel and
19 other expenses actually and necessarily incurred in the performance of their duties.

20 3. The commission shall hold at least four regular meetings each year and such additional
21 meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special
22 meetings may be called by three members of the commission upon delivery of written notice to each
23 member of the commission. Reasonable written notice of all meetings shall be given by the director
24 to all members of the commission. Four members of the commission shall constitute a quorum. All
25 powers and duties conferred specifically upon members of the commission shall be exercised
26 personally by the members and not by alternates or representatives. All actions of the commission
27 shall be taken at meetings open to the public. Any member absent from [~~six~~] four consecutive
28 regular commission meetings for any cause whatsoever shall be deemed to have resigned and the
29 vacancy shall be filled immediately in accordance with subsection 1 of this section."; and

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31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.