

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend Senate Bill No. 953, Page 1, Section title, Line 3,

2 by striking the words "the expenditure of moneys in certain
3 funds by"; and

4 Further amend said bill, page 4, section 643.350, line
5 37 by inserting after all of said line the following:

6 "644.021. 1. There is hereby created a water
7 contaminant control agency to be known as the "Clean Water
8 Commission of the State of Missouri", whose domicile for the
9 purposes of sections 644.006 to 644.141 shall be deemed to
10 be that of the department of natural resources. The
11 commission shall consist of seven members appointed by the
12 governor with the advice and consent of the senate. No more
13 than four of the members shall belong to the same political
14 party. All members shall be representative of the general
15 interest of the public and shall have an interest in and
16 knowledge of conservation and the effects and control of
17 water contaminants. [At least two members shall be
18 knowledgeable concerning the needs of agriculture, industry
19 or mining and interested in protecting these needs] Each
20 member of the commission shall serve in a manner consistent
21 with the purposes of sections 644.006 to 644.141 [. One
22 member shall be knowledgeable concerning the needs of
23 publicly owned wastewater treatment works. No more than
24 four members shall represent the public. No member shall
25 receive, or have received during the previous two years, a

26 significant portion of his or her income directly or
27 indirectly from permit holders or applicants for a permit
28 pursuant to any federal water pollution control act as
29 amended and as applicable to this state] and the commission
30 shall be comprised of the following members:

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

33 (2) One member knowledgeable concerning the needs of
34 industry or mining;

35 (3) One member knowledgeable concerning the needs of
36 publicly owned wastewater treatment works; and

37 (4) Four members representing the public.

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

58 rule to exclude from such vote any member with a conflict of
59 interest. Any person may appeal the appointment of a member
60 on the grounds of conflict of interest. A member of the
61 commission has a conflict of interest when he or she is able
62 to utilize the commission to obtain a personal or
63 professional benefit outside the jurisdiction of the
64 commission. Any rule or portion of a rule, as that term is
65 defined in section 536.010, that is created under the
66 authority delegated in this section shall become effective
67 only if it complies with and is subject to all of the
68 provisions of chapter 536 and, if applicable, section
69 536.028. This section and chapter 536 are nonseverable and
70 if any of the powers vested with the general assembly
71 pursuant to chapter 536 to review, to delay the effective
72 date, or to disapprove and annul a rule are subsequently
73 held unconstitutional, then the grant of rulemaking
74 authority and any rule proposed or adopted after August 28,
75 2026, shall be invalid and void.

76 2. The members' terms of office shall be four years
77 and until their successors are selected and qualified.
78 Provided, however, that the first three members appointed
79 shall serve a term of two years, the next three members
80 appointed shall serve a term of four years, thereafter all
81 members appointed shall serve a term of four years. There
82 is no limitation on the number of terms any appointed member
83 may serve. If a vacancy occurs the governor may appoint a
84 member for the remaining portion of the unexpired term
85 created by the vacancy. The governor may remove any
86 appointed member for cause. The members of the commission
87 shall be reimbursed for travel and other expenses actually
88 and necessarily incurred in the performance of their duties.

89 3. The commission shall hold at least four regular
90 meetings each year and such additional meetings as the

91 chairman deems desirable at a place and time to be fixed by
92 the chairman. Special meetings may be called by three
93 members of the commission upon delivery of written notice to
94 each member of the commission. Reasonable written notice of
95 all meetings shall be given by the director to all members
96 of the commission. Four members of the commission shall
97 constitute a quorum. All powers and duties conferred
98 specifically upon members of the commission shall be
99 exercised personally by the members and not by alternates or
100 representatives. All actions of the commission shall be
101 taken at meetings open to the public. Any member absent
102 from [~~six~~] four consecutive regular commission meetings for
103 any cause whatsoever shall be deemed to have resigned and
104 the vacancy shall be filled immediately in accordance with
105 subsection [~~1~~] 2 of this section."; and

106 Further amend the title and enacting clause accordingly.