GOVERNOR OF MISSOURI

JEFFERSON CITY
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JEREMIAH W. (JAY) NIXON
GOVERNOR

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill 1713, entitled:

AN ACT

To repeal sections 256.437, 256.438, 256.439, 256.440, 256.443, and 644.021, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of water systems, with an emergency clause for a certain section.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill No. 1713. The reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 1713 (House Bill No. 1713) would shift the balance of power on the Missouri Clean Water Commission away from the public interest and in favor of regulated interests. Specifically, a provision inserted late in the legislative process, and without public hearing, would change the commission membership requirements by eliminating the minimum number of public representatives that are currently mandated, and would allow the commission to operate with no public members. Decreasing the public's voice on this commission that has been involved in overseeing our state's water quality for over 40 years is wrong and cannot receive my support.

Current law requires that four of the seven commission members represent the interests of the public and one member represent publicly owned wastewater treatment works. The remaining two members represent the needs of agriculture, industry or mining. House Bill No. 1713, however, would eliminate the requirement that public representatives comprise four members of the commission. With these changes, the seven member Clean Water Commission could consist of six members from agriculture, industry or mining, and one member representing publicly owned wastewater treatment works. As a result, no members representing the interests of the public would be required. This change would effectively pave the way for regulated interests to seize control of the commission and would eliminate the public's voice in the water quality control efforts under the purview of the commission.

Robust public engagement is a critical component of protecting Missouri's water quality. While there are several worthwhile provisions in House Bill No. 1713 that will become law with my signature of Senate Substitute for House Committee Substitute for House Bill No. 1717, the change to the Missouri Clean Water Commission membership is a blatant attempt to limit public oversight in favor of regulated interests and, for that reason, House Bill No. 1713 cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee Substitute for House Bill No. 1713 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor