

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 955, Page 4, Section 60.708, Line 7, by
2 inserting after all of said section and line the following:

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4 "252.350. 1. The commission, the department of conservation, and the department of natural
5 resources shall not engage in prohibited conduct with a connected not-for-profit corporation.

6 2. For purposes of this section, the following terms shall mean:

7 (1) "Connected not-for-profit corporation", any Missouri not-for-profit corporation that has
8 obtained an exemption from paying federal income taxes as provided in section 501(c)(3) of the
9 United States Internal Revenue Code of 1954, as amended, that has or had a major purpose of
10 benefiting the commission, the department of conservation, or the department of natural resources
11 either on the date that the prohibited conduct first occurred or at any time within the five years
12 preceding that date, and that establishes, operates, or maintains one or more mitigation banks or
13 in-lieu fee programs or projects, or sells credits or receives payments for compensatory mitigation,
14 pursuant to any program or law requiring the issuance of a permit by the United States Army Corps
15 of Engineers or pursuant to any instrument approved by the Corps;

16 (2) "Prohibited conduct", entering into any contractual relationship with, or providing or
17 receiving anything of value with or without compensation, including but not limited to professional,
18 design, construction, administrative, or clerical services, work product, money, personal or real
19 property, or property rights. Prohibited conduct shall not include activities incidental to the
20 provision of licenses, permits, public information, or any other item the state is expressly required to
21 provide under law.

22 3. Any person damaged due to a violation of this section by the commission, the department
23 of conservation, or the department of natural resources may bring suit to enforce the provisions of
24 this section in any court of competent jurisdiction. The court may award declaratory and injunctive
25 relief. If the person bringing the suit is the prevailing party, they may be awarded reasonable
26 attorney's fees and court costs.

27 4. Any person who knowingly and willfully violates the provisions of this section shall be
28 guilty of a class B misdemeanor."; and

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30 Further amend said bill, Pages 4-8, Section 644.026, by deleting all of said section from the bill; and

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32 Further amend said bill, Page 8, Section 644.039, Lines 1-3, by deleting all of said lines and inserting

Action Taken _____ Date _____

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1 in lieu thereof the following:
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3 "644.039. As a condition of receiving any permit under Section 401 or 404 of the federal
4 Clean Water Act, the total cost of any mitigation credits required shall not exceed one-half of one
5 percent of the total cost of the proposed project or ten thousand dollars, whichever is less.";and
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7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.
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