

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 955, Page 2, Section 60.700, Line 21, by  
2 inserting after the word "the" the words "slow and imperceptible"; and

3  
4 Further amend said bill, Page 4, Section 60.708, Line 7, by inserting after all of said section and line  
5 the following:

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7 "252.350. 1. The commission, the department of conservation, and the department of natural  
8 resources shall not engage in prohibited conduct with a connected not-for-profit corporation.

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

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

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

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

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

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

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35 Further amend said bill, Page 8, Section 644.039, Lines 1-3, by deleting all of said lines and inserting  
36 in lieu thereof the following:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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"644.039. As a condition of receiving any permit under Section 401 or 404 of the federal Clean Water Act, the total cost of any mitigation credits required shall not exceed one-half of one percent of the total cost of the proposed project or ten thousand dollars, whichever is less.";and

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