

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 445,
2 Page 1, Section 29.380, Line 12, by inserting after all of said section and line the following:

3 "252.350. 1. The commission and the department of conservation shall not engage in
4 prohibited conduct with a connected not-for-profit corporation.

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

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

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

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

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

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.

Action Taken _____ Date _____

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