

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 325
100TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 4, 2019, with recommendation that the Senate Committee Substitute do pass.

1713S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 253.080, RSMo, and to enact in lieu thereof one new section relating to state parks concession contracts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 253.080, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 253.080, to read as follows:

253.080. 1. The director of the department of natural resources may
2 construct, establish and operate suitable public services, privileges, conveniences
3 and facilities on any land, site or object under the department's jurisdiction and
4 control, and may charge and collect reasonable fees for the use of the same. The
5 director may charge reasonable fees for supplying services on state park
6 areas. Any facilities so constructed under this provision shall only be done by
7 appropriated funds, **unless the director has entered into a binding**
8 **agreement with a donor or grantor to provide support funding for the**
9 **project.**

10 2. The director may award by contract to any suitable person, persons,
11 corporation or association the right to construct, establish and operate public
12 services, privileges, conveniences and facilities on any land, site or object under
13 the department's control for a period not to exceed twenty-five years with a
14 renewal option, and may supervise and regulate any and all charges and fees of
15 operations by private enterprise for supplying services and operating facilities on
16 state park areas.

17 3. All contracts awarded under this section shall be entered into upon the
18 basis of competitive sealed bids. A sworn financial statement shall accompany

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 each bid, and all contracts shall be let by the director [at a regular meeting] after
20 public notice of the time of the letting. All bids submitted prior to the [opening
21 of the meeting] **bid closing** shall be considered. **For concession contracts**
22 **with expected annual gross receipts of twenty-five thousand dollars or**
23 **more**, advertisements for bids in daily or weekly newspapers shall be made by
24 the director. The director shall accept the bid most favorable to the state from
25 a responsible and reputable person but may, for good cause, reject any bid. **The**
26 **director shall give preference to all firms, corporations, or individuals**
27 **doing business as Missouri firms, corporations, or individuals,**
28 **whenever competing bids, in their entirety, are comparable.**

29 4. The director shall not enter into a contract or a renewal for a contract
30 as provided in subsection 2 of this section for a period in excess of ten years
31 unless the director determines that the extended contract period is necessary to
32 allow the contractor to make substantial capital or other improvements to the site
33 subject to the contract and such improvements are of sufficient value to the state
34 to necessitate the longer contract term.

35 5. A good and sufficient bond conditioned upon the faithful performance
36 of the contract and compliance with this law shall be required of all contractors,
37 except that if the contractor states he **or she** is unable to provide a bond, the
38 contractor shall place a cash reserve in an escrow account in an amount
39 proportional to the volume of the contractor's business on the lands controlled by
40 the department of natural resources.

41 6. Any person who contracts under this section with the state shall keep
42 true and accurate records of his **or her** receipts and disbursements arising out
43 of the performance of the contract and shall permit the [division of parks and
44 recreation of the] department of natural resources [and the state director of
45 revenue] to audit them. The [division of parks and recreation of the] department
46 of natural resources [and the state director of revenue] shall audit the receipts
47 and disbursement of each **concession** contract once every two years and upon
48 the expiration of the **concession** contract. For the purpose of subsection 5 of
49 this section and this subsection, no contract shall be deemed to extend to
50 operations or management in more than one state park **unless the director has**
51 **determined such extension to be in the best interest of the state based**
52 **on an assessment of the financial and operation history of the facility.**

53 7. No person shall be permitted to offer or advertise merchandise or other
54 goods for sale or rental, or to maintain any concession, or use any park facilities,

55 buildings, trails, roads or other state park property for commercial use except by
56 written permission or concession contract with the department of natural
57 resources; except that, the provisions of this subsection shall not apply to the
58 normal and customary use of public roads by commercial and noncommercial
59 organizations for the purpose of transporting persons or vehicles, including, but
60 not limited to, canoes.

61 **8. The director, upon request, may authorize a private person,**
62 **corporation, or other entity to provide services to any lands, sites, or**
63 **objects under the department's control for a term not to exceed two**
64 **years, through a commercial use permit, without soliciting competitive**
65 **sealed bids. A commercial use permit shall not be considered to be a**
66 **concession contract under this section and no other subsection of this**
67 **section shall be applicable to a commercial use permit except where**
68 **expressly stated. Any commercial use permit shall be limited to**
69 **commercial operations with annual gross receipts of not more than one**
70 **hundred thousand dollars resulting from services originating and**
71 **provided solely within a state park or historic site pursuant to the**
72 **commercial use permit, and which involve only incidental use of state**
73 **park or historic site facility space or resources.**

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