

FIRST REGULAR SESSION

SENATE BILL NO. 382

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS RIDDLE AND MUNZLINGER.

Read 1st time January 31, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1645S.02I

AN ACT

To repeal sections 253.040 and 253.090, RSMo, and to enact in lieu thereof two new sections relating to maintaining Missouri state parks.

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

Section A. Sections 253.040 and 253.090, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 253.040 and 253.090, to
3 read as follows:

253.040. 1. The department of natural resources is hereby authorized to
2 accept or acquire by purchase, lease, donation, agreement or eminent domain, any
3 lands, or rights in lands, sites, objects or facilities which in its opinion should be
4 held, preserved, improved and maintained for park or parkway purposes;
5 **provided however, that prior to such acceptance or acquisition, all**
6 **current state parks shall be properly maintained, including that no**
7 **current state park shall have deferred maintenance.** The department of
8 natural resources is authorized to improve, maintain, operate and regulate any
9 such lands, sites, objects or facilities when such action would promote the park
10 program and the general welfare. The department of natural resources is further
11 authorized to accept gifts, bequests or contributions of money or other real or
12 personal property to be expended for any of the purposes of sections 253.010 to
13 253.100; except that any contributions of money to the department of natural
14 resources shall be deposited with the state treasurer to the credit of the state
15 park earnings fund and expended upon authorization of the department of
16 natural resources for the purposes of sections 253.010 to 253.100 and for no other
17 purposes.

18 2. In the event the right of eminent domain be exercised, it shall be

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

19 exercised in the same manner as now or hereafter provided for the exercise of
20 eminent domain by the state highways and transportation commission.

253.090. 1. All revenue derived from privileges, conveniences, contracts
2 or otherwise, all moneys received by gifts, bequests or contributions or from
3 county or municipal sources and all moneys received from the operation of
4 concessions, projects or facilities and from resale items shall be paid into the
5 state treasury to the credit of the "State Park Earnings Fund", which is hereby
6 created. The state treasurer shall invest moneys in the fund in the same manner
7 as other funds are invested. All interest and moneys earned on such investments
8 shall be credited to the fund. In the event any state park or any part thereof is
9 taken under the power of eminent domain by the federal government the moneys
10 paid for the taking shall be deposited in the state park earnings fund. The fund
11 shall be used solely for the payment of the expenditures of the department of
12 natural resources in the administration of this law, except that in any fiscal year
13 the department may expend a sum not to exceed fifty percent of the preceding
14 fiscal year's deposits to the state park earnings fund for the purpose of:

- 15 (1) Paying the principal and interest of revenue bonds issued;
- 16 (2) Providing an interest and sinking fund;
- 17 (3) Providing a reasonable reserve fund;
- 18 (4) Providing a reasonable fund for depreciation; and
- 19 (5) Paying for feasibility reports necessary for the issuing of revenue
20 bonds.

21 2. Notwithstanding the provisions of section 33.080 to the contrary, any
22 moneys remaining in the fund at the end of the biennium shall not revert to the
23 credit of the general revenue fund.

24 3. A good and sufficient bond conditioned upon the faithful performance
25 of the contract and compliance with this law shall be required of all contractors.

26 4. Any person who contracts [pursuant to] **under** this section with the
27 state shall keep true and accurate records of his or her receipts and
28 disbursements arising out of the performance of the contract and shall permit the
29 department of natural resources and the state auditor to audit such records.

30 **5. All revenues derived from the privileges, conveniences,**
31 **contracts or otherwise, all moneys received by gifts, bequests,**
32 **contributions, or from county or municipal sources, and all revenues**
33 **received from the operation of concessions, projects, or facilities, and**
34 **from resale items of any particular state park, that is deposited to the**

35 **credit of the fund created under this section, shall only be expended**
36 **from such fund by reinvesting such funds in such particular state park,**
37 **except for expenditure requirements set forth in subsection 1 of this**
38 **section.**

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