

FIRST REGULAR SESSION

# HOUSE BILL NO. 1206

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ANDERSON.

2358H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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Section A. Section 253.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 253.080, to read as follows: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 construct, establish and operate suitable public services, privileges, conveniences and facilities on any land, site or object under the department's jurisdiction and control, and may charge and collect reasonable fees for the use of the same. The director may charge reasonable fees for supplying services on state park areas. Any facilities so constructed under this provision shall only be done by appropriated funds, **unless the director has entered into a binding agreement with a donor or grantor to provide support funding for the project.**

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

3. All contracts awarded under this section shall be entered into upon the basis of competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts shall be let by the director [~~at a regular meeting~~] after public notice of the time of the letting. All bids submitted prior to the [~~opening of the meeting~~] **bid closing** shall be considered. **For**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **concession contracts with expected annual gross receipts of twenty-five thousand dollars**  
19 **or more**, advertisements for bids in daily or weekly newspapers shall be made by the director.  
20 The director shall accept the bid most favorable to the state from a responsible and reputable  
21 person but may, for good cause, reject any bid.

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

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

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

42 7. No person shall be permitted to offer or advertise merchandise or other goods for sale  
43 or rental, or to maintain any concession, or use any park facilities, buildings, trails, roads or other  
44 state park property for commercial use except by written permission or concession contract with  
45 the department of natural resources; except that, the provisions of this subsection shall not apply  
46 to the normal and customary use of public roads by commercial and noncommercial  
47 organizations for the purpose of transporting persons or vehicles, including, but not limited to,  
48 canoes.

49 **8. The director, upon request, may authorize a private person, corporation, or**  
50 **other entity to provide services to visitors to any lands, sites, or objects under the**  
51 **department's control for a term not to exceed two years, through a commercial use permit,**  
52 **without soliciting competitive sealed bids. A commercial use permit shall not be considered**  
53 **to be a concession contract under this section, and no other subsection of this section shall**

54 **be applicable to a commercial use permit except where expressly stated. Any commercial**  
55 **use permit shall be limited to commercial operations with annual gross receipts of not more**  
56 **than one hundred thousand dollars resulting from services originating and provided solely**  
57 **within a state park or historic site in accordance with the commercial use permit, and**  
58 **which involve only incidental use of state park or historic site facility space or resources.**

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