

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1206

100TH GENERAL ASSEMBLY

2358H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 253.080, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 253.080, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 253.080 and 253.177, to read as follows: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. **The director shall give preference to all firms,**  
22 **corporations, or individuals doing business as Missouri firms, corporations, or individuals,**  
23 **whenever competing bids, in their entirety, are comparable.**

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

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

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

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

51 8. **The director, upon request, may authorize a private person, corporation, or**  
52 **other entity to provide services to visitors to any lands, sites, or objects under the**  
53 **department's control for a term not to exceed two years, through a commercial use permit,**

54 without soliciting competitive sealed bids. A commercial use permit shall not be considered  
55 to be a concession contract under this section, and no other subsection of this section shall  
56 be applicable to a commercial use permit except where expressly stated. Any commercial  
57 use permit shall be limited to commercial operations with annual gross receipts of not more  
58 than one hundred thousand dollars resulting from services originating and provided solely  
59 within a state park or historic site pursuant to the commercial use permit, and which  
60 involve only incidental use of state park or historic site facility space or resources.

253.177. 1. There is hereby created in the state treasury the "Rock Island Trail  
2 State Park Endowment Fund". The fund shall be administered by the department of  
3 natural resources. Any grant, gift, donation, devise, or bequest of moneys, funds, real or  
4 personal property, or other assets to the department of natural resources for the operation,  
5 maintenance, development, or security of any portion of the former Chicago, Rock Island,  
6 and Pacific Railroad corridor located east of milepost 215.325 shall be deposited with the  
7 state treasurer to the credit of the fund. All income, interest, rights, or rent earned through  
8 the operation of the fund shall also be credited to the fund.

9 2. The Rock Island Trail State Park endowment fund shall be used by the  
10 department of natural resources for the purpose of operating, maintaining, and securing  
11 any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east  
12 of milepost 215.325 that is owned, leased, or operated by the department of natural  
13 resources and for no other purpose. Any funds previously deposited into the state park  
14 earnings fund created in section 253.090 for such purpose are hereby transferred into the  
15 Rock Island Trail State Park endowment fund.

16 3. The state treasurer shall be the custodian of all moneys, bonds, securities,  
17 interests, and rights therein deposited in the state treasury to the credit of the Rock Island  
18 Trail State Park endowment fund and shall invest the moneys in the fund in a manner as  
19 provided by law.

20 4. Funds from the Rock Island Trail State Park endowment fund shall be expended,  
21 refunded, or transferred only upon appropriation by the general assembly.  
22 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
23 in the fund at the end of the biennium shall not revert to the credit of the general revenue  
24 fund.

25 5. If the United States Surface Transportation Board vacates the Notice of Interim  
26 Trail Use (NITU) issued in a decision served on February 26, 2015, in docket number AB-  
27 1068 (Sub-No. 3X), any moneys in the fund may be refunded to the individuals or entities  
28 that have made contributions to the fund or may be transferred to a new trail sponsor or  
29 other entity that has accepted responsibility for management of any portion of the former

30 **Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 as a**  
31 **public recreational trail under a new NITU subject to the National Trails System Act, 16**  
32 **U.S.C. Section 1241, et seq.**

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