

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 234
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government April 8, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 234 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

0931L.02C

AN ACT

To repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to county facilities, with an emergency clause.

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

Section A. Section 64.342, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.342, to read as follows:

64.342. 1. [Section 64.341 to the contrary notwithstanding,] The county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. No such lease or concession grant shall be for a longer term than twenty-five years, **unless the proposed investment by the lessee or concessionaire is greater than ten million dollars, in which case the lease or concession grant may, at the county's option, be for a term not to exceed fifty years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe. **If the county elects to bid the services authorized herein, the county shall**

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

award any contracts relating thereto to the most favorable bidder based upon the terms and regulations prescribed by the county after due opportunity for competition including advertising the proposal letting or granting in a newspaper in the county with a circulation of at least five hundred copies per issue, if there be such, and if not, in such case notice shall be posted on the bulletin board in the county courthouse. The county shall have the right to reject any and all bids.

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. [The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.] **If the county owns, operates, or leases more than two such marinas, the county shall request bids for the operation of at least one marina pursuant to this section. Any lease or grant made pursuant to this section shall be made with a private individual or group of individuals or with any privately owned entity. The county may operate the marina to be leased or granted for a period not to exceed twenty-four months:**

- (1) From the date the county obtains ownership of more than two such marinas;**
- (2) If no bids are deemed by the county to be responsive or favorable; or**
- (3) In the event that an operator of the marina does not comply with the lease terms.**

5. Any county meeting the qualifications of this section shall also have any other powers granted in section 64.341, provided, such powers shall not be construed to limit any powers granted in this section.

Section B. Because of the need to clarify the rights of property owners, the repeal and reenactment of section 64.342 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 64.342 of section A of this act shall be in full force and effect upon its passage and approval.