

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1206

AN ACT

To repeal sections 253.080 and 253.403, RSMo, and to enact in lieu thereof three new sections relating to the division of state parks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 253.080 and 253.403, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 253.080, 253.177, and 253.403, to read as follows: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 an agreement with a donor or grantor to provide nonstate funds as 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 concession contracts with expected annual gross receipts of twenty-five thousand dollars or more, advertisements for bids in daily or weekly newspapers shall be made by the director. The director shall accept the bid most favorable to the state from a responsible and reputable person but may, for good cause, reject any bid. The director shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, whenever competing bids, in their entirety, are comparable.

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

the longer contract term.

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

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

7. No person shall be permitted to offer or advertise merchandise or other goods for sale or rental, or to maintain any concession, or use any park facilities, buildings, trails, roads or other state park property for commercial use except by written

permission or concession contract with the department of natural resources; except that, the provisions of this subsection shall not apply to the normal and customary use of public roads by commercial and noncommercial organizations for the purpose of transporting persons or vehicles, including, but not limited to, canoes.

8. The director, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to any lands, sites, or objects under the department's control for a term not to exceed two years, through a commercial use permit, without soliciting competitive sealed bids. A commercial use permit shall not be considered to be a concession contract under this section, and no other subsection of this section shall be applicable to a commercial use permit except where expressly stated. Any commercial use permit shall be subject to terms and conditions established by the director and shall be limited to commercial operations with annual gross receipts of not more than one hundred thousand dollars resulting from services originating and provided solely within a state park or historic site pursuant to the commercial use permit, and which 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 State Park Endowment Fund". The fund shall be administered by the department of natural resources. Any grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets to the department of natural resources for the operation, maintenance, development, or

security of any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 shall be deposited with the state treasurer to the credit of the fund. All income, interest, rights, or rent earned through the operation of the fund shall also be credited to the fund.

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

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

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

5. If the United States Surface Transportation Board vacates the Notice of Interim Trail Use (NITU) issued in a

decision served on February 26, 2015, in docket number AB-1068 (Sub-No. 3X), any moneys in the fund may be refunded to the individuals or entities that have made contributions to the fund or may be transferred to a new trail sponsor or other entity that has accepted responsibility for management of any portion of the former Chicago, Rock Island, and Pacific Railroad corridor located east of milepost 215.325 as a public recreational trail under a new NITU subject to the National Trails System Act, 16 U.S.C. Section 1241, et seq.

253.403. 1. From the moneys in the historic preservation revolving fund, upon appropriation by the general assembly, the department of natural resources may acquire, preserve, restore, hold, maintain or operate any historic properties, together with such adjacent or associated lands as may be necessary for their protection, preservation, maintenance or operation, or may award grants to preserve, protect, or restore historic county courthouses and historic county courthouse grounds. Acquisition of historic property may include acquiring the fee simple title or any lesser interest therein. Property may be acquired by gift, grant, bequest, devise, lease, purchase or otherwise, but not by condemnation.

2. The department of natural resources is authorized to award grants to preserve, protect, or restore historic county courthouses and historic county courthouse grounds in accordance with rules the department shall promulgate. The department of natural resources shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding any grants under this

section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.