

## SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 283

AN ACT

To repeal sections 253.080, 256.700, and 260.273, RSMo, and to enact in lieu thereof four new sections relating to the department of natural resources.

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

Section A. Sections 253.080, 256.700, and 260.273, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 253.080, 253.177, 256.700, and 260.273, to read as follows: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 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 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, 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, 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.

256.700. 1. Any operator desiring to engage in surface mining who applies for a permit under section 444.772 shall, in addition to all other fees authorized under such section, annually submit a geologic resources fee. Such fee shall be deposited in the geologic resources fund established and expended under section 256.705. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, there shall be no fee under this section.

2. The director of the department of natural resources may require a geologic resources fee for each permit not to exceed one hundred dollars. The director may also require a geologic resources fee for each site listed on a permit not to exceed one hundred dollars for each site. The director may also require a geologic resources fee for each acre permitted by the operator under section 444.772 not to exceed ten dollars per acre. If such fee is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources fee portion for any permit issued under section 444.772 be more than three thousand five hundred dollars.

3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be

raised as allowed in this subsection by a regulation change promulgated by the director of the department of natural resources. Prior to such a regulation change, the director shall consult the industrial minerals advisory council created under section 256.710 in order to determine the need for such an increase in fees.

4. Fees imposed under this section shall become effective August 28, 2007, and shall expire on December 31, ~~[2020]~~ 2025. No other provisions of sections 256.700 to 256.710 shall expire.

5. The department of natural resources may promulgate rules to implement the provisions of sections 256.700 to 256.710. 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 under 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, 2007, shall be invalid and void.

260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the

retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of



elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of scrap tires from illegal tire dumps;
- (2) Providing grants to persons that will use products derived from scrap tires, or use scrap tires as a fuel or fuel supplement; and
- (3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate ~~January 1, 2020~~ December 31, 2025.