

FIRST REGULAR SESSION

# SENATE BILL NO. 325

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time January 30, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1713S.01I

## AN ACT

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

*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Section A. Section 253.080, RSMo, is repealed and one new section  
2 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  
2 construct, establish and operate suitable public services, privileges, conveniences  
3 and facilities on any land, site or object under the department's jurisdiction and  
4 control, and may charge and collect reasonable fees for the use of the same. The  
5 director may charge reasonable fees for supplying services on state park  
6 areas. Any facilities so constructed under this provision shall only be done by  
7 appropriated funds, **unless the director has entered into a binding**  
8 **agreement with a donor or grantor to provide support funding for the**  
9 **project.**

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

17 3. All contracts awarded under this section shall be entered into upon the  
18 basis of competitive sealed bids. A sworn financial statement shall accompany  
19 each bid, and all contracts shall be let by the director [at a regular meeting] after

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 public notice of the time of the letting. All bids submitted prior to the [opening  
21 of the meeting] **bid closing** shall be considered. **For concession contracts**  
22 **with expected annual gross receipts of twenty-five thousand dollars or**  
23 **more**, advertisements for bids in daily or weekly newspapers shall be made by  
24 the director. The director shall accept the bid most favorable to the state from  
25 a responsible and reputable person but may, for good cause, reject any bid.

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

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

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

50 7. No person shall be permitted to offer or advertise merchandise or other  
51 goods for sale or rental, or to maintain any concession, or use any park facilities,  
52 buildings, trails, roads or other state park property for commercial use except by  
53 written permission or concession contract with the department of natural  
54 resources; except that, the provisions of this subsection shall not apply to the  
55 normal and customary use of public roads by commercial and noncommercial

56 organizations for the purpose of transporting persons or vehicles, including, but  
57 not limited to, canoes.

58       **8. The director, upon request, may authorize a private person,**  
59 **corporation, or other entity to provide services to any lands, sites, or**  
60 **objects under the department's control for a term not to exceed two**  
61 **years, through a commercial use permit, without soliciting competitive**  
62 **sealed bids. A commercial use permit shall not be considered to be a**  
63 **concession contract under this section and no other subsection of this**  
64 **section shall be applicable to a commercial use permit except where**  
65 **expressly stated. Any commercial use permit shall be limited to**  
66 **commercial operations with annual gross receipts of not more than one**  
67 **hundred thousand dollars resulting from services originating and**  
68 **provided solely within a state park or historic site pursuant to the**  
69 **commercial use permit, and which involve only incidental use of state**  
70 **park or historic site facility space or resources.**

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Bill

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