

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 291, Page 22, Section 190.462, Line 44, by inserting after all of said section and line  
3 the following:  
4

5 "253.080. 1. The director of the department of natural resources may construct, establish  
6 and operate suitable public services, privileges, conveniences and facilities on any land, site or  
7 object under the department's jurisdiction and control, and may charge and collect reasonable fees  
8 for the use of the same. The director may charge reasonable fees for supplying services on state  
9 park areas. Any facilities so constructed under this provision shall only be done by appropriated  
10 funds, unless the director has entered into a binding agreement with a donor or grantor to provide  
11 support funding for the project.

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

17 3. All contracts awarded under this section shall be entered into upon the basis of  
18 competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts  
19 shall be let by the director [~~at a regular meeting~~] after public notice of the time of the letting. All  
20 bids submitted prior to the [~~opening of the meeting~~] bid closing shall be considered. For concession  
21 contracts with expected annual gross receipts of twenty-five thousand dollars or more,  
22 advertisements for bids in daily or weekly newspapers shall be made by the director. The director  
23 shall accept the bid most favorable to the state from a responsible and reputable person but may, for  
24 good cause, reject any bid. The director shall give preference to all firms, corporations, or  
25 individuals doing business as Missouri firms, corporations, or individuals, whenever competing  
26 bids, in their entirety, are comparable.

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

17           8. The director, upon request, may authorize a private person, corporation, or other entity to  
18 provide services to visitors to any lands, sites, or objects under the department's control for a term  
19 not to exceed two years, through a commercial use permit, without soliciting competitive sealed  
20 bids. A commercial use permit shall not be considered to be a concession contract under this  
21 section, and no other subsection of this section shall be applicable to a commercial use permit  
22 except where expressly stated. Any commercial use permit shall be limited to commercial  
23 operations with annual gross receipts of not more than one hundred thousand dollars resulting from  
24 services originating and provided solely within a state park or historic site pursuant to the  
25 commercial use permit, and which involve only incidental use of state park or historic site facility  
26 space or resources." ; and

27  
28 Further amend said bill by amending the title, enacting clause, and intersectional references  
29 accordingly.