

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1187

92ND GENERAL ASSEMBLY

3941L.01T

2004

AN ACT

To repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands.

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Section A. Section 64.342, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.342, to read as follows: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

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.

19 county shall have the right to reject any and all bids.

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

24 4. [If the county owns, operates, or leases more than two such marinas, the county shall
25 request bids for the operation of at least one marina pursuant to this section. Any lease or grant
26 made pursuant to this section shall be made with a private individual or group of individuals or
27 with any privately owned entity. The county may operate the marina to be leased or granted for
28 a period not to exceed twenty-four months:

29 (1) From the date the county obtains ownership of more than two such marinas;

30 (2) If no bids are deemed by the county to be responsive or favorable; or

31 (3) In the event that an operator of the marina does not comply with the lease terms.

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