

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:
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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.