

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 198**  
**94TH GENERAL ASSEMBLY**

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Reported from the Special Committee on State Parks and Waterways April 5, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 198 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0868L.03C

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**AN ACT**

To repeal section 253.095, RSMo, and to enact in lieu thereof six new sections relating to use of lands, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 253.095, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 195.217, 253.095, 253.421, 578.520, 578.525, and 578.530, to read as follows:

**195.217. 1. A person commits the offense of distribution of a controlled substance near a park if such person violates section 195.211 by unlawfully distributing or delivering heroin, cocaine, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes, as park is defined in section 253.010, RSMo.**

**2. Distribution of a controlled substance near a park is a class A felony.**

253.095. In order to further the interpretive or educational functions of Missouri state parks, the director of the Missouri department of natural resources is authorized to enter into agreements with private, not-for-profit organizations that are organized [solely] to provide cooperative, interpretive, **facility enhancement** or educational services to any [one] Missouri state park. The director may provide state park facility space **and incidental staff support** to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 such an organization under a cooperative agreement, **which reimburses the department for the**  
7 **actual costs of such space and incidental staff support and clearly demonstrates the fiscal,**  
8 **interpretive, educational, and facility enhancement benefits to the state.** Net proceeds  
9 received from the sale of publications or other materials **and services** provided by an  
10 organization pursuant to such an agreement entered into under this section shall be retained by  
11 the organization for use in the interpretive or educational services provided [to such park that the  
12 organization is designated to serve] **in state parks.**

**253.421. 1. As used in section 253.420 and this section, the following words and**  
2 **phrases mean:**

3 (1) **"Department", the department of natural resources, state historic preservation**  
4 **office;**

5 (2) **"Historic shipwreck", artifacts and remains of historic shipwreck sites which**  
6 **are over fifty years in age, including but not limited to a ship's structure and rigging,**  
7 **machinery, hardware, tools, utensils, cargo, personal items of crew passengers, and**  
8 **monetary or treasure trove;**

9 (3) **"Lands beneath navigable waters":**

10 (a) **All lands within the boundaries of this state which are covered by nontidal**  
11 **waters that are now navigable, or were navigable under the laws of the United States at the**  
12 **time this state became a member of the Union or acquired sovereignty over such lands and**  
13 **waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified**  
14 **by accretion, erosion, river channel shifts, and reliction;**

15 (b) **All filled in, made, or reclaimed lands which formerly were lands beneath**  
16 **navigable waters;**

17 (4) **"Shipwreck", a vessel or wreck, its cargo, and other contents, reasonably**  
18 **believed to have wrecked or been abandoned at least fifty years prior to any permit**  
19 **application.**

20 **2. Under the Abandoned Shipwreck Act of 1987, 43 U.S.C. Sections 2101-2106, all**  
21 **historic shipwreck materials and such objects having intrinsic or historical and**  
22 **archaeological value which have been abandoned on lands beneath navigable waters shall**  
23 **belong to the state with jurisdiction thereto vested in the department for the purposes of**  
24 **administration and protection. The department shall have the authority to promulgate**  
25 **rules and regulations for the acceptable visitation, study, and salvage of such historic**  
26 **shipwreck materials.**

27 **3. Any plan of regulated activities submitted by an applicant under subsection 2 of**  
28 **section 253.420 shall include authorized written permission from any affected landowner**

29 allowing access both to and from sites on the property and permitting any ground-  
30 disturbing activities on such property.

578.520. 1. No person shall fish, hunt, or trap upon or retrieve wildlife from any  
2 private land that is not owned or in the possession of such person without permission from  
3 the owner or lessee of such land.

4 2. Any person who violates the provisions of this section is guilty of a class B  
5 misdemeanor.

6 3. Any person who knowingly enters or remains on private property for the  
7 purpose of hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of  
8 this section may, in addition to the penalty in subsection 2 of this section, be required by  
9 the court to surrender and deliver any license or permit issued by the department of  
10 conservation to hunt, fish, or trap. The court shall notify the conservation commission of  
11 any conviction under this section and request the commission take necessary action to  
12 revoke all privileges to hunt, fish, or trap for at least one year from the date of conviction.

578.525. 1. No person shall, while engaged in the retrieval of wildlife from private  
2 land that is not owned or in the possession of such person with permission of the landowner  
3 or lessee of the land:

4 (1) Intentionally drive or flush any large or small game located on the land toward  
5 other hunters of the retriever's same hunting group located on other parcels of land or  
6 right-of-ways; or

7 (2) Intentionally discharge a firearm at large or small game, that originates from  
8 the private land during retrieval.

9 2. Unlawful retrieval of large or small game is a class B misdemeanor.

578.530. It shall be an affirmative defense to prosecution for a violation of sections  
2 578.520 and 578.525 that the premises were at the time open to members of the public and  
3 the person complied with all lawful conditions imposed concerning access to or the  
4 privilege of remaining on the premises.

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