

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 198

94TH GENERAL ASSEMBLY

2007

0868L.03T

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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Section A. Section 253.095, RSMo, is repealed and six new sections  
2 enacted in lieu thereof, to be known as sections 195.217, 253.095, 253.421,  
3 578.520, 578.525, and 578.530, to read as follows:

195.217. 1. A person commits the offense of distribution of a  
2 controlled substance near a park if such person violates section 195.211  
3 by unlawfully distributing or delivering heroin, cocaine, LSD,  
4 amphetamine, or methamphetamine to a person in or on, or within one  
5 thousand feet of, the real property comprising a public park, state  
6 park, county park, or municipal park or a public or private park  
7 designed for public recreational purposes, as park is defined in section  
8 253.010, RSMo.

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

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

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

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

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

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

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

10 (3) "Lands beneath navigable waters":

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

18 (b) All filled in, made, or reclaimed lands which formerly were  
19 lands beneath navigable waters;

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

23 2. Under the Abandoned Shipwreck Act of 1987, 43 U.S.C.  
24 Sections 2101-2106, all historic shipwreck materials and such objects  
25 having intrinsic or historical and archaeological value which have been  
26 abandoned on lands beneath navigable waters shall belong to the state

27 with jurisdiction thereto vested in the department for the purposes of  
28 administration and protection. The department shall have the  
29 authority to promulgate rules and regulations for the acceptable  
30 visitation, study, and salvage of such historic shipwreck materials.

31 3. Any plan of regulated activities submitted by an applicant  
32 under subsection 2 of section 253.420 shall include authorized written  
33 permission from any affected landowner allowing access both to and  
34 from sites on the property and permitting any ground-disturbing  
35 activities on such property.

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

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

6 3. Any person who knowingly enters or remains on private  
7 property for the purpose of hunting, fishing, trapping, or retrieving  
8 wildlife in violation of subsection 1 of this section may, in addition to  
9 the penalty in subsection 2 of this section, be required by the court to  
10 surrender and deliver any license or permit issued by the department  
11 of conservation to hunt, fish, or trap. The court shall notify the  
12 conservation commission of any conviction under this section and  
13 request the commission take necessary action to revoke all privileges  
14 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  
2 wildlife from private land that is not owned or in the possession of such  
3 person with permission of the landowner or lessee of the land:

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

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

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

578.530. It shall be an affirmative defense to prosecution for a  
2 violation of sections 578.520 and 578.525 that the premises were at the  
3 time open to members of the public and the person complied with all

4 **lawful conditions imposed concerning access to or the privilege of**  
5 **remaining on the premises.**

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Bill

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