

SS HCS HB 369 -- LAND MANAGEMENT

This bill changes the provisions related to land management.

HISTORIC CEMETERIES (Section 253.387, RSMo)

The bill authorizes the Department of Natural Resources to acquire by purchase or gift the Antioch Cemetery in Clinton, Missouri, to be operated and maintained by the Division of State Parks. The cemetery is designated as a state historic site.

The bill requires the Department to allow for burials to continue until all plots have been purchased. The Department can charge no more than \$100 per burial to be credited to the newly created "Antioch Cemetery Fund". The Department is not liable for the costs associated with the burial and is not responsible for active burials.

FERAL HOGS (Sections 270.170, 270.180, 270.260, 270.270, and 270.400)

The bill modifies provisions relating to feral swine by remove the phrase "or sheep" from provisions of law relating to certain animals running at large. The bill repeals a definition for "feral hog" and replaces it with a definition for "feral swine".

Any person who recklessly or knowingly releases any swine to live in a wild or feral state may be sentenced to pay a fine up to \$2,000. Provisions of law relating to the release of feral swine shall not be construed to criminalize the release of domestic swine into a facility under a Department of Conservation permit or to hinder the ability to transport domestic swine to market or slaughter.

Any person who is previously found guilty of possessing or transporting feral swine through public land and is found guilty of a subsequent violation within 10 years is guilty of a class E felony. Provisions of law relating to the possession or transportation of feral swine shall not apply to the possession of the offspring of domestic swine that are unintentionally sired by feral swine and are reported to the state veterinarian.

Any person who takes or kills a feral swine on public or private land without the consent of the landowner or with the use of an artificial light or thermal imagery is guilty of a class A misdemeanor.

The bill repeals rulemaking authority for the Director of the Department of Agriculture for health standards for certain wild

swine and repeals provisions of law creating the Animal Health Fund.

#### PRIVATE CAMPGROUND LIABILITY PROTECTION (Section 537.328)

This bill prohibits an owner, employee, or officer of a private campground from being liable for acts related to camping at a private campground if the injury or damage occurred as a result of an inherent risk of camping, as described within the bill. This bill does not apply to actions arising under Missouri Workers' Compensation Law. Additionally, this bill does not prevent or limit liability of an owner, employee, or officer who intentionally causes injury, death, or damage, who acts with a willful or wanton disregard for the safety of the person or property damaged, who fails to use the degree of care that an ordinarily careful and prudent person would use under the circumstances, or who fails to conspicuously post warning signs of known dangerous conditions on the property. Warning signs are required to appear in black letters of at least one inch in height on a white background. Warning signs and written contracts entered into by an owner, employee, or officer shall contain a warning notice, as specified in the bill.

#### LANDOWNER LIABILITY (Section 316.250, 537.346, 537.347, and 537.348)

The bill also specifies that a landowner is not liable for injuries a trespasser receives while on the landowner's residential area, if such area is adjacent to a park or trail and that is how the trespasser entered the owner's property.

Currently, a landowner who invites or permits a person to enter his land for recreational use in compliance with a state-administered recreational access program does not assume certain liabilities or responsibilities. The bill also extends the limited liability to landowners who invite or permit a person to enter his land for recreational use in compliance with a state-administered wildlife management program.

The bill also repeals a certain paragraph of landowner liability law that states that nothing in its provisions creates or limits liability that otherwise would be incurred by owners of land for injuries occurring on or in any land within the corporate boundaries of any city, municipality, town, or village in this state.

#### PRESCRIBED BURNING ACT (Section 537.354)

The bill also creates the "Prescribed Burning Act", which specifies

that any landowner or agent of a landowner will not be liable for damage, injury, or loss caused by a prescribed burn, as defined in the bill, or the resulting smoke of a prescribed burn unless the landowner is proven to be negligent. Additionally, no certified burn manager will be liable if the burn is conducted in accordance with a written prescribed burn plan unless the burn manager is found to be negligent.

The provisions of the bill do not apply to damage, injury, or loss to property, lands, rights-of-way, or easements of certain utilities and railroad companies.

#### ACCESS TO PRIVATE PROPERTY (Section 542.525)

The bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.