

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 105

103RD GENERAL ASSEMBLY

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0608S.02C

KRISTINA MARTIN, Secretary

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## AN ACT

To repeal section 263.070, RSMo, and to enact in lieu thereof one new section relating to nonnative  
invasive plants.

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

Section A. Section 263.070, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 263.070,  
3 to read as follows:

263.070. 1. A schedule of fees to defray the cost of  
2 inspecting greenhouses, nurseries, nursery dealers, nursery  
3 stock, plants, plant products and other materials is hereby  
4 established and shall be listed in the rules made pursuant  
5 to sections 263.010 to 263.180. This fee schedule may be  
6 revised from time to time to more accurately reflect the  
7 actual cost of these inspections.

8 2. Greenhouse inspection shall be optional and any  
9 grower of greenhouse plants who may desire or find need for  
10 a certificate of greenhouse inspection may obtain semiannual  
11 inspection of his greenhouse, premises and plants, by making  
12 application to the state entomologist. This semiannual  
13 inspection and certification of greenhouses shall be  
14 performed under the same general provisions as apply to the  
15 annual inspection of nurseries. Greenhouse inspection  
16 certificates shall expire on November thirtieth of each year.

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

17           3. All nurseries in this state shall be inspected at  
18 least once each year to ascertain whether they are infested  
19 or infected with plant pests **and shall meet the affidavit**  
20 **requirements under paragraph (d) of subdivision (1) of**  
21 **subsection 5 of this section.** Upon full payment of the fee  
22 **and submission of the affidavit** each nurseryman shall  
23 receive a written notice of the findings of such inspection  
24 along with a nursery inspection certificate; except that,  
25 the state entomologist may withhold certification of a  
26 nursery pending eradication of extremely serious or abundant  
27 plant pests or weeds of such nature which would prevent the  
28 adequate inspection of such nursery. This certificate shall  
29 be used in connection with the shipment or movement of any  
30 nursery stock shown to be apparently free of harmful and  
31 destructive plant pests or other nursery stock from which  
32 harmful and destructive plant pests have been eliminated.  
33 All nursery inspection certificates shall expire on  
34 September thirtieth of each year. Each nursery shall be  
35 allowed one retail sales outlet per certificate. Additional  
36 outlets shall require separate nursery dealer registration-  
37 inspection certificates. When the findings of the annual  
38 inspection of a nursery shall in the opinion of the state  
39 entomologist warrant such action, additional inspections of  
40 the nursery may be made and the nursery may be charged a fee  
41 sufficient to cover the cost of such reinspection.

42           4. By notice in writing the state entomologist may  
43 require a nurseryman to hold any variety or any amount of  
44 nursery stock for inspection or reinspection by quarantining  
45 such nursery stock whenever such action is necessary to  
46 determine that it is free from pests or to allow time to  
47 eradicate any such pests. The state entomologist may  
48 further order the removal from sale and the treatment or

49 destruction of any nursery stock infested or infected with  
50 especially injurious pests or nursery stock which is not  
51 viable or is in such damaged or desiccated condition as to  
52 be incapable of reasonable growth. No compensation shall be  
53 paid for any stock ordered destroyed.

54 5. (1) Each nursery dealer, before selling or  
55 offering for sale or otherwise distributing nursery stock  
56 within this state, shall annually obtain a nursery dealers'  
57 registration-inspection certificate for each individual  
58 location from which the dealer sells or offers for sale  
59 nursery stock. Each nursery dealer shall make application  
60 on forms to be provided by the state entomologist for each  
61 individual location, which shall include:

62 (a) The name and complete address of the nursery  
63 dealer's place of business for which such certificate is  
64 requested;

65 (b) A declaration that applicant will obtain and  
66 distribute only inspected and certified nursery stock; **[and]**

67 (c) An up-to-date listing of all sources from which  
68 **[he]** the nursery dealer secures nursery stock; **and**

69 (d) **An affidavit that the nursery dealer shall not**  
70 **knowingly and intentionally import, export, buy, sell,**  
71 **transport, distribute, or propagate any viable plant portion**  
72 **or seeds of:**

73 a. **Climbing euonymus (Euonymus fortune variety**  
74 **Coloratus), all varieties and cultivars of Japanese**  
75 **honeysuckle (Lonicera japonica), or all varieties and**  
76 **cultivars of Sericea lespedeza (Lespedeza cuneata), or**  
77 **perilla mint (perilla frutescens) on or after January 1,**  
78 **2027; or**

79           **b. Burning bush (*Euonymus alatus Compactus*) or all**  
80 **varieties and cultivars of Callery pear (*Pyrus calleryana*)**  
81 **on or after January 1, 2029.**

82           (2) Each nursery dealer shall pay, at the time of  
83 making application, the annual registration-inspection fee  
84 as set forth in the rules made pursuant to sections 263.010  
85 to 263.180.

86           (3) All nursery dealer registration-inspection  
87 certificates shall expire on September thirtieth of each  
88 year.

89           (4) The state entomologist may inspect or cause to be  
90 inspected the premises of any nursery dealer including any  
91 sales yard, packing shed, nursery stock on hand or  
92 equipment, for the presence of dangerous and destructive  
93 plant pests which may be disseminated on nursery stock.

94           6. By notice in writing the state entomologist may  
95 require a nursery dealer to hold any variety or any amount  
96 of nursery stock by quarantining such nursery stock whenever  
97 such action is necessary to determine that it is free from  
98 pests or to allow time to eradicate any such pests. The  
99 state entomologist may further order the removal from sale  
100 and the treatment or destruction of any nursery stock  
101 infested or infected with especially injurious pests, or  
102 nursery stock which is not viable or is in such damaged or  
103 desiccated condition as to be incapable of reasonable  
104 growth. No compensation shall be paid for any stock ordered  
105 destroyed.

106           7. Any person in need of a special inspection and  
107 certification of nursery stock, other plants or plant  
108 products may upon request to the state entomologist have  
109 same inspected for plant pests. A fee sufficient to cover  
110 the cost of such inspection or certificate, or both, may be

111 charged. Upon completion of the inspection and payment of  
112 the fee, a certificate of inspection shall be issued  
113 provided the plants or plant products are free of harmful  
114 plant pests. The state entomologist may enter into  
115 agreements with various persons or companies, to carry out  
116 the requirements of this state and importing states or  
117 countries.

118 8. All moneys received for any inspection fee or other  
119 receipts under this law shall be deposited in the state  
120 treasury and shall be subject to appropriation by the  
121 general assembly.

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