

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 105

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0608S.03P

KRISTINA MARTIN, Secretary

AN ACT

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

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Section A. Section 263.070, RSMo, is repealed and one new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

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

15 annual inspection of nurseries. Greenhouse inspection
16 certificates shall expire on November thirtieth of each year.

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

43 4. By notice in writing the state entomologist may
44 require a nurseryman to hold any variety or any amount of
45 nursery stock for inspection or reinspection by quarantining
46 such nursery stock whenever such action is necessary to

47 determine that it is free from pests or to allow time to
48 eradicate any such pests. The state entomologist may
49 further order the removal from sale and the treatment or
50 destruction of any nursery stock infested or infected with
51 especially injurious pests or nursery stock which is not
52 viable or is in such damaged or desiccated condition as to
53 be incapable of reasonable growth. No compensation shall be
54 paid for any stock ordered destroyed.

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

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

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

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

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

74 a. **Climbing euonymus (Euonymus fortune variety**
75 **Coloratus), all varieties and cultivars of Japanese**
76 **honeysuckle (Lonicera japonica), or all varieties and**
77 **cultivars of Sericea lespedeza (Lespedeza cuneata), or**

78 **perilla mint (*perilla frutescens*) on or after January 1,**
79 **2027; or**

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

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

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

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

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

107 7. Any person in need of a special inspection and
108 certification of nursery stock, other plants or plant
109 products may upon request to the state entomologist have

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

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

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