

SENATE BILL NO. 105

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0608S.01I

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Section A. Section 263.070, RSMo, is repealed and one new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

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

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 fortunei*), Japanese**
74 **honeysuckle (*Lonicera japonica*), or *Sericea lespedeza***
75 **(*Lespedeza cuneata*) on or after January 1, 2027; or**

76 b. **Burning bush (*Euonymus alatus*) or Callery pear**
77 **(*Pyrus calleryana*) on or after January 1, 2029.**

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

82 (3) All nursery dealer registration-inspection
83 certificates shall expire on September thirtieth of each
84 year.

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

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

102 7. Any person in need of a special inspection and
103 certification of nursery stock, other plants or plant
104 products may upon request to the state entomologist have
105 same inspected for plant pests. A fee sufficient to cover
106 the cost of such inspection or certificate, or both, may be
107 charged. Upon completion of the inspection and payment of
108 the fee, a certificate of inspection shall be issued
109 provided the plants or plant products are free of harmful
110 plant pests. The state entomologist may enter into
111 agreements with various persons or companies, to carry out
112 the requirements of this state and importing states or
113 countries.

114 8. All moneys received for any inspection fee or other
115 receipts under this law shall be deposited in the state
116 treasury and shall be subject to appropriation by the
117 general assembly.

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