

SECOND REGULAR SESSION

HOUSE BILL NO. 1333

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER (Sponsor) AND WALLACE (Co-sponsor).

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3038L.01I

AN ACT

To repeal section 263.190, RSMo, and to enact in lieu thereof one new section relating to noxious weeds.

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

Section A. Section 263.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.190, to read as follows:

263.190. 1. The plants musk thistle (*Carduus nutans* L.), Scotch thistle (*Onoprodum acanthium* L.) and Canada thistle (*Cirsium arvense*) are hereby designated as noxious weeds. All owners of land shall control all such plants growing upon their land.

2. It shall be the duty of every owner of lands in this state to control all Canada, musk, or Scotch thistles growing thereon so often in each and every year as shall be sufficient to prevent said thistles from going to seed. If any owner of such land shall knowingly allow any Canada, musk, or Scotch thistles to grow thereon, such owner shall forfeit and pay the sum of [one] **two** hundred **fifty** dollars to the county commission for every such offense, and such sum forfeited plus court costs may be recovered by civil action instituted by the prosecuting attorney in the name of the county commission before any associate circuit judge of the county in which the offense is committed. All sums recovered by virtue of this section shall be paid to the use of the county control fund.

3. Before initiating any civil action under this section, the prosecuting attorney of the county in which the land, or the greater part thereof, is located shall notify the owner of the land of the requirements of this law, by certified mail, return receipt requested, from a list supplied

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 by the officer who prepares the tax list, and shall allow the owner of the land fifteen days from
17 acknowledgment date of return receipt, or date of refusal of acceptance, as the case may be, to
18 control all such plants growing upon his land. Failure of the owner to control such plants within
19 the fifteen-day period shall be prima facie evidence of the owner's knowledge that he is in
20 violation of this law, and each fifteen days the violation continues after the initial fifteen-day
21 period shall, for the purpose of forfeiture and penalty herein, be considered a separate offense.

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