

FIRST REGULAR SESSION

HOUSE BILL NO. 60

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

0731H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 263.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.070, to read as follows:

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

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

3. All nurseries in this state shall be inspected at least once each year to ascertain whether they are infested or infected with plant pests **and shall meet the affidavit requirements under paragraph (d) of subdivision (1) of subsection 5 of this section.** Upon full payment of the fee **and submission of the affidavit** each nurseryman shall receive a written notice of the findings of such inspection along with a nursery inspection certificate; except that, the state entomologist may withhold certification of a nursery pending eradication

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.

18 of extremely serious or abundant plant pests or weeds of such nature which would prevent the
19 adequate inspection of such nursery. This certificate shall be used in connection with the
20 shipment or movement of any nursery stock shown to be apparently free of harmful and
21 destructive plant pests or other nursery stock from which harmful and destructive plant pests
22 have been eliminated. All nursery inspection certificates shall expire on September thirtieth
23 of each year. Each nursery shall be allowed one retail sales outlet per certificate. Additional
24 outlets shall require separate nursery dealer registration-inspection certificates. When the
25 findings of the annual inspection of a nursery shall in the opinion of the state entomologist
26 warrant such action, additional inspections of the nursery may be made and the nursery may
27 be charged a fee sufficient to cover the cost of such reinspection.

28 4. By notice in writing the state entomologist may require a nurseryman to hold any
29 variety or any amount of nursery stock for inspection or reinspection by quarantining such
30 nursery stock whenever such action is necessary to determine that it is free from pests or to
31 allow time to eradicate any such pests. The state entomologist may further order the removal
32 from sale and the treatment or destruction of any nursery stock infested or infected with
33 especially injurious pests or nursery stock which is not viable or is in such damaged or
34 desiccated condition as to be incapable of reasonable growth. No compensation shall be paid
35 for any stock ordered destroyed.

36 5. (1) Each nursery dealer, before selling or offering for sale or otherwise distributing
37 nursery stock within this state, shall annually obtain a nursery dealers' registration-inspection
38 certificate for each individual location from which the dealer sells or offers for sale nursery
39 stock. Each nursery dealer shall make application on forms to be provided by the state
40 entomologist for each individual location, which shall include:

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

43 (b) A declaration that applicant will obtain and distribute only inspected and certified
44 nursery stock; ~~and~~

45 (c) An up-to-date listing of all sources from which ~~he~~ **the nursery dealer** secures
46 nursery stock; **and**

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

50 **a. Wintercreeper (Euonymus fortunei, variety Coloratus), all varieties of**
51 **Japanese honeysuckle (Lonicera japonica), or all varieties of sericea lespedeza**
52 **(Lespedeza cuneata) on or after January 1, 2027; or**

53 **b. Burning bush (Euonymus alatus, variety Compactus) or all varieties of**
54 **Callery pear (Pyrus calleryana) on or after January 1, 2029.**

55 (2) Each nursery dealer shall pay, at the time of making application, the annual
56 registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to
57 263.180.

58 (3) All nursery dealer registration-inspection certificates shall expire on September
59 thirtieth of each year.

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

64 6. By notice in writing the state entomologist may require a nursery dealer to hold any
65 variety or any amount of nursery stock by quarantining such nursery stock whenever such
66 action is necessary to determine that it is free from pests or to allow time to eradicate any such
67 pests. The state entomologist may further order the removal from sale and the treatment or
68 destruction of any nursery stock infested or infected with especially injurious pests, or nursery
69 stock which is not viable or is in such damaged or desiccated condition as to be incapable of
70 reasonable growth. No compensation shall be paid for any stock ordered destroyed.

71 7. Any person in need of a special inspection and certification of nursery stock, other
72 plants or plant products may upon request to the state entomologist have same inspected for
73 plant pests. A fee sufficient to cover the cost of such inspection or certificate, or both, may be
74 charged. Upon completion of the inspection and payment of the fee, a certificate of
75 inspection shall be issued provided the plants or plant products are free of harmful plant pests.
76 The state entomologist may enter into agreements with various persons or companies, to carry
77 out the requirements of this state and importing states or countries.

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

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