

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 60**  
**103RD GENERAL ASSEMBLY**

0731H.03C

JOSEPH ENGLER, Chief Clerk

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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Section A. Section 263.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.070, to read as follows: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 comply with 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 of extremely serious or abundant plant pests or weeds of such nature which would prevent the

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.

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. **Climbing euonymus (Euonymus fortune variety Coloratus), all varieties and**  
51 **cultivars of Japanese honeysuckle (Lonicera japonica), or all varieties and cultivars of**  
52 **Sericea lespedeza (Lespedeza cuneata), or perilla mint (perilla frutescens) on or after**  
53 **January 1, 2027; or**

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

56           (2) Each nursery dealer shall pay, at the time of making application, the annual  
57 registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to  
58 263.180.

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

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

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

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

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

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