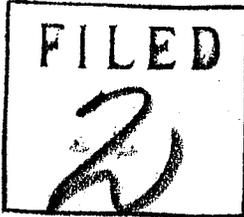


AGRICULTURE:
STATE ENTOMOLOGIST:

State entomologist may establish quarantine to prohibit the transportation into the state of products, articles or things capable of carrying the pink bollworm.

January 6, 1955.



Mr. Julius R. Anderson
State Entomologist
Department of Agriculture
Jefferson Building
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this office, which request reads as follows:

"A very destructive insect of Cotton, the Pink Bollworm is spreading North and Eastward across Arkansas into Missouri from Texas and Oklahoma. This insect is considered a serious threat to the Missouri Cotton industry so a quarantine which would prohibit the entry of unprocessed cotton, cotton products or cotton harvesting equipment, especially used cotton 'pick-sacks' into Missouri from states that now are infested with the pink bollworm is being considered.

"Sections 263.130 and 263.140 R.S. Mo 1949 quite plainly allow such a quarantine to be established as a regulation if cotton is considered included under the definition of plants and plant products as defined in Section 263.020 (4), R.S. Mo. 1949 of the Missouri Plant Law.

"We would like to have your interpretation in regards to Cotton as a field crop being included under plants and plant products, Section 263.020 (4) R.S. Mo. 1949 of the Missouri Plant Law."

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Since you refer only to a quarantine which would prohibit the entry into the State of Missouri of cotton or other article capable of carrying the pink bollworm, we need only refer to Section 263.130 RSMo 1949, relating to such a quarantine. Said section provides as follows:

"The state entomologist, wherever he shall find that there exists in any other state, territory, or district, or part thereof, any dangerous plant disease or insect infestation with reference to which the secretary of agriculture of the United States has not determined that a quarantine is necessary and has not duly established such quarantine, is hereby authorized to promulgate, and to enforce by appropriate rules and regulations, a quarantine prohibiting or restricting the transportation into or through the state, or any portion thereof, from such other state, territory, or district of any class of nursery stock, plant, fruit, seed, or other article of any character whatsoever, capable of carrying such plant disease or insect infestation. The state entomologist is hereby authorized to make rules and regulations for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed, or other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, a quarantine with respect to which shall have been established by the secretary of agriculture of the United States, and which have been transported to, into, or through this state in violation of such quarantine."

It is noted that this section provides that if the state entomologist finds that there exists an insect infestation with reference to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary, said state entomologist is authorized to promulgate and enforce by appropriate rules and regulations a quarantine prohibiting or restricting the transportation into or through the state of any class of nursery stock, plant, fruit, seed or other article of any character whatsoever capable of carrying such insect infestation. We note also Section 263.050, which authorizes

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and empowers the state entomologist to promulgate and enforce such quarantine regulations as may be necessary in carrying out the provisions of Chapter 263. You specifically inquire whether cotton is a plant or plant product, as contemplated by Chapter 263, over which the state entomologist would be authorized to impose a quarantine to prohibit the dissemination of insect infestation under the provisions of Section 263.130, supra. Section 263.020 defines the term "insect pests and diseases" as follows:

"(1) Insect pests and diseases: Insect pests and diseases injurious to plants and plant products of this state, including any of the stages of development of such insect pests and diseases."

The term "plants and plant products" is defined in the same section as follows:

"(4) Plants and plant products: Trees, shrubs, vines, forage and cereal plants, and all other plants; cuttings, grafts, scions, buds, and all other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all other plant products."

While cotton as a field crop does not specifically appear in the definition of plants and plant products, we are of the opinion that it was the legislative intent to include such crop within the term "and all other plants." Ordinarily, where general words such as the words "all other plants" follow particular words, the general words are held not to amplify or enlarge the particular, but are themselves restricted and explained by the particular terms. However, we are of the opinion that such rule of statutory construction is not applicable in the instant case. This rule of statutory construction is used merely as an aid in ascertaining the legislative intent, and such rule will not prevail where a different intent is clearly indicated. Further, such rule does not apply in the construction of statutes where the specific words of a statute signify subjects greatly different from one another (State v. Eckhardt, 133 S.W. 321, 232 Mo. 49). It is quite evident from the definition of plants and plant products that the words "trees, vines, forage and cereal plants" are greatly different from one another, and therefore it is our opinion that when the legislature included the phrase "and all other plants" such term is broad enough to include cotton as a field crop.

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CONCLUSION

Therefore, it is the opinion of this office that the state entomologist is empowered and authorized to establish a quarantine which would prohibit the entry into this state of cotton, cotton products, or other articles of any character whatsoever capable of carrying an insect infestation such as the pink bollworm.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donal D. Guffey.

Yours very truly,

John M. Dalton
Attorney General

DDG/vtl