



General Assembly

January Session, 2003

Amendment

LCO No. 6002

SB0104606002SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. RORABACK, 30th Dist.
SEN. MCKINNEY, 28th Dist.
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REP. MUSHINSKY, 85th Dist.
REP. WILLIS, 64th Dist.

To: Subst. Senate Bill No. 1046

File No. 339

Cal. No. 239

"AN ACT CONCERNING INVASIVE PLANTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) There shall be an
4 Invasive Plants Council which shall consist of the following members:
5 (1) The Commissioner of Agriculture, or the commissioner's designee;
6 (2) the Commissioner of Environmental Protection, or the
7 commissioner's designee; (3) the director of the Connecticut
8 Agricultural Experiment Station, or the director's designee; (4) the
9 dean of the College of Agriculture and Natural Resources at The
10 University of Connecticut, or the dean's designee; (5) a representative
11 of Invasive Plant Atlas of New England appointed by the minority
12 leader of the Senate; (6) one representative of a nonprofit environment
13 association with a demonstrated knowledge of invasive plants

14 appointed by the speaker of the House of Representatives; (7) one
15 representative of a nonprofit association concerned with growers and
16 retailers of plants and flowers appointed by the president pro tempore
17 of the Senate; (8) one representative of a nonprofit association
18 concerned with oceans, lakes and rivers appointed by the Governor;
19 and (9) one representative from a company that grows or sells flowers
20 and plants appointed by the minority leader of the House of
21 Representatives.

22 (b) The council shall annually elect a chairperson from among its
23 members who shall convene and preside over the council meetings.
24 Such meetings shall be held at least twice per year. The council may
25 create work groups as necessary.

26 Sec. 2. (NEW) (*Effective from passage*) (a) The Invasive Plants Council
27 shall: (1) Develop and conduct a program to educate the general public
28 and merchants and consumers of aquatic and land-based plants as to
29 the problems associated with invasive plants; (2) make
30 recommendations to control and abate the spread of invasive plants;
31 (3) make available information regarding invasive plants available to
32 any person or group who requests such information; (4) annually
33 publish and periodically update a list of plants considered to be
34 invasive or potentially invasive; and (5) support those state agencies
35 charged with protecting the environment in conducting research into
36 the control of invasive plants, including, but not limited to, the
37 development of new varieties of plant species that do not harm the
38 environment and methods of eradicating and managing existing
39 species of invasive plants.

40 (b) The council may, with a two-thirds vote of its membership,
41 make a recommendation to the joint standing committee of the General
42 Assembly having cognizance of matters relating to the environment
43 that the import or export, retail sale or wholesale and purchase of any
44 plant listed as an invasive plant or a potentially invasive plant
45 pursuant to section 3 of this act be prohibited. In considering whether
46 to make such recommendation, the council may consider: (1) The

47 estimated dollar value of sales of said plant in the state; (2) the
48 estimated costs associated with eradication of the plant in the state; (3)
49 the potential effect of the plant on the environmental resources of the
50 state or a region within the state; and (4) the estimated effect on
51 property values in the state or a region of the state where said plant
52 may propagate.

53 (c) The council may conduct or recommend research on the problem
54 of invasive plants.

55 (d) The council may use such funds as may be available from
56 federal, state or other sources and may enter into contracts to carry out
57 the purposes of this section.

58 (e) The council shall report, in accordance with section 11-4a of the
59 general statutes, to the joint standing committee of the General
60 Assembly having cognizance of matters relating to the environment on
61 or before February 1, 2004, and on January first annually thereafter,
62 concerning the council's accomplishments of the past year and
63 recommendations for the upcoming year, including, but not limited to,
64 recommendations to prohibit the import or export, retail sale or
65 wholesale and purchase of any invasive or potentially invasive plant
66 listed pursuant to section 3 of this act. In reporting recommendations
67 to prohibit the import or export, retail sale or wholesale and purchase
68 of any invasive or potentially invasive plant, the council shall also
69 submit the names of any plant considered for such recommendation,
70 information relating to any findings made pursuant to subsection (b)
71 of this section and the vote of each council member on such
72 recommendation.

73 Sec. 3. (NEW) (*Effective from passage*) (a) In publishing and updating
74 the list of invasive plants required under section 2 of this act, the
75 Invasive Plants Council shall determine that a plant possesses the
76 following characteristics before it is included on such list: (1) Is
77 nonindigenous to the state; (2) is naturalized or has the potential to
78 become naturalized or occurring without the aid and benefit of

79 cultivation in an area where the plant is nonindigenous; (3) under
80 average conditions, the plant has the biological potential for rapid and
81 widespread dispersion and establishment in the state or region within
82 the state; (4) under average conditions, the plant has the biological
83 potential for excessive dispersion over habitats of varying sizes that are
84 similar or dissimilar to the site of the plant's introduction into the state;
85 (5) under average conditions, the plant has the biological potential for
86 existing in high numbers outside of habitats that are intensely
87 managed; (6) occurs widely in a region of the state or a particular
88 habitat within the state; (7) the plant has numerous individuals within
89 many populations; (8) is able to out-compete other species in the same
90 natural plant community; and (9) has the potential for rapid growth,
91 high seed production and dissemination and establishment in natural
92 plant communities.

93 (b) In publishing and updating the list of potentially invasive plants
94 required under section 2 of this act, before including a plant on such
95 list the Invasive Plants Council shall determine that a plant: (1)
96 Possesses each of the characteristics set forth in subdivisions (1) to (5),
97 inclusive, of subsection (a) of this section; and (2) possesses at least one
98 of the characteristics set forth in subdivisions (6) to (9), inclusive, of
99 subsection (a) of this section.

100 (c) Upon a finding that a plant meets the criteria for listing as an
101 invasive plant under subsection (a) of this section, or as a potentially
102 invasive plant under subsection (b) of this section, prior to listing such
103 plant as invasive or potentially invasive, as applicable, the majority of
104 the council's membership shall approve of such listing. On the request
105 of two or more members of the council, the council shall hold a
106 meeting, open to the public, not later than thirty days prior to the
107 publication of the initial invasive plant list or the addition of any plant
108 to the invasive plant list, as applicable.

109 (d) In listing a plant as invasive or potentially invasive, the council
110 may make recommendations on how to discourage the sale and import
111 of such plants in the state and identify alternative plants to the listed

112 plant for growing purposes.

113 Sec. 4. (NEW) (*Effective from passage*) No state agency, department or
114 institution shall purchase any plant listed as invasive or potentially
115 invasive pursuant to section 3 of this act, provided nothing in this
116 section shall be construed to prohibit such purchase if such purchase is
117 necessary to honor a state contract in effect as of the date any such
118 plant is listed as invasive or potentially invasive pursuant to section 3
119 of this act. Nothing in this section shall be construed to prohibit any
120 state agency, department or institution from transporting any invasive
121 or potentially invasive plant for educational or research purposes.

122 Sec. 5. Section 15-140e of the general statutes is amended by adding
123 subsection (f) as follows (*Effective from passage*):

124 (NEW) (f) Any course in safe boating operation approved by the
125 Commissioner of Environmental Protection, as described in subsection
126 (b) of this section, shall include instruction on the proper means of: (1)
127 inspecting a vessel and trailers used for transporting such vessels for
128 the presence of vegetation; and (2) properly disposing of such
129 vegetation.

130 Sec. 6. (NEW) (*Effective from passage*) (a) No person shall transport a
131 vessel, as defined in section 15-127 of the general statutes, or any trailer
132 used to transport such vessel, in the state without first inspecting such
133 vessel for the presence of vegetation and properly removing and
134 disposing of any such vegetation from such vessel or trailer.

135 (b) Any person who violates the provisions of this section shall be
136 fined not more than one hundred dollars for each such violation.

137 Sec. 7. Subsection (a) of section 26-6 of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective from*
139 *passage*):

140 (a) Conservation officers, special conservation officers and
141 patrolmen appointed by the commissioner under authority of section

142 26-5, shall enforce the provisions of title 23 and this title and chapters
143 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
144 titles and chapters and sections 26-192c to 26-192h, inclusive, 22a-250,
145 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-
146 205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117, inclusive,
147 subsection (b) of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-
148 130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-
149 157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a,
150 inclusive, 54-33d, [and] 54-33e and section 6 of this act.

151 Sec. 8. (NEW) (*Effective from passage*) (a) Notwithstanding the
152 provisions of any ordinance adopted by a municipality, no person
153 shall import, move, sell, purchase, possess, cultivate or distribute any
154 of the following invasive plants: (1) Curly leaved Pondweed
155 (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian
156 water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil
157 (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6)
158 egeria (*Egeria densa*); and (7) hydrilla (*Hydrilla verticillata*). Any
159 person who violates the provisions of this subsection shall be fined not
160 more than one hundred dollars.

161 (b) From the effective date of this section until May 5, 2004, no
162 municipality shall adopt any ordinance regarding the retail sale or
163 purchase of any invasive plant.

164 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective from*
166 *passage*):

167 (b) Notwithstanding any provision of the general statutes, [to the
168 contrary,] any person who is alleged to have committed (1) a violation
169 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-
170 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,
171 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292,
172 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
173 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-

174 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
175 140, 13a-143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section
176 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b,
177 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
178 subsection (d) of section 14-12, section 14-20a, 14-27a, subsection (e) of
179 section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-
180 50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b, 14-
181 67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b, 14-
182 103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation
183 as specified in subsection (f) of section 14-164i, section 14-219 specified
184 in subsection (e) of said section, section 14-240, 14-249, 14-250,
185 subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-
186 267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section
187 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326,
188 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-
189 33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-
190 22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-
191 149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-
192 451, 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39,
193 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
194 107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-
195 301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-
196 502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e, subsection (a)
197 of section 20-341, section 20-341i, 20-597, 20-608, 20-610, 21-30, 21-38,
198 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26, 21a-30,
199 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-77,
200 subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-
201 201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37,
202 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61,
203 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
204 320h, 22-324a, 22-326, 22-342, subsection (b) or (e) of section 22-344,
205 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246,
206 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
207 section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or
208 (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-

209 40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117,
 210 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227,
 211 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-
 212 243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10,
 213 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28,
 214 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-
 215 52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
 216 74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of section 31-273,
 217 section 31-288, 36a-787, 42-230, 45a-450, 45a-634, 45a-658, subdivision
 218 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
 219 34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211,
 220 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
 221 321, 53-322, 53-323, 53-331, 53-344, [or] 53-450 or subsection (a) of
 222 section 8 of this act, or (2) a violation under the provisions of chapter
 223 268, or (3) a violation of any regulation adopted in accordance with the
 224 provisions of section 12-484, 12-487 or 13b-410, shall follow the
 225 procedures set forth in this section."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>