



House of Representatives

General Assembly

File No. 413

February Session, 2004

Substitute House Bill No. 5614

House of Representatives, April 1, 2004

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE BAN OF INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 2 of public act 03-136 is repealed
2 and the following is substituted in lieu thereof (*Effective from passage*):

3 (e) The council shall report, in accordance with section 11-4a, to the
4 joint standing committee of the General Assembly having cognizance
5 of matters relating to the environment on or before February 1, [2004]
6 2005, and on January first annually thereafter, concerning the council's
7 accomplishments of the past year and recommendations for the
8 upcoming year, including, but not limited to, recommendations to
9 prohibit the import or export, retail sale or wholesale and purchase of
10 any invasive or potentially invasive plant listed pursuant to section
11 22a-381b. In reporting recommendations to prohibit the import or
12 export, retail sale or wholesale and purchase of any invasive or
13 potentially invasive plant, the council shall also submit the names of
14 any plant considered for such recommendation, information relating to

15 any findings made pursuant to subsection (b) of this section and the
16 vote of each council member on such recommendation.

17 Sec. 2. Section 8 of public act 03-136 is repealed and the following is
18 substituted in lieu thereof (*Effective October 1, 2004*):

19 (a) Notwithstanding the provisions of any ordinance adopted by a
20 municipality, no person shall import, [move,] sell, purchase, [possess,]
21 transplant, cultivate or distribute any of the following invasive plants:
22 (1) Curly leaved Pondweed (*Potamogeton crispus*); (2) fanwort
23 (*Cabomba caroliniana*); (3) eurasian water milfoil (*Myriophyllum*
24 *spicatum*); (4) variable water milfoil (*Myriophyllum heterophyllum*);
25 (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); and (7)
26 hydrilla (*Hydrilla verticillata*). [Any person who violates the
27 provisions of this subsection shall be fined not more than one hundred
28 dollars.]

29 (b) Notwithstanding the provisions of any ordinance adopted by a
30 municipality, no person shall import, or begin new cultivation of for
31 commercial purposes, any of the following invasive plants: (1) Purple
32 loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*
33 scorpioides); (3) Norway maple (*Acer platanoides*); (4) tree of heaven
34 (*Ailanthus altissima*); (5) black locust (*Robinia pseudo-acacia*); (6)
35 Japanese barberry (*Berberis thunbergii*); (7) common barberry
36 (*Berberis vulgaris*); (8) autumn olive (*Elaeagnus umbrellata*); (9)
37 winged euonymus (*Euonymus alatus*); (10) glossy buckthorn
38 (*Frangula alnus*); (11) Bell's honeysuckle (*Lonicera xbella*); (12) amur
39 honeysuckle (*Lonicera maackii*); (13) Morrow's honeysuckle (*Lonicera*
40 morrowii); (14) common buckthorn (*Rhamnus cathartica*); (15)
41 multiflora rose (*Rosa multiflora*); (16) Oriental bittersweet (*Celastrus*
42 orbiculatus); (17) Japanese honeysuckle (*Lonicera japonica*); (18)
43 goutweed (*Aegopodium podagraria*); (19) garlic mustard (*Alliaria*
44 petiolata); (20) narrowleaf bittercress (*Cardamine impatiens*); (21)
45 spotted knapweed (*Centaurea biebersteinii*); (22) black swallow-wort
46 (*Cynanchum louiseae*); (23) pale swallow-wort (*Cynanchum*
47 rossicum); (24) leafy spurge (*Euphorbia esula*); (25) Dame's rocket

48 (Hesperis matronalis); (26) perennial pepperweed (Lepidium
 49 latifolium); (27) Japanese knotweed (Polygonum cuspidatum); (28)
 50 mile-a-minute vine (Polygonum perfoliatum); (29) fig buttercup
 51 (Ranunculus ficaria); (30) coltsfoot (Tussilago farfara); (31) Japanese
 52 stilt grass (Microstegium vimineum); (32) reed canary grass (Phalaris
 53 arundinacea); (33) common reed (Phragmites australis); (34) flowering
 54 rush (Butomus umbellatus); (35) pond water-starwort (Callitriche
 55 stagnalis); (36) European watercress (Marsilea quadrifolia); (37)
 56 parrotfeather (Myriophyllum aquaticum); (38) brittle water-nymph
 57 (Najas minor); (39) American water lotus (Nelumbo lutea); (40) yellow
 58 floating heart (Nymphoides peltata); (41) onerow yellowcress (Rorippa
 59 microphylla); (42) watercress (Rorippa nasturtium-aquaticum), except
 60 for watercress sold for human consumption without its reproductive
 61 structure; (43) giant salvinia (Salvinia molesta); and (44) yellow iris
 62 (Iris pseudacorus).

63 (c) Notwithstanding the provisions of any ordinance adopted by a
 64 municipality, not later than January 1, 2007, no person shall sell,
 65 purchase, transplant, cultivate or distribute any of the invasive plants
 66 listed in subsection (b) of this section.

67 [(b)] (d) From June 26, 2003, until May 5, 2004, no municipality shall
 68 adopt any ordinance regarding the retail sale or purchase of any
 69 invasive plant.

70 (e) Any person who violates the provisions of this section shall be
 71 fined not more than one hundred dollars.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>October 1, 2004</i>

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Various	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Extending the Invasive Plants Council reporting deadline will have no fiscal impact on the member agencies.

The bill adds certain plants to the statutory list of banned invasive plant species for import or cultivation for commercial purposes. As of January 1, 2007, it expands the prohibition to include the sale, purchase, transplant, cultivation or distribution of said invasive plants by any person. The bill makes any violation of these prohibitions an infraction that is punishable by a fine of up to \$100. Any revenue gain would be minimal.

OLR Bill Analysis

sHB 5614

AN ACT CONCERNING THE BAN OF INVASIVE PLANTS**SUMMARY:**

Current law prohibits anyone from importing, moving, selling, buying, owning, cultivating or distributing seven species of invasive plants, regardless of any municipal ordinance to the contrary. The bill eliminates the prohibition against moving or owning the seven plants, but bars transplanting them, in addition to the other activities the law prohibits.

The bill bars anyone from importing or beginning to cultivate for commercial purposes 44 additional species of invasive plants, regardless of any municipal ordinance to the contrary. Starting January 1, 2007, it also bars anyone from selling, buying, transplanting, cultivating or distributing any of these 44 new invasive species, regardless of any municipal ordinance to the contrary. As under current law, violators must pay a fine of up to \$100.

By law, the Invasive Plants Council must report to the Environment Committee by January 1 each year. The bill extends the 2005 reporting deadline by one month, to February 1, 2005.

EFFECTIVE DATE: October 1, 2004, except for the change in the council's reporting deadline, which takes effect upon passage.

NEWLY LISTED INVASIVE PLANTS

The bill bars anyone from importing or beginning to cultivate for commercial purposes the following invasive plant species, regardless of any municipal ordinance to the contrary. Starting January 1, 2007, the bill bars anyone from importing, selling, buying, transplanting, cultivating or distributing any of these plants, regardless of any municipal ordinance to the contrary:

1. yellow iris (*Iris pseudacorus*);
2. purple loosestrife (*Lythrum salicaria*);

3. forget-me-not (*Myosotis scorpioides*);
4. Norway maple (*Acer platanoides*);
5. tree of heaven (*Ailanthus altissima*);
6. black locust (*Robinia pseudo-acacia*);
7. Japanese barberry (*Berberis thunbergii*);
8. common barberry (*Berberis vulgaris*);
9. autumn olive (*Elaeagnus umbrellata*);
10. winged euonymus (*Euonymus alatus*);
11. glossy buckthorn (*Frangula alnus*);
12. Bell's honeysuckle (*Lonicera xbella*);
13. amur honeysuckle (*Lonicera maackii*);
14. Morrow's honeysuckle (*Lonicera morrowii*);
15. common buckthorn (*Rhamnus cathartica*);
16. multiflora rose (*Rosa multiflora*);
17. Oriental bittersweet (*Celastrus orbiculatus*);
18. Japanese honeysuckle (*Lonicera japonica*);
19. goutweed (*Aegopodium podagraria*);
20. garlic mustard (*Alliaria petiolata*);
21. narrowleaf bittercress (*Cardamine impatiens*);
22. spotted knapweed (*Centaurea biebersteinii*);
23. black swallow-wort (*Cynanchum louiseae*);
24. pale swallow-wort (*Cynanchum rossicum*);
25. leafy spurge (*Euphorbia esula*);
26. Dame's rocket (*Hesperis matronalis*);
27. perennial pepperweed (*Lepidium latifolium*);
28. Japanese knotweed (*Polygonum cuspidatum*);
29. mile-a-minute vine (*Polygonum perfoliatum*);
30. fig buttercup (*Ranunculus ficaria*);
31. coltsfoot (*Tussilago farfara*);
32. Japanese stilt grass (*Microstegium vimineum*);
33. reed canary grass (*Phalaris arundinacea*);
34. common reed (*Phragmites australis*);
35. flowering rush (*Butomus umbellatus*);
36. pond water starwort (*Callitriche stagnalis*);
37. European waterclover (*Marsilea quadrifolia*);
38. parrotfeather (*Myriophyllum aquaticum*);
39. brittle water-nymph (*Najas minor*);
40. American water lotus (*Nelumbo lutea*);
41. yellow floating heart (*Nymphoides peltata*);
42. onerow yellowcress (*Rorippa microphylla*);
43. giant salvinia (*Salvinia molesta*); and
44. watercress (*Rorippa nasturtium-aquaticum*), except for watercress

sold for human consumption without its reproductive structure.

BACKGROUND

Related Bill

SB 547 eliminates the ban on moving or owning seven invasive plant species but bars transplanting them. It specifies that the penalty for violations is \$100 per plant. The Environment Committee favorably reported a substitute change of reference on March 15. The Judiciary Committee reported it favorably on March 22.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 25 Nay 2