



General Assembly

Amendment

January Session, 2007

LCO No. 7115

HB0712507115HRO

Offered by:

REP. CHAPIN, 67th Dist.

REP. ROY, 119th Dist.

To: Subst. House Bill No. 7125

File No. 525

Cal. No. 193

**"AN ACT CONCERNING UNDERGROUND STORAGE TANKS,
DEMONSTRATION PROJECTS, AQUACULTURE STRUCTURES
AND SAND REMOVAL."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22-84 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 The director of the Connecticut Agricultural Experiment Station
6 shall have charge of all matters pertaining to official control,
7 suppression or extermination of insects or diseases which are, or
8 threaten to become, serious pests of plants of economic importance.
9 [He] Said director shall receive no additional compensation for such
10 work, and may designate members of the station staff to carry out
11 certain lines thereof and may employ such other assistance as may be
12 required. Said director may cooperate with the agents of the United
13 States Department of Agriculture in the control of plant pests; may

14 make regulations and orders regarding the destruction or treatment of
15 infested plants; may seize, treat, disinfect or destroy any plants or
16 plant material moved in violation of any quarantine or regulation
17 established under the provisions of this section or suspected of being
18 infested by any dangerous insect pest or plant disease; may prohibit or
19 regulate the transportation of plants and plant materials, brick, stone
20 and quarry products or any other objects or materials liable to carry
21 dangerous pests and may designate certain areas or districts wherein
22 all such plants may be destroyed. Said director is authorized to
23 promulgate, and to enforce by appropriate regulations, a quarantine
24 prohibiting or restricting the transportation of any class of nursery
25 stock, plant, fruit, seed or other article capable of carrying any
26 dangerous plant disease or insect infestation, with reference to which
27 the Secretary of Agriculture of the United States has not determined
28 that a quarantine is necessary and established such quarantine, into or
29 through this state or any portion thereof from any other state, the
30 District of Columbia or any part of such state or said district in which
31 said director finds such plant disease or insect infestation to exist. Said
32 director is authorized to make regulations for the seizure, inspection,
33 disinfection, destruction or other disposition of any nursery stock,
34 plant, fruit, seed or other article capable of carrying any dangerous
35 plant disease or insect infestation, a quarantine with respect to which
36 has been established by the Secretary of Agriculture of the United
37 States, and which have been transported to, into or through this state
38 in violation of such quarantine. Said director may inspect nurseries
39 and nursery stock, as defined in section 22-97, for any violation of the
40 provisions of section 22a-381d, as amended by this act. Said director
41 may establish and maintain a quarantine against any premises, district,
42 town or group of towns in this state, provided, before any quarantine
43 is established within the state, a public hearing shall be held, of which
44 five days' notice shall be given to the parties affected, either by mail or
45 by publishing such notice in two newspapers having a circulation in
46 the part of the state affected by such quarantine. Said director or any
47 person authorized by him to enforce the provisions of this section may,
48 at any reasonable time, enter any public or private premises in the

49 performance of his duty. Any person aggrieved by any order of
50 quarantine issued under the provisions of this section may appeal to
51 the Superior Court, or to any judge thereof if said court is not in
52 session, and said court or such judge may grant such relief or issue
53 such order or judgment in the premises as to equity may appertain.
54 Any person interfering with any person in the performance of [his]
55 said director's duty under the provisions of this section or violating
56 any quarantine or any regulation established under said provisions
57 shall be fined not less than five dollars nor more than one hundred
58 dollars.

59 Sec. 502. Subsection (e) of section 22-344 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective July*
61 *1, 2007*):

62 (e) The commissioner may, at any time, inspect or cause to be
63 inspected by [his] the commissioner's agents any such commercial
64 kennel, pet shop, grooming facility or training facility, and if, in [his]
65 the commissioner's judgment such kennel, pet shop, grooming facility
66 or training facility is not being maintained in a sanitary and humane
67 manner or in a manner that protects the public safety, or if [he] the
68 commissioner finds that contagious, infectious or communicable
69 disease or other unsatisfactory conditions exist, [he] or, in the case of a
70 pet shop, if the commissioner finds any violation of the provisions of
71 section 22a-381d, as amended by this act, the commissioner may issue
72 such orders as [he] the commissioner deems necessary for the
73 correction of such conditions and may quarantine the premises and
74 animals. If the owner or keeper of such kennel, pet shop, grooming
75 facility or training facility fails to comply with the regulations or
76 orders of the commissioner, or fails to comply with any provision of
77 the statutes or regulations relating to dogs or other animals, the
78 commissioner may revoke or suspend such license. Any person
79 aggrieved by any order issued under the provisions of this section may
80 appeal therefrom in accordance with the provisions of section 4-183.
81 Any person maintaining any commercial kennel, pet shop, grooming
82 facility or training facility without having obtained a license for the

83 same or after any such license has been revoked or suspended as
84 provided herein shall be fined not more than two hundred dollars. The
85 provisions of this section shall not apply to veterinary hospitals, except
86 those boarding or grooming dogs for nonmedical purposes, and other
87 establishments where all the dogs or animals were born and raised on
88 the premises where they are kept for sale.

89 Sec. 503. Section 22a-381d of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective July 1, 2007*):

91 (a) Notwithstanding the provisions of any ordinance adopted by a
92 municipality, no person shall [import,] move, except for eradication,
93 research or educational purposes, shall import, sell, purchase,
94 transplant, cultivate, except for research purposes, or shall distribute
95 any of the following invasive plants: (1) Curly leaved Pondweed
96 (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian
97 water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil
98 (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6)
99 egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8) common
100 barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*);
101 (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur honeysuckle
102 (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*);
103 (13) common buckthorn (*Rhamnus cathartica*); (14) multiflora rose
104 (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16)
105 garlic mustard (*Alliaria petiolata*); (17) narrowleaf bittercress
106 (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*
107 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale
108 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*
109 *esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial
110 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed
111 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*
112 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot
113 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);
114 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*
115 *pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white
116 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)

117 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*
118 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle
119 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested
120 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*
121 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground
122 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*
123 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)
124 ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia
125 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch
126 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*
127 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)
128 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)
129 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade
130 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);
131 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass
132 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed
133 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);
134 and (61) tree of heaven (*Ailanthus altissima*).

135 (b) Notwithstanding the provisions of any ordinance adopted by a
136 municipality, no person shall move, except for eradication, research or
137 educational purposes, shall import, sell, purchase, transplant, shall
138 cultivate, except for research purposes, or shall distribute any
139 reproductive portion of any invasive plant listed in subsection (a) or (c)
140 of this section. For the purposes of this subsection, "reproductive
141 portion" includes, but is not limited to, seeds, flowers, roots and
142 tubers.

143 [(b)] (c) Notwithstanding the provisions of any ordinance adopted
144 by a municipality, on or after October 1, 2005, no person shall [import,]
145 move, except for eradication, research or educational purposes, shall
146 import, sell, purchase, transplant, cultivate, except for research
147 purposes, or shall distribute any of the following invasive plants: (1)
148 Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*
149 *scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4)
150 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*

151 umbellatus); (6) pond water-starwort (*Callitriche stagnalis*); (7)
152 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather
153 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);
154 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart
155 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);
156 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress
157 sold for human consumption without its reproductive structure; (14)
158 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);
159 [(16) water lettuce (*Pistia stratiotes*);(17)] (16) border privet (*Ligustrum*
160 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]
161 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden
162 looserife (*Lysimachia vulgaris*).

163 [(c)] (d) From [June 26, 2003] July 1, 2007, until October 1, [2005]
164 2012, no municipality shall adopt any ordinance with an effective date
165 prior to October 1, 2011, regarding the retail sale or purchase of any
166 invasive plant.

167 [(d)] (e) Any person who violates the provisions of this section shall
168 have committed an infraction and shall be fined not more than one
169 hundred dollars per plant.

170 Sec. 504. Section 22a-381c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2007*):

172 No state agency, department or institution shall purchase any plant
173 listed as invasive or potentially invasive pursuant to section 22a-381b,
174 provided nothing in this section shall be construed to prohibit such
175 purchase if such purchase is necessary to honor a state contract in
176 effect as of the date any such plant is listed as invasive or potentially
177 invasive pursuant to section 22a-381b. Nothing in this section shall be
178 construed to prohibit any state agency, department or institution, or
179 the agents of such agency, department or institution, from transporting
180 any invasive or potentially invasive plant for educational, [or] research
181 or eradication purposes.

182 Sec. 505. Section 22a-27h of the general statutes is repealed and the

183 following is substituted in lieu thereof (*Effective July 1, 2007*):

184 (a) There is established a fund to be known as the "Conservation
185 Fund" which shall be held by the Treasurer. Within the Conservation
186 Fund, there is established and created an account to be known as the
187 "conservation account". The Conservation Fund may include other
188 accounts separate and apart from the conservation account.
189 Notwithstanding any provision of the general statutes to the contrary,
190 any moneys required by law to be deposited in the Conservation Fund
191 shall be deposited therein and credited to the conservation account.
192 Any balance remaining in the fund at the end of any fiscal year shall be
193 carried forward in the conservation account for the fiscal year next
194 succeeding. The conservation account shall be used by the Department
195 of Environmental Protection for the administration of the central office
196 and conservation and preservation programs authorized by the
197 general statutes.

198 (b) Notwithstanding any provision of the general statutes, (1) on
199 and after June 1, 1990, (A) the amount of any fee received by the
200 Department of Environmental Protection which is attributable to the
201 establishment of a new fee or the increase of an existing fee pursuant
202 to the provisions of title 23 or 26, and (B) any fees paid to the
203 department, pursuant to said titles, which are in excess of the total fees
204 paid to the department pursuant to said titles for the fiscal year ending
205 June 30, 1989, shall be deposited directly into the fund established by
206 subsection (a) of this section and credited to the conservation account.
207 The Commissioner of Environmental Protection shall certify to the
208 Treasurer, with respect to each such fee received on and after June 1,
209 1990, the amount of such fee which shall be credited to the General
210 Fund and the amount of such fee which shall be credited to the
211 conservation account, and (2) on and after July 1, 2005, all fees
212 collected by the department pursuant to title 23 for parking,
213 admission, boat launching, camping and other recreational uses of
214 state parks, forests, boat launches and other state facilities shall be
215 deposited into the Conservation Fund and credited to the conservation
216 account established by subsection (a) of this section.

217 (c) There is established an account known as the maintenance,
218 repair and improvement account. Said account shall be an account of
219 the Conservation Fund. All moneys collected from any rent paid by
220 any person occupying or otherwise using any property in the custody
221 and control of the Commissioner of Environmental Protection,
222 including houses or other buildings, shall be deposited into the
223 account unless the commissioner enters into a written agreement, signs
224 an instrument or issues a license which specifically states otherwise.
225 Said account may also receive moneys from private or public sources,
226 or from the federal government or a municipal government.
227 Notwithstanding any other provision of the general statutes or any
228 regulation adopted thereunder, any moneys deposited into the account
229 shall be deposited in the Conservation Fund and credited to the
230 maintenance, repair and improvement account. Any balance
231 remaining in the account at the end of any fiscal year shall be carried
232 forward in the account for the fiscal year next succeeding. The account
233 shall be available to the Commissioner of Environmental Protection for
234 maintaining, making improvements to, erecting structures on, or
235 repairing any property in the custody and control of the Commissioner
236 of Environmental Protection, including houses and other buildings.
237 Nothing in this section shall prevent the commissioner from obtaining
238 or using funds from sources other than the account, for maintaining,
239 making improvements to, erecting structures on, or repairing any
240 property in the custody and control of said commissioner, including
241 houses and other buildings.

242 (d) There is established an account known as the invasive species
243 protection conservation account, which shall be a separate, nonlapsing
244 account within the Conservation Fund. Said account shall contain any
245 moneys required by law to be deposited therein. Moneys in the
246 account shall be expended by the Commissioner of Environmental
247 Protection for the purposes of controlling invasive plants, including,
248 but not limited to, employing an invasive plant coordinator,
249 developing an early detection and rapid response policy, educating the
250 public regarding invasive plants, funding Department of Agriculture

251 and Connecticut Agricultural Experiment Station inspectors and
252 making grants to municipalities for the control of invasive plants on
253 publicly accessible land and waters."