



# House of Representatives

General Assembly

**File No. 219**

February Session, 2010

House Bill No. 5320

*House of Representatives, March 30, 2010*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE ENFORCEMENT OF PROHIBITED ACTIONS CONCERNING CERTAIN INVASIVE PLANTS.**

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

1 Section 1. Section 26-6 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Conservation officers, special conservation officers and  
4 patrolmen appointed by the commissioner under authority of section  
5 26-5, shall enforce the provisions of title 23 and this title and chapters  
6 246, 247, 248, 255 and 268 and regulations adopted pursuant to such  
7 titles and chapters and sections 15-180, 22a-250, 22a-381d, 26-192c to  
8 26-192h, inclusive, 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194,  
9 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117a,  
10 inclusive, subsection (b) of section 53a-119b, 53a-122 to 53a-125,  
11 inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149,  
12 inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to  
13 53a-183a, inclusive, 54-33d and 54-33e.

14 (b) Conservation officers, special conservation officers and  
15 patrolmen may, without warrant, arrest any person for any violation of  
16 any of the provisions set forth in subsection (a) of this section, and any  
17 full-time conservation officer shall, in the performance of his duties in  
18 any part of the state, have the same powers to enforce such laws as do  
19 policemen or constables in their respective jurisdictions. Any full-time  
20 conservation officer shall, incident to a lawful arrest while enforcing  
21 such laws in the performance of his duties in any part of the state, have  
22 the same powers with respect to criminal matters and the enforcement  
23 of the law relating thereto as policemen or constables have in their  
24 respective jurisdictions.

25 (c) Any conservation officer, special conservation officer or  
26 patrolman may, anywhere within the boundaries of the state, examine  
27 the contents of any boat, ship, automobile or other vehicle, box, locker,  
28 basket, creel, crate, game bag or game coat or other package in which  
29 he has probable cause to believe that any fish, crustacean, bird or  
30 quadruped is being kept, in violation of any said statutory provisions  
31 or any regulation issued by the commissioner, or any regulation issued  
32 by the United States Fish and Wildlife Service as provided by section  
33 26-91, and to ascertain whether any provision of any law or any  
34 regulation for the protection of any fish, crustacean, bird or quadruped  
35 has been or is being violated, and, shall have the same authority as  
36 police officers to obtain and execute search warrants as provided for in  
37 sections 54-33a, 54-33b and 54-33c.

38 (d) Any conservation officer, special conservation officer or  
39 patrolman, may be appointed a special policeman under the  
40 provisions of section 29-18.

41 (e) The Commissioner of Environmental Protection is authorized to  
42 assign one or more conservation officers to patrol and inspect the  
43 buildings, lands and waters owned by The White Memorial  
44 Foundation, Incorporated, located in the towns of Litchfield and  
45 Morris and, in addition to their powers as conservation officers, such  
46 officers may be appointed special policemen under the provisions of

47 section 29-18.

48 (f) Each conservation officer, special conservation officer or  
49 patrolman shall be sworn to the faithful performance of his duties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	26-6

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Department of Environmental Protection	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill could result in a minimal revenue gain to the state as Environmental Conservation (EnCon) officers<sup>1</sup> would be able to issue citations for infractions of the state's invasive plants laws. In FY 09, DEP collected \$1.4 million in revenue for violations of all types.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of invasive plant citations issued by DEP EnCon officers.

<sup>1</sup> There are currently 36 EnCon officers, 11 EnCon sergeants, and 3 EnCon captains.

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**OLR Bill Analysis****HB 5320*****AN ACT CONCERNING THE ENFORCEMENT OF PROHIBITED ACTIONS CONCERNING CERTAIN INVASIVE PLANTS.*****SUMMARY:**

This bill authorizes conservation officers, special conservation officers, and patrolmen appointed by the Department of Environmental Protection commissioner to enforce the law against growing, distributing, or buying invasive plants. The penalty for violating the law is a fine of up to \$100 per plant. By law, full-time conservation officers have the same powers (1) to enforce the laws and (2) with respect to criminal matter arising in connection with a lawful arrest, as policemen or constables in their jurisdictions.

EFFECTIVE DATE: October 1, 2010.

**BACKGROUND*****Invasive Plants Ban***

The law bars people from importing, moving, selling, buying, transplanting, cultivating, or distributing any of 80 listed invasive plants, with exceptions for (1) moving plants for research, eradication, or educational purposes and (2) cultivation only for research. The ban also applies to any of the reproductive portions of a listed invasive plant, including seeds, flowers, roots, and tubers. By law, violators are subject to a fine of up to \$100 per plant and are treated as infractions.

***Related Law***

By law, the Department of Agriculture commissioner and the Connecticut Agricultural Experiment Station director may prohibit or regulate the transport of plants and plant material liable to carry dangerous pests and enforce other provisions of the law concerning plant and insect disease and infestation. The director may inspect

nurseries, nursery stock, and pet stores for violations of the invasive plant laws at a reasonable time. People who interfere with the director or the director's designee or violate any quarantine or regulation are subject to a fine of \$5 to \$100. By law, the commissioner may issue orders to correct unsatisfactory conditions.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 27 Nay 0 (03/15/2010)