

Substitute Senate Bill No. 1046

Connecticut Public Act No. 03-136

AN ACT CONCERNING INVASIVE PLANTS.

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

Section 1. (NEW) (*Effective from passage*) (a) There shall be an Invasive Plants Council which shall consist of the following members: (1) The Commissioner of Agriculture, or the commissioner's designee; (2) the Commissioner of Environmental Protection, or the commissioner's designee; (3) the director of the Connecticut Agricultural Experiment Station, or the director's designee; (4) the dean of the College of Agriculture and Natural Resources at The University of Connecticut, or the dean's designee; (5) a representative of Invasive Plant Atlas of New England appointed by the minority leader of the Senate; (6) one representative of a nonprofit environment association with a demonstrated knowledge of invasive plants appointed by the speaker of the House of Representatives; (7) one representative of a nonprofit association concerned with growers and retailers of plants and flowers appointed by the president pro tempore of the Senate; (8) one representative of a nonprofit association concerned with oceans, lakes and rivers appointed by the Governor; and (9) one representative from a company that grows or sells flowers and plants appointed by the minority leader of the House of Representatives.

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

Sec. 2. (NEW) (*Effective from passage*) (a) The Invasive Plants Council shall: (1) Develop and conduct a program to educate the general public and merchants and consumers of aquatic and land-based plants as to the

problems associated with invasive plants; (2) make recommendations to control and abate the spread of invasive plants; (3) make available information regarding invasive plants available to any person or group who requests such information; (4) annually publish and periodically update a list of plants considered to be invasive or potentially invasive; and (5) support those state agencies charged with protecting the environment in conducting research into the control of invasive plants, including, but not limited to, the development of new varieties of plant species that do not harm the environment and methods of eradicating and managing existing species of invasive plants.

(b) The council may, with a two-thirds vote of its membership, make a recommendation to the joint standing committee of the General Assembly having cognizance of matters relating to the environment that the import or export, retail sale or wholesale and purchase of any plant listed as an invasive plant or a potentially invasive plant pursuant to section 3 of this act be prohibited. In considering whether to make such recommendation, the council may consider: (1) The estimated dollar value of sales of said plant in the state; (2) the estimated costs associated with eradication of the plant in the state; (3) the potential effect of the plant on the environmental resources of the state or a region within the state; and (4) the estimated effect on property values in the state or a region of the state where said plant may propagate.

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

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

(e) The council shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on or before February 1, 2004, and on January first annually thereafter, concerning the council's accomplishments of the past year and recommendations for the upcoming

year, including, but not limited to, recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant listed pursuant to section 3 of this act. In reporting recommendations to prohibit the import or export, retail sale or wholesale and purchase of any invasive or potentially invasive plant, the council shall also submit the names of any plant considered for such recommendation, information relating to any findings made pursuant to subsection (b) of this section and the vote of each council member on such recommendation.

Sec. 3. (NEW) (*Effective from passage*) (a) In publishing and updating the list of invasive plants required under section 2 of this act, the Invasive Plants Council shall determine that a plant possesses the following characteristics before it is included on such list: (1) Is nonindigenous to the state; (2) is naturalized or has the potential to become naturalized or occurring without the aid and benefit of cultivation in an area where the plant is nonindigenous; (3) under average conditions, the plant has the biological potential for rapid and widespread dispersion and establishment in the state or region within the state; (4) under average conditions, the plant has the biological potential for excessive dispersion over habitats of varying sizes that are similar or dissimilar to the site of the plant's introduction into the state; (5) under average conditions, the plant has the biological potential for existing in high numbers outside of habitats that are intensely managed; (6) occurs widely in a region of the state or a particular habitat within the state; (7) the plant has numerous individuals within many populations; (8) is able to out-compete other species in the same natural plant community; and (9) has the potential for rapid growth, high seed production and dissemination and establishment in natural plant communities.

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

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

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

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

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

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

Sec. 6. (NEW) (*Effective from passage*) (a) No person shall transport a vessel, as defined in section 15-127 of the general statutes, or any trailer used

to transport such vessel, in the state without first inspecting such vessel for the presence of vegetation and properly removing and disposing of any such vegetation from such vessel or trailer.

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

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

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

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

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

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

(b) Notwithstanding any provision of the general statutes, [to the contrary,] any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a, 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 specified in subsection (e) of said section, section 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e, subsection (a) of section

20-341, section 20-3411, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26, 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326, 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211, section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344, **[or]** 53-450 [or subsection \(a\) of section 8 of this act](#), or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, shall follow the procedures set forth in this section.

Approved June 26, 2003