

1 H.700

2 Introduced by Representatives Greshin of Warren and Stevens of Shoreham

3 Referred to Committee on

4 Date:

5 Subject: Noxious weeds; highways; mowing

6 Statement of purpose: This bill would prohibit the propagation,
7 transplantation, importation, and sale of certain invasive plants and would
8 authorize the secretary of agriculture, food and markets to adopt by rule
9 additional invasive plants subject to such a prohibition. The bill would also
10 require the agency of transportation to revise the town road and bridge
11 standards to require mowing practices that minimize the growth and spread of
12 invasive plants. In addition, the bill would establish state highway mowing
13 schedules and practices to minimize the growth and spread of noxious weeds
14 specified in the noxious weed quarantine rule.

15 An act relating to curbing the spread of invasive plant species

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 6 V.S.A. § 1030 is amended to read:

18 § 1030. DEFINITIONS

19 * * *

1 (6) Yellow flag iris (*Iris pseudacorus*); and

2 (7) Any invasive plant identified by the secretary by rule under
3 subsection (b) of this section.

4 (b) The secretary may establish and maintain quarantines and adopt other
5 orders and rules pursuant to 3 V.S.A. chapter 25 concerning the planting,
6 exposing, sale, importation, cultivation, and transportation of all plants and
7 plant products, including invasive species, and regulated articles capable of
8 carrying plant pests of an injurious nature in any living stage within the state.

9 Sec. 3. 6 V.S.A. § 1035 is amended to read:

10 § 1035. PERMITS

11 (a) No person may sell, offer for sale, barter, expose, move, transport,
12 deliver, ship, or offer for shipment into or within this state any plant pest or
13 biological control agent in any living stage without first obtaining either a
14 federal permit, where applicable, and a state permit from the secretary. A state
15 permit may only be issued after it has been determined by the secretary that the
16 plant pests or biological control agents are not injurious, are generally present
17 already, or are for scientific purposes subject to specified safeguards.

18 (b) The secretary may issue a permit for the propagation, transplantation, or
19 importation of an invasive plant listed under subdivision 1034(a) of this title if
20 the plant species is to be used for scientific or educational purposes. A permit

1 issued under this subsection shall include permit conditions to prevent the
2 spread or harmful effect of the permitted plant species.

3 Sec. 4. 19 V.S.A. § 996 is amended to read:

4 § 996. HIGHWAY CONSTRUCTION, MAINTENANCE, AND REPAIR
5 BEST MANAGEMENT PRACTICES

6 (a)(1) The agency of transportation shall work with municipal
7 representatives to revise the agency of transportation's town road and bridge
8 standards in order to incorporate a suite of practical and cost-effective best
9 management practices, as approved by the agency of natural resources, for the
10 construction, maintenance, and repair of all existing and future state and town
11 highways. These best management practices shall address activities which
12 have a potential for causing pollutants to enter the groundwater and waters of
13 the state, including stormwater runoff and direct discharges to state waters.

14 The best management practices shall not supersede any requirements for
15 stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that
16 apply to state and town highways. The agency of transportation shall report to
17 the house and senate committees on transportation, the house committee on
18 fish, wildlife and water resources, and the senate committee on natural
19 resources and energy by January 15, 2011, on the best management practices
20 to be incorporated into the agency of transportation's town road and bridge
21 standards.

1 (2) On or before June 1, 2012, the secretary, after consultation with
2 municipal representatives, shall revise the agency's town road and bridge
3 standards to specify town highway mowing schedules and practices that will
4 minimize the growth and spread of invasive plants listed under 6 V.S.A.
5 § 1034.

6 (b)(1) Beginning January 15, 2013, and every four years thereafter, the
7 secretary in consultation with municipal representatives and with approval
8 from the agency of natural resources shall review and revise, as appropriate,
9 town road and bridge standards in order to ensure the standards are protective
10 of water quality.

11 (2) Beginning January 15, 2014, and annually thereafter, the secretary,
12 after consultation with municipal representatives and the secretary of
13 agriculture, food and markets, shall review and revise, as appropriate, the town
14 highway mowing schedules and practices to advance the goal of curbing the
15 growth and spread of invasive plants listed under 6 V.S.A. § 1034.

16 Sec. 5. 19 V.S.A. § 42 is added to read

17 § 42. MOWING PRACTICES AND SCHEDULES

18 On or before June 1, 2012, the secretary shall, with the approval of the
19 secretary of agriculture, food and markets, establish state highway mowing
20 schedules and practices to minimize the growth and spread of noxious weeds
21 specified in the noxious weed quarantine rule. Annually, the secretary, after

1 consultation with the secretary of agriculture, food and markets, shall review
2 and revise, as appropriate, state highway mowing schedules and practices to
3 advance the goal of curbing the growth and spread of invasive plants listed
4 under 6 V.S.A. § 1034.

5 Sec. 6. EFFECTIVE DATE

6 This act shall take effect on passage.