



Senate

General Assembly

File No. 442

January Session, 2013

Substitute Senate Bill No. 1016

Senate, April 11, 2013

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.

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

1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this
2 section, "running bamboo" means any bamboo in the genus
3 Phyllostachys, including Phyllostachys aureosulcata.

4 (b) No person who plants running bamboo or who allows running
5 bamboo to be planted on his or her property shall permit such bamboo
6 to grow beyond the boundaries of his or her property. On and after
7 October 1, 2013, any person who violates the provisions of this
8 subsection shall be liable for any damages caused to any neighboring
9 property by such bamboo, including, but not limited to, the cost of
10 removal of any running bamboo that grew beyond the boundaries of
11 his or her property.

12 (c) No person shall plant running bamboo or allow running bamboo
13 to be planted on his or her property at a location that is one hundred

14 feet or less from any abutting property or public right-of-way unless
15 such planting is contained by a properly constructed and maintained
16 barrier system or such running bamboo is planted above-ground in a
17 container or planter such that the running bamboo does not come in
18 contact with the surrounding soil. Any person who violates the
19 provisions of this subsection shall be fined one hundred dollars. In the
20 case of a continuing violation, each day of continuance shall be
21 deemed a separate and distinct offense until such time as such bamboo
22 is removed or contained by a properly installed and constructed
23 barrier system. The provisions of this subsection shall not be deemed
24 to apply to any running bamboo planted on or before October 1, 2013.

25 (d) Each retail seller or installer of running bamboo shall provide to
26 each customer who purchases running bamboo from such seller or
27 installer a statement that discloses that running bamboo is a fast
28 growing plant that may spread if not properly contained and a plain
29 language summary of the provisions contained in subsections (b) and
30 (c) of this section. Such statement shall also provide recommendations,
31 based on best available information, on how to properly contain
32 running bamboo. Any retail seller or installer of running bamboo who
33 violates the provisions of this subsection shall be fined one hundred
34 dollars for each plant sold in violation of this section.

35 (e) The Department of Energy and Environmental Protection, in
36 conjunction with the Department of Consumer Protection, may enforce
37 the provisions of subsections (c) and (d) of this section.

38 Sec. 2. Subsection (a) of section 26-6 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2013*):

41 (a) Conservation officers, special conservation officers and
42 patrolmen appointed by the commissioner under authority of section
43 26-5, shall enforce the provisions of title 23 and this title and chapters
44 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
45 titles and chapters and sections 15-180, 22a-250, 22a-381d, 26-192c to
46 26-192h, inclusive, subsections (c) and (d) of section 1 of this act,

47 section 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-
48 204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117a, inclusive,
49 subsection (b) of section 53a-119b, section 53a-122 to 53a-125, inclusive,
50 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive,
51 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a,
52 inclusive, 54-33d and 54-33e.

53 Sec. 3. Subsection (b) of section 51-164n of the general statutes is
54 repealed and the following is substituted in lieu thereof (*Effective from*
55 *passage*):

56 (b) Notwithstanding any provision of the general statutes, any
57 person who is alleged to have committed (1) a violation under the
58 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
59 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
60 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
61 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
62 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
63 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
64 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
65 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
66 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
67 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
68 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
69 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
70 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
71 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
72 14-153 or 14-163b, a first violation as specified in subsection (f) of
73 section 14-164i, section 14-219 as specified in subsection (e) of said
74 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
75 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
76 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
77 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
78 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
79 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
80 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or

81 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
82 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-
83 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or
84 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
85 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
86 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
87 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-
88 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,
89 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,
90 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,
91 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
92 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section
93 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
94 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,
95 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
96 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
97 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
98 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,
99 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
100 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-
101 381d, 22a-449, 22a-461, subsections (c) and (d) of section 1 of this act,
102 section 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of
103 subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of
104 section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a,
105 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1) of subsection
106 (d) of section 26-61, section 26-64, subdivision (1) of section 26-76,
107 section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-
108 107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of
109 section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1)
110 of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
111 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
112 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section
113 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
114 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
115 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,

116 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
 117 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,
 118 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
 119 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
 120 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
 121 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 122 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
 123 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
 124 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a
 125 violation under the provisions of chapter 268, or (3) a violation of any
 126 regulation adopted in accordance with the provisions of section 12-484,
 127 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
 128 bylaw of any town, city or borough, except violations of building codes
 129 and the health code, for which the penalty exceeds ninety dollars but
 130 does not exceed two hundred fifty dollars, unless such town, city or
 131 borough has established a payment and hearing procedure for such
 132 violation pursuant to section 7-152c, shall follow the procedures set
 133 forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2013</i>	26-6(a)
Sec. 3	<i>from passage</i>	51-164n(b)

ENV Joint Favorable Subst.

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:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than 1,000	Less than 1,000

Municipal Impact: None

Explanation

The bill makes people liable for failing to contain “running bamboo” and establishes a \$100 fine for each violation. It is estimated that there may be less than ten violations annually that could generate revenue of less than \$1,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sSB 1016****AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.****SUMMARY:**

This bill makes people liable for failing to contain “running bamboo” (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property beginning October 1, 2013. It requires a 100-foot setback from abutting property and a public right of way for running bamboo planted after that date, unless it is properly contained. It also requires people who sell or install running bamboo to educate customers on the plant’s growing habits, the bill’s provisions, and recommended containment methods.

The bill subjects violators of its setback or containment provisions to a \$100 fine. It also subjects violators of its education requirements to a \$100 fine, for each plant. Fines may be mailed to the Central Infractions Bureau without a court appearance.

Lastly, the bill (1) authorizes the Department of Energy and Environmental Protection, in conjunction with the Department of Consumer Protection, and (2) requires environmental conservation officers, to enforce the setback, containment, and education requirements.

EFFECTIVE DATE: Upon passage, except the environmental conservation officers’ enforcement powers are effective October 1, 2013.

LIABILITY FOR DAMAGE TO NEIGHBORING PROPERTY

Beginning October 1, 2013, the bill makes people who plant running

bamboo, or allow it to be planted, on their property liable for any damage the bamboo causes to neighboring properties, including the cost of removing any bamboo that spread to neighboring property. It prohibits people from allowing running bamboo to grow beyond their property boundaries.

SETBACK OR CONTAINMENT REQUIRED

The bill requires anyone planting or allowing running bamboo to be planted on his or her property after October 1, 2013 to plant it at least 100 feet from an abutting property or public right-of-way. But it allows a person to plant within 100 feet if the running bamboo is properly contained. The containment system must be (1) a properly constructed and maintained barrier system or (2) an above ground container that does not allow the bamboo to come in contact with the ground's soil.

Violators are subject to a \$100 fine, and each day of a continuing violation is a separate offense.

EDUCATING PURCHASERS

The bill requires retail sellers and installers of running bamboo to provide purchasers of the plant with a statement that includes:

1. a disclosure that running bamboo is a fast growing plant that may spread if not properly contained;
2. a plain language summary of the bill; and
3. recommendations on how to properly contain the bamboo, based on the best available information.

Violators are subject to a \$100 fine for each plant sold without the required statement.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/25/2013)