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Senate Bill 79

I am writing from Old Saybrook, Connecticut, regarding a serious ongoing concern with invasive running bamboo.

I live on Main Street in a historical home built in 1697, and the yellow groove running bamboo that my neighbors have planted along the property line is continuing to spread to my property. Over the past four years, I have watched the plant grow and spread rapidly --- and it will soon result in significant damages to my property. The foundation of my house, blue stone patio, driveway, and lawn are all in danger, which concerns me a great deal. I also worry about the state of my home -- a historical property -- and what will happen when the bamboo reaches the house, which won't be long. Additionally, our properties are adjacent to marsh lands, to which the bamboo will pose a huge threat. Despite efforts to remove the bamboo, I am still seeing growth on my property, since the source remains.

Although I applaud the effort and work that has been done to date on this issue, the existing bill is not enough. It leaves out two major issues. First, the language around no person should "plant or allow running bamboo to be planted" -- what if it has already been planted? This language doesn't cover that clear enough. And second, who will enforce this law? That has been a major challenge with the last bill -- there hasn't been a clear agency or organization in charge of enforcing it. We need these areas clearly addressed to finally have a law that is clear and enforceable as intended.

I suggest the following two changes which will address these issues:

- 1) add 3 words or to grow to subsection (c)

These 3 words clarify the 40 foot buffer zone as intended.

subsection (c) - No person shall plant running bamboo or allow running bamboo to be planted or to grow on his or her property at a location that is forty feet or less from any abutting property or public right-of-way.

- 2) add a new subsection (g) to the various subsections --

subsection (g) - A private right of action may be maintained by an adjoining property owner to enforce the provisions of subsection (c) of this statute. The plaintiff is entitled to attorneys' fees, costs and disbursements if he/she is the prevailing party.

This new subsection (g) will enable enforcement by authorizing an individual to seek private enforcement of the buffer zone in court and authorize attorney fees.

We need to work collaboratively together, and we need to do everything we can now. Many thanks for your work on this challenge.

Best regards, Jillian Murphy