



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

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Testimony by Representative Mitch Bolinsky

Before the Environment Committee on Senate Bill 79

AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS FOR CERTAIN PLANTINGS

February 19, 2016

My thanks to the Honorable Co-Chairs, Senator Kennedy and Representative Albis; Vice Chairs Senator Moore and Representative Arconti; Ranking Members Senator Chapin and Representative Shaban; as well as the entire Environment Committee for your consideration today, addressing the issue of "Running Bamboo".

While I support the concept of this bill, I am here to respectfully recommend it be given sharper definition and the teeth required to make it the enforcement tool we need to stop what's become the uncontrolled spread of this fast moving, invasive, non-native species.

In its current form, this existing law's lack of clarity is resulting in town governments avoiding appropriate action, essentially pitting neighbor against neighbor, forcing innocent land owners into an uncomfortable or unaffordable position of having to bring independent legal action to protect their property value from the invasive spread of running bamboo.

These issues can be addressed by making two simple additions to the existing law, bringing clarity to the issue and enabling a plaintiff to be eligible for attorney fees and expenses if he/she is the prevailing party. This gives homeowners a legal option if the town elects to take no action.

- 1) In subsection (c), line 5, after the words "to be planted", Add: "**or to grow**"
- 2) Add: subsection (g) to read "**A private right of action may be maintained by an adjoining property owner to enforce the provisions of [subsection (c)] of this statute.**" This will define the mechanism or primary agencies authorized to enforce the law, which should be the locality.

Finally, if local enforcement initiates enforcement, the locality prosecuting such remedy should be the recipient of fines defined by law, as well as court costs, legal and other remediation expenses related to a prevailing judgment.

Thank you for your time and should you have any questions, please do not hesitate to contact my office.

Respectfully,
Representative Mitch Bolinsky