



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

**TESTIMONY OF REP. MARY MUSHINSKY (85th) AND REP. MARY FRITZ (90th) IN
CONDITIONAL SUPPORT OF SB 79, ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES
REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS FOR
CERTAIN PLANTINGS.**

Before the Environment Committee

February 19, 2016 10:30 a.m. L.O.B. 2B

Running Bamboo which escapes the original planting site is a persistent problem for landowners in Wallingford as well as other towns across the state. In our view, having heard from our constituents, the existing statute is weak and unenforceable. Senate Bill 79 needs to be strengthened to protect adjacent landowners.

The non-native running bamboo is very aggressive, and spreads by underground rhizomes. Bamboo-related disputes between landowners occur now in Wallingford. Our Park and Recreation director and Conservation Commissioners are especially concerned. The statute needs to clearly place the burden of control on the landowner who hosts the plant to keep it on his property and protect adjacent landowners.

The way to do this is to require the bamboo's owner to monitor and keep free of bamboo the 40 foot buffer between the plant and the neighbor's property. By the time the plant sends underground rhizomes beyond the property line, it is too late to stop it. The invaded homeowner must then get an attorney at his/her own expense to take action against the neighbor's runaway plantings and attempt to root out the pest.

We respectfully urge you to amend SB 79 to include language in order to clarify the purpose of the buffer and to make the bamboo statute enforceable:

1. In Section 1, Subsection (c),

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

2. Add Subsection (g) as follows:

"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, and costs and disbursements if he/she is the prevailing party."

These two amendments are critical to the original intent of the statute, which is to protect abutting property owners, whether they are homeowners, the town, or the state.
Please support SB 79 with amended language as described above.
Thank you for your assistance.