

PA13-82

SB1016

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
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2013

SENATOR MEYER: Thank you, Tom.

THOMAS CALLAHAN: Okay.

SENATOR MEYER: Thanks.

Okay. In accordance with our practice -- committee practice, we're now going to alternating public members and -- members of the public and public officials. So we're going to the first -- we've been going for more than hour now, so we're going to the first member of the public and that's on a bill that relates to restrictions on running bamboo and that person is Robin Arcarese.

ROBIN ARCARESE: (Inaudible.)

SENATOR MEYER: Yes. And just to remind you, as Madam Chairman said a few minutes ago, the testimony is limited to three minutes, please. A bell will go off and when you hear the bell, just finish summarizing. Thanks.

ROBIN ARCARESE: (Inaudible.) I'm here today to support an act that regulates the planting, sale and assigns strict liability for those who allow *Phyllostachys aureosulcata* to trespass, invade and/or causing damage to adjoining properties. The most important aspect of this bill would be to assign strict liability to the owner of the original site in which the *Phyllostachys aureosulcata* has been planted. Strict liability to remove and restore trespassed to its condition before the trespass occurred.

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Phyllostachys aureosulcata is a living plant organism that invades, trespasses and causes damage mostly on scene through it's underground system. This underground system is double, triple and sometimes even larger

than the aboveground plant. In my case where it grew not only into my yard, but cracking and growing under a cement walkway, up through my siding and out of my roof, this grove of *Phyllostachys aureosulcata* stood 35 feet tall, 15 feet long, 5 feet wide aboveground. Underground it covered 45 feet by 75 feet when it was dug up and removed. My husband and I have years of diligence and unnecessary stress of us digging up rogue (inaudible) and before we can say it's eradicated.

Although my neighbors paid to have it removed from their property, they refused to pay for the damage to my house, walkway and monies we spent to have it removed from our property. Where is the justice in that? Our neighbors have the right to grow and to watch us dig up their bamboo that trespassed and is causing damage. We have no real recourse without a law assigning strict liability to the responsible party or parties. Each new year of growth from *Phyllostachys aureosulcata* is a new trespass, thus making the trespass continual until eradication.

I'd like to thank my state representative, Kevin Ryan, who left the room, and State Senator Andrea Stillman for their time and effort with this matter. I thank you for giving me the opportunity to speak today. I'd also like to thank the Town of Bozrah for hearing, researching and actually drafting and passing a bamboo ordinance. Thank you.

SENATOR MEYER: Okay. Thank you. And before you leave, are there any questions that any members have?

You know, we've gotten -- we've gotten a lot of mail on this subject and this bill is response to that.

Representative Willis.

REP. WILLIS: Yes, thank you.

I have a question for you. How long did this -- it's incredible the damage that -- how long did this take to happen?

ROBIN ARCARESE: I had just purchased the house. It's been two years now and last spring is when this happened.

REP. WILLIS: So it's just two years of --

ROBIN ARCARESE: Well, last spring, one year.

REP. WILLIS: Wow. Thank you very much.

SENATOR MEYER: Robin, do you want to leave that chart with us?

ROBIN ARCARESE: Absolutely.

SENATOR MEYER: Because -- I think give it to our clerk if you would right over there and the committee members will be able to look at it as we debate and vote upon this bill.

Representative Davis.

REP. DAVIS: Thank you, Mr. Chairman.

You've probably become somewhat of an expert on this stuff.

ROBIN ARCARESE: Yeah, not really, but yes.

REP. DAVIS: Could you give us an idea of how quickly this stuff grows and moves from property to property?

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ROBIN ARCARESE: Absolutely.

REP. DAVIS: Thank you.

ROBIN ARCARESE: This is when it (inaudible.) This is two weeks after, four weeks and six weeks. This is (inaudible) 12 feet from the (inaudible) down the driveway. So it grows pretty quickly. I mean, overnight, it really does. It's amazing. The stuff is amazing. And you don't really see it until it does things like this.

SENATOR MEYER: Representative Bowles.

REP. BOWLES: Thanks. Thanks for testifying before us today. Thank you, Mr. Chair.

Just quickly, I think this is an obvious question, but do you know the motivation for your neighbor to grow this. Is this strictly ornamental?

ROBIN ARCARESE: Where he put it, it was to block his view of my house. This particular area of Bozrah, the houses are closer together, and he -- well, the house was a foreclosure. We purchased a foreclosure. And while it was under foreclosure, he made himself another driveway and he did it to line his property.

SENATOR MEYER: Representative Willis.

REP. WILLIS: I'm sorry. I have another question, Mr. Chairman.

Is this is -- I should know this -- is this a banned species in Connecticut? Are you --

ROBIN ARCARESE: No, unfortunately, it doesn't fit into the state statute with invasive plants number 5. It has to fit into six out of nine,

I believe, and it has to be the first six.

REP. WILLIS: Okay. Maybe we need to look at that.

SENATOR MEYER: We did get a letter, Representative, from the Invasive Plants Council indicating that this running bamboo does not fit within the definition of an invasive plant, and therefore, we're dealing with it separately.

ROBIN ARCARESE: Interesting. It looks invasive to me. Interestingly enough, I believe at the meeting where they voted to make a recommendation rather than to ban it, the two people that voted yes, it's invasive, where botanists so I found that just interesting. That's all.

SENATOR MEYER: Okay. Thank you, Robin.

ROBIN ARCARESE: Thank you.

SENATOR MEYER: Our next witness is Representative Haddad.

REP. HADDAD: Good morning, Senator Meyer, Representative Gentile, Senator Chapin and other members of the Environment Committee. I'm here to testify in support of House Bill 5480, AN ACT REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT RESEARCH FARM. I introduced the legislation which you drafted into a committee bill to help resolve a long-standing dispute between the University of Connecticut and a group of Mansfield citizens who reside in a neighborhood -- neighborhoods adjacent to the farm.

All of the properties that border the research facility are -- or are nearby have private or

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REP. VICINO: Thank you.

SENATOR MEYER: Greg, you might think about talking to OFA just to be sure that this bill doesn't have a big -- you know, I think everyone is trying to get this done, this test done, and if it is a big fiscal note on it, it could be an impediment.

REP. HADDAD: I appreciate the advice and I'm working hard to make sure that we can do this within available resources and still produce a product that would provide a useful analysis.

SENATOR MEYER: Good. Thanks.

Okay. Our next witness is going to be Louise Fabrykiewicz. I'd love to get the exact pronunciation on that. And she will be followed by Representative Rose and then Theresa Groff and then after her Representative O'Neill.

Good morning -- afternoon.

LOUISE FABRYKIEWICZ: We all have and continue to be aware of the harmful effects that invasive plants --

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SENATOR MEYER: Could you just state your name because I messed it up.

LOUISE FABRYKIEWICZ: Oh, I'm sorry.

SENATOR MEYER: That's okay.

LOUISE FABRYKIEWICZ: You got all the way through. Most people stop at the second syllable. You did just fine.

SENATOR MEYER: Would you just state your name for the record.

LOUISE FABRYKIEWICZ: All right. Louise Fabrykiewicz. Louise Fab.

SENATOR MEYER: Good. Okay. Thank you.

LOUISE FABRYKIEWICZ: We all have and continue to be aware of the harmful effects that invasive plants have upon the Earth and its inhabitants. In rather recent times, we are witnessing the devastating effects of yet another plant, yellow groove bamboo, the running bamboo, and the severe damage it can cause. As well as being an ecological threat, the plan also puts an additional burden on property owners as it is known to damage foundations of homes, drainage and sewer systems, asphalt driveways and more.

It has a massive underground system of roots that left unchecked grows out of control and is almost impossible to remove. It knows no boundaries and easily spreads to the land of neighbors who must eventually -- who eventually must share the burden of dealing with damage and containment as well as enduring a serious effect on the real estate value of their property. Because of their neglect, please make it mandatory for the person growing the bamboo, be responsible for paying each year for the removal and continuing damage to their neighbor's property caused by the invasive weed.

I will close in just a moment, but I have something to share with you. I don't know -- I wrote this down about 30 years ago. I'm not sure if came from the Pueblos or the Navajo Nation, "The Land is our Mother and from her comes life. Life is the food we eat, the water we drink. To give this life the land must be respected and cared for. If it is exploited for greed and dollars, it will die."

Please do everything you can to assist in the passage of S.B. 1016, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO. Thank you very much.

SENATOR MEYER: Thank you, Louise. Your passion is well-noted. Just before you leave, just see if the members have any questions.

Yes, Representative Sear.

REP. SEAR: I'm sorry. I just have a quick question and it's for my edification and for the committee as well. Is running bamboo the same thing as we call Japanese Knot Weed?

LOUISE FABRYKIEWICZ: No way.

REP. SEAR: No, because we locally have -- in our municipality have -- are taking great efforts to try to control that. Is that a totally different species?

LOUISE FABRYKIEWICZ: Do you want the long answer?

REP. SEAR: No, just a clarification. So it actually is a different --

LOUISE FABRYKIEWICZ: Oh, way different.

REP. SEAR: Okay.

LOUISE FABRYKIEWICZ: Way different.

REP. SEAR: Thank you.

SENATOR MEYER: Okay. Thank you, Louise.

Our next witness is Representative Rose.

REP. ROSE: Good afternoon, Chairman Meyer, Chairman Gentile, honorable members of the

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SENATOR MEYER: Thank you.

Any questions?

You were clear. We appreciate it.

REP. ROSE: Excellent. Thank you.

SENATOR MEYER: Our next witness is Theresa Groff followed by Representative O'Neill.

THERESA GROFF: My name is Theresa Groff. I live on 180 Middle Road in Preston, Connecticut. This is in regard to Senate Bill Proposed 1016, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO. The proposed must specify the total removal of surface and sub-surface bamboo plant matter each year at no cost to the victims of the bamboo invasion. This is on a continuance basis because it may show up one year and not show up the next year, but the year after that it shows up again in multiplicity.

I urge the committee to impose full and continuing liability to the person or persons growing the damaging Phyllostachys bamboo on his or her property. For the last four months, I've identified and photographed 94 invasions of Phyllostachys aureosulcata bamboo within a 26-mile radius of my house. I'm sure there are more sites I haven't found. The plant sends up new shoots in spring and summer growing two feet per day, requires cutting a saw at three feet. You can't use a pair of loppers to cut this plant. Each plant is called a culm and it grows to a diameter of 3 and a half inches and as tall as 45 feet to entangle in utility lines. At maturity, the roots spread as much as 20 feet per year causing continual damage to surrounding

property. The plant survives to 15 degrees below zero and it knows no boundaries. The culms are capable of pushing through plastic barriers, concrete sidewalks and through six-inch thick asphalt. Photos of failed barriers have been included in my testimony.

Phyllostachys bamboo is the gift that keeps on giving. People plant it along property lines. People plant it along highways to dull noise. To convert noise pollution to awful plant invasion, diminishing highway sight lines and potentially causing accidents is just plain wrong as sited by the Merritt Parkway and Route 2 in Colchester. Phyllostachys occludes culverts causing flooding on my street. The wet, top heavy culms lean over our rural road limiting travel to a single lane. This process causes the state police to notify Preston road crews and they spend hours cutting back the bamboo from the road so people can drive on the two lanes. This happens several times a year. Why are taxpayers paying for this?

Since rhizomes so quickly become new invasions they should be incinerated by statute after being removed from the ground. Adding the rhizome plant matter to community compost piles just compounds the problem of bamboo spread. Harsh financial penalties are necessary to send a message that the Phyllostachys family of bamboo is no longer welcome here and will not be tolerated. I have included photos and a computer disc with my testimony. Thank you for your extensive work on this proposed bill, 1016.

SENATOR MEYER: Thank you, Ms. Groff.

Madam Chair.

REP. GENTILE: Thank you, Mr. Chair.

Just a quick question. Have you personally have any damage done to your own property from this plant?

THERESA GROFF: No, I haven't. I have two houses over from me. She is being invaded, her well is right in the direct line and there are wetlands that are in the direct line of this bamboo. This is the person that has occluded the culvert -- would have caused the entire culvert to be filled with bamboo roots and across the street where the water normally drains through the culvert, a simple rain storm creates flooding for three separate properties.

SENATOR MEYER: Are there any other questions?

Thank you, Ms. Groff. If you want to leave that chart with us, the committee members will be able to look at it.

THERESA GROFF: Thank you.

SENATOR MEYER: Just leave it with the clerk right over there. Nice job.

Okay. Representative O'Neill followed by Thomasine O'Boyle.

REP. O'NEILL: Good -- I think it's still -- oh, it's afternoon. Good afternoon, Mr. Chairman and ranking members. I have submitted written testimony. I'll try to just touch the highlights and expand on a point that was brought up a little earlier. First off, I want to thank you for raising the bill. As I thank you two years ago for raising a similar bill and for reporting that bill that out and we got it pretty far through the process,

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be more taxes levied because PILOT only picks about 20 percent of the cost -- of what taxes would probably generate on a piece of property. So the town theoretically could get more money, but I think that rather than muddy the waters as to who pays and what has to be charged and so forth, it's clearer just to leave it untaxed as it is right now.

SENATOR CHAPIN: Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you.

Any other questions?

Thanks, Art.

REP. O'NEILL: Thank you very much.

SENATOR MEYER: Our next witness is Thomasine O'Boyle followed by Chad Landmon.

THOMASINE O'BOYLE: With my written testimony, I submitted (inaudible.) Do you have those because with my testimony there are pictures?

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I would like to thank you for giving me the opportunity to talk to you about the invasive running bamboo. I've submitted some pictures to you that will help you understand our personal situation. In our backyard, we have a small pond that drains storm water from neighbor's properties next to a town storm drain. The drain pipe that you see in the top picture was installed as the result of a superior court decision and the approval of the Department of Energy and Environmental Protection.

As you can see, the yellow bamboo is directly

adjacent to this pond. In a very short period of time, it compromised the integrity of the drainage pipe resulting in flooding of not only our property, but that of many neighbors as well. If you look at the picture showing several (inaudible) -- that's the second picture -- you can see how quickly the bamboo has grown. That was planted about two years prior to the ones near our pond. We respectfully -- oh, and if you turn on -- to the last picture, you will see how this bamboo can invade the drainage pipe. And we respectfully request that this legislation include provisions that would require the grower of the bamboo to be responsible for the costs of removal of any bamboo that invades adjacent property on a continual and annual basis.

And that they be required to take measures to contain it to their own property. Again, thank you for your attention and considerations this afternoon.

REP. GENTILE: Thank you, Thomaszine.

Senator Maynard.

SENATOR MAYNARD: Ms. O'Boyle, it's delightful to see you here.

THOMASINE O'BOYLE: Oh, thanks.

SENATOR MAYNARD: Ms. O'Boyle is a constituent of mine and her husband Jim is a great friend. Thank you for coming up. And yours was the first letter I received on this, but since then, I've received numerous communications and photographs with similar kinds of invasive, you know, damage from -- and now, I'm aware of it all over the shoreline. There are sections along Route 9 --

THOMASINE O'BOYLE: Route 1 and Route 27.

SENATOR MAYNARD: Route 1 and Route 27 where I've seen it. I mean, it can be a lovely screen, but unfortunately, it's so aggressive and it moves beyond the owner's property that obviously cognizant of the damage.

THOMASINE O'BOYLE: We asked to try to have a barrier, but she had put some on our side of the wall, this neighbor owns one foot of property on our side of the wall and she had put some there before and she put it (inaudible) but it doesn't do anything. You know, it doesn't keep it from going under. It doesn't keep it from going down. (Inaudible.)

SENATOR MAYNARD: Well, I appreciate you taking the time to be up here. We know that it was a long wait, but it's helpful for you to present that kind of testimony.

THOMASINE O'BOYLE: Actually, one of the speakers coming up is one of our neighbors and she owns the property with the taller bamboo. This neighbor just does this for spite and to block the (inaudible) for anyone who lives within 300 miles of her. Thank you.

REP. GENTILE: Thank you. Any other questions?

Chad Landmon. Chad will be followed by Marissa Vallillo.

CHAD LANDMON: Good afternoon. My name is Chad Landman. I'm here on behalf -- in support of House Bill 6542. I'm actually a member of the Southbury Board of Selectman. I also happen to be a member of our Rural Preservation Advisory Committee. Our First Selectman Ed Edelton has submitted written testimony. He

generated for the region. This farming requires support for equipment and processing. It's also supportive of tourism in our region due to the fact that many fine restaurants are looking for local produce. Finally, the importance of these lands for environmental quality cannot be overstated. This legislation is good for our town. It's good for agriculture in our region and it's good for our state. I urge you to support this bill.

Finally, I do want to thank Representative O'Neill for his long and hard work to preserve this property. I want to thank the Southbury Land Trust and many others who have worked for decades now to try and get this property preserved. And thank you for your time. I urge your support for this bill.

REP. GENTILE: Thank you. Thank you for your time and your patience.

Any questions?

Thank you.

Marissa Vallillo. Marissa will be followed by Barbara Henry.

MARISSA VALLILLO: Good afternoon. My name is Marissa Vallillo and I am also a Lords Point community member. We -- I should thank you for hearing us today about running bamboo. Two years ago, my husband and I purchased a piece of property in a little beach community and -- to basically have an escape or a getaway and we had to knock the house down that we were building so we invested a lot of money into this new home. On the property, right on the line, ten feet from our structure is bamboo with not containing wall to

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basically hold that bamboo within the property.

The woman who is our neighbor, 57 Boulder Avenue, planted that bamboo for spite reasons due to the neighbor that lived there prior to us and she wanted to block his view. So because of her spite, we were now dealing with this bamboo which is now growing into our yard and encroaching our property very -- encroaching our house, our new home that we just purchased and built very quickly so we're very fearful of the damage that's going to be inflicted upon us and we know that's coming so I wanted to come here today to basically voice my concern, and you know, somehow ask that we amend the bill 1016 that's up today to be discussed so that it's the responsibility of the person who plants the bamboo, that she would have to remediate -- or he or she would have remediate if that bamboo encroaches neighboring properties.

We live in a very small beach community area that's surrounded by water and we know that bamboo can travel if rhizomes break off through water. And I think that's a very big risk to the coastal community since we're only 100 feet away from the water. So it would be a shame if bamboo started to grow on the beach essentially. The only other thing I would like to say is that this bamboo is an underground war, and you know, there are laws that you can't plant structures or houses, anything touching somebody's property to upset them and I feel that this bamboo is an underground ninja, essentially, that's -- that's going to overtake our property and I know it's going to damage my home and I have three children that I have to put through college so I feel that I don't think that it's right or just that I have to worry about the

damage it's going to inflict.

So I just wanted to thank everybody and ask the committee that they relook at this bill to make sure that it's not just about, you know, banning the sale or making sure that it's property contained, but it really, really is amended to help the citizens maintain their property and that person that does plant, if they do plant it, that they have to remove it so that other people are not affected.

REP. GENTILE: Thank you, Marissa.

You mentioned making sure that it's contained, but isn't -- isn't it correct that there really is no way of containing this?

MARISSA VALLILLO: There really is no way to contain it. I think that -- you know, I've read things that you if dig deep down enough, you know, with concrete, they could -- it could be contained, but I think that it's such an invasive plant that it breaks through everything. It breaks through concrete. It breaks through streets and roads. I mean, it's scary. It's scary to watch it. And I -- when we bought the house, we didn't know what bamboo was and nobody warned us and now I'm dealing with the reality of it popping up in my yard and I have pictures that I submitted that it's approaching the underneath of my deck and we're worried that it's going to lift part of our foundation and part of our deck.

The other thing is I don't know how to get this on invasive plant species. I don't know how to do that or what that process is, but if there is anything you do, because this is like a war underground and it's going to affect many property owners.

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REP. GENTILE: Thank you.

Any questions?

Yes, Representative.

REP. BOWLES: Yeah, I guess I have -- thank you for your testimony and you may not know the answer to this, but I'm curious as a new member of this committee as to why this -- and I understand it doesn't fall into the category scientifically of an invasive species, but it sounds like there is no containment as the Chair has just indicated, I -- I'm just curious as to why this isn't being banned just outright. I understand your concerns about the property owner being liable. I guess the real issue for me is that some of these people who have been responsible for letting this occur and actually have these plants, you know, invade other property -- adjacent properties, I'm not sure they're going to have resources. You know, I just don't know what kind of insurance, know, this would cover.

So I guess my question is just in general, you know, about efforts and maybe to Madam Chair if you may know the answer to this, as well, I just want to raise that. Thank you.

REP. GENTILE: Thank you. No, I don't have an answer to that question at this time, but certainly, it is something that we will be looking into.

Senator Chapin.

SENATOR CHAPIN: Thank you, Madam Chair.

And directly to that question, I believe there is the chairman of the Invasive Plants Council on the list to speak who I'm sure will provide

some insight as to why or why not it hasn't seemed to make it on the list.

MARISSA VALLILLO: Okay. Thank you.

REP. GENTILE: Thank you.

Barbara Henry followed by Mary Wilson followed by Representative Kupchick.

BARBARA HENRY: Good morning -- good afternoon, actually. Thank you for allowing me to be here today. And before I start, I have to piggyback on all these comments for the -- about the bamboo. Our public works wages war on it every year in the small town of Roxbury. I actually have some in my -- on my own property and it coming through my driveway as we speak.

But I'm actually here to testify in support of H.B. 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. And I would like to thank our Representative, Arthur O'Neill, for keeping this subject front and center for so many years. You also have testimony from Roxbury's Conservation Commission and our Roxbury Land Trust. And I forgot to identify myself. I'm Barbara Henry. I'm first selectman in the Town of Roxbury.

I'd like to say hello to my colleague there, Representative Sear and Senator Chapin.

As you've heard, this bill would preserve and protect of 800 acres of farmland and open space owned by the Southbury Training School. But what you might not know is about 105 acres of that is in Roxbury and it is contiguous to 117 acres already protected by the Roxbury Land Trust. Recognizing the importance of protecting Connecticut's agricultural lands,

MARY WILSON: Good morning. My name is Mary Wilson and I'm the chairman of the Conservation Commission in Newtown and in Newtown we have of course experienced problems with bamboo where it's gotten from one neighbor's yard into another which causes a lot of grief and frustration. And in addition to this, our elected officials and town staff have spent much time and energy dealing with this problem which is not really within the jurisdiction of our town government and that's why I'm pleased to see that the state has taken upon itself to address this issue.

And when I came here this morning, I came in support of Bill 1016 with some reservations and the more I hear of -- the testimony that I've heard this morning, I really think what I personally would be in favor of is just banning this particular plant because of its invasive nature and the outcomes that we have heard about this morning; however, if we are not going to ban it, I would like to make a few comments about this bill. Subsection (b) make people liable for damages for -- the people who have parents, make it a liability for damages; however, it is unclear to me what that process is. Do the people who are offended by this, do they have hire a lawyer or is there some kind of enforcement mechanism? How does that work and is there some kind of time that they have to remove the bamboo? It just seems a little unclear to me.

Subsection (c) requires a 100-foot buffer and then it talks about containment and from what I've heard this morning I'm not sure that we can really contain it properly. There are suggestions if you go on the Internet, there are different suggestions that you can read about. They're not all the same if we -- you know, if we're going to do that, we almost

need to have some kind of standard, somebody to look into it and set a standard, this is what we recommend and have somebody make sure that it's being planted that way. It also says that there is -- there will be fines if these -- the subdivision -- the subsection is not adhered to and I'm wondering where those fines go and I personally would love to see some kind of fund set up for removal of invasive plants in general. If we're going to start fining people and accumulating money, then let's have that money go for -- for invasive because that's become more and more of a problem for our state.

Subsection requires that information be provided at the point of sale. That's fine and I noticed from some of the testimony that was submitted that I found on the Internet -- I don't have it -- the organization apparently of plant sellers has come up with some labeling suggestions and I guess my feeling on this is that it's really not strong enough. You know, they don't meet the 100-foot buffer if that's what comes to pass. It says that containment may likely be necessary. It doesn't say that you have contain it. It sounds a little too soft to me. I think it's a step in the right direction. I think we need some better control, however, as to how this stuff is sold. If it's going to be sold, how are we going to track it, how are we going to know when it was -- when it sold and who bought it, which gets to be a -- you know, a bookkeeping process, but maybe that's what we need because otherwise it's going to be difficult.

I also know on Subsection (d) that there is no date and all the other subsections talk about October 1, 2013. So I guess what I would say is that I really prefer a ban, but if this

bill is what we've got to work with, then just modify it a little bit so it's clearer and a little stronger. That would be what I would support. Thank you.

REP. GENTILE: Thank you, Mary, for your testimony. We appreciate it.

Any questions?

Thank you.

Representative Kupchick followed by Caryn Rickel.

REP. KUPCHICK: Thank you very much for allowing me to have the opportunity to testify today before the committee. I am testifying in support of H.B. 5027. And before I start my testimony, I would just like to say there are quite a few people who took the day off from work today to be here to support the humane welfare bills and if they could just raise their hands if you're here to support humane bills. Thank you.

Senator Meyer, Senator Chapin, Representative Gentile and Representative Shaban, members of the committee, I'm here to testify today on an ACT PROHIBITING THE SALE OF DOGS AND CATS OBTAINED BY SUBSTANDARD DOMESTIC ANIMAL MILLS. I originally introduced this bill with Senator McKinney last year and also again this year. Most people would say that I'm a strong advocate for animal welfare, a big supporter of animal rescue, a strong advocate for shelter pets, and I am; however, someone even like me can get caught up in purchasing a puppy mill pet.

This next dog I purchased, I did my homework, found a breeder, and to this day that breeder checks out for me. The dog is eight years old, still wants to follow through with the dog, and I think that's the humane thing to do with the breeders. And being in a town that did have a store that had a lot of puppies, the store is no longer, I think, for this reason.

But people do need to do their homework when they go out and buy these dogs, because they do become part of your family, and I really appreciate you coming down and bringing this to the forefront.

REP. KUPCHICK: Thank you for sharing that.

REP. GENTILE: Thank you. Any additional questions? Thank you, Representative.

REP. KUPCHICK: Thank you. And I would just like to add that Representative Auden Grogins wanted to be here too but that she had to go on an offsite Education Committee meeting, and she did submit testimony. Thank you for your time.

REP. GENTILE: Caryn Rickel. Karen will be followed by Senator McKinney. Did you say he was here?

A VOICE: No.

REP. GENTILE: Okay. And Representative Grogins is not here.

CARYN RICKEL: (Inaudible) Senate Bill 1016 to regulate *Phyllostachys aureosulcata*, running bamboo, yellow groove. My name is Caryn Rickel of 13 Edgehill Terrace in Seymour, Connecticut. I am the founder of the

Institute of Invasive Bamboo Research. Yellow groove invasive bamboo is like cancer to land.

The Hiroshima bomb did not even kill *Phyllostachys*. In fact, it flourished just a few days later. To grow this bamboo is the equivalent of owning a Siberian tiger that will escape causing great harm and contamination of land. Some have compared this to oil leaking from an underground oil tank, environmental contamination of land.

I support the intent of this bill but also to specify that liability be assigned to the bamboo grower each time the bamboo invades as recommended by the Invasive Plants Council in their last annual report dated December 2012. Yellow groove invasive bamboo destroys everything in its path.

Yellow groove is a prehistoric grass that evolved to survive in the forest 40 million years ago. Yellow groove bamboo is the homeowner's worst nightmare. It grows taller and thicker each successive year and picks up speed as it invades underground. What you and your neighbors are really getting is a 45-foot-high giant timber bamboo forest with an astonishing growth rate which invades rapidly underground in all directions.

The highly destructive rhizomes move underground all connected to take over more land each year. One plant can travel 9.3 miles per the Federal U.S. Data Report and is scientifically considered one organism. It is virtually impossible to confine as the grove matures. I have images of rhizomes invading 27 inches deep.

The plastic will not stop a mature grow. Barriers fail fast and must encircle the

planting at the time of planting. It only takes one escaped rhizome to contaminate a property. It trespasses first underground undetected each late summer by deep rhizomes. The bamboo then goes dormant until the following spring.

From late spring through June the spikes shoot. They grow almost two feet per day. This is like a sci-fi horror show. This is a continual horror show. Each year's invasion is thicker and more destructive than the year before. Yellow groove is an alien, non-native invasive, non-indigenous to our continent. The damages are continual and cannot be measured in one occurrence.

The invasion is every year, increasing in size and destruction each year. An attorney told me some time ago the law did not catch up to the plant. We are now far along in the research that was previously lacking in the USA. The continual property damages caused by yellow groove *Phyllostachys aureosulcata* bamboo are widespread in the state of Connecticut. Thank you. Thank you for this opportunity to speak today on behalf of the Senate Bill 1016.

SENATOR MEYER: Thank you.

CARYN RICKEL: Thank you.

SENATOR MEYER: But let me ask you this, because you sound like an expert. I gather that there are other kinds of bamboo than running bamboo or yellow bamboo. Is that right, and how prevalent in Connecticut? We have some bamboo on our place, and I'm just wondering if it's yellow, running or yellow.

When the big storm came in a month ago, we had about three feet of snow, it completely knocked it down, the bamboo down, and it looked like it broke the stalk at the end, you know, the little trunk at the end. And I can't believe what I've seen in the last week as it's come back.

CARYN RICKEL: Well --

SENATOR MEYER: So what other kinds of bamboo are there?

CARYN RICKEL: Okay. That's a very good question. You must be species specific when you're talking about yellow groove bamboo. The Latin name is, *Phyllostachys* means leaf and spike. *Phyllostachys* is the genus. *Aureosulcata*, *Phyllostachys aureosulcata* is the species. We are only seeing *Phyllostachys aureosulcata* on about 310 invasions that I've logged. It's that species.

I had nine DNAs done in Pullman, Washington. They were very expensive. They did not charge me. They all came from the same rhizome piece that was moving from south to north. There's no genetic diversity on that DNA. It's, the species is *Phyllostachys aureosulcata*. I was the first in 2010 to discover that that was what we had in the north, so I had it added to USDA.

We confirmed that, and we finally, in 2010, stopped lumping all of the research as golden bamboo, which is *Phyllostachys aurea*. *Phyllostachys aurea* can only withstand five degrees. *Phyllostachys aureosulcata* is a minus 15. That's what we're seeing in the northeast. You may see *Phyllostachys bissetii*, but not, it's not documented as being as much.

All of the bamboo that we're seeing is *Phyllostachys aureosulcata*, so we do know our species now, and that was very, very important in the research and the documentation of what is invading Connecticut. It's *Phyllostachys aureosulcata*, yellow groove. It's been documented now. I logged them on Invasive.org.

SENATOR MEYER: So, but like you, like you have, the bamboo that we in our backyard is that kind of --

CARYN RICKEL: No, we'd have to ID it. We'd have, we'd have, you'd have to, I'd have to, we'd have to, I have an ID manual that's being, that's actually being printed right now by Georgia University. It's very, very easy to, it's very simple with certainty to know what you have.

But with, you know, if it's 30 to 40 feet high, and it's been there a while, and it withstands, you know, these winters, it most certainly is going to be *Phyllostachys*. The leaves stay green. It's minus 15 cold hearty, so I'm saying it could be.

SENATOR MEYER: Okay.

CARYN RICKEL: Okay.

SENATOR MEYER: Any questions?

CARYN RICKEL: No?

SENATOR MEYER: Thank you so much.

CARYN RICKEL: Okay.

A VOICE: (Inaudible).

SENATOR MEYER: Oh, Senator McKinney has arrived.
We were told you had a breakdown.

SENATOR MCKINNEY: Yes, a flat tire in Stratford on
I-95.

SENATOR MEYER: Oh, dear.

SENATOR MCKINNEY: But thankfully, I was right near
exit 31, which has a Town Fair Tire off at the
bottom.

SENATOR MEYER: Yeah.

SENATOR MCKINNEY: So there's a good advertisement
for Town Fair Tire. Is it afternoon yet? It
is, isn't it?

SENATOR MEYER: It is.

SENATOR MCKINNEY: Good afternoon, Senator Meyer,
Senator Chapin, Representative Albis,
Representative Bowles -- nice to meet you
officially for the first time --
Representative O'Dea, Representative Miller.
Welcome to my favorite Committee in the
Legislature that I no longer serve on.

I actually wanted to just briefly testify in
favor of two bills, the first you were just
discussing, Senate Bill 1016 regarding bamboo,
and I appreciate the Committee's raising that
bill as a Committee bill. I had initially, in
talking with a number of constituents, thought
about the concept of getting bamboo listed as
an invasive species. I understand the
Invasive Species Council didn't want to do
that.

I think perhaps the better idea would be if
you have bamboo on your property, it's your

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responsibility to contain it on your property so it doesn't go into your neighbor's property. The details of liability and issues like that I think we can work out. I think establishing the responsibility of homeowners with respect to bamboo is the more important issue to go after, and I appreciate the Committee bringing that bill up.

The second one, at no surprise, I think, Senator Meyer, is the puppy bill, which is House Bill 5027. As you may recall, a long time ago, it seems like, I put in a bill to ban the sale of dogs at pet stores. Unbeknownst to me, there was a pet store lobby who quickly and swiftly diminished and extinguished any chance I had at banning that practice.

5027 was written to try to do something less than a ban, but I have to admit to you that my goal would still be to prohibit the sale of dogs at pet shops. It's my understanding that there are only 18 pet shops left in Connecticut that actually sell puppies I think therefore undercutting some of the arguments that it's not an economically viable business without the sale of dogs since so many others survive without the sale of dogs.

And my last point is simply this, we have animal shelters that are overflowing. We have animal shelters, and we've had this debate in this Committee as to whether or not if a dog goes unattended for seven days or more it can actually be put down. There are dog rescue organizations, ASPCA. There are so many animals out there and dogs out there that families can adopt and take.

We don't need to be selling them at pet shops considering the fact that certainly not all

Kupchick to continue to push for prohibition and see if we can convince the majority of Legislators to be with us. That may not be possible, but I think what you point out is some difficulties with 5027, point out the difficulties of taking half measures or three-quarter measures.

And maybe our job is just to convince enough of you through a lot more hard work and education that a lot of these dogs that are sold at pet stores come from puppy mills, and many, not all, come from substandard conditions. And it's just not what we should be doing in Connecticut.

SENATOR MEYER: Thank you, Senator. Any questions? Appreciate it.

SENATOR MCKINNEY: Thank you very much.

SENATOR MEYER: Glad you made it. Okay. Our next witness is Gail Reynolds.

GAIL REYNOLDS: Good afternoon. I'm here to give testimony for Bill 1016. I support that bill. My neighbor --

SENATOR MEYER: Just for the record, can you state your name?

GAIL REYNOLDS: Okay. My name is Gail Reynolds. I live in Higganum, which is part of the town of Haddam.

SENATOR MEYER: Uh-huh.

GAIL REYNOLDS: And I didn't put this in my testimony, but I am chair of the Haddam Conservation Commission, but I am not testifying on behalf of the Commission, and I also participate with the Connecticut Invasive

Species Work Group. And I can understand why they decided not to include it on their banned list, but I do think that measures have to be taken.

In my testimony, I show, I give some history, and I show maps of the properties. And, you know, originally, my house was an old farm that was, my house was built in 1744. We bought it from a very, an old widow in 1986, and she had split off all of the other land except for a half acre.

And on the boundary with the parcel immediately behind us, my neighbor there, who is also on the Conservation Commission with me and should know better, but she plants a lot of exotics, and she did plant this bamboo, running bamboo about 10 to 12 years ago as a buffer, because the houses are somewhat close together. And it's really taken over.

And in the past, I didn't really have time when I was working full time to attack it. Now I'm not working full time any longer, and I'm concerned, because it keeps spreading and spreading. And the, I show on one map sort of the extent of the rhizome spread, because last summer I thought it was getting, it was sprouting up just too close to our septic tank, and I really started to dig up rhizomes.

And I dug and dug and dug all summer and into the fall, and I dug up, you know, I can't quantify it but lots and lots, and I burned them all, because I don't want them to somehow, you know, grow again in the ground. And so I researched it, and I am digging and putting in one of those barriers.

I don't know if it will work, but I hope it will at least make it so that I can just do

inspection and, you know, cut off stuff rather than having it be really growing. It's a lot of work, but I did start to do this last fall.

But then I dropped a medicine ball on one of my hands, and I had to stop, because my, I couldn't dig. But now I'm doing better, so I hope as soon as the ground unfreezes I can continue with my barrier. And that's really all I'd like to say. Any questions?

A VOICE: (Inaudible).

GAIL REYNOLDS: Okay.

SENATOR MEYER: Okay. Our next witness is Bill Hyatt. And Mr. Hyatt is, after him comes Priscilla Weadon.

BILL HYATT: Good afternoon. My name is Bill Hyatt. I'm the current chair of the Invasive Plant Council. I'm also chief of the Bureau of Natural Resources at DEEP. Thank you for the opportunity to present testimony on Senate Bill 1016 today, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.

A little bit about the Invasive Plant Council. It was established in 2003 in part to provide guidance to this group on invasive plant issues. The Council consists of representatives from the Department of Agriculture, DEEP, the Ag Experiment Station, academia, conservation groups, and the plant and nursery industry.

The Invasive Plant Council strongly supports Senate Bill 1016, which is consistent with guidance that the Council has provided to the Environment Committee. A little bit of background -- the Environment, the Invasive

Plant Council has been receiving complaints on running bamboo since about 2010.

In that same year, the attorney general's office contacted the Invasive Plant Council and requested that we investigate this plant based upon complaints that they were getting as well. The conclusion of the investigation that was conducted in 2010 was that running bamboo did not meet the criteria for listing as an invasive or as a potentially invasive plant under the criteria that are set forth in 22a-381b of the statutes.

And this goes to a question that Senator Chapin asked before. What are these criteria? Well, basically, there are nine criteria that are set out in statute. In order to qualify as an invasive species, it has to meet all nine of those criteria. As a, to qualify as a potentially invasive species, it has to meet the first five of those criteria and two of the remaining.

And with regards to running bamboo, the challenges have been primarily criteria two, which says the plant is naturalized or has the potential to become naturalized or occurring without the aid or benefit of cultivation, and criteria five, which says under average conditions the plant has the biological potential for existing in high numbers outside of habitats that are intentionally managed, which means natural habitats.

Following the decision that was reached, the recommendation that was reached in 2010, complaints about running bamboo continued to come into the Invasive Plant Council. And we decided to revisit this issue during 2012. Much of the year, much of our work over the course of the year was dedicated to collecting

information and talking to folks about the problems and the issues surrounding running bamboo.

This involved talking to property owners having specific problems with the species, nursery owners who were growing and selling the plant and conducting site visits throughout the state to some of the selected areas for which running bamboo problems were reported. And we specifically targeted to visit those sites which were most likely, at least based on the information that we had been given, most likely to meet the suite of criteria that are set forth in the statutes.

In the final analysis, the Invasive Plant Council concluded that once again running bamboo does not meet the criteria for being listed as either invasive or potentially invasive.

Again, the fact that it, that they weren't established, they were typically or almost always exclusively established in areas that were in or near or around places where they had been planted and the fact that the species was not aggressively invading naturalized habitats, natural habitats, those were the, really the driving factors in our collective decision.

I will point out that independent of us and unbeknownst to us at the time, the state of New York was doing a similar assessment and arrived at virtually an identical conclusion as we did.

However, in the course of our investigation and in visiting sites, it was very, very clear that in landscaped properties and along the edges of landscaped properties that running

bamboo was aggressive, and it was destructive. In some cases, it was destructive to walks, buildings, and other structures.

And in some cases, it was just spread onto and was destructive to adjacent properties. And it was clearly difficult and costly to eradicate. So there was no doubt that what we saw while it didn't qualify as an invasive or a potentially invasive species within the margins that were set by the statutes, there was no doubt that the problem was causing or that the species was causing problems and difficulties on private properties.

So therefore, again, and even though running bamboo isn't technically an invasive species, the Invasive Plant Council strongly supports the legislation that's being discussed today. And this legislation requires sellers of running bamboo to provide education to people who are purchasing.

It requires planters of running bamboo to take precautionary measures. And it makes property owners liable for damages caused by bamboo that escape their properties. Thank you for the opportunity to provide this testimony. Any questions?

REP. GENTILE: Thank you, sir. Any questions?
Representative Miller.

REP. MILLER: Thank you, Madam Chair, and good afternoon, Commissioner. There has to be some pesticides that could kill this stuff. Is it immune to any pesticides? How do you control it? You've got to dig it up, and is, there must be something out there that will destroy it. And how come we don't have a study on that to find out what will destroy this stuff?

BILL HYATT: I'm happy to say that there is a study underway that's being conducted by the Connecticut Ag Experiment Station. They're doing a detailed study of various sites and on properties that the Ag Experiment Station owns and operates looking at and exploring various control measures.

The people that we were able to talk to, particularly one individual from the nursery industry, he was, he really was not insistent, but he said based on his experience that barriers can work, but they really have to be rigorously and diligently maintained. He also did identify some success that he has had with the application of pesticides.

I think it was glyphosate, but it had to be applied at a very specific time of the year after the major growth spurt. It had to be applied really to individual stalks, and so it was a very labor-intensive practice. I think looking down the road, it'll be interesting to see in a few years what the Ag Experiment Station's research comes out with for control methods.

REP. MILLER: I'm a big fan of bioremediation. I think bacteria, there's bacteria out there that'll destroy anything if you find it. And I know the government uses rotting potatoes and cabbage to destroy munitions. And plating companies who have these ponds with the sulfur or whatever may be in there, sunflowers will eventually eat it up and destroy the product. So there's got to be something out there.

Mother Nature has given us a lot of stuff that we can deal with, and I just think some form of compost you can, I don't know what it is, but it should be able to destroy it without this extensive building barriers and digging

it up and like this woman before we spoke, the things she went through, so thank you for your testimony.

BILL HYATT: Thank you.

REP. GENTILE: Thank you. Sir, you mentioned barriers in your testimony, but we've heard previous testimony that this stuff is coming through cement and everything. What type of barriers are you referring to?

BILL HYATT: The one that was mentioned to us is a rather thick plastic type area that the gentleman from the nursery industry swore by as being the most effective that he had used.

Again, though, he did mention that it has to be diligently maintained, that the rhizomes will seek to grow in particular. If you put it deep enough, fine, but the rhizomes will seek to grow over it. And he did mention that that was one of the most typical ways in which those barriers fail, also improper installation.

REP. GENTILE: Thank you.

BILL HYATT: Thank you.

REP. GENTILE: Priscilla Weadon, who will be followed by Senator Hartley.

PRISCILLA WEADON: (Inaudible).

REP. GENTILE: Yeah, just can you send those up by e-mail?

PRISCILLA WEADON: (Inaudible).

REP. GENTILE: Thank you. That way, every Member of the Committee will be able to see it. And

just turn on your microphone and state your name for the record.

PRISCILLA WEADON: Priscilla Weadon, Westport, Connecticut. This is regarding the, Bill 1016 regulating bamboo. Over two years ago, my neighbor planted yellow groove bamboo on my property border. Innocent enough, the bamboo started to grow and spread like wildfire through my vegetable garden, which is a key component to my success as a caterer.

Since I was not aware of the invasiveness of the plant, nor did I realize that you cannot kill it, stop it, amend its growth unless you backhoe the whole plant, burn it, and dispose of it properly, my neighbor tells me that the spread of his bamboo into my property is now my problem. He has no intention of curbing, eliminating, or disposing of it anytime soon.

The bamboo is now surfacing all across my lawn -- it's hit the sun -- and will soon be consuming the entire front lawn of my, plus my huge vegetable garden and the area equivalent to half an acre of my property. The loss of use of my once-abundant and professionally created vegetable garden alone means that I have had to buy fresh produce on a daily basis for my catering clients.

The law does nothing to protect those who are victimized by its growth, its destruction, or its ongoing propagation, in my case, the inability to grow fresh produce and destroy my property. I do hope and want to see legislation that would protect a homeowner's property from the continual invasion of yellow-groove bamboo.

Additionally, I want to see legislation that would create penalties for those who are

responsible for planting the invading bamboo and retribution and damages for each new invasion, the assignment of liability for damages for each new invasion. The bill should include the species name, (inaudible), yellow groove.

I urge you and the Legislature to enact laws to protect the abiding homeowners from invasions of bamboo. Thank you so much. And I hope you'll take this into sincere consideration.

REP. GENTILE: Thank you.

PRISCILLA WEADON: Uh-huh.

REP. GENTILE: Senator Hartley. Senator Hartley will be followed by Enilda Rosas.

SENATOR HARTLEY: Good -- is it afternoon, I'm losing track fastly -- Madam Chair and Members of the Environment Committee. And with your indulgence, I have also, seated with me to my right is veterinarian Brad Davis from Woodbury, Connecticut.

I appear before you to testify in favor of House Bill 5027, AN ACT PROHIBITING THE SALE OF DOGS AND CATS OBTAINED FROM SUBSTANDARD DOMESTIC ANIMAL MILLS. I first of all want to congratulate the new House Chairman and recognize the work of this Committee with regard to this subject over a period of years. You have demonstrated incredible leadership and I think distinguished this state on this subject. Of course, as we recognize in all legislation, there are always refinements and further iterations.

And so as I speak in favor of House Bill 5027, I would, I appear before you to request the

for thousands of years. We have selectively bred them to be like this, but we share a common bond deeper than any breeding program could produce.

We owe them a warm place to rest, water and food, and freedom from pain and suffering to the very best of our ability. To do less than this is to diminish our humanity. Thank you.

REP. GENTILE: Thank you, sir. And Senator Hartley, thank you for bringing this to our attention. Any questions? Thank you.

SENATOR HARTLEY: Thank you very much, as always.

REP. GENTILE: Enilda Rosas followed by Representative Widlitz.

ENILDA ROSAS: Good afternoon, Environmental Committee, and thank you. My name is Enilda Rosas from New Haven, Connecticut. I am also here to support Bill 1016 regulating the invasive bamboo. I had no idea that there were so many of us here this morning.

The, I'll be very brief in the interest of time. The running and growth of this weed needs to really be seen to be believed in the way in which it damages, it kills, and overpowers everything in its path. You have had some demonstrations this morning with this.

I am also asking that the bill include the liability that the person who planted the bamboo, this yellow groove bamboo, in their yards should also be responsible to contain them in their yards and to pay for all the damages that the bamboo costs to the neighbors not only to their yards but also to their property and so that they also pay for the

removal and damages each year as each year the bamboo grows stronger than the previous year.

The damages are continual each year. After all, we do live in a community, and I believe that what impacts your yard impacts somebody else's. The person should be responsible for that. I also have photographs that I want to leave in, with the clerk, if I may. Thank you very much.

REP. GENTILE: Thank you for your time and patience. Representative Widlitz followed by Marguerite Gagnon.

REP. WIDLITZ: Good afternoon, Representative Gentile, Members of the Environment Committee. It's nice to be back here. My name is Pat Widlitz. I represent the 98th District, including the towns of Guilford and Branford.

And I noticed yesterday that you had Raised Bill 1016 up for public hearing today, and I went online, and I read the testimony that had been submitted and decided that I really needed to come in and add my comments also having personal experience with this running bamboo. I'm very happy to see this bill before us. I'd like to see it be a little bit stronger.

The first statement that reads very emphatically that no person who plants running bamboo or who allows running bamboo to be planted on his or her property shall permit such bamboo to grow beyond the boundaries of his or her property. That's great until we get to the next part and we see, it appears to me anyway that only after October 1st, 2013, that there would be any liability of the person who would plant this going forward.

And I think that's an issue that is controversial. This running bamboo does significant damage. Fortunately, for my husband and I, there's just a little bit of it planted at the top of our driveway, and I will tell you that this grows by leaps and bounds very, very quickly.

To give you an idea of what it, what the containment costs are, we just had, it actually came up through our shrubs that were lining our driveway. It took our landscaping people two full days with a full crew to really pull the rhizomes up, and we had to dig up all of our shrubs, replant the ones that survived.

It cost several thousand dollars just to do a strip along the driveway about 20 feet and to dig the trench and to put in the barrier. And now that the growing season is beginning, as I drive down the driveway, you can imagine I'm watching to see if anything appears on the other side of that boundary. But it's a significant problem.

And from the testimony you've received, it's totally devastated some people's property. And I think there should be a consequence for that. Also, it is very threatening if it is planted near the road, which my neighbors happen to be right at the curb. It's about ten feet from a storm drain. It's maybe 30 feet from wells, private wells.

And this, it's, if you see this when you, when they pull it up, it's this huge mass, and it's very, very thick. That can get into storm drains and destroy all kinds of structures. So I would suggest, because evidently this cannot be included under the definition of, what's the word I'm looking for --

A VOICE: Invasive.

REP. WIDLITZ: -- invasive, thank you, invasive plants, that that, it's time for that definition to be revisited to include rhizomes, because this is, it is very, very devastating to the environment. So thank you very much for your time and attention.

REP. GENTILE: Thank you, Representative Widlitz. Appreciate your testimony. Marguerite? Marguerite will be followed by Sally and Daniel Wade.

MARGUERITE GAGNON: My name is Marguerite Gagnon. I'm from Ansonia, Connecticut. And I'm here to speak about Senate Bill 1016. My neighbors planted yellow groove bamboo, and within ten years it grew wider and taller than their raised ranch. When the snow would come or heavy rains, the bamboo would be laying on my driveway. I cut it, I sprayed it, but it just, it thrived.

It spread under my asphalt driveway. It was headed towards my home and was traveling down into the city storm drain. Fortunately for me, the bamboo went through the neighbor's swimming pool. And when they put their home up for sale, the sight of a jungle proved to be a hindrance. So they had someone come with a backhoe and a dump truck and remove the bamboo.

I have no idea where they disposed of the bamboo. I know the rhizomes can survive for years and thrive if not disposed of properly. I don't know if the bamboo was eliminated or interrupted. It's not known if it's, where it was disposed of, so we don't know if it's multiplying somewhere else.

I just ask that we please be protected from the removal costs and the damages caused by neighbors planting yellow groove bamboo and also to include continuing damages if the bamboo survives and thrives. Thank you.

REP. GENTILE: Marguerite, thank you for coming all the way from Ansonia. I know that you haven't been feeling well, so we're happy to have you today.

MARGUERITE GAGNON: Thank you. Thank you very much.

REP. GENTILE: Sally and Daniel Wade followed by Scott Ramsay.

SALLY WADE: Good afternoon. My name is Sally Wade. This is my husband, Daniel Wade. We're from East Lyme, Connecticut. I'm here in support of Senate Bill 1016. I support the intent of this bill. However, I think section, subsection (b) should omit on and after October 1st, 2013, to effectively keep all bamboo from spreading to neighboring properties regardless of when or where it was planted.

Due to this plant's inherent ability to quickly spread underground, shoot up, and rapidly grow destroying everything in its path, it would be a vicious cycle for the property owner to rid himself of this invasion without removal or containment of the host plant.

Trespassing onto another person's property is illegal. This plant is a trespasser, as it is not welcome on my property, yet, it invades, occupies, multiples, and destroys my property. Consequently, if the owner of this plant,

which is the source of the invasion, is allowed to not contain it, then my property is considered a taking, as it is impossible for me to eradicate the invasion which is continual each year as long as the source remains.

This minor modification to the bill is critical to everyone who has been impacted by the destruction of this plant. Our entire life savings have been invested in our properties, and to allow our largest financial asset in life to be destroyed is unjust.

My neighbor dug a four-foot-deep hole by 60 feet long and placed a liner on the side while placing no barrier on our side and then planted 16 mature bamboo plants. When he was done, he said, there is nothing you can do, it's perfectly legal. This bamboo is one foot from the property line and 40 feet from our septic system.

I urge you to please omit on and after October 1st, 2013, in subsection (b). I would like to thank the Committee for taking our testimony and Representative Ed Jutila for helping me out.

REP. GENTILE: Thank you.

DANIEL WADE: My name is Daniel Wade. I'd like to make one correction to what Sally was saying. She's a little bit nervous right now. Our neighbor put in a barrier -- it looks to be like a plastic, maybe a polyethylene or that type of plastic -- on his side, the embankment on his side. So his intent is to destroy our property with this plant. He didn't put any barrier on our side.

You can see the barrier coming out of the ground approximately six inches to a foot on his side. This is right along the property line within one foot of the actual line of the property where he dug this trench and planted these plants. So it's obvious the intent, he has done multiple things to us in the past as a way of harassing us.

This has been the final stint in his latest barrage of things that he's done to us. And this is our whole life's work, is invested in our house and our property. To be able to sell this property, we, and this is encroaching on our land, it's less than a year that he planted it, we would have to disclose this information to any potential buyers of the land.

It's against the law to not disclose that type of information. In a period of time, our property could basically be reduced to maybe 50 or less the value of that land if it is not taken care of. And we do not want to put pesticides and chemicals into the ground to try to eradicate something that is encroaching from another property.

It, our well is within 120 feet. Our septic is within 40 feet. And it will ultimately destroy our land. So we urge legislation to support this bill. And also if we could have some adjustments to the period, because essentially what this bill states is that the people that are currently being affected by it are not going to be helped because on or as of October 1, 2013. Thank you.

REP. GENTILE: Thank you. Representative O'Dea.

REP. O'DEA: I mean, I'm listening to this, and I'm thinking of the Hatfields and the McCoys. I

mean, what, so that neighbor intentionally did this to you and said there's nothing you can do about it.

DANIEL WADE: Yes. Our neighbor, we put up trespassing signs at first, and he didn't like it, because the signs were orange. He had put some big boulders on our properties. We asked them to remove them. He has a backhoe. It's a 12,000 pound backhoe.

And he was trying to put up a stone wall on our property for his enjoyment. So we asked him to remove it. We put up no trespassing signs to prevent that. It escalated. He put up a fence. He first put in the bamboo, and then he put a fence approximately three to four feet from the actual line.

So the, here's our line, here's the bamboo, and here's his fence. He's done multiple things that are unspeakable. I don't really want to get into the things he's done, but this is his latest thing to destroy our property.

REP. O'DEA: What town do you live in?

DANIEL WADE: I live in East Lyme.

REP. O'DEA: I, listen, I'm sorry, Madam Chair, just a moment. Have you contacted a lawyer, because it sounds like this is intentional, these intentional acts are illegal to me, but --

DANIEL WADE: We have contacted a lawyer. We've contacted First Selectman Paul Formica. We spoke with Sergeant Blanchette, who's a resident state trooper. We had to pay our lawyer \$450 to get the state police officer in the town to come over after he hung up a

severed head. A full-size mock-up of a human head he hung 30 feet from our bedroom window, yeah, 30 feet from our bedroom window, 200 feet from the corner of his house, because he has a flag lot.

And after multiple e-mails and pleading with the First Selectman, we didn't get any resolve. Finally, we had to contact a lawyer and say, listen, we want a criminal investigation. We want to know why this guy is trying to drive us out of our home.

He goes by our bedroom window. He blows the horn. He mounted a speaker to a tree that was, that's 50 feet from our bedroom and 200 feet from his so that he could crank it up during the middle of the night. His latest thing is to hang up dolls, naked dolls --

SALLY WADE: Naked dolls.

DANIEL WADE: -- on a fence and put cut marks on it. This is no joke. I have, 90 percent of this is photographed or videotaped in one shape, form, or another.

REP. O'DEA: Thank you very much for your testimony. Thank you, Madam Chair.

REP. GENTILE: Thank you for coming today.

SALLY WADE: Excuse me.

REP. GENTILE: Yes.

SALLY WADE: I'm sorry. I have photos I'd also like to submit with the clerk.

REP. GENTILE: Yes, you may give that to the clerk, please.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 7
2010 - 2351**

2013

to whom it may concern:

I am writing to support the intent of this bill SB1016, with the inclusion of assignment of liability. It is unfair for the innocent parties who have been invaded by this plant to be further punished with the trauma and expenses that were brought upon them by the planting of this bamboo by other parties. It is a highly invasive plant with great destructive powers.

Sincerely,

Sandra Suffredini
Southbury, CT.

**S.B. 1016 AN ACT REGULATING THE PLANTING AND SALE OF
RUNNING BAMBOO.**

I am in support of the consideration of a Senate Bill 1016 that requires the regulation of the running bamboo Yellow Groove Bamboo (*Phyllostachys aureosulcata*).

We are all have and continue to be aware of the harmful effects that invasive plants have had upon the earth and its inhabitants. In rather recent times, we are witnessing the devastating effects of yet another plant, Yellow Groove Bamboo, and the severe damage it can cause.

As well as being an ecological threat, the plant also puts an additional burden on property owners as it is known to damage foundations of homes, drainage and sewer systems, asphalt driveways--and more.

Yellow Groove has a massive underground system of roots that left unchecked grows out of control and is almost impossible to remove. It knows no boundaries and easily spreads to the land of neighbors who eventually must share the burden of dealing with damage and containment as well as enduring a serious effect on the real estate value of their property.

Because of their neglect, please make it mandatory for the person growing the bamboo (*Phyllostachys aureosulcata*), be responsible for paying each year for the removal and continuing damage to their neighbor's property caused by the invasive weed.

Please do everything you can to assist in the passage of S.B. 1016 AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO. Thank you

Louise W. Fabrykiewicz

281 State St 6G

New London, CT 06320

Please do everything you can to assist in the passage of a bill to designate Yellow Groove Bamboo as an invasive species. Thank you

SRe: S.B. 1016

03-09-2013

Dear Environmental Committee:

My chemotherapy may prevent me from appearing and giving testimony against yellow groove bamboo. So I am sending this testimony in support of Senate Bill 1016.

My neighbors planted yellow groove bamboo. Within ten years it grew taller and wider than their raised ranch. When snow or heavy rain fell the bamboo lay on my driveway. I would cut it, spray it, but it thrived. The bamboo had spread under my asphalt driveway and was headed toward my home. The bamboo was also traveling in the direction of the city storm drain.

Fortunately for me the neighbors had someone come with a backhoe and dump truck to remove the bamboo. I have no idea where or how they disposed of the bamboo. The rhizome (roots) can survive and thrive for years if not disposed properly. This May will tell if the bamboo was eliminated or interrupted.

It is unknown if the bamboo that was removed was disposed properly. It may be multiplying somewhere else.

Please protect our homes from removal costs and damages caused by yellow groove bamboo. It is of utmost importance to include continuing damages if the bamboo survives and thrives after the initial removal.

I believe S.B. 1016 is of utmost importance.

Thank You.

Sincerely,

Marguerite Gagnon

March 2013

To: Environmental Committee for Ct. House of Representative

Environmental Commission for CT. State Senate

RE: Connecticut Bamboo Bill

I am writing to express my support for proposed Connecticut Bamboo Bills as I have suffered extensive

damage due to overgrown bamboo encroaching on my property.

The bamboo encroaching on my property is tremendously invasive. I have been fighting this overgrowth for the last 20 years. It has taken fences down, my trees are totally overgrown, the root system has taken out my vegetable garden, nothing can grow, several blades on lawnmowers have been ruined by cutting the overgrowth. The use of my land has been reduced. As I am constantly trying to keep this in check, I have incurred back pain and several trips to the chiropractor.

The bamboo growth is now approaching the Metro North RR. It has grown into and destroyed bee hives on my property. The original source of this is on another street behind the cul de sac where I live. Other neighbors on my street are experiencing similar problems including it growing into basements.

I am writing to support specific provisions in the following proposed bills

S B 1016

AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO

1) It is essential that liability be assigned each time the bamboo invades - the person growing the bamboo is responsible for the cost to remove the bamboo and damages each time the bamboo invades. Bamboo invades each year worse than the year before. The invasion is **continual each year**. The damages are continual each year.

2) Please clearly designate the scientific name of the species to be named in the bill as *Phyllostachys aureosulcata* -yellow groove

"We want the bamboo off our land at NO COST to us whatever it takes"

Sincerely Yours,

Gabriele Kallenborn

March 2013

To Whom It May Concern

My name is Ines Cuadrado and I live in Durham, CT. I am writing today to express my support for the proposed measures against invasive bamboo in the state of Connecticut (S B. 1016)

Invasive bamboo affects me personally as my previous neighbors – who have since moved – planted bamboo on their property about four years ago. In the short time since its introduction on my neighbor's property, it has quickly spread onto my own. It continually grows stronger, taller and thicker each year. It is now about twenty (20) feet from my septic tank and, due to its rapid growth and spread, I am concerned about any damages that will more than likely occur in the near future.

I am asking that the proposed bill include a provision that the person growing the bamboo must be responsible for its removal and any damages each year that may/will occur from the invasive bamboo to my property

I hope that you take the appropriate steps to make sure that this invasive species is dealt with and that CT residents, such as myself, are not subject to its negative effects. Thank you for listening to my concerns.

Ines Cuadrado
427 Powder Hill Road
Durham, CT
(860) 349-3387

RE S B 1016 YELLOW BAMBOO

I WOULD LIKE TO REGISTER MY SUPPORT FOR SB 1016 2 OF MY NEIGHBORS HAVE PLANTED YELLOW BAMBOO ON THEIR PROPERTY LINES AND IT HAS INVADED MY YARD. SOME OF THE ROOTS HAVE TRAVELED 25-30 FEET ALONG THE PROPERTY LINE. WE HAVE A D E E P SANCTIONED DRAINAGE PIPE IN OUR YARD, AND I HAVE GREAT CONCERN THAT THE BAMBOO WILL COMPROMISE THE INTEGRITY OF THIS PIPE. I AM ASKING THAT THE PERSON GROWING THE BAMBOO BE LIABLE FOR REMOVAL OF ANY BAMBOO THAT INFILTRATES OFF THEIR PROPERTY, AND THAT DAMAGES BE REVIEWED AT LEAST ANNUALLY TO PREVENT ITS SPREAD AND TO REMOVE ANY NEW GROWTH

JAMES P. OBOYLE
56 LANGWORTHY AVENUE
LORD'S POINT
STONINGTON, CT 06378

860 535 2222

John Kowalsky

130 Armstrong Rd, Shelton, CT 06484

Dear Environment Committee:

March 13, 2013

**S.B.1016 AN ACT REGULATING THE PLANTING AND SALE OF RUNNING
BAMBOO**

I fear my property will soon be invaded by yellow groove bamboo.

My neighbor has a very large stand of yellow groove bamboo which has already escaped under his fence out to the roadside and to the curb and surrounding areas. It will soon invade my side property and my driveway first. This is a very large mature stand of yellow groove bamboo with very thick and destructive rhizomes underground. I will not be able to deal with the continual damages to my property in my retirement.

Even if this were just happening to "one person" in Connecticut, it still would be wrong. To continually invade and destroy another person's land is wrong.

Yellow groove bamboo invades stronger each year. The damages are continual.

I support the intent of this bill, but to include that the person growing the bamboo is liable for bamboo removal and damages "each year" the bamboo invades.

Sincerely,

John Kowalsky

Carey Moran
60 Langworthy Avenue
Stonington, CT 06378

March 14, 2013

Environment Committee LOB
300 Capitol Ave, Hartford, CT 06106

Dear Legistator,

In the summer of 2006, my neighbor was crouched down planting something as I walked by her property. It was on the property line between her lot and that of a neighbor she was in a dispute with over a zoning issue. When I stopped by to chat and ask what she was doing, she replied she was planting bamboo in retaliation for the neighbor's opposition to her plans to build on her property. She told me it would fix him and take away his view in the future.

The property belonging to the neighbor, whose view she was trying to block, has since been sold and a new neighbor has rebuilt on the lot. Since then I've witnessed the bamboo planter guarding and cultivating the bamboo because she does not get along with the new neighbor either.

Today that same bamboo is sending off shoots that are popping up all over the yard of the new neighbor. They are heading toward my house, a lot away, and I have absolutely no recourse to stop the damage they are soon to cause. Therefore, I am writing to ask that my Connecticut legislature vote to pass S.B. 1016 and that it include that the bamboo grower must pay for bamboo removal and any damages caused on a yearly basis for each year the bamboo invades my property. Because bamboo invades again each year stronger than the previous year, and the damages are continual each year, please pass the bill and help me put an end to the use of bamboo as a weapon for one neighbor to use against another.

Sincerely,

Carey Moran

Dear Legislators:

I am writing in support of S.B. 1016 regarding running bamboo.

I believe that all persons should respect the property of others and I recognize that neighbors should have the right to grow plants of their choice on their property. Given the growth characteristics of running bamboo, however, I believe that it is incumbent on a person who chooses to have bamboo on their property to not allow the plant to grow onto another person's property and, if this incursion takes place, it should be the responsibility of the homeowner who has the bamboo on their property to bear the cost of removal from the neighbor's property and/or the cost of barrier installation to prevent spread. Further, since the bamboo invades every year, this should be an annual cost until the invasion no longer occurs. Allowing the plant to grow unrestricted onto another person's property and without any responsibility for removal is unfair, disrespectful of the neighbor's right to have happiness on his or her own property, and should be unlawful.

Thank you.

Charles Sherwood
Orange, CT

James & Marissa Vallillo
5 Hampton Street
Stonington, CT 06378
March 10, 2013

Environment Committee LOB
300 Capitol Ave
Hartford, CT 06106

Dear Sir or Madam:

This testimony is in reference to S. B. 1016 AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO. We are residents of a small beach community in the Lords Point Association in Stonington CT. We recently purchased a small plot of land in 2009. We have since built a brand new structure on this property which serves as a vacation home for our family.

Unfortunately we have a neighbor (57 Boulder Avenue) who is in a legal battle with an abutting neighbor and the previous owner of our property. The owner of 57 Boulder Avenue has since planted *Phyllostachys bissetii* bamboo to spite the abutting properties approximately in 2005/2006. The bamboo was planted right on our property line with an insufficient barrier. The bamboo has since spread into our property and we have visible rhizomes in the yard with bamboo shoots all over the property and it is encroaching our deck, foundation and driveway.

We fear for the future damage that will arise based on what we have seen to date. We are concerned that the neighbor we are dealing with will be unsympathetic to any problems that the spread of the bamboo will cause. We feel that without legal rights our property will be damaged without any recourse.

We need a bill that will force a person and/or property owner who currently has bamboo on their property to be responsible for the care and containment of the bamboo. The bamboo property owner needs to be responsible for any damages financially and functionally, that arise to neighboring properties. A property owner who plants bamboo must do so using the proper containment measures. If those measures are not taken, or are unsuccessful the planter needs to be responsible, "each and every year", for any remediation needed by the property owner where the bamboo has encroached. **It is only fair and just to protect the rights of someone's property. It seems that making sure those rights are protected is what this bill will make happen. I was unaware of the damage that bamboo can cause and fear that my property value and those of people in a similar spot as I am in will have no recourse. What is even scarier is that it seems in a lot of these instances bamboo is used as a weapon against a neighbor and that makes it even more important that the bill is done correctly.**

We sincerely ask for your consideration on this amendment. We thank you in advance for taking action against this invasive plant

Sincerely,

James & Marissa Vallillo

(Property owners of 5 Hampton Street Stonington CT)

To Whom It May Concern:

We are writing in support of S B. 1016, the act regulating the planting and sale of running bamboo. We respectfully request that the bill include that the person(s) growing bamboo must pay for any and all removal of and/or damages to any nearby (neighbors') property to which the bamboo has spread and/or has affected in any manner. This would be an ongoing responsibility of the grower since bamboo may invade new each year, resulting in future damage to nearby properties. The damages of this bamboo can be severe and are continual each year.

Respectfully submitted,

Joan and Joseph Marrone

415 Pine Tree Drive

Orange, CT 06477

SB1016

Greetings from Middlefield
Yes, Middlefield is seeing more invasive plant species including bamboo.
No question that the topic needs to be looked into soon by those who do not sell such
Thank you
Jon A Brayshaw
First Selectman
Town of Middlefield

March 14, 2013

Re: S.B. 1016

In reference to the "bamboo bill" that is being considered for passage, I would like to add my testimony.

My husband and I have owned a home in Westport for 11 years. When we purchased the house there was no landscaping whatsoever, so we have spent thousands of dollars adding specimen trees and shrubbery to our lot. Each year we have had to deal with invasive bamboo growing from a nearby property. The problem has gotten continually worse, with my husband trying not very successfully to pull up the rhizomes each year (and incurring at least one serious case of poison ivy while doing so). The bamboo has weakened some of our large shrubs to the point that the trunks have begun to break.

In addition to our own property, I am concerned about the beautiful oak and pine trees on the grower's land. They provide a screen and beautiful views from our kitchen and family room windows. I am not sure what the state of the oak trees is, but the bamboo has seriously damaged the pine trees.

I understand that the proposed bill will require the person growing the bamboo to pay for both and removal from our property and damages (such as replacing our shrubs). I am told by a neighbor whose property borders the grower's, that he loves his bamboo and believes that the damage to our properties is "(y)our problem". I am very strongly in favor of a measure that would require him to contain his bamboo and repair the damage that's been done already to his neighbors' properties.

Thank you for your consideration of my testimony.

Lynne Sebastian
63 Edgewater Commons Lane
Westport, CT 06880

Testimony to Environment Committee, S.B 1016 regarding Running Bamboo, March 15, 2013

My name is Mary Wilson and I am the Chairman of the Newtown Conservation Commission. I am here this morning to support Raised Bill No. 1016, "An Act Regulating the Planting and Sale of Running Bamboo."

Like most towns in Connecticut, Newtown has experienced problems with residents who have planted running bamboo on their property. The spreading of this bamboo to neighboring yards has created much ill will, frustration and even neighborhood disputes. In addition to this unrest, our elected officials and town staff have spent their time and energy trying to solve a problem that is not really within the jurisdiction of town government. That is why I am very pleased to see that our state legislature has chosen to address this issue.

I support all the provisions of Raised Bill No. 1016, with the following comments/questions:

Sub-section [b] makes anyone planting running bamboo liable for damages to abutting properties. This is making the planter the responsible party which is appropriate. However, from the wording it appears that even after October 1, 2013, any existing situation (planting done prior to that date) may be covered under this section. Is this the correct interpretation? If so, I would support such a provision only if the homeowner is given a reasonable amount of time to accomplish such removal.

Sub-section [c] requires a 100-foot buffer and requires that the plantings be contained such that the new plants do not come into contact with surrounding soil. I support this concept but I wonder if homeowners are going to know how to do this. There is information available (on the internet) but you have to "dig" for it and it is not always consistent. Perhaps a state agency or state university could write a publication on exactly how to do this. This sub-section also provides for a fining program which is reasonable. I am wondering where those funds obtained through this process will go.

Sub-section [d] requires information at the point of sale which is appropriate. I feel that information is the key to this problem, in that most people who have planted running bamboo were not aware of its aggressive behavior. However, in terms of enforcement, it will be difficult to know if this is being done. Maybe a provision to keep a log of sales or a signed statement by the buyer that they have received such information might be required. Another option would be to attach the information to the plant itself to ensure that proper information is being disseminated.

Sub-section [e] provides for enforcement of sub-sections [c] and [d]. I am wondering who then enforces sub-section [b], liability for damages caused by the spread of running bamboo onto adjacent properties.

Thank you for this opportunity to speak to you this morning. I do hope that this bill or some form of it will be passed by your committee and ultimately by the General Assembly. It would be a great help to the communities of this state.

Mary Wilson
Chairman, Newtown Conservation Commission



State of Connecticut

**HOUSE OF REPRESENTATIVES
STATE CAPITOL**

REPRESENTATIVE DEBRALEE HOVEY
ONE HUNDRED TWELFTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4200
HARTFORD, CT 06106-1591

TOLL FREE (800) 842-1423
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ASSISTANT REPUBLICAN LEADER

MEMBER
EDUCATION COMMITTEE
INTERNSHIP COMMITTEE
JUDICIARY COMMITTEE
TRANSPORTATION COMMITTEE

**The Environment Committee Public Hearing
Friday, March 15, 2013
Testimony in Support of,**

SB 1016- An Act Regulating The Planting And Sale Of Running Bamboo

Honored Chairs, Ranking Members and Members of the Environment Committee

I would like to take the Opportunity to thank you for raising Senate Bill 1016 and offer this testimony in favor of this bill.

It has become abundantly clear in the last few years that Connecticut has come under attack from golden bamboo. The problems posed by the spread of this plant throughout the state has grown to become a problem and has recently been brought to my attention through my constituents who are in the process of battling this invasive species. While it is certainly the right of the individual to plant and cultivate, on their own property, any plant that they deem fit, it is also imperative that these plants are contained to the planter's property. Problems arise when one person plants bamboo and then negligently allows that bamboo to encroach upon their neighbors land. Various pictures and testimony we have seen make it clear that the plants grow quickly and must be maintained.

This bill would make it unlawful to cultivate any bamboo plants within 100 feet of a property line or a public right of way. Passing this bill is simply the right thing to do to prevent many more people from needlessly spending their money to clean up the mistakes made by neighbors who planted bamboo too close to their neighbor's property. The task of removal is made all the more difficult by the very nature of the plant itself. Golden bamboo has an extensive root system that is very difficult to eradicate. The plant does not always respond favorably to topical pesticide treatments and often requires tedious removal by hand. Besides the obvious cost to the landowner, their whole yard is now aesthetically ruined.

For all of these reasons and more: the sale, distribution and cultivation of bamboo should and needs to be regulated in the state of Connecticut in order to prevent any further spread of the bamboo and the numerous problems that will arise soon after.

Testimony of Dan and Sally Wade of East Lyme in support of

SB 1016 ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO
ENVIRONMENT COMMITTEE PUBLIC HEARING

FRIDAY, MARCH 15, 2013

Representative Gentile, Senator Meyer, for the record our names are Dan and Sally Wade and we are submitting testimony in favor of Senate Bill 1016.

I support the intent of this bill however, I think subsection (b) should omit (on and after October 1, 2013) to effectively keep all bamboo from spreading to neighboring properties regardless of when or where it was planted.

Due to this plants inherent ability to quickly spread underground, shoot up, and rapidly grow destroying everything in its path, it would be a vicious cycle for the property owner rid him/herself of this invasion without removal or containment of the host plant.

Trespassing onto another person's property is illegal. This plant is a trespasser as it is not welcome on my property yet it invades, occupies, multiplies and destroys my property. Consequently if the owner of this plant which is the source of the invasion is allowed to not contain it, then my property is considered a taking as it is impossible for me to eradicate the invasion which is continual each year as long as the source remains.

This minor modification to the bill is critical to everyone who has been impacted by the destruction of this plant. Our entire life savings have been invested in our properties and to allow our largest financial asset in life to be destroyed is unjust. My neighbor dug a 4 foot deep hole by 60 feet long, placed a liner on his side while placing no barrier on ours, and then planted 16 mature bamboo plants. When he was done he said, "There is nothing you can do, it's perfectly legal". This bamboo is one foot from the property line and forty feet from our septic system.

I urge you to please omit (on and after October 1, 2013) in subsection (b).

I would like to thank the committee for allowing us to give testimony today.

Sincerely;
Sally & Daniel Wade

392 Boston Post Rd
East Lyme, CT 06333
860-691-2479 home
860-383-3361 (Daniel), 203-494-4609(Sally)

To the Environment Committee LOB and to whom it may concern:

I am writing this letter in regards to the proposed Senate Bill 1016, an Act regulating the planting and sale of running bamboo. As a homeowner in the town of Woodbridge, this is of particular concern, as there is a grove of running bamboo encroaching toward my property line. This encroachment threatens my property value, as well as any standing and underground structure. Currently, it has grown to the extent that it now threatens overhead power lines and nearby utility poles and roadways.

I am requesting that the scientific name of this bamboo species, *Phyllostachys aureosulcata* - yellow groove, be named in the bill. Also, I request that liability be assigned each time the bamboo invades. The person growing the bamboo is responsible for the cost to remove the bamboo and repair the damage incurred each time the bamboo invades my property. This particular species of bamboo is aggressively growing and invasive and its invasions are progressively stronger and worse than the year before. The invasion is continual each year, as are the damages.

In conclusion, I fully endorse and support the passage of Senate Bill 1016. Thank you for your attention in this matter.

Sincerely,

Chris Behnke
122 Ansonia Rd,
Woodbridge, CT 06525

Senate Bill 1016

To the Environmental Committee concerning
the Senate Bill 1016

I am a resident of Branford, CT. and wish to express my concern about the existing problem I have with my neighbor's yellow groove bamboo spreading throughout my property on 41 Short Rocks Rd. Each year I see new and continual invasion spreading out of control. I know the devastation it can cause. He knows my concern since I've brought it to his attention to please remove it but he has never attempted to do this.

This letter is to inform you that I am very much in favor of passing a bill that would assign liability to the person growing the yellow groove bamboo and make it their responsibility to pay for removal and clean up of the invasion on to others property.

Thank you for your time

Denise Cappella
41 Short Rocks Rd
Branford Ct
06405

phone# 203-483-0916

2 1

SB1016

I support this legislative action to protect the rights of property owners from the expense of this invasive bamboo's damage to their property which is caused by others. It moves in the right direction to protect one of our basic human rights, that of the right to be safe and secure in our own homes and on our own property.
Thank you. Beth Coelho, New Milford CT 06776

My name is Theresa Groff and I reside in New London County. For the last four months I have identified and photographed 94 invasion of Phyllostachys bamboo within a 26-mile radius of my residence. I'm sure there are more sites I haven't found. The plant sends up new shoots in spring and summer growing 2 feet per day and requires cutting with a saw. Each plant, called a culm grows to a diameter of 3 ½ inches and as tall as 45 feet to entangle utility lines. The roots or rhizomes are heavy, thick and very dense and spread outward 9 ½ feet. At maturity, the roots spread as much as 20 feet per year causing continual damage to surrounding property. This plant survives to -20 degrees and knows no boundaries. Culms are capable of pushing through plastic barriers, concrete side walks and through 6" thick asphalt (photos of failed barriers have been included). The lawn mower killing stumps exhibit 23 to 25 roots per culm in comparison a corn stalk has only about 8 roots per plant. The culms secrete an enzyme that inhibits growth of all surrounding plants thereby taking all the moisture and nutrition for survival.

Phyllostachys bamboo is the gift that keeps on giving! The cut stems have a membrane that prevents herbicides from reaching the roots making the use of herbicides a waste of time. At the same time the cut stems form cups that permit rain water to collect and creates an ideal environment for breeding mosquitoes.

A thick stand of bamboo forms its' own mini climate which encourages birds to roost. A perfect fungal atmosphere develops and the action of cutting or disturbing the Phyllostachys can lead to a fungal lung infection in humans called Histoplasmosis. (See attached report from the University of Nebraska 1993) I have spoken with many town road crews and CT DOT personal advising them to use safety glasses and respiratory (dust) masks when disturbing and cutting the many roadside invasions people planted as a disastrous attempt at noise reduction.

Converting noise pollution to awful plant invasions, diminishing highway sight lines and potentially causing accidents is just plain wrong (the Merritt Parkway and Route 2 in Colchester).

Phyllostachys bessetti, equally invasive, occludes culverts causing flooding on my street. The wet, top heavy culms lean over our rural road limiting travel to a single lane. This process causes the state police to notify Preston road crews and they spend hours cutting back the bamboo from the road.

This happens several times a year. Why are taxpayers footing the bill for this continuous partial abatement? Proposed SB 1016 specifies a mandatory 100-foot distance between bamboo planting and property borders, wetlands and roads.

Since rhizomes so quickly become new invasions they should be incinerated by statute after being removed from the ground. Adding the rhizomes plant matter to community compost piles just compounds the problem of bamboo spread.

The proposed SB 1016 must specify the total removal of surface and sub surface plant matter each year at no cost to the towns or the victims of bamboo invasion on a continuous basis. I urge the committee to impose full and continuing liability to the person or persons who planted the damaging Phyllostachys bamboo, as evidenced by the volume and thickest culms on his or her property.

I believe the prohibition of sale, planting or transporting of Phyllostachys is important in protecting our state from this menacing family of timber bamboo. The sale or transfer of property must be delayed until the offending party completes the total removal of all Phyllostachys above and below ground. Harsh financial penalties are necessary to send a message that the Phyllostachys family of bamboo is no longer welcome here and will not be tolerated.

I have included photos and a computer disc with my testimony.

Thank you for your extensive work on this proposed bill, SB 1016

Yellow Groove Bamboo Invasion

Priscilla S. Weadon

10 Ambler Road

Westport, CT 06880

February 26, 2013

S.B. 1016 REGULATE BAMBOO

Dear Environment Committee,

Over two years ago my neighbor planted Phyllostachys aureosulcata - yellow groove bamboo on my property border. Innocent enough, the bamboo started to grow and spread like wildfire through my vegetable garden, which is a key component to my success as a caterer.

Since I was not aware of the invasiveness of the plant, nor -
I DID NOT realize that:

YOU CANNOT KILL IT, STOP IT OR AMEND ITS GROWTH
UNLESS YOU BACKHOE THE WHOLE PLANT, BURN IT
AND DISPOSE OF PROPERLY.

My neighbor tells me that "the spread" of his bamboo into my property is MY PROBLEM. And he has NO intention of curbing, eliminating or disposing of it anytime soon.

The bamboo is now surfacing all across my lawn and will soon be consuming the entire front lawn, my huge vegetable garden and area equivalent to a half an acre of my property.

The LOSS of use of my once-abundant and professionally created vegetable garden alone means that I have had to buy fresh produce on a daily basis for my catering clients.

The law does nothing to protect those who are victimized by its growth, its destruction and its ongoing propagation. In my case, the inability to grow fresh produce.

I do hope and want to see legislation that would protect a homeowner's property from the continual invasion of yellow-groove bamboo.

Additionally, I want to see legislation that would create penalties for those who are responsible for planting the invading bamboo and retribution and damages for each new invasion. (assignment of liability for damages of each invasion)

The bill should include the species name:

"*Phyllostachys aureosulcata* - yellow groove."

I urge you and the legislature to enact laws to protect law abiding homeowners from invasions of bamboo.

Sincerely,

Priscilla S. Weadon

March 14, 2013

Testimony to Environment Committee, S.B 1016 regarding Running Bamboo.

My name is Enilda Rosas, and I live at 45 Elmwood Rd , New Haven Ct 06515.

I totally support the bill S. B. 1016 regulating the Invasive Bamboo. The 'running' and growth of this damaging weed needs to be seen to be believed in the way in which it damages, kills and overpowers everything in its path. The bamboo grows 20 to 30 feet tall and lives year round. Stalks can grow to 2" or more in diameter and are extremely hardy. It sheds the leaves constantly creating more nuisance and work. In trying to keep them from damaging the roof shingles of my garage I tried to cut them down. The bamboo leaves have a substance that gave me a really bad rash on my arms, thighs and legs sustaining the rash and itch and welts for almost an hour.

I am asking that the bill include that the person who plants this bamboo in their yards should be responsible to contain them in their yards and should also be responsible and pay for all of the damages that their bamboo causes to neighbor's yards and properties and pays for the removal and damages each year as each year the bamboo grows stronger than the previous year. Damages are continual each year.

Next thing you know, there exists a bamboo jungle, reminiscing to the ones in the tropics, in your back yard. Very difficult to eradicate!

I used to have a yard which was very pleasant with beautiful gardens, which I have cultivated through the years. I have had plants which were gifts from friends that I have carried with me from house to house for the last 30 years that now must die when my yard is dug up for the removal of the root system. I no longer have a pretty yard because it has been consumed by the bamboo. I have poured so much Round Up that a large portion of my yard cannot grow grass any longer. This network of roots lie under the top soil at

approximately 5 to 6 inches they grow horizontally and are in my entire yard. Every year they grow more and stronger and sprout more stalks. Last year in the spring just one morning I cut down 78 of them which had grown 1 to 3 ft. overnight!

Last summer, I called 32 different landscaping companies. No one wanted to 'go there' as many said. They would not even know how to eradicate it, others said. Only 4 landscapers came to my house and only 2 took the time and made the effort to give me written estimates for the cost of removal, chemically treating, encasing my entire yard and re seeding and planting new perennials. They ranged from 18 to 22 thousand dollars. And my yard is approximately 50 X 24 ft.

It is all about living in a community, where what one does impacts the other. If something from my property impacts yours in a negative way, I should take measures to correct it immediately.

I therefore strongly and fervently hope that this Bill will pass.

It is, after all, about living in a community, about living in harmony!

Sincerely,

Enilda Rosas



Connecticut Invasive Plants Council

Established by CT General Statute §22a-381

79 Elm Street, 6th Floor, Hartford, Connecticut 06106

Public hearing – March 15, 2013
Environment Committee

Presented by Bill Hyatt, Chair, Invasive Plants Council

Raised Senate Bill No. 1016- An Act Regulating the Planting and Sale of Running Bamboo

Thank you for the opportunity to present testimony regarding Raised Senate Bill 1016 — An Act Regulating the Planting and Sale of Running Bamboo. The Invasive Plants Council welcomes the opportunity to offer the following testimony.

We appreciate the Committee's willingness to raise this bill at the recommendation of the Invasive Plants Council. This proposal, which we strongly support, would address issues of concern to property owners while allowing running bamboo to continue to be sold in the state.

The Connecticut Invasive Plant Council (IPC), established by CGS Sec. 22a-381, meets regularly to address invasive plant issues and review the status of invasive and potentially invasive plants in Connecticut. Since 2010, we have received numerous complaints and associated documentation concerning various species of running bamboo impacting managed landscapes and damaging property. In 2010, the Attorney General's Office requested a review of running bamboo and consideration for its listing as an invasive species. Following a review of available information, the IPC determined that running bamboo did not meet the established criteria provided in CGS Sec. 22a-381b for listing as invasive or potentially invasive. A key point was that running bamboo appears to establish only in areas adjacent to intentional plantings, and does not appear to spread unaided.

At a September 2012 meeting of the IPC, after examining new reports from homeowners, collecting information and observations from state staff, and conducting its own site visits, the Council again found that yellow groove bamboo (*Phyllostachys aureosulcata*), a species of running bamboo, did not meet the criteria for listing as an invasive or potentially invasive plant. The IPC continues to review the relevant literature and investigate reports of running bamboo in Connecticut, but information gathered to-date does not refute our prior conclusions.

However, although running bamboo may not meet the criteria for inclusion on the invasive plant list, the IPC acknowledges that it may grow aggressively and spread

from its point of origin, sometimes crossing property boundaries and establishing in abutting parcels. Once established, these populations frequently cause property damage and can be difficult and costly to control or remove. The IPC, the Connecticut Agricultural Experiment Station, the Department of Agriculture, the Department of Energy and Environmental Protection, the Invasive Plant Coordinator, and the University of Connecticut Department of Plant Science and Landscape Architecture have all received letters and phone calls from concerned homeowners regarding control and removal. The Council and others have also received reports of damage to gardens, yards and managed landscapes as a result of bamboo encroachment.

The bill being discussed today would address these bamboo issues in a responsible and appropriate manner. By making property owners who plant running bamboo liable for any damage their bamboo causes to neighboring properties, this bill will encourage personal responsibility and proper maintenance of stands of this fast-growing plant without restricting its sale. The 100-foot setback or container requirement will further reduce the likelihood of spread to neighboring properties.

Education is one of the most important tools in preventing the spread of unwanted plants. Many people may not be aware of the potential for running bamboo to rapidly spread across yards and managed landscapes. The requirement that retail purchasers be notified in plain language about the concerns associated with running bamboo, laws about running bamboo, and appropriate containment measures, would provide the necessary information to better inform the public in their purchasing and management of running bamboo on their properties.

Finally, this bill provides for the clear and effective enforcement of the law in the case of violators.

The problems caused by rampant bamboo growth in yards can be addressed through this proposal without the need to prohibit the plant from sale, list it as an invasive plant, or otherwise restrict its use.

Thank you for the opportunity to comment on this proposal. Please feel free to contact me if you need additional information from the Invasive Plants Council (860-424-3487 or william.hyatt@ct.gov).



Post Office Box 415 • Botsford, Connecticut 06404 • 800-562-0160 • ConnGreen@aol.com

Statement of
 Bob Heffernan
 Executive Director
 Connecticut Green Industries Council
 before the Environment Committee

Supporting S.B. 1016 / Bamboo

March 15, 2013

The state's horticultural industry supports the bill, which is a reasonable approach that has been worked out with the approval of the Connecticut Invasive Plants Council.

Our plant retailers are way ahead of the legislature on bamboo management. We have designed a special care tag for running bamboo (copy attached) to be given to our customers that explains a system for containing the plant. We've educated our own industry on bamboo control.

Important: the legislature and the public must not confuse the different types of bamboo. The bill rightly refers to "running" forms of bamboo. There are also many varieties of "clumping" bamboos that do not aggressively spread.

We would prefer to see a section added to the bill on municipal pre-emption. This bill will amply cover all situations in all 169 towns. Current law has a municipal pre-emption for invasive plants.

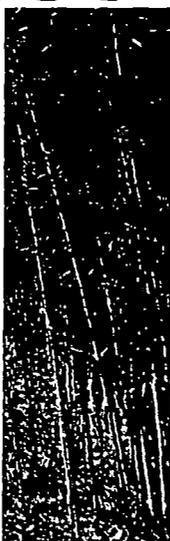
Lastly, bamboo does not fit the state definition of an invasive plant. It's in a category all by itself. Unlike other invasive plants, bamboo cannot spread by wind or animals/birds or seed. It has to be planted by a human, and then only spreads out from the original plant through rhizomes.

OVER FOR BAMBOO TAG

Proper Planting for Running

Bamboo

Hardy bamboo can be used as a focal point in the garden, and is valuable as a fast growing screening plant. However, be aware this plant can spread quite rapidly by underground rhizomes (roots) after it becomes established, and some form of containment may likely be necessary (see reverse side). This is especially true along property lines. Mowing the new shoots is effective in controlling spread. When the bamboo shoots emerge in the spring, they are tender and easily clipped. Herbicides like Roundup® may also be effective in mid to late summer.

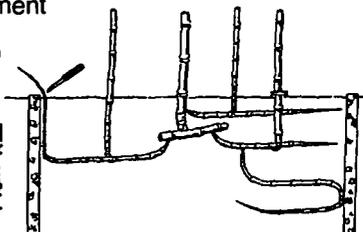


CONNECTICUT NURSERY & LANDSCAPE ASSOCIATION

Rhizome barrier for Running

Bamboo

You can construct a barrier out of polyethylene, metal, cement, or fiberglass to surround the plant and avoid undesirable spread. The barrier should extend 28"-30" deep into the soil, and extend above the soil at least 2". Polyethylene lasts longest and is most flexible to be freeformed to any desired bed line. Leave a 2" lip above ground to check for any rhizomes (roots) that may try to grow over it. When properly installed, the rhizome barrier provides excellent containment of your bamboo plant.



See advice from your local plant professional.

Thomasine O'Boyle
56 Langworthy Avenue
Stonington, CT 06378
860 535-2222

Re: S.B. 1016 An act regulating the planting
and sale of running bamboo

Good morning Senators. I would first like to
thank you for the opportunity to address
you regarding the effects of invasive
running bamboo. I have some pictures I
would like to share with you regarding my
personnel situation. In our back yard we
have a small pond that drains Storm Water
from our

neighbors properties, and connects to a
Town storm Drain. The 15
inch drainage pipe you see in the picture
was installed as the result of a Superior
Court decision, and the approval of the
Department of Energy and Environmental
Protection. As you can see the yellow
Bamboo is directly adjacent to this pond
and because of its rapid growth will in a
very short period of time compromise the
integrity of the drainage pipe, resulting

in flooding not only of our property but that of many neighbors as well. If you look at the picture showing several Arbor Vitae trees you can see how quickly the bamboo has grown, that was planted about 2 years prior to the ones near our pond. We would respectfully request that this legislation include provisions that would require the grower of the bamboo be responsible for the costs of removal of any bamboo that invades adjacent property on a continual

and annual basis, and that they be required to take measures to contain its growth to their own property. I again thank you for your attention and considerations this morning.

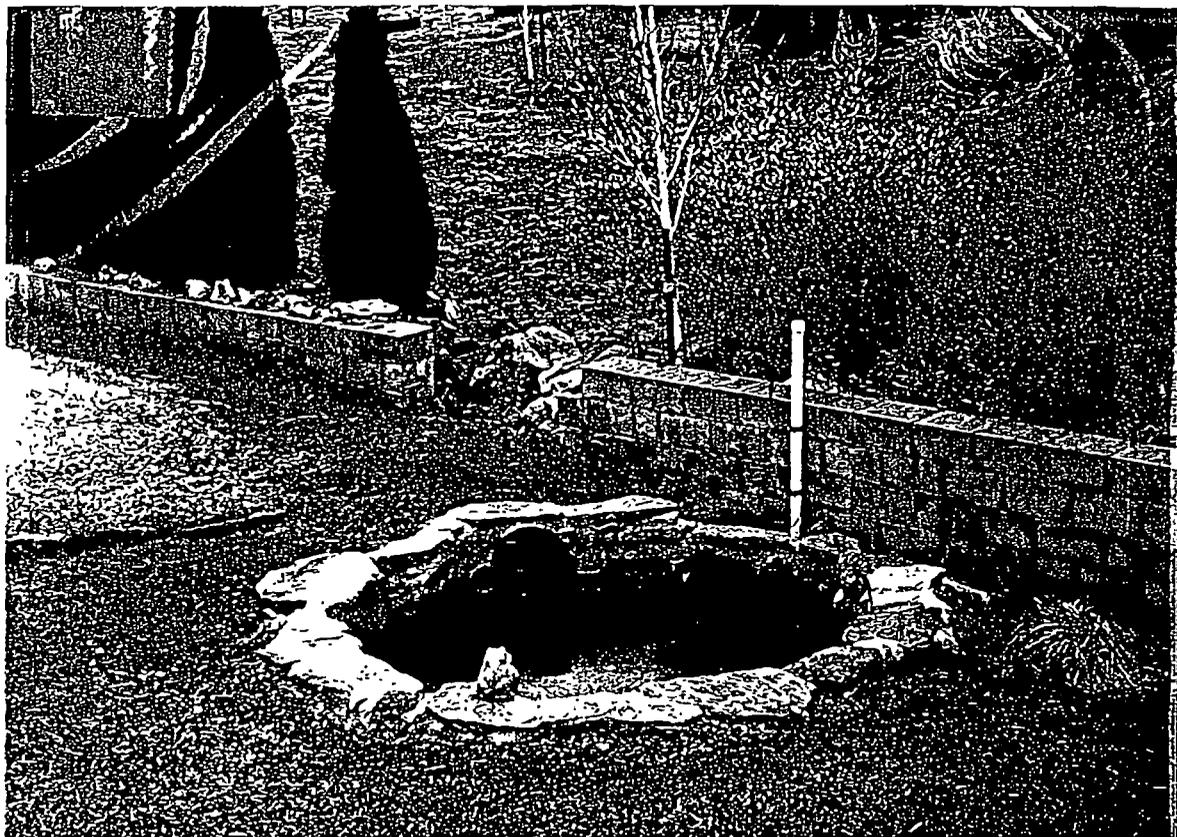


In time this could be us



Mr. James P. O'Boyle
56 Langworthy Ave
Stonington, CT 06378

Mr James P OBoyle
56 Langworthy Ave
Stonington, CT 06378



Robin Arcarese

Bozrah, CT. 06334

~~XXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

SB 1016 – An Act Regulating the Planting

And Sale of Running Bamboo

PHYLLOSTACHYS AUREOSULCATA

(Yellow Groove Bamboo)

SB 1016

I am here today to support an act that regulates the planting, sale and assigns "strict liability" for those who allow *Phyllostachys aureosulcata* to trespass, invade, and, or causing damage to adjoining properties. The most important aspect of this bill would be to assign "strict liability" to the owner of the original site in which the *Phyllostachys aureosulcata* has been planted. "Strict liability" to remove, and restore trespassed property to its condition before the trespass occurred.

Phyllostachys aureosulcata is a living plant organism that invades, trespasses, and causes damage mostly unseen through its underground rhizome system. This underground rhizome system is double, triple and sometimes even larger than the above ground culms. In my case, where it grew not only into my yard, but cracking and growing under a cement walkway, up through my siding and out of my roof. This grove of *Phyllostachys aureosulcata* stood 35 feet tall, 15 feet long and 5 feet wide above ground. Underground it covered 45 feet by 75 feet when it was dug up and removed. My husband and I have years of diligence and unnecessary stress ahead of us digging up rogue rhizomes and culms before we can say it is eradicated.

Although my neighbors paid to have it removed from their property they refuse to pay for the damage to my house, walkway and the monies we spent to have it removed from our property. Where is the justice in that? Our neighbors have the right to grow and watch us dig up THEIR bamboo that has trespassed and is causing damage. We have no real recourse without a law assigning "strict liability" to the responsible party or parties. Each new year of growth from *Phyllostachys aureosulcata* is a new trespass, thus making the trespass continual until eradication.

I want to thank my State Representative Kevin Ryan, State Senator Andrea Stillman for their time and effort with this matter. I also thank the town of Bozrah, CT. for hearing, researching and actually drafting and passing a bamboo ordinance.

Testimony Submitted Respectfully,



Robin Arcarese

Points of interest for SB 1016

Adding the words "STRICT LIABILITY" to the title of SB 1016- assigning liability was a recommendation from the Invasive Plant Council

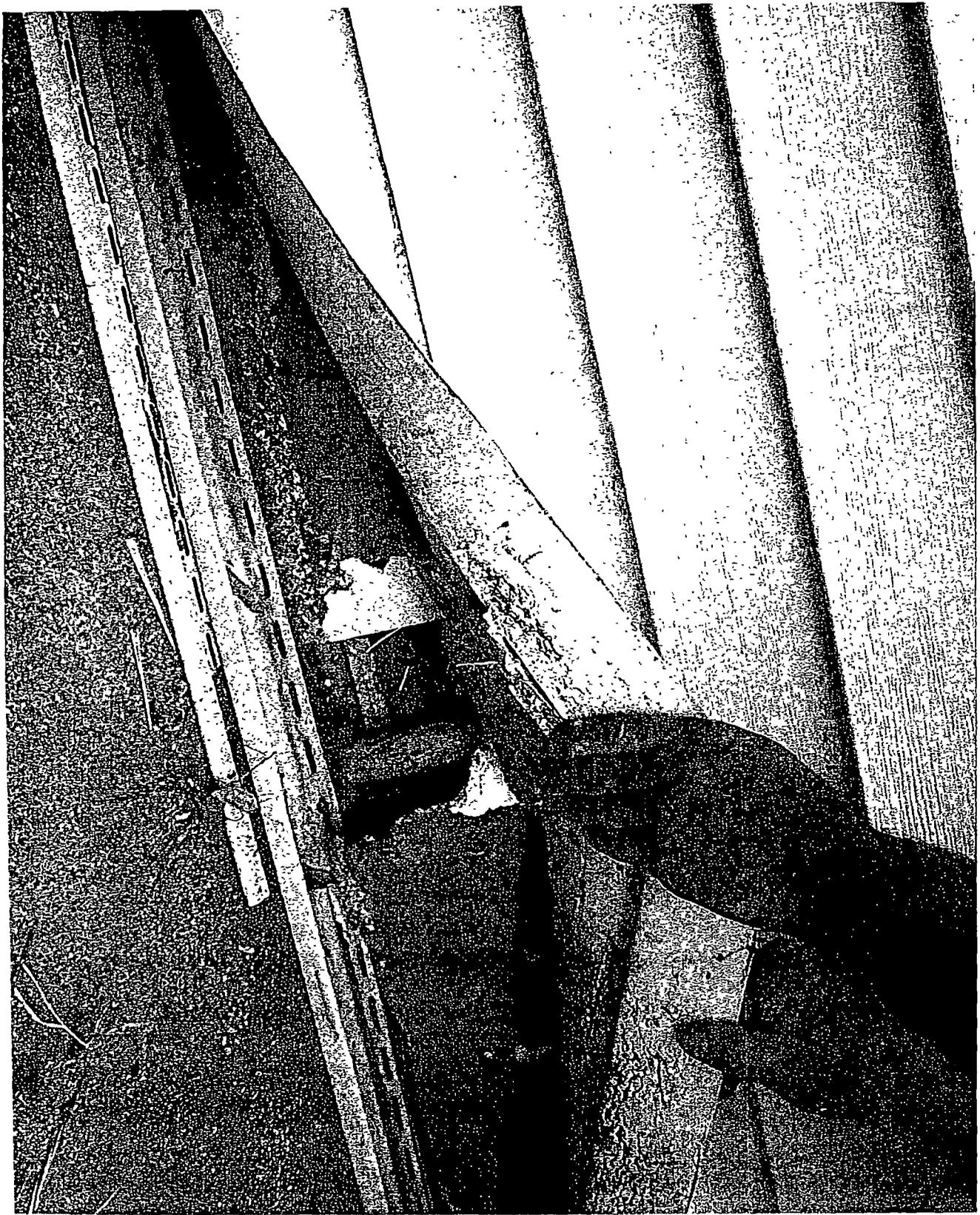
When *Phyllostachys aureosulcata* has spread- to State Department of Transportation property the state comes in to remove all of the bamboo at the expense of property owner of ORIGIN, if known. As *Phyllostachys aureosulcata* does travel at first unseen, infecting indigenous plant life from property to property.

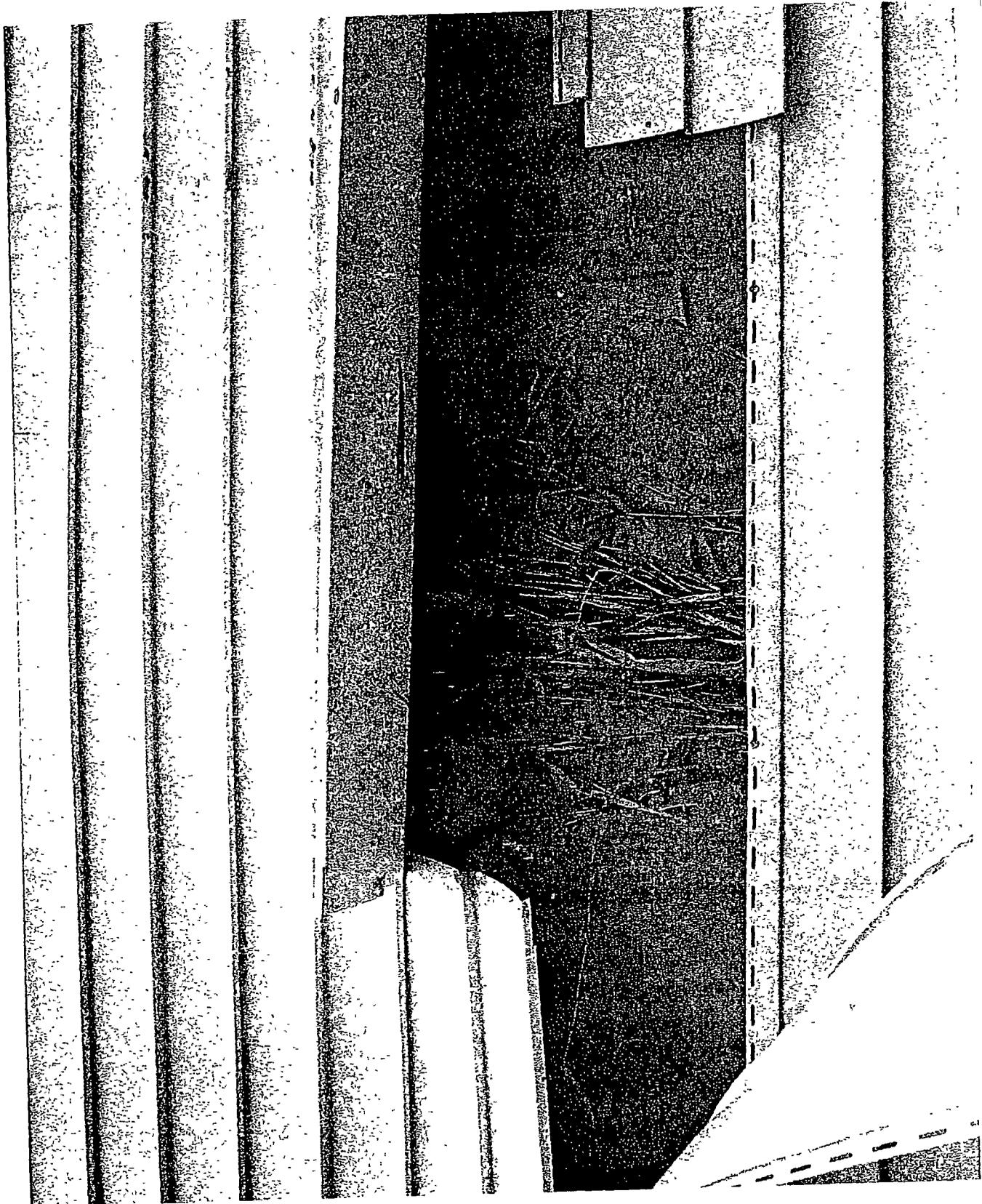
Proper disposal- in my case it was trucked to an incinerator where it was separated and burned.

NO GRANDFATHERING- can be stated as, even if said bamboo existed before the date of this bill. As *Phyllostachys aureosulcata* is a living plant organism that grows unseen under the ground, it may be too late to have any legal recourse against those that the bamboo has traveled from.

Statute of limitations- maximum for property damage liability in the state of Connecticut is three years. Three years with *Phyllostachys Aureosulcata* doesn't make sense as it is a continual growth, continual living plant invasion each year until eradicated. The older the bamboo the longer it takes to eradicate.

Robin Arcarese











27
P13 In 10

Re: S.B. 1016

03-09-2013

Dear Environmental Committee:

My chemotherapy may prevent me from appearing and giving testimony against yellow groove bamboo. So I am sending this testimony in support of Senate Bill 1016.

My neighbors planted yellow groove bamboo. Within ten years it grew taller and wider than their raised ranch. When snow or heavy rain fell the bamboo lay on my driveway. I would cut it, spray it, but it thrived. The bamboo had spread under my asphalt driveway and was headed toward my home. The bamboo was also traveling in the direction of the city storm drain.

Fortunately for me the neighbors had someone come with a backhoe and dump truck to remove the bamboo. I have no idea where or how they disposed of the bamboo. The rhizome (roots) can survive and thrive for years if not disposed of properly. This May will tell if the bamboo was eliminated or interrupted.

It is unknown if the bamboo that was removed was disposed properly. It may be multiplying somewhere else.

Please protect us from removal costs and damages caused by a neighbor's yellow groove bamboo. It is of utmost importance to include continuing damages if the yellow groove bamboo survives and thrives after the initial removal.

S.B. 1016 is of utmost importance.

Thank You.

***Sincerely,
Marguerite Gagnon
18 Sheasby Road
Ansonia, CT 06401
203-735-8316***

28
P13 In14

Testimony of Dan and Sally Wade of East Lyme is support of

SB 1016 ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO

ENVIRONMENT COMMITTEE PUBLIC HEARING

FRIDAY, MARCH 15, 2013

Representative Gentile, Senator Meyer, for the record our names are Dan and Sally Wade and we are submitting testimony in favor of Senate Bill 1016.

I support the intent of this bill however, I think subsection (b) should omit (on and after October 1, 2013) to effectively keep all bamboo from spreading to neighboring properties regardless of when or where it was planted.

Due to this plants inherent ability to quickly spread underground, shoot up, and rapidly grow destroying everything in its path, it would be a vicious cycle for the property owner rid him/ herself of this invasion without removal or containment of the host plant.

Trespassing onto another person's property is illegal. This plant is a trespasser as it is not welcome on my property yet it invades, occupies, multiplies and destroys my property. Consequently if the owner of this plant which is the source of the invasion is allowed to not contain it, then my property is considered a taking as it is impossible for me to eradicate the invasion which is continual each year as long as the source remains.

This minor modification to the bill is critical to everyone who has been impacted by the destruction of this plant. Our entire life savings have been invested in our properties and to allow our largest financial asset in life to be destroyed is unjust. My neighbor dug a 4 foot deep hole by 60 feet long, placed a liner on his side while placing no barrier on ours, and then planted 16 mature bamboo plants. When he was done he said, "There is nothing you can do, it's perfectly legal". This bamboo is one foot from the property line and forty feet from our septic system.

I urge you to please omit (on and after October 1, 2013) in subsection (b).

I would like to thank the committee for allowing us to give testimony today.

Sincerely;
Sally & Daniel Wade

392 Boston Post Rd
East Lyme, CT 06333
860-691-2479 home
860-383-3361 (Daniel), 203-494-4609 (Sally)

(18)
P11/6/4

Caryn Rickel CPCU
Institute of Invasive Bamboo Research
13 Edgehill Terr., Seymour, CT 06483

S.B.1016 AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO

Feb. 5, 2013

Dear Environment Committee,

For the record my name is Caryn Rickel of 13 Edgehill Terr., Seymour, CT. I am writing to support the intent of S.B.1016 with the addition of an Assignment of Liability, and to include the scientific name of the bamboo to be added as: *Phyllostachys aureosulcata* McClure (1945) common name: yellow groove.

An Assignment of Liability is needed each time the bamboo invades. The invasion and damages are continual each year. Each successive invasion is more destructive than the previous year's invasion. Yellow groove bamboo is impossible to contain.

Yellow groove bamboo is like cancer to land. Being invaded by yellow groove bamboo is the worst continual nuisance I can imagine anyone inflicting on his neighbor as yellow groove destroys land and everything in its path. Yellow groove bamboo robs you of your quality of life and free use of your property.

In an effort to save my own land and help others whose land has also been compromised by the continual damages of yellow groove bamboo, I founded the Institute of Invasive Bamboo Research. Starting in 2010, I documented approximately 310 invasions of *Phyllostachys aureosulcata* - yellow groove bamboo. The data collection is part of my research. I also keep the database spreadsheet of invasions for the State of Connecticut. The data is then entered onto EDDMapS (Early Detection and Distribution Mapping System, 2013).

Phyllostachys aureosulcata - Yellow groove bamboo is a giant temperate timber bamboo from Chekiang Province, China. The bamboo was introduced for trial as a stake and forage bamboo, and a farm usage crop. This is the most aggressive cold hardy running bamboo with maximum height of 45 feet / cold hardy to -15 F.

The invasion and damages are continual each year. From July to September rhizomes deeply invade underground, undetected in a 360 pattern around each cane. The bamboo then goes dormant until late April. From late April through June the invasion appears as spikes which shoot off the previous year's rhizomes. The culms can grow two feet per day. The bamboo is highly destructive and destroys everything in its path. Each successive invasion is more destructive than the previous year's. The spread is rapid in all directions. What may start from a single rhizome purchased on eBay, a single willowy stalk bought from an online site such as Craigslist, YouTube or a single plant shared from a neighbor, turns into a full-blown giant timber bamboo

forest and a homeowner's worst nightmare. The rhizome web which is interconnected is one organism. One infestation can invade 9.3 miles. The height and thickness of the culms increases each successive year as well as the length of the rhizomes. The underground rhizome web is likened to horticultural concrete below ground. It only takes one escaped rhizome to invade the neighborhood. A person in New Jersey emailed images of rhizomes invading 27 inches deep destroying a built in swimming pool. The barriers fail fast as it is impossible to confine.

I am living a nightmare today and know firsthand how destructive yellow groove bamboo is. My properties are contaminated by my neighbor's intentional planting of yellow groove bamboo. They sat by and watched the bamboo invade all adjoining properties as if nothing out of the ordinary were happening. They told me it was my problem because there was no law. These 6 tiny plants grew to be a 90 foot wide bamboo forest (approximately 35- 40 feet high). I have spent the last 30 years creating gardens that are now all lost.

I cannot even get a shovel into the ground to plant anything. I have totally lost free - use and enjoyment of my property. We do not use our yard anymore. The bamboo has cracked a sidewalk, driveway and invaded under a central a/c at my rental property. We have spent hours digging bamboo and hauling rhizomes. Last year's invasion that shot up on April 28, 2012 is now, 18 tall bamboo trees, with rhizomes extending over the septic field at my rental property. This is new bamboo that has invaded from my neighbor's mother plant which is approximately forty feet away at my rental property next door. My rental property now has land contaminated with bamboo that had no bamboo ten months ago. This spring all the landscape will need to be destroyed to remove this new bamboo growth. We do not know how far the rhizomes have spread underground until everything is dug. The bamboo is within and under all the landscape. My blue-stone patio is down to dirt, the soil is all rhizomes and bamboo stumps. All the landscape is destroyed. I cannot get a shovel into the soil to plant anything. The soil is full of thick rhizomes and is like 'horticultural' concrete, rendering it useless. I used to have weekend garden parties for family and friends every weekend using this patio. I have not used this patio in three years. All new bamboo is shooting up. Some new bamboo is shooting up just three feet from my gazebo and may go under the cedar floor. This is a rhizome that will not die. This is horrifying to me.

I am worried that my husband will injure his knees or cut his hands trying to remove bamboo. This is as close to living in hell as I can imagine. My husband built our home in 1977 when he was 23 years old. Now we can hardly bear this nightmare which has no end in sight. It is impossible to contain a mature grove. One cannot simply rush to install plastic into rhizome contaminated soil with all bamboo still on the outside and say, " Done, contained after 17 years of allowing it to invade."

My neighbor's today, even with full knowledge of containment, have a huge yellow groove stand on their front corner which they are allowing to freely invade. This stand has been top cut by them as a camouflage effort to appear very small and harmless. Last May, over a hundred spikes were shooting up at least 80 feet across their front yard and along their side property down to the next neighbor's property. They ran out to cut the spikes (culms) each day to hide the evidence only to have them reshoot overnight. They continued this camouflage effort until the end of June when the bamboo finally stopped shooting up culms and went into the rhizome

growth period. They are allowing the bamboo to invade right up to the road's edge, right up to the street's water drain, and down Riviera Terrace approaching the next neighbor's trees and driveway.

We are on well water here and I fear I will not even be able to drink the water because of the bamboo invasion. During my entire life of gardening I always went the extra mile to use all organic products and never use chemicals. The invasion in 2010, which destroyed my patio, was so bad that I was forced to try a great deal of herbicides in order to try to save the blue-stone patio. This did not work at all. New bamboo is shooting closer and all around the patio now. I do not want to use any more herbicides for fear I may be at risk and later have health issues. It is hard to believe today this is all because of yellow groove bamboo.

My most valuable asset, my land, cannot even be sold. In 2012, I was approved for a 'Property Tax Assessment Appeal' by which the Town of Seymour applied a 33 percent reduction to the market value of the land at each of my two properties:

- 1) my residence at: 13 Edgehill Terr., Seymour, CT
- 2) my rental property at: 11 Edgehill Terr., Seymour, CT

An Assignment of Liability was recommended by our Connecticut Invasive Plants Council as shown in item # 3 below.

The Connecticut Invasive Plants Council has stated that it will be supportive of legislation that would (1) require sellers of running bamboo to educate customers about the plant, (2) require property owners who plant bamboo to install and maintain proper containment, and (3) assign liability in situations where property owners fail to prevent the spread of bamboo.

Assignment of liability is shown on page 3 of the:

INVASIVE PLANTS COUNCIL TENTH Annual Report Dec.11. 2012
http://www.cipwg.uconn.edu/pdfs/2012Minutes/2012_IPC_AnnualReport.pdf

Sample could be

Duty to confine bamboo - In the event the species *Phyllostachys aureosulcata* yellow groove bamboo in the State of Connecticut, the owner or occupant of said property within 100 feet of abutting property or right-of-way shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any abutting property or right-of-way and bear the cost of removal and damages to abutting property and structures which it is allowed to invade. The liability for damage to abutting property is placed on the bamboo owner each time the bamboo invades and is considered a new occurrence.

Assignment of Liability would provide that the bamboo would be off our land at no cost to us each time it invades. This would provide relief for this continual nuisance and continual trespass, and restore quality of life to the bamboo victims in Connecticut. I applaud the intent of this bill and thank the Environment Committee and the Invasive Plants Council.

ATTACHED EXHIBIT I

Very truly yours,
Caryn Rickel, CPCU
Institute of Invasive Bamboo Research

EXHIBIT I

Strict Liability:

- A. No owner or occupant of property or person, corporation or other entity shall plant, install, or cause or permit the planting, installation or maintenance of existing stands of *Phyllostachys aureosulcata* - yellow groove bamboo upon any property within 100 feet of abutting property or right - of - way to exist without containment. The liability and cost for damages from encroaching yellow groove bamboo to abutting landowners is placed on the owner of such existing yellow groove bamboo and yellow groove bamboo must be contained within six months of this law.
- B. Duty to confine bamboo. In the event the species *Phyllostachys aureosulcata* yellow groove bamboo in the State of Connecticut, the owner or occupant of said property within 100 feet of abutting property or right-of-way shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any abutting property or right-of-way and bear the cost of removal and damages to abutting property and structures which it is allowed to invade. The liability for damage to abutting property is placed on the bamboo owner each time the bamboo invades and is considered a new occurrence.
- C. The State of Connecticut shall notify the owner or occupant of the property which is in violation of Subsection A or B above and the notice shall specify a time, not less than 15 days, to comply with the provisions therein. Said notice shall be in writing and served personally or by certified mail. Service shall be deemed complete on the day the delivery or mail is completed.
- D. "Bamboo Owner". Any property owner or resident who has planted and/or grows or permits yellow groove bamboo to grow or remain on his/her property even if the bamboo has spread from an adjoining property. Any property owner or resident at whose property yellow groove bamboo is found will be considered a bamboo owner, except any property owner who: Did not plant or grow yellow groove bamboo on his property, and can show proof he/she has initiated steps for the removal of the yellow groove bamboo from the said property within six months of this law.

In tort law strict liability has traditionally been applied for damages caused by animals. Because animals are not governed by a conscience and possess great capacity to do mischief if not restrained, those who keep animals have a duty to restrain them. In most jurisdictions the general rule is that keepers of all animals, including domesticated ones, are strictly liable for damage resulting from the Trespass of their animals on the property of another.

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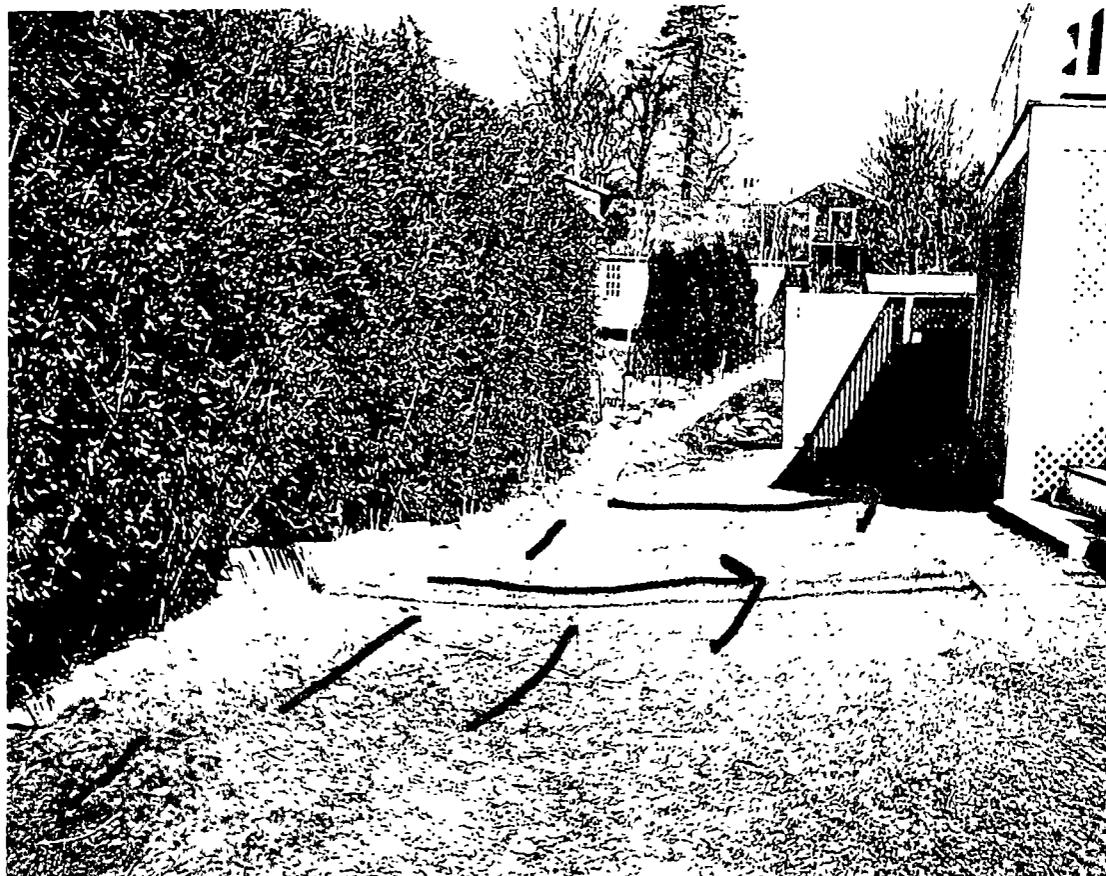


Image by Caryn Rickel

March 10, 2013

Phyllostachys bissetii

<http://www.eddmaps.org/distribution/point.cfm?id=2689189>

Stage 2 invasion - planted approx. 2006.¹ Extends all along side, with property owner trimming the bamboo. Rhizomes were previously removed during new construction and new

¹

20
8/12/13

March 15, 2013

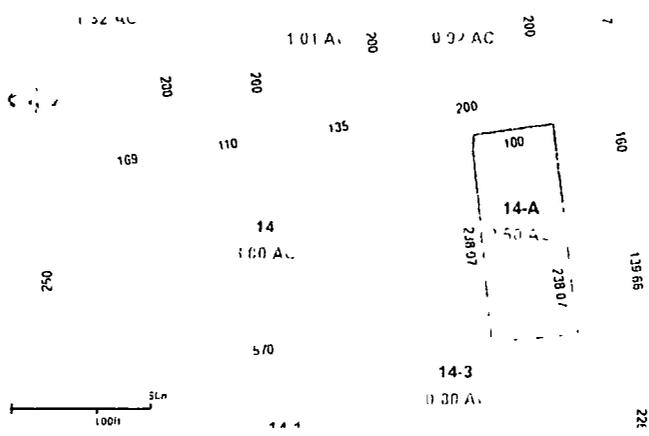
Testimony Regarding Submitted Bill 1016

I support Submitted Bill 1016 Running bamboo (*Phyllostachys* spp) should be contained if planted as an ornamental. Removal and damages to others' property should be the responsibility of the person(s) who planted the bamboo This removal/expense may take several years to accomplish.

I live at 189 Killingworth Road, also known as Route 81, in Higganum in an historic home built by Ebenezer Mudge in 1744, known as the Mudge-Hull House My husband and I purchased the house in 1986 and have lived here since August 1986 Our lot size is 50 acre



The Mudge-Hull House,
c 1744
owned by Gail and
Daniel Reynolds
Higganum, CT



Approximately ten to twelve years ago, the owner of the house at 183 Killingworth Road, immediately behind our lot, planted running bamboo along the western boundary of my property. It has spread greatly since the initial planting

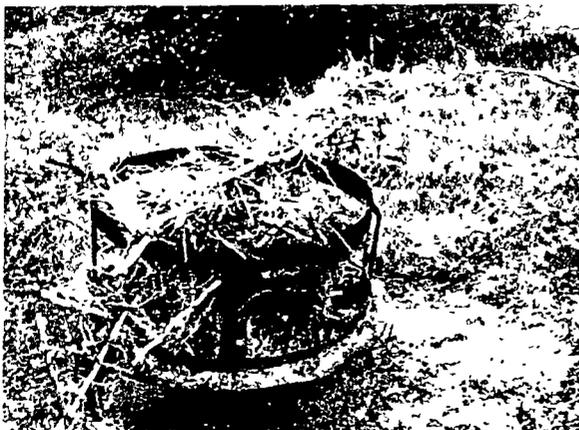
Each spring, through summer, and into fall, the bamboo sprouts (culms) break ground further and further away from the initial planting site. I knock these down and my husband mows over them. This does not prevent the running bamboo from spreading, however It has spread greatly on my neighbor's property

In 2012, based on the sprouting pattern of the bamboo, I became very concerned that the bamboo would infiltrate and clog my septic tank. The culms arose very near to the walk to my house as well, in 2012. I fear that without action that the bamboo will soon reach my fieldstone house foundation and damage my home. My neighbor has no interest in containing or removing the bamboo. In addition to running bamboo, she has planted many other state-listed invasives (e.g., goutweed, oriental honeysuckle, oriental wisteria, and garlic mustard) and let them grow out of control.



As a result of my concerns, in 2012 I began to dig up the bamboo roots (rhizomes) on my property. I dug up rhizomes all summer and well into the fall. Placement of our own trees, two butternuts and a pear tree compounded the difficulty because the roots of our trees became entangled with the bamboo rhizomes and I did not wish to injure our trees. I then purchased a two-foot hard plastic underground barrier and a very sharp spade. I began to dig a two-foot trench along the boundary and insert the barrier. The barrier will not prevent the bamboo from growing but it will keep the rhizomes from my property.

Photos taken by Gail Kalison Reynolds



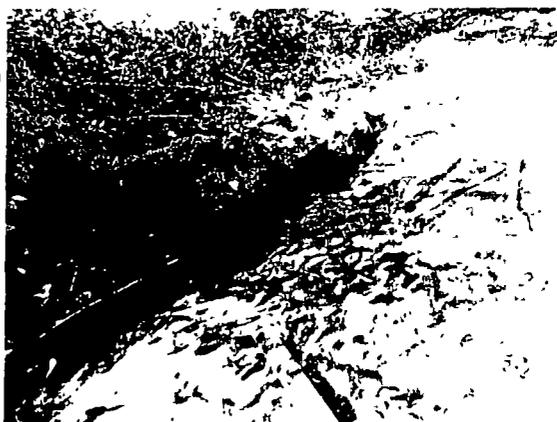
Bamboo rhizomes dug up, ready for burning



Boundary line marked for barrier



Continuation of boundary line marking



Barrier inserted into dug trench

Although I am in my mid-50s, I am semi-retired and in good health so I can perform this activity. There is no guarantee that the barrier will be effective

Gail Kalison Reynolds
189 Killingworth Road
PO Box 575
Higganum, CT 06441
860-345-2723

(10)

Dear Environment Committee:

March 14, 2013

S.B.1016

AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO

My name is Theresa Groff and I reside in Preston, CT.

The proposed SB 1016 must specify the total removal of surface and sub- surface bamboo plant matter each year at no cost to the victims of bamboo invasion on a continuous basis. I urge the committee to impose full and continuing liability to the person or persons growing damaging Phyllostachys bamboo on his or her property.

For the last four months I have identified and photographed 94 invasions of Phyllostachys aureosulcata bamboo within a 26-mile radius of my residence. I'm sure there are more sites I haven't found. The plant sends up new shoots in spring and summer growing 2 feet per day and requires cutting with a saw. Each plant, called a culm grows to a diameter of 3 ½ inches and as tall as 45 feet to entangle utility lines. At maturity, the roots spread as much as 20 feet per year causing continual damage to surrounding property. This plant survives to -15 degrees and knows no boundaries.

Culms are capable of pushing through plastic barriers, concrete side walks and through 6" thick asphalt (photos of failed barriers have been included).

Phyllostachys bamboo is the gift that keeps on giving!

Converting noise pollution to awful plant invasions, diminishing highway sight lines and potentially causing accidents is just plain wrong (the Merritt Parkway and Route 2 in Colchester).

Phyllostachys occludes culverts causing flooding on my street. The wet, top heavy culms lean over our rural road limiting travel to a single lane. This process causes the state police to notify Preston road crews and they

spend hours cutting back the bamboo from the road. This happens several times a year.

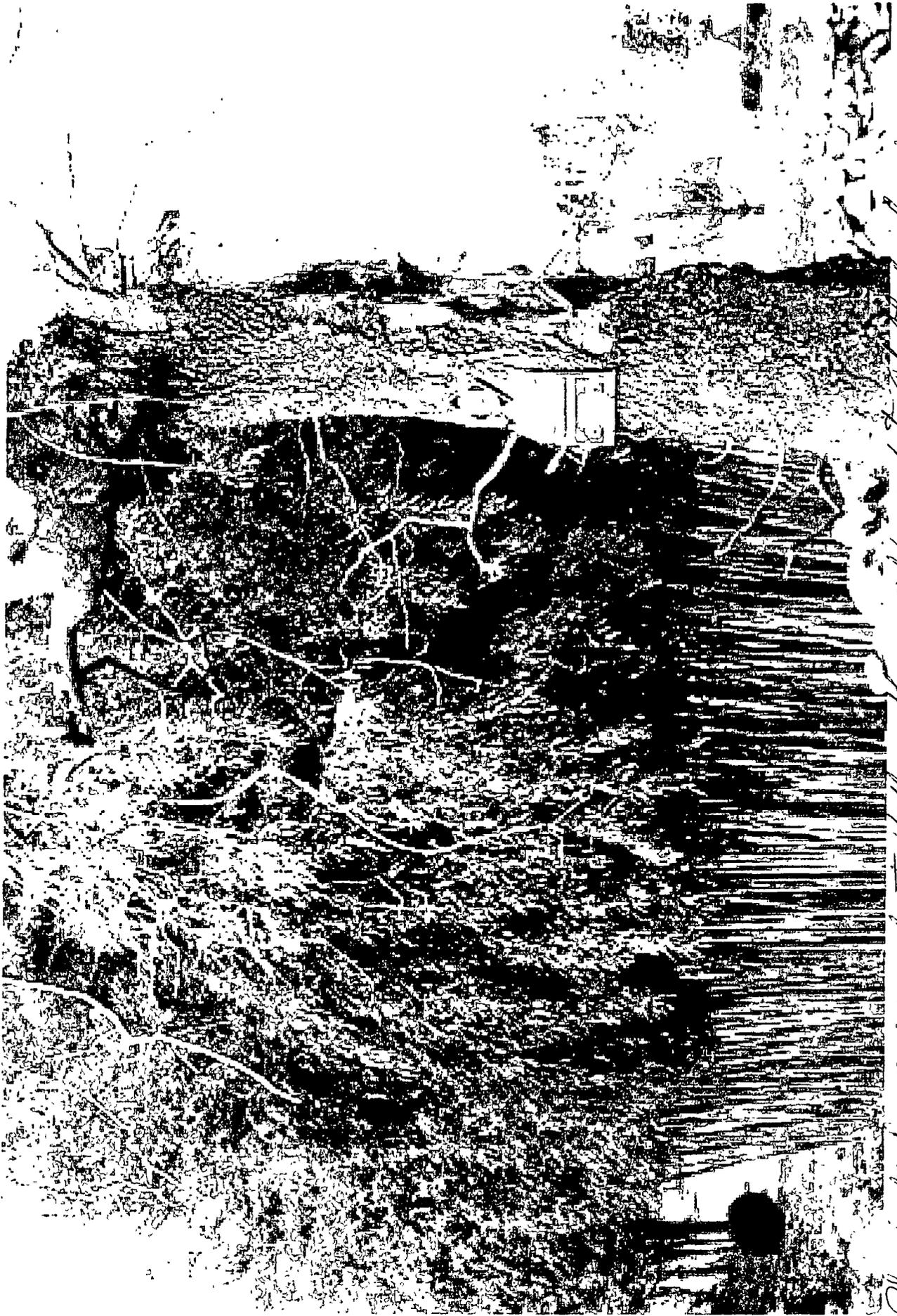
Since rhizomes so quickly become new invasions they should be incinerated by statute after being removed from the ground. Adding the rhizomes plant matter to community compost piles just compounds the problem of bamboo spread.

Harsh financial penalties are necessary to send a message that the Phyllostachys family of bamboo is no longer welcome here and will not be tolerated.

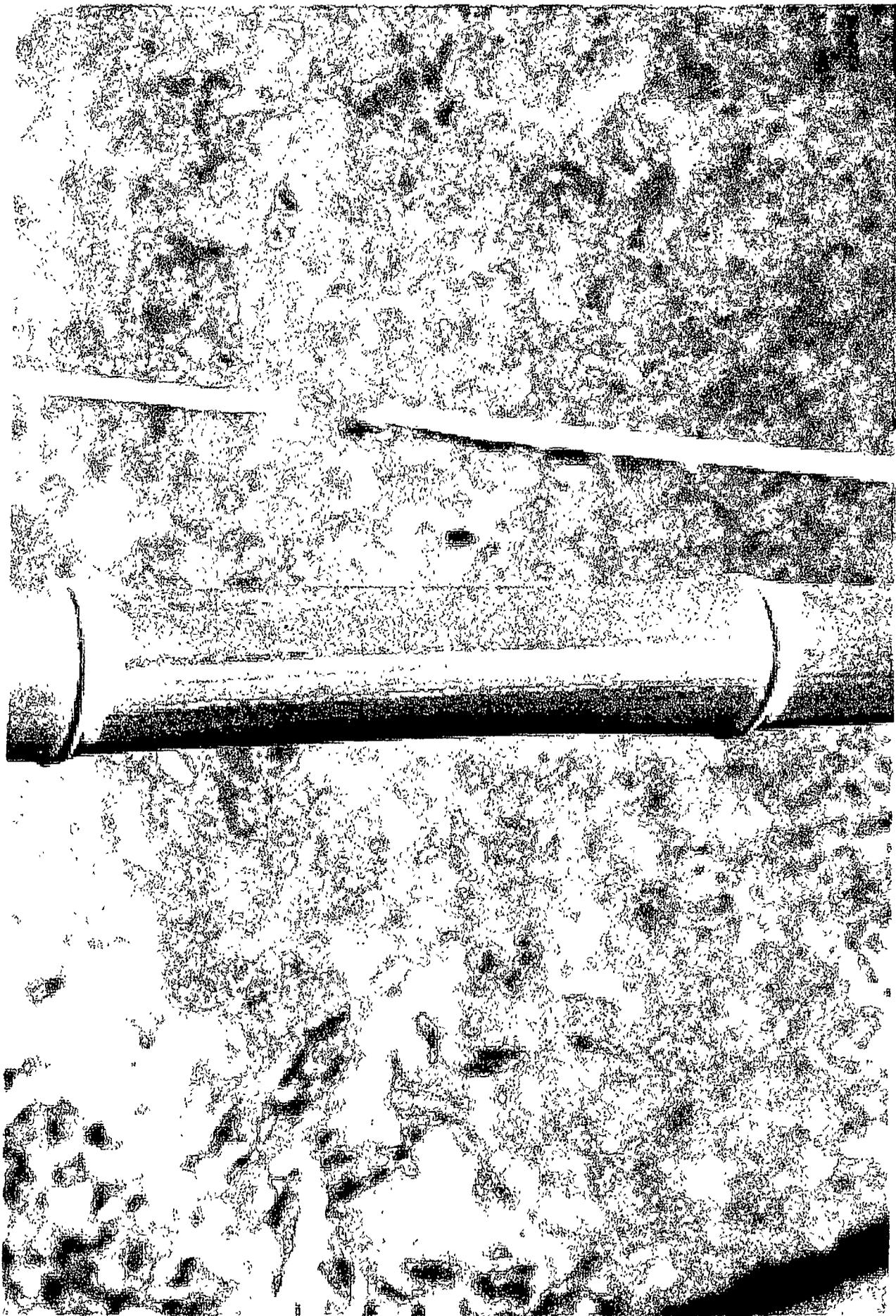
I have included photos and a computer disc with my testimony.

Thank you for your extensive work on this proposed bill, SB 1016

Sincerely,
Theresa Groff
Preston, CT



*Thylloctachys in recesses of low branches adjacent to C. strata and a
Rose Hill Nature Preserve*



Phyllostachya muricostriata Yellow-Groove or Pennington's bamboo



Cut bamboo on edge of Shetucket River Route 97 Avon CT



*Be nice for the white house, close to road, close to the road in at close to the road
 to see the edge of the road leading to the white house with the white picket fence.*



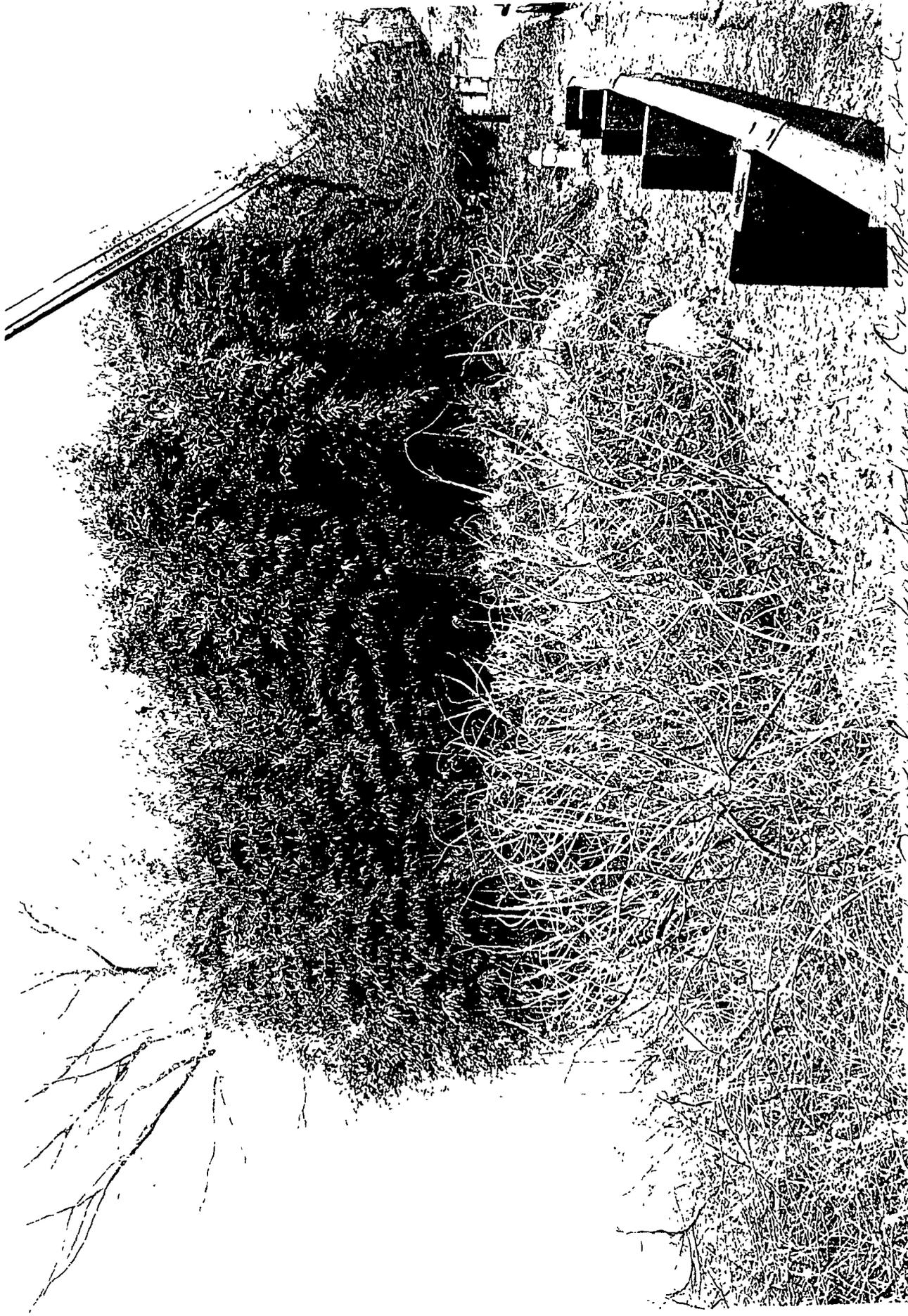
*Several culms, escape in barrier - *Ipomoea effusa* - *Coccoloba**



with a banner of the ...



In some bamboo grove of the highlands of the Sierra Nevada



12 mi. below the road to Duvall's house & fire hydrant. On opposite side
 of Kamin's is a tract line & 1/4 sec. 36 sec. 10 min. 30 sec.



Notably greenery in wetlands & escaped from constant planting, near
 with the wetlands of the Fox Spring Point of Louisiana.

March 13, 2013

Number: S.B.1016 and H.B.5804

Environment Committee LOB
300 Capitol Avenue
Hartford, CT 06106
Email: env.testimony@cga.ct.gov

Re: Regulating the Planting and Sale of Running Yellow Groove Bamboo

To Whom It May Concern:

We live on 23 Spruce Lane in Oakdale, CT 06370 and my neighbor planted the yellow groove bamboo along his and our property line six years ago.

It has grown tremendously onto our land and the bamboo at this present time is 20 feet from our house. The bamboo is 10 feet from our septic system. On our property, the length of the bamboo is 60 feet and the width is 25 feet. The overall total length of the bamboo along both property lines is a massive 100 feet. The overall height along both property lines is 35 feet. The bamboo is about 10 feet from our neighbor's house and it is growing above the roofline of his house.

Every year, beginning in the spring, this plant begins to grow 1 to 2 feet in height in our yard. I use my riding lawn mower to cut the bamboo and rhizomes. Every summer our neighbor uses a chainsaw and cuts the bamboo on his side of his property only. We are worried that due to this invasive plant and its roots growing underground, the plant will eventually, invade our land, home, and damage our septic system.

Please help us and others in Connecticut pass legislation and have strict laws and regulations for those families affected by this invasive plant. There needs to be strict guidelines for those homeowners who plant bamboo in residential areas. The new bill should specify that those bamboo owners should be responsible every year for any and all damages on other people's properties. Bamboo owners should be responsible for the removal of this plant. This plant becomes stronger every year as it grows and spreads. The damages are continual each year as it invades properties.

Thank you for your assistance. Please feel free to contact me at (860) 848-9445.

Sincerely,

Esmeraldo Ramos and Rosita Ramos

H – 1167

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 18
5882 – 6232**

Total Number Voting	138
Necessary for Adoption	70
Those voting aye	117
Those voting nay	21
Absent and not voting	12

DEPUTY SPEAKER SAYERS:

The bill as amended passes in concurrence with the Senate. Will the Clerk please call Calendar number 620.

THE CLERK:

On page 36, favorable report of the joint standing Committee on Judiciary, Calendar -- House Calendar 620, substitute Senate Bill 1016, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Madam Speaker. Good afternoon. Madam Speaker, I move for the acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of

the bill in concurrence with the Senate.

Representative Gentile, you have the floor, Ma'am.

REP. GENTILE (104th):

Thank you. Madam Speaker, this legislation is a response to the fast growing problem of running bamboo particularly phyllostachys including yellow groove bamboo. In the past several years the State has seen significant instances of bamboo being planted on one resident's property and very quickly invading a -- a neighboring property causing significant damage.

The -- the bamboo has also proven to be extremely difficult to eradicate and can amount of tens of thousands of dollars for the removal. This bill makes people liable for failing to contain running bamboo and in a -- in a way that is specified.

And with that, Madam Speaker, the Clerk is in possession of LCO number 7172. I ask that the Clerk call it and I be granted leave to summarize.

DEPUTY SPEAKER SAYERS:

The Clerk -- will the Clerk please call LCO 7172 which will be designated Senate Amendment Schedule A.

THE CLERK:

Senate A, LOC 7172 introduced by Senator Meyer.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection? Hearing none, Representative Gentile, please proceed.

REP. GENTILE (104th):

Thank you, Madam Speaker. As I previously stated, this bill subjects violators to a fine and with that the amendment merely seeks to provide municipalities with more flexibility and more options for enforcement officials to deal with these -- with these problems as they occur. And with that, Madam Speaker, I urge adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of Senate Amendment Schedule A. Will you remark on the amendment? Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Speaker. I rise in support of the amendment. And I -- and also in support of the bill. But the amendment was really the only sticking point that I think we had and we heard it at the committee and from some of the folks on this side of the room.

The amendment makes it more of a local

enforcement mechanism which I think makes some sense, takes it out of the Department of Consumer Protection which I'm not sure is where you want the guys you need to protect you from running bamboo.

So I urge adoption of the amendment and I'll speak separately on the bill. Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark? Will you remark further on the amendment that is before us? Representative Miller of the 36th.

REP. MILLER (36th):

Thank you, Madam Speaker. And I rise also in support of the overall bill. It's high time we had something like this. Not only with this particular plant but also with others. We have --

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (36th):

We're still on the amendment, Ma'am?

DEPUTY SPEAKER SAYERS:

We're still on the amendment, Sir.

REP. MILLER (36th):

Okay. I like the --

DEPUTY SPEAKER SAYERS:

Did you wish to speak on the --

REP. MILLER (36th):

I'll speak to the amendment. I think it's really good because we're giving our local governments such as -- and their personnel like the Inland Wetlands Officer and the Tree Warden who should have some oversight on what is planted on private and public lands in each municipality a chance to have a say in this.

So I -- I think the amendment is really inclusive and empowers our local community to have the autonomy to deal with this. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Will you remark further? Will you remark further on the amendment that is before us? If not, I will try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

Those opposed, nay. The ayes have it. The amendment passes. Will you remark further on the bill as amended? Will you remark further? Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Speaker. If I may a couple of quick questions through you, to the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your questions, Sir.

REP. SHABAN (135th):

Thank you, Madam Speaker. I note that already in existing law we have an invasive species act or something akin to it where the State and or potentially municipal folks can enforce or prevent invasive plant species that are harmful and just the general welfare. Through you, Madam Speaker. Why is this bamboo act needed separately and apart from that invasive species effort? Thank you. Through you.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Madam Speaker. And through you. Although this particular species manifests itself with many of the characteristics of the invasive species that have been identified, technically it does not meet the definition of an invasive -- invasive species because of the way that the plant spreads.

It's spread not by seeds but through rhizomes.

So it is a technicality. But I assure you that it does significant damage.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And that -- and that's my understanding too. I thought it was important for the Chamber to know because I had a couple on questions on that, say hey don't we already do this and the answer is yes but no for the same reasons that the good Chairwoman just mentioned. So this bill's been bouncing around up here for a while. I think it's -- time it passes and I urge adoption. Thank you.

DEPUTY SPEAKER SAYERS:

Representative Widlitz of the 146th.

Representative Widlitz of the 98th.

REP. WIDLITZ (98th):

Thank you, Madam Speaker. Madam Speaker, I stand in strong support of this bill as amended. Unfortunately I'm one of those people who've been subject to the -- the travels of this plant which is very invasive. It really it's -- it would be designated as an invasive plant if it -- I think the

qualification for that is if it's passed by wind or seed but this is a plant that has a very strong rhizome system and it -- it travels underground.

And the shoots come up through your driveway, through storm drains, really do -- when I sat in on the public hearing at the Environment Committee I was -- I had a minor problem that we actually were able to take care of with our neighbors. But the devastation that this plant causes is unbelievable. It's a huge expense and very, very difficult to eradicate if it does spread very far.

So I think hopefully in the future we could be a little stronger about this and amend the definition of invasive and include this in that. I would like to see that. But I hope that everyone will support the bill. It's -- it's time to do this.

DEPUTY SPEAKER SAYERS:

Representative Hovey of the 112th.

REP. HOVEY (112th):

Thank you, Madam Speaker. Madam Speaker, through you, a question to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. HOVEY (112th):

Thank you, Madam Speaker. Madam Speaker, through you. This is a rhizome and I know that under the Invasive Species Act in the whole list there was reticence to include the running bamboo because there was some concern that it might open the door for further bans of other types of rhizomes.

So am I to understand that this legislation is purely speaking to the running bamboo and that the invasive species subgroups will have no other changes. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

That is correct, Madam Speaker. Through you. This is simply because this particular plant is intentionally planted.

DEPUTY SPEAKER SAYERS:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. And I thank the Gentlewoman for her answer. I actually have a constituent who has a serious problem with running bamboo. A neighbor -- a neighbor planted a very small patch that initially was planted as a little bit of a

buffer for a back line in the property and within a few short years took over a whole backyard almost.

And once it gets hooked in and is on a run it stays on a run and can become really, really problem some. So I appreciate the Environment Committee for working this out. And I think that we all should be supporting this. It's a beautiful plant but unfortunately it's a troublesome one. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Conroy of the 105th.

REP. CONVOY (105th):

Thank you, Madam Speaker. I too stand here today to support this piece -- important piece of legislation and I'd like to thank the good Chairwoman for bringing this forward with the Environment Committee. I've had this in my own district. It's been a problem. It's a beautiful plant.

People are looking at it to plant boundaries and borders between each other. Unfortunately it -- it is so invasive that neighbors are now starting to have their own quarrels and at the local level it's been very hard to address so I appreciate all the hard work

that's been done on this bill. I know it's been a progress the last few years but my constituents also thank you.

DEPUTY SPEAKER SAYERS:

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker. You know bamboo is an interesting life form. And it is used interesting also in Taiwan as a renewable resource because it grows so fast. And it is so sturdy.

And what we found in Taiwan was that they were using it -- the computer company took it on as a challenge because they wanted to find other ways to come up with cases for their computers, something that was biodegradable. And they found that they could use bamboo and make a computer case out of it.

I have a pair of socks that I absolutely love and they are bamboo. They are woven with bamboo. They are lovely. They're soft. They're wonderful. And yet I know from personal experience from a very good friend how he could not contain this and it was a nightmare. So a question through you, Madam Speaker, to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your question, Madam.

REP. SAWYER (55th):

Thank you. Madam Chairman, is it the expectation that a neighbor who is having trouble with this would first go to the municipality or would go to the neighbor to file the -- the first complaint?

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. Certainly we would encourage neighbors to be able to talk to one another but that is not specified in the bill. What it does do is if that does not work, absent that, the neighboring property at least has a course of action that they can follow.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. And through you. It says that any person who violates the provisions to the subsection shall be liable for the damages caused by the neighboring property by such bamboo which is very clear, including but not limited to the cost of the removal of the running bamboo.

What would -- and I'm -- I would like to ask for the legislative intent other costs that could possibly be involved in this could it be considered a garden replacement if the bamboo had totally come in and disrupted say a formal garden? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. It could.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. and in the most extreme case I would say in the situation of a golf course that has a very expensive greens and fairways if the bamboo invasive and kind of come and caused them a great deal of trouble and they had to use a lawyer could this also fall under this provision in line nine? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. Again it could.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. And thank you to the Chairwoman for those clarifications and -- and we now have legislative intent.

DEPUTY SPEAKER SAYERS:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good afternoon to you.

DEPUTY SPEAKER SAYERS:

Good afternoon, Sir.

REP. NOUJAIM (74th):

Madam Speaker, normally I do not like to disagree with my colleagues but I could not understand how Representative Hovey and Representative Conroy said that these are beautiful plants. It is an ugly plant. And I tell you -- I tell you how, Madam Speaker, and how I got to know the bamboos.

On one rainy morning a few months ago on a Saturday morning I received a phone call at home from a neighbor of mine who lives actually on Norris Street and the east end of Waterbury. It was rainy, drizzly and he is so alarmed he did not know what to do. He

called me. He asked me if I would come to visit him so I drove up.

I know where he lives. It's a gentleman that I had never met but he told me his address so I drove up to see him and he was showing me the bamboos that someone planted in the next street over towards his backyard. And I looked at them and they must be like about 30 feet tall at least. And then they started digging under the ground.

They came to his property, to his neighbor's property on the side, to his neighbor's property on the other side. They came all the way underground and they lifted his deck. So you could see how the roots are picking up the deck that is attached to his house. And the gentleman was so worried that he started to try to dig his property and then break the roots of those bamboos that were coming in and picking up the deck.

So we tried desperately and then we called the City of Waterbury and immediately on a Saturday morning an officer came up to take a look at them and then we called the Department of Environmental Protection, also they came and they looked at them and they said how destructive they are.

So this gentleman and all of his neighbors now are so alarmed of this and they have been so trying desperately to keep them away. So I asked him, I said how did this start? How it started is that the neighbor across the street planted two small bamboos that he wanted to have them in his backyard.

And within in a period of three to four months they spread all over the place and they started going under fences and under decks and then they'll go into the foundation of their homes. So to make a long story short now this neighborhood has all become infested with bamboos.

So this bill hopefully will alleviate those kind of problems in the future. And I'm really -- I'm really excited to support it. I'm really excited to speak on its behalf because what happened to my neighbor this bill obviously is not going to do anything for him but hopefully it will prevent other neighborhoods from being infested by this plant.

So Madam Speaker, let me say again, it's an ugly plant. So we hope to get rid of it. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Sir. Representative Ackert of the

8th.

REP. ACKERT (8th):

Thank you, Madam Speaker. And just a couple of questions, through you, to the proponent of the bill as amended.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. ACKERT (8th):

Thank you. I'm just curious on the mechanics of the reporting actually. I do agree and support the legislation. It's just if local municipalities, some of our smaller towns really don't have the personnel.

So if an individual is having this problem and it sounds like a problem, that when they go to call their local municipality and the municipality may say to them well we don't have the ability. Would they then probably call the Department of Environmental Protection? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. I'm sorry, Madam Speaker. I was just looking at the language and yes they could call.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. I was just -- only because of the concern if the manpower wasn't invoked they do have a fall back and that would be DEEP. So thank you, Madam Speaker. And then on the fine itself, through you, Madam Speaker, the fine would go -- be paid to who if they did not meet this legislation? Through you, Madam Speaker, for the \$100 and -- and each \$100 thereof if they don't react. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. That fine would be paid to the Department of Environmental Protection and Energy.

DEPUTY SPEAKER SAYERS:

Representative -- Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. So in this case the -- if the local municipality had the personnel and they went to that individual and -- and they did not you

know take care of the problem they would then act as an agent for DEEP and be fining that individual or you know or household the \$100 and proceeding thereafter. So they'd kind of be the agent for DEEP? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP GENTILE (104th):

Through you, Madam Speaker. That is correct and the fines would be mailed to the Central Infractions Bureau and -- without need for a court appearance.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Okay. That -- this part -- I just kind of struggle with this part a little bit only on you know in the enforcement of it I -- you know I would hope that the individual would just react, get rid of the plant, do the necessary things.

It's just sometimes that we see you know a situation where maybe somebody just -- just doesn't care and that somehow that -- there's -- DEEP will be billing -- or actually they'll have to somehow be collecting with that. So I do struggle with that

component.

I am going to support this legislation just hearing the testimony but that component to me seems like there could be a struggle between the municipality and the -- the fining -- fining portion of that. So -- and the overall planting of this plant in terms of the 100 feet. So -- but I will support this and hopefully we'll correct the problem.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Representative Vicino of the 35th.

REP. VICINO (35th):

Yes. I rise in support. Good afternoon, Madam Speaker. I was a -- on the Environmental Committee and this was a very well attended public hearing. People were very concerned about the -- the fast growing plant.

It was planted for privacy but soon became out of control and some of the neighbors had severe problems with siding -- going up on the siding, damaging the roof, the sidewalks, their pools, and the problem was that it was completely out of control at that point and anything that we can do to look at this problem is just a step in the right direction and I strongly

support this along with the public. Thank you.

DEPUTY SPEAKER SAYERS:

Representative Miller of the 36th.

REP. MILLER (36th):

Thank you, Madam Speaker. I also rise in support of this. I think we've heard even just from amongst our own leadership here of people who can attest personally to how disruptive an evasive outbreak can be on a property.

One of the advances that we have with technology and transportation being so advanced is that we typically introduce a number of nonnative things into our environment that lack the series of checks and balances that they may have in their home environment and we see this even with a lot of plants for instance in my yard. I'm overwhelmed with a wildflower garlic mustard.

However I can just pull it very easily. This invasive running bamboo has become so problematic many of us have seen firsthand or seen pictures of how deep it does run. And when the distinguished Representative from Waterbury was speaking about this stuff running under roads and sidewalks that's how powerful this stuff is. It's really, really invasive.

I do just want to say not only am I strong -- in strong support but I think in the future this is a step towards adding this to the list of invasive species and perhaps maybe even future action on our part as this stuff is getting really problematic. Thank you, Madam Speaker. And again I urge passage of this bill. And I am grateful to the proponent also. Thank you.

DEPUTY SPEAKER SAYERS:

Thank you, Sir. Representative Srinivasan.

REP. SRINIVASAN (31st):

Good afternoon, Madam Speaker. I too rise in strong support of this bill as amended. But through you, Madam Speaker, just a few questions to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. SRINIVASAN (31st):

Yeah. Through you, Madam Speaker. The bill as amended now requires the municipalities to be enforcing this. Through you, Madam Speaker. Do we have the fiscal note as far as the municipalities are concerned for being able to enforce this regulation? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. There is no fiscal note.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. And through you, Madam Speaker. With regards to the violation it is as I understand it \$100 of a violation and I just want clarification. A hundred dollar violation is it per plant? Is it per day? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. The fine is \$100 for -- for the first fine and then each day that the violation continues an additional \$100 for each day.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Madam Speaker. As I understand it, it is for the entire running bamboo that is in

that property \$100 a day as opposed to a plant of two plants. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. The good Representative is correct.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Through you, Madam Speaker. if the fine is \$100 a day is there a time period where this is -- the -- the neighbor of the property owner is informed of this violation and he or she is given the timeframe to make sure that necessary action is taken or does it begin right on the day one when the violation occurs? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. It begins on the day that the violation is first brought to the attention and it is in the property owner's best interest to act

as quickly as possible.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And a final question, through you, Madam Speaker. Given what I heard today I do not know much about this plant. I've heard it being called beautiful. I've heard it called ugly. But I do -- but I do remember clearly saying it is a very sturdy plant regardless whether it is beautiful or ugly.

So given that, through you, Madam Speaker, is the good Chairwoman -- can she give us an idea as to how difficult it would be to be able to take care of this violation or is it something relatively simple that when the violation is -- that when the property owner is made aware of the violation he or she can take care of it right away?

Because I'm concerned about the \$100 violation per day, what if it cannot be taken care of though the property owner has every intention to do so. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker. No, there are ways that the property owner can eradicate the -- the growth of it and can contain the growth of it.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. And I want to thank the Chairwoman for her answers.

REP. GENTILE (104th):

Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Gentile.

REP. GENTILE (104th):

Just one further remark. I would like to add to the good Representative that beauty is in the eye of the beholder.

DEPUTY SPEAKER SAYERS:

Will you remark further on the bill as amended? Will you remark? If not, will staff and guests come to the well of the House. Will the members please take their seats and the machine will be opened.

THE CLERK:

The House or Representatives is voting by roll
call. Members to the Chamber please. The House of

Representatives is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast. If all the members have voted then the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Madam Speaker, in concurrence with the Senate Substitute Senate Bill 1016 as amended by House A.

Total Number Voting	133
Necessary for Adoption	67
Those voting aye	130
Those voting nay	3
Absent and not voting	17

DEPUTY SPEAKER SAYERS:

The bill as amended passes in concurrence with the Senate. Will the Clerk call -- please call Calendar number 410.

THE CLERK:

Madam Speaker, on page 16 of today's Calendar, House Calendar number 410, favorable report of the joint standing Committee on Government, Administration

HB 5358

S - 659

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

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2153 - 2500**

SENATOR LOONEY:

Thank you, Madam President. Some additional items to mark as go at this time. First item -- and we will call this as the next bill. On Calendar page 40, Calendar 302, Senate Bill 1016 to be followed by Calendar Page five, Calendar 232, Senate Bill 984. And then after that, Madam President, Calendar 20, Calendar 490, Senate Bill 1062. If we might mark those items next beginning with the Environment Committee bill. Thank you, Madam President.

THE CHAIR:

Thank you. Thank you, Senator. Mr. Clerk.

THE CLERK:

On page 40, Calendar 302, substitute for Senate Bill number 1016, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO, favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam Chair, nice to be back with you.

THE CHAIR:

Good to see you again, Sir.

SENATOR MEYER:

I do move acceptance of the joint and favorable report and move passage of this good bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR MEYER:

I will briefly. Colleagues, I think many of you got the letters that I did last year and this year about people complaining about yellow or running bamboo. I have never -- I don't think I've ever seen so many disturbed -- disturbances about any vegetation as about running or yellow bamboo. And the Environment Committee through this bill is trying to meet that problem.

This bill essentially says that anybody who hereafter plants bamboo -- running or yellow bamboo as defined must have a 100 foot setback from any adjoining property unless you plant it in a way that it contains it. And -- and it goes on to provide for a fee if you don't -- a fine if you don't do this of \$100. And it authorizes the Department of Energy and Environment -- and Environment Protection and the Department of Consumer Protection to enforce the setback. There is a -- an amendment and I'd appreciate it if the Clerk would kindly call LCO 7172.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 7172, Senate A offered by Senators Meyer and Chapin.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam Chair, I -- I ask

THE CHAIR:

Will you move the adoption, Sir.

SENATOR MEYER:

I move the amendment and ask --

THE CHAIR:

Motion is --

SENATOR MEYER:

Motion.

THE CHAIR:

Motion is on adoption. Will you remark, Sir.

SENATOR MEYER:

Yes. Thank you. Senator Chapin and I have introduced an amendment here that -- that actually redoes who can enforce this and this -- under this amendment the -- this bill and its restrictions on yellow or running bamboo could be enforced by the Department of Consumer Protection and any duly authorized constable, tree warden, zoning enforcement officer or wet -- inland wetlands or water courses enforcement officer. So that's -- that's the simple amendment. I urge its passage.

THE CHAIR:

Will you remark further? Will you remark further? Seeing none, I'll try your minds. All -- all -- everybody in favor of the amendment please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. Amendment passes. Senator Meyer. Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. Madam President, I also rise in the -- in support of the bill as amended. I think this may have been the issue that garnered the most public participation this year before the Environment Committee. It has been an ongoing problem. And while some people may think that it -- a

better approach would have been making this an invasive species, the Invasive Plants Council actually considered that and decided that this particular species did not meet that definition.

We did recognize that it is a very big issue for a lot of people in the State of Connecticut. I think the amendment and the bill itself provides an opportunity for people to address the problem as well as a reasonable enforcement opportunity. So I certainly encourage everyone in the circle to support it today. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark?
Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. Madam President, I too rise in support of the bill as amendment -- as amended. Want to thank Senator Meyer and Senator Chapin for their hard work. As I think we all know, Madam President, although we don't like to admit most of the good ideas if not all of the good ideas we come up with in the circle we hear from our constituents. Like many I had received a letter from a constituent a while back informing me and educating me about the dangers of bamboo and what I call the invasiveness of the plant.

And at the time we had sought to see if we could get it recognized as an invasive species only to be told as Senator Chapin recounted that the Invasive Plants Council said it didn't meet the definition. It certainly looks like it does. It acts like it does. But the bottom line here is we don't want to prohibit people from having bamboo. We just want to make sure that they're responsible for not letting it run into abutting landowners properties because it does grow quite fast and spreads quite large.

So I appreciate the -- the good bipartisan work of the Senate Chair and Ranking Member of the Environment Committee. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark?
Senator Meyer.

SENATOR MEYER:

I do appreciate the support of the Senator McKinney
and Senator Chapin. It is a good bill and if there's
no objection I'd request that it go on the Consent
Calendar.

THE CHAIR:

Seeing no objection, so ordered, Sir.

Mr. Clerk.

SENATOR LOONEY:

Madam.

THE CLERK:

I'm sorry. Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President. Madam President, if
we might stand at ease for a few moments.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Okay. The Senate will come back to order. Senator
Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, a couple
of additional bills to mark as go prior to the ones
marked earlier. Going to Calendar page eight,

THE CHAIR:

The bill passes in concurrence with the House.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if would mark all items previously marked go should be marked passed retaining their place on the Calendar. And if the Clerk would call the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Mr. Clerk.

THE CLERK:

On page five, Calendar 229, Senate Bill 1027, Calendar 232, Senate Bill number 984. On Calendar page nine, Calendar 336, House Bill 6529, Calendar 337, House Bill 5310. Also on page nine Calendar 338, House Bill 6313 and Calendar 339, House Bill 6315. On page ten, Calendar 345, House Bill 5970. And on page 13, Calendar 393, Senate Bill number 872. Page 18, Calendar 468, House Bill 5388. Page 27, Calendar 561, House Bill 6641 and Calendar 565, House Bill 6346. And on page 40, Calendar 302, Senate Bill 1016.

THE CHAIR:

Thank you, Mr. Clerk. The machine will be opened, vote on a Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call on today's Consent Calendar in the Senate.

THE CHAIR:

Have all members voted? Have all members voted?
Please check the board and make sure your vote has
accurately recorded. If all members have voted the
machine will be closed and the Clerk will announce the
tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar 1 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, before
moving for moving for adjournment for today would like
to announce that we will likely be in -- in session
next week Tuesday, Wednesday and Thursday and also
possibly Friday so members should reserve those four
days next week as -- as possible or probable session
days. At this point, Mr. President, would yield the
floor to members for announcements of committee
meetings or for other points of personal privilege.

THE CHAIR:

Thank you, Senator. Before we do that I would like to
just to take the privilege of -- May is a big birthday
month and we have one of our members who is
celebrating her birthday tomorrow. I would like to
wish Senator Bye a happy birthday tomorrow and I'm
trying to figure out if her birthday wish was granted
as she's not here as she would have liked to have been
here. But happy birthday.

And there is a bipartisan fruit in the caucus room for
Senator Bye because she didn't want a cake so we got
her some fruit that's -- that she requested. So