

PA10-052

SB187

General Law	358	1
House	4176-4189	14
Senate	885, 1065-1066	3
		18

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

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SENATE

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Thank you, Mr. President.

Moving now past the single-starred items to matters returned from committee, on calendar page 34, Mr. President, Calendar 35 is marked PR; Calendar 39 is PR; and Calendar 46 is marked go; Calendar 50 marked go; Calendar 52 marked go; Calendar 60 marked go.

Moving to calendar page 35, Calendar 63, PR; Calendar 64, Senate Bill Number 187, Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 68, PR; Calendar 73, PR; Calendar 75, PR; Calendar 77, PR.

I'm moving to calendar page 36, Calendar 84 to be marked pass temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 85, marked go; Calendar 88, PR; Calendar 92, pass temporarily.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

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Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for  
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for  
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute  
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for  
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for  
Senate Bill 200.

Mr. President, that completes those items placed  
on the consent calendar.

THE CHAIR:

All right. If the Clerk has made an announcement  
that a roll call vote is in progress in the Senate on  
the first consent calendar, the machine will be open.  
Senators may cast their vote.

THE CLERK:

The Senate is now voting by roll call on the  
consent calendar. Will all Senators please return to  
the chamber. The Senate is now voting by roll call on  
the consent calendar. Will all Senators please return  
to the chamber.

cd  
SENATE

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THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
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If all members have voted, the machine will be locked and the Clerk will take the tally.

And Mr. Clerk please announce the tally.

THE CLERK:

House Bill Number 5302 as amended by House "A."

Total number voting 148

Necessary for passage 75

Those voting Yea 148

Those voting Nay 0

Those absent and not voting 3

DEPUTY SPEAKER O'ROURKE:

The bill as amended is passed.

Mr. Clerk, please call Calendar 398.

THE CLERK:

On page 17, Calendar 398, Substitute for Senate Bill Number 187, AN ACT INCREASING PENALTIES FOR VIOLATIONS OF THE NO SALES SOLICITATION CALLS ACT, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER O'ROURKE:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker, I move passage of the joint committee's favorable support -- report and



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passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER O'ROURKE:

Motion is on acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark?

REP. TABORSAK (109th):

Thank you, I will remark, Mr. Speaker.

Mr. Speaker, this bill has two sections in it. The first section I think, all of the members in this Chamber are aware of and can appreciate deals with the no sales solicitation calls act. Some people refer to it as a do not call list.

Mr. Speaker, as you know, the underlying act prohibits unwanted telephone sales calls to people who have opted to be placed on the do not call list which is maintained by the Department of Consumer Protection. Mr. Speaker, when a person has gone through the trouble of getting placed on the do not call list and a solicitor disregards this personal wish, breaks the law and calls him anyway, this is offensive harassing conduct. People should be free from such harassment in their homes.

Prior to the passage of this bill, Mr.

Speaker, the commissioner has been limited to pursuing violators through the Connecticut Unfair Trade Practices Act because the law, as it stands today, the underlying act, does not have its own penalty provision. Mr. Speaker, with the passage of this bill, the commissioner would be able to then, in addition to the remedies he has today, fine these violators up to \$11,000 and if the circumstance is justified it also proceed under CUTPA for additional penalties.

It is our hope, Mr. Speaker, that these enhanced penalties will help the commissioner of Consumer Protection put an end to this harassing conduct.

Mr. Speaker, Section 2 of the bill addresses a problem that we have encountered with our statutes governing interior designers. This part of the bill is drafted to specifically respond to a federal lawsuit brought against the State of Connecticut. The court in that matter -- the matter is *Roberts v. Commissioner Farrell* -- held that Connecticut General Statutes 20-3771 was unconstitutional as it violated the plaintiff's first and fourteenth amendment rights by

restricting their rights to be called interior designers.

We are fortunate that from this decision, the court, although it ruled against the law we had on the books, essentially got the parties to agree with what the constitutional fix would be and that is essentially, Mr. Speaker, to changing the language in subsection 1 to read registered interior designer as opposed to just interior designer.

If you read the decision in Roberts v. Farrell, you will see that this should fix the statute making it constitutional. For all these reasons, Mr. Speaker, I move adoption of the bill.

(Deputy Speaker Godfrey in the Chair.)

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on the bill? Will you remark further on the bill?

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

Through you, a question to the proponent of the bill please.

DEPUTY SPEAKER GODFREY:

Please frame your question, ma'am.

REP. BACCHIOCHI (52nd):

Thank you.

Am I correct that only, through you, Mr. Speaker, that the only change to part 1 regarding the no calls is the change in the fees?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker to the good Representative, that is correct. The only change to the statute is adding the penalty provision.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Okay. So then just to clarify for the Chamber this doesn't change the political calls, the robo calls, the debt calls, all of that will remain the same I understand.

I'm sorry -- and this list of no calls is

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maintained through you, Mr. Speaker, through the  
Department of Consumer Protection?

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

And regarding section 2 of the bill, I know  
there was a lot of discussion between the interior  
designers who were at odds with the decorators, was  
any resolution reached, through you, Mr. Speaker,  
that the chairman is aware of?

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, the only resolution  
I'm aware of is in the decision Roberts v. Farrell  
where, based on the decision, it appears that the  
parties agreed that this change of language would  
have made moot the constitutional issue.

Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

The gentleman from Trumbull, Representative  
Rowe.

REP. ROWE (123rd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. ROWE (123rd):

Just a few questions if I might.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. ROWE (123rd):

Thank you.

Focusing on the first part of the bill and the unwanted telephone solicitations, I guess a broad question as to how big a problem does this continue to be because I know it is -- it is a problem and there was some testimony but it seems to me that this do not call list is a bit porous. Can you

give us some thoughts on where we are and perhaps why we continue to have the problems?

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, a good question from my colleague from across the aisle. The -- the department as I understand of consumer protection receives numerous complaints regularly for violation of the -- the act and has had a number of successful enforcement actions taken. In this current year and in this past year recently a Long Island contractor was found in violation of the do not call list or act and the -- the department was successful in that enforcement action so it -- it is an ongoing problem. It's keeping them busy. This is one more tool for the department.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And you weigh into it a bit initially when you were bringing out the bill but can you tell us what

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avenues the commission has at its disposal now when there is a report of a violation of the do not call list?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, typically my understanding is that the -- the commissioner would start an investigation. If the department had jurisdictional issues, they -- they would generally involve the Federal Trade Commission who has similar enforcement at their disposal but are able to handle matters that go into other states so, if the matter is completely located within the State of Connecticut, the Department of Consumer Protection will generally bring an enforcement procedure, under either the underlying act or under the Connecticut Unfair Trade Practices Act.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.



And will it be the Attorney General who prosecutes a claim such as this?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Typically my -- my understanding again is that the Attorney General will get involved if a lawsuit is brought.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And would this -- would the \$11,000 -- well first of all how did we come up with \$11,000 as opposed to ten or 12 or any other number? Were we looking at other jurisdictions when we came up with this or was that a compromise?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, my recollection is

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that that number, at the time, more or less mirrored the federal fine through the FTC and federal legislation.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

I appreciate that response. And the -- the fiscal note indicates that -- that it could potentially be a -- I wouldn't call it a boon to the general fund but maybe that there were five violations last year so, in a good year or a bad year depending on what you're looking at, you might get another \$55,000 or so. Is that -- I know we're looking for revenue anywhere we can get it and will take this but is that kind of what we expect in terms of the severity or frequency of the problem or at least the frequency with which we're able to -- to prosecute?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

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Yes I would agree with that understanding,  
through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Okay thank you. Now when the Rowe household gets -- gets a call, we're on the do not call list but we still get calls and when T.R. and Michelle Rowe are able to put their kids to bed, we've got three of them ages 2, 3 and 6, so it's a big deal with all three of them are in bed and sleeping or at least being quiet, so when we get a call after nine o'clock, was any thought given to an augmentation of the -- of the fine, maybe doubling it or so, one bring in revenue and two, you know, keep the calls out of my house so my kids can sleep.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I -- I can't say that that very creative idea was discussed but we can certainly talk about it next year.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe and perhaps after nine o'clock.

REP. ROWE (123rd):

Well just thinking outside the box we do need revenue so that would be one idea but I appreciate the gentleman for his thoughtful and well reasoned responses and I look forward to supporting this.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The gentleman from Waterbury, Representative Aldarondo -- apparently not.

Will you remark further on the bill? Will you remark further on the bill?

If not, staff and guests please come to the well of the House. Members take their seats and the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

DEPUTY SPEAKER GODFREY:

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Have all the members voted? Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Senate Bill 187 in concurrence with the Senate.

Total number voting	149
Necessary for passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER GODFREY:

The bill is passed in concurrence with the Senate.

Will the Clerk please call Calendar 384?

THE CLERK:

On page 42, Calendar 384, Substitute for Senate Bill Number 118, AN ACT CONCERNING CONNECTICUT QUALIFIED BIODIESEL PRODUCER GRANTS, favorable report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER GODFREY:

The distinguished vice-chairman of the Environment Committee, Representative Hurlburt.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GENERAL  
LAW  
PART 2  
260 – 517**

**2010**



State of Connecticut

SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

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**RANKING MEMBER**  
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**MEMBER**  
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REGULATIONS REVIEW COMMITTEE

Date: February 23, 2010

To: Senator Thomas Colapietro  
Representative Jim Shapiro  
Senator Kevin Witkos  
Representative Penny Bacchiochi  
Members of the General Law Committee

From: Senator Sam Caligiuri

Re: *SB 187 An Act Increasing Penalties for Violations of the No Sales Solicitation Calls Act*

Senators Colapietro and Witkos, Representatives Shapiro and Bacchiochi, members of the General Law Committee, I am here before you today to testify in favor of SB 187, An Act Increasing Penalties for Violations of the No Sales Solicitation Calls Act.

It has been nearly 10 years since Public Act 00-118 was passed that established Connecticut's "do-not-call" registry. Thanks to the work of many who are serving on this committee, tens of thousands of state residents have taken advantage of this law by placing their names and phone numbers onto this registry that has ultimately prevented them from receiving unsolicited and unwanted telemarketing calls.

The beauty of this law is that it has been flexible to both business and consumers in that it exempts calls made by telemarketers where a prior relationship exists or where permission has been granted by the consumer.

What some do not realize is that Connecticut's do-not-call list is part of the National Do-Not-Call Registry, meaning there is no separate list just for Connecticut residents maintained by the state. Anyone wanting to shield themselves from unsolicited calls is automatically placed on the national registry.

It has been brought to my attention that while our state is a part of the National Do-Not-Call Registry, violators of the state's do-not-call laws face civil and possible criminal action under Connecticut's Unfair or Deceptive Trade Practice Act, which currently includes civil penalties up to \$5,000 for willful violations. This is inconsistent with federal law; in fact it is considerably less than what the federal law mandates.

SB 187 simply puts Connecticut in line with federal law when pertaining to penalties associated with the non-compliance of the No Sales Solicitation Calls Act. If Connecticut is using the national registry for its no call list, it is my belief that the penalties for violating the state statute should be equal to the federal law.

Thank you very much for your time and consideration.