

PA10-096

HB5543

House	2952-2958	7
Judiciary	3665-3675, 3696-3702, 3761-3762, 3869-3871	24
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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 9  
2571 – 2966**

dp/mb/gbr  
HOUSE OF REPRESENTATIVES

175  
April 30, 2010

Necessary for adoption	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

SPEAKER DONOVAN:

Bill as amended is passed.

Will the Clerk please call Calendar Number 364?

THE CLERK:

On page 38, Calendar Number 364, Substitute for House Bill Number 5543, AN ACT CONCERNING PATIENTS TRADEMARKS OR LICENSING AGREEMENTS -- I'm sorry -- PATENTS TRADEMARKS OR LICENSING AGREEMENTS FOR INVENTIONS AND DISCOVERIES OF EMPLOYEES OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report of the Committee on Environment.

SPEAKER DONOVAN:

Vice Chair of Judiciary, Representative Jerry Fox, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Questions on acceptance of the Joint Committee's

favorable report and passage of the bill.

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill will allow the Connecticut Agricultural Experiment Station's Control Board to go out and seek patents, obtain patents, trademarks and licensing agreements. What this bill does, is says that once if a patent is developed, the station is entitled to own the right, the title and the interest that would go with that patent. There are certain situations where it would be used. One is if it's conceived during the course of the performance of the employee's customary or assigned duties; secondly, if it emerges from any research or development that the station is undergoing; and, third if it's conceived or developed wholly or partly at the station's expense.

Now, Mr. Speaker, there are certain requirements that if this were to be enacted that employees would have to follow and then if they did follow those requirements there would be a share that the employees would be entitled to. Now, there's also a dispute mechanism available that would allow for first voluntary arbitration in the event of a conflict. There would also then be a compulsory arbitration if

that was part of the agreement with the employer and then if arbitration is not used, then there's a Connecticut Court would ultimately make decision.

Mr. Speaker, it is my understanding that there is an amendment that I consider a friendly amendment upon the time it is called.

SPEAKER DONOVAN:

Remark further on the bill? Remark further on the bill?

Representative Craig Miner of the 66th district.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has an amendment LCO 4795. I ask that he call it and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 4795, which is designated House Amendment Schedule "A."

THE CLERK:

LCO Number 4795, House "A" offered by Representatives Miner, Fritz, Villano, Altobello, Chapin and Senator Kissel.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize.

Any objection to summarization?

Hearing none, Representative Miner, you may proceed.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is strikes section five and then inserts a new section five with language that is consistent with a similar situation that exists already within the UConn system itself. The State of Connecticut applying for patents and other licenses is not a new process, it's just new to this experiment station that's existed, as I understand it, since 1875.

And, so, Mr. Speaker, this would create a parody with like individuals that are employed by the State of Connecticut. It would allow them through the Ag center to apply for the patents, a certain amount of money would be shared between the employees and the Ag station, thereby providing income to both of them. It's a good idea, it's great to challenge people where they're widely known throughout the country for their efforts and I move adoption.

SPEAKER DONOVAN:

The motions -- the questions on adoption. Will

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you remark further?

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, this is as I've said, a good amendment and a great bill and it would be good to get this done this evening. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

As stated earlier, I do consider this a friendly amendment and I urge my colleagues to support it.

SPEAKER DONOVAN:

Would you care to remark further? Care to remark further?

Representative Fritz.

REP. FRITZ (90th):

Thank you, Mr. Speaker.

I urge my colleagues to support this amendment. It makes a good bill much better. It's been a long time coming and as you know, it would be a great help to the Ag station. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further?

If not, let me try your minds. All those in favor of the amendment please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed nay. The ayes have it.

The amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further?

If not, staff and guests please come to the well of the House. Members take your seats. 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your vote's been properly cast. If all the members have voted the machine will be locked and the Clerk

will please take a tally. Clerk please announce the tally.

THE CLERK:

House Bill 5543 as amended by House "A."

Total number voting 146

Necessary for adoption 74

Those voting Yea 146

Those voting Nay 0

Those absent and not voting 5

SPEAKER DONOVAN:

Bill as amended is passed.

Are there any announcements or introductions?

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

For a journal notation.

SPEAKER DONOVAN:

You think we're really done today, don't you?

Representative Piscopo, please proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

Will the journal please note that Representative Wood missed vote due to illness. Representative Floren and Hoydick missed votes, they're out of state

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SENATE

355  
May 4, 2010

Calendar 492, Substitute for House Bill Number 5446.

Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Continuing on calendar page 15, Calendar 494, House Bill Number 5315. Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving to calendar page 21 -- top of calendar page 21, Mr. President, Calendar 534, Substitute for House Bill Number 5543. Mr. President, I move to place this item on the content calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Bottom of calendar page 21, Mr. President, the last item, Calendar 539, Substitute for House Bill Number 5350. Mr. President,

Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 478, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

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

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of

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just like a person who's not licensed to be a dentist can't -- can't pull teeth --

REP. GONZALEZ: Now on one thing I have --

CHIEF STATE'S ATTORNEY KEVIN KANE: -- or do other things.

REP. GONZALEZ: I know a person -- I know a person that -- that he tried to help and he ended up with five years in prison. That's why I'm asking six months -- six months or \$250. And this person tried to help somebody in the district, end up doing five years. So, that was my concern.

CHIEF STATE'S ATTORNEY KEVIN KANE: Well if they charged money for it it could be a larceny.

SENATOR McDONALD: All right. Thank you.

REP. GONZALEZ: Okay. Thank you.

SENATOR McDONALD: Are there other questions? All right. Thank you very much.

KEIVN KANE: Thank you.

SENATOR McDONALD: Louis Magnarelli.

LOUIS MAGNARELLI: Good afternoon, Senator McDonald and other members of the Judiciary Committee. My name is Lou Magnarelli. I'm the Director of the Connecticut Agricultural Experiment Station and I'm here to give support for Raised Bill 5543. This refers to AN ACT CONCERNING

PATENTS, TRADEMARKS, OR LICENSING AGREEMENTS  
FOR INVENTIONS AND DISCOVERIES OF EMPLOYEES OF  
THE CONNECTICUT AGRICULTURAL EXPERIMENT  
STATION.

As most of you know, our experiment station is the first in the country. It was founded in 1875. There are agricultural experiment stations in every state. And they work on a number of problems. Our station over the years has had several major discoveries. The pioneering work that led to the discovery of vitamin A in the early 1900s was done on our New Haven campus. Hybrid corn was developed which led to commercialization. It really revolutionized agriculture. This hybrid corn is being grown around the world.

We've developed new varieties of mountain laurel; beautiful plants that have been released to the nursery trade. And in the public health area we were the -- our laboratory was the first to culture the West Nile encephalitis virus in North America back in 1999. With all of these discoveries and the changes in science which happens very, very rapidly.

We are now in the molecular age. We have an understanding of genes and how to manipulate genes in certain situations or eliminate genes from certain plant cultivars. We're at the point where there are going to be many, many more discoveries. However, over the 135 years history of this institution there is no statutory language in place which would allow

us to seek patents, licensing agreements and to recover some costs associated with these discoveries.

We work for the people. And we're very, very committed to integrated pest management, the reduction of pesticides in -- in the environment. It's very, very important to us. It's a major core area. And in the interest of brevity, I'll use the strawberry plant that we have now available as an example.

We have developed a strawberry plant that's resistant to a major insect pest and also a fungus infection that attacks the roots of that plant. It's a highly desirable plant which will result in less pesticides being used in the environment. This is good for the environment. It's going to reduce farm costs. And it's certainly good for the consumers because they're going to be getting a plant that's going to have less pesticide residue on them. We need to find a way to protect this discovery.

I asked for the Attorney General's Office help on initial drafting of the language. I think they did a very good job over there. We do not have an attorney on staff with our agency. We have to depend on the AG's Office. With the help of some people on this Committee, maybe lawyers upstairs and the Legislative Commissioner's Office did a very good job of drafting the language. I've looked at it and I have -- from my standpoint, I'm not an attorney but it looks very, very good.

The University of Connecticut's policies were used as a model system. We pretty much followed that but we did make some changes that we think are a better fit for our agency. So, I'm hoping that you will give the support that's needed to put these statutes in place so that we can prepare this agency for the future. Thank you very much for your time and I'd be very happy to answer any of your questions.

SENATOR McDONALD: Thank you very much.

Are there any questions?

Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman McDonald.

Well that was a great sort of intro as to, you know, why you think it's good but how about where does all the money go?

LOUIS MAGNARELLI: Where does the money go?

SENATOR KISSEL: Yeah. Let's say there's a -- you have this wonderful discovery --

LOUIS MAGNARELLI: Right.

SENATOR KISSEL: -- and it's patented and there's money that's gleaned from that; royalties or I don't know. Something like that.

LOUIS MAGNARELLI: Right.

SENATOR KISSEL: How -- how does the -- pardon --

LOUIS MAGNARELLI: Okay. Part of it as I've put in the written testimony -- there's a federal act called the Bayh-Dole Act. It says that if federal funds are used in the research that the inventors will get a portion of the royalties. This is after you've recovered the costs for filing the patents and legal fees that may involved in, you know, getting to that point. As with the University of Connecticut, I think, at least at this point the rest of it should be reinvested into the research program.

You have to know that we do very well at getting federal grants. We pull in about \$4 million in federal grants. But it's very, very highly competitive. It's getting more competitive to get these funds. It's tougher to get these -- these grant funds in the competitive arena. Developing a strawberry plant as we have done which is good for everybody, it's going to be very hard for us to get a grant to do that kind of work.

Yet this benefits our growers. It keeps the growers on the farm. It keeps farms in the State. So, what we're trying to do is find another source of revenue to reinvest right back into that program that we can't get the -- the grant funds out of the federal government as easily as we used to be able to get.

SENATOR KISSEL: And so what I'm guessing is -- because I -- my predilection is I like this.

And I remember back in the nineties when Governor Rowland came on board. You know, the Governor and I agreed on a lot of things but one of the things was an initial proposal to do away with the Department of Agriculture. I thought that was a bad idea. Representing seven towns in north central Connecticut, there's an awful lot of agriculture.

It used to be the tobacco valley now it's -- I don't know we came up with the Connecticut heritage valley or something else like that. But it's always in my mind the Connecticut river valley. And we have farms that grow all sorts of things. And so -- and in then -- a couple -- either a year later or the following two years later there was a proposal to eliminate the experiment stations.

LOUIS MAGNARELLI: That's right.

SENATOR KISSEL: And you know, I'm a kid that grew up in the town of Windsor. We like to pride ourselves on the first English settlement in Connecticut but another thing that we can take great pride in is we have one of the branch experiment stations in the Town of Windsor as well. And so, you know, between our farms and the experiment station I'm well aware of the value of what you folks do. Given the fact that we have diminished resources and it's going to get a lot worse --

LOUIS MAGNARELLI: Right.

SENATOR KISSEL: -- before it gets better. If we can create a revenue stream for you and reward the folks that are doing the research by allowing it to sustain, you know, the experiment station entity which is that -- you know, great for our farmers and agriculture and it's great for you folks. And maybe even if there's a lot of successes there might be additional revenues for our general fund. This bill should have rockets tied to it and be shooting through this building because I don't see any downside. Are you aware of anybody having any problems with the proposal?

LOUIS MAGNARELLI: I'm not. No. I spoke to a number of growers in the State. They're behind us. I can tell you that they want our institution to be solvent. Quite frankly, there are several that are concerned about that -- that the economic times that we're in right now. In my time as Director I -- I can honestly say that people on the Appropriations Committee and other committees have been very supportive of the experiment station. We're very close to a large number of constituency groups in different areas; public health certainly with the mosquito encephalitis program.

We work on ticks and Lyme disease which is my area. I still have a research program in progress. I still do that. And getting back to the point of helping to solve problems out there where you can't get grant money, I mean, I got a very good example. If a pumpkin farmer comes to us and says he's losing his crop

because of a fungus infection, we can move very, very quickly on that.

We have good plant pathologists and you can find a solution to that problem but that money that we're using is coming out of the general fund. It's out of some federal hatch monies that I have access to and I can use freely. But with another revenue stream this would help us, you know, meet these problems in a quicker way. You'll never get a grant to try to figure out how to solve a fungus problem on somebody's pumpkin crop or a grape problem that's failing. You have to move very, very quickly. So, I think the time has come. This is long overdue. I really don't know why over 135 years this was not done already, you know, to allow us to have this statutory authority. But the time has come.

SENATOR KISSEL: Well, I'm -- you know, very rarely does this Committee get to have a hearing on something that touches agriculture. That's why I appreciate the indulgence of the cochairs. I remember when the tobacco crop, I think it was blue mold.

LOUIS MAGNARELLI: Blue mold.

SENATOR KISSEL: Blue mold. And there's things that can attack anything and everything. Pumpkin crop. You know let's face it, up in my neck of the woods there's a lot of farms that have pumpkins and you know, they're part of our New England fall. When you talk about grapes, you know, we're trying to foster wineries

throughout the State of Connecticut, hook that into our tourists and an outreach to other states to bring in folks to Connecticut. There's so many ways.

And we touched upon public health and Lyme disease and ticks. I think that you perform a very valuable role and at the same time I can see that when people are looking around for things to chop given budget restraints they may look in your direction. And so I think this is -- this would be wonderful for all of us in our State. And I'm -- it's my intention to cosponsor this bill. And I hope it gets through this Legislature and signed into law this year. And I applaud you and -- and your entire staff for the great things you do for the people of the State of Connecticut.

LOUIS MAGNARELLI: Thank you very much. It's good to hear.

SENATOR McDONALD: Anything further?

Representative Fritz.

REP. FRITZ: Thank you, Mr. Chairman.

You did a wonderful job today, Lou. I think you explained everything very succinctly. And I feel -- I have just one question. After this bill passes, how long will it take before that patent will be in place? Have you any idea?

LOUIS MAGNARELLI: We're already working on that. We -- at the help of the Attorney General's

Office, we found a patent attorney that -- that they knew about. And we haven't done anything obviously concrete at this point except to explore the possibilities. But we found out in that process that it's not really that complicated or drawn out to be able to protect the plant cultivar. It's been streamlined at that level.

And our scientists wear a lot of hats like I do. And -- so this attorney said to us, we're going to give you a model example and if you people are willing to do much of the write up on this, you're going to save a lot of hours on my end and you're going to save a lot of money to get this perfected. And we are thinking that it's only going to cost about \$2,000 to protect this strawberry plant which is terrific. We've cut those costs dramatically and I can honestly say they probably will be some interest beyond the Connecticut borders for this plant.

So it's just -- we have to get something back, you know, from these discoveries. Recycle it back into our system so that the taxpayers in this State can get the maximum, you know, output from whatever we're doing. And I just -- the future is right in front of us and I can see with the knowledge we have in molecular biology and all the genetics -- the work that we're doing right now that we're going to be more and more into this.

And if we discover a new pathogen in ticks -- we're working on that right now -- and it gets

into culturing techniques. Cell culturing is the way to go now. There are going to be certain formulas that we can put together. That -- that's a patentable discovery. So I publish the results ahead of time and turn it loose without getting anything back on it and I just think you have to make some changes in the agency to cope with the economic times that we're in. And we're right at that point right now where we need to do it.

SENATOR McDONALD: Anything further?

If not, thanks very much.

LOUIS MAGNARELLI: Thank you very much for your time. I appreciate it.

SENATOR McDONALD: And I believe Judge Barbara Quinn will be delayed. So next is Secretary of State Susan Bysiewicz.

SECRETARY OF STATE SUSAN BYSIEWICZ: Good afternoon, Senator Lawlor, members of the Committee. Thank you so much for the opportunity to testify on behalf of House Bill 5375. For the record, I'm Susan Bysiewicz, the Secretary of the State. And we are here to support this bill because it has emanated from our office and the intent is to modernize our business filing process. It would allow the internet filing for annual reports. We've been moving our -- our commercial recording division into the era of online filing.

**JOINT  
STANDING  
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**JUDICIARY  
PART 12  
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**2010**

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Law/gbr JUDICIARY COMMITTEE

March 26, 2010  
1:00 P.M.

JUDGE FRANK IANOTTI: Thank you, Senator.

REP. LAWLOR: Are there further questions?

If not, thanks, Your Honor.

JUDGE FRANK IANOTTI: Thank you.

REP. LAWLOR: Thanks for -- thank you.

Next is Herman Weingart. And Mr. Weingart will be followed by George Poirier and Joe Gaetano.

HERMAN WEINGART: Good afternoon, Representative Lawlor and the other members of the Judiciary Committee. My name is Herman Weingart and I reside in Franklin, Connecticut. My first tendency is to say you've already heard from Dr. Magnarelli answer the questions of the Committee members much of what I am going to say but I would like to reiterate it and back it up from a person out in the field, so to speak who has known about the Connecticut Agricultural Experiment Station for many, many years. I've been a dairy farmer and subsequent to that I was a pesticide field inspector for the DEP for the State of Connecticut for 16 years. So I think I have a pretty broad perspective on the kinds of activities that the experiment station has been and continues to be involved in.

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The dairy farmers certainly appreciate it -- the discovery of hybrid corn which was discovered and worked on -- worked on over a hundred years ago by -- excuse me -- Donald

Jones. And then as a pesticide field inspector I am very familiar with the valley Lab -- valley lab center (inaudible) know what the value is to field crop growers. My other point would be -- my different point would be to award the intellectual property of the scientists at the -- at the experiment station.

Over the many years that I've known about the experiment station they've been consistently able to attract top level talented scientists around -- around the U.S. and around the world. And this -- in addition this -- the licensing and the patenting -- patenting ability to raise House Bill 5543 would give them the ability to continue to attract this type of talent and also help the experiment station defray operating costs and invest in modern equipment which would also help them out attracting top flight scientists.

I can say from experience and knowing many of these people over the years that in addition to their -- to their scientific expertise they are told by the directors and I've known several -- I know Dr. Magnarelli quite well -- that frugality is probably sitting right there on the desk. They don't spend a lot of money but get your work done. They put in tireless hours and -- to continue to do their work.

The good news -- and additional good news in this particular situation is that there is no fiscal impact as far as the General Fund in the State of Connecticut is concerned. And I think this was expressed by Dr. Magnarelli. They

already have checked on what the cost would be and in response to Senator Kissel's question about expense. So continuing their tradition there at the station they will do the best possible job at the least cost consistent with a quality product.

I would digress for just a second and address Senator Kissel's mention of pumpkins. And this comes from my experience as a -- as a field inspector and working both at the State and in conjunction with the feds. Excuse me. Even though we love those pumpkins here in Connecticut and there are a lot of them growing at the Cohen Brothers in Ellington and other places. Well for other (inaudible) they haven't been a big deal in several years. And downstate the Jones Family Farm. And the overall picture in America -- the United States, pumpkins are a minor crop. They -- they're under that -- that window.

And even as far as experimentation and developing a product -- the chemical companies, it's a minor crop. It's not corn. It's not soybeans. It's not cotton. So to have the ability of our local experiment station be able to get on these problems at the very outset which is crucial.

It's really a big time help both as far as any plant diseases or -- or fungus diseases and any other kinds of problems that may be out there as far as agriculture and the public health is concerned with work on work on West Nile Virus, on the Lyme disease and these other kinds of

activities that the scientists at the station -  
- at the station engage in. So if you have any  
questions I'd be glad to try to answer them but  
otherwise thank you very much.

REP. LAWLOR: Well thanks, Mr. Weingart.

And I've -- and I've been on this Committee a  
long time and I think this may be the first  
time we ever had a discussion about pumpkins in  
the Committee. But it's -- it's a welcome  
relief because we're usually talking about this  
boring law stuff and it's glad to have a new  
topic introduced. But I appreciate you coming  
here and actually Dr. Magnarelli pulled me  
aside a couple of days ago to explain this bill  
because I had no concept of what -- of what the  
problem was. And -- but it's a very compelling  
argument and I'm glad that our Committee can be  
in a position to help out what is a very  
important function.

HERMAN WEINGART: Another -- Dr. Magnarelli  
mentioned this you know, the work -- hybrid  
corn started about 100 years ago. So, you know  
-- yeah, I mean the numbers weren't as big then  
but over the years it certainly has been very  
helpful. Just another point, many of these  
situations both disease related, weather  
related are kind of localized and they happen  
maybe first here in this area. And then, you  
know, right -- the point person on a lot of  
these situations.

REP. LAWLOR: That's right. And it's -- it's down  
in my area of the State and I remember growing

up always a lot of activity over there and it's an important function which can often be overlooked in a State that's not known for its agricultural prowess but that we have a lot of great tradition and innovation here.

HERMAN WEINGART: Well we need to be reminded of its history and many of our associates that say -- you know I know people in Iowa and Illinois and whatever, you know, and they've got 25 percent of the grade A farmland in the world and I say wait a minute we -- ours is better than yours. We just don't have as much. I said yeah, the Connecticut River Valley.

REP. LAWLOR: That's right.

HERMAN WEINGART: The best there is.

REP. LAWLOR: Well, thank you very much.

Are there any questions?

I'm sorry. Mr. Weingart, we have a question over here from Representative Coutu.

REP. COUTU: Mr. Weingart, I just want to thank you for all that you've done for our region, southeastern Connecticut. I know you've been an active leader down there and I know you're involved with the Farm Bureau and other organizations. So thank you for coming to testify and all that you do good for us down in southeastern Connecticut and the State.

HERMAN WEINGART: Thank you. Thanks,  
Representative.

REP. LAWLOR: And Senator Kissel has a comment or a  
question.

SENATOR KISSEL: Well -- and Mr. Weingart, I wanted  
to thank you for your kind words and I -- and I  
can already envision the pitch that we're going  
to have. It will be like a picture book. It  
will be the Halloween without a pumpkin. What  
life would be like without Connecticut's  
Agricultural Experiment Stations. And we can  
send it out through the school system so that  
all our young people can appreciate all the  
good work. You know, without a doubt Chairman  
Lawlor is exactly correct. Here we are  
wrestling with very difficult decisions,  
nuanced legal battles and to champion something  
that for decades I've recognized has -- has  
been very, very good for the people in the  
State of Connecticut. And you know what, I can  
see the Connecticut River from my front steps  
and I do live in that Connecticut River Valley  
and it is some of the --

HERMAN WEINGART: [Inaudible.]

SENATOR KISSEL: -- and my first job was at 14  
picking tobacco. So believe me, I've seen  
agriculture up close and personal. And I  
appreciate everything that folks do out there.

HERMAN WEINGART: Who -- who did you work for.

SENATOR KISSEL: I worked for Kendrick's -- Lex and Phelps Kendrick in Windsor, Connecticut.

HERMAN WEINGART: That's before my time.

SENATOR KISSEL: Okay.

HERMAN WEINGART: Well no, I mean --

REP. LAWLOR: He's kind of old (inaudible). Yeah.

SENATOR KISSEL: Excuse me.

HERMAN WEINGART: That's not what I mean. I've known about (inaudible) ever since I was this high. But -- but knowing the people that plowed in the Valley is, you know, we were dairy farmers and dairy farmers don't get away -- very far away from the mountain.

(Inaudible.)

SENATOR KISSEL: It was the Poquonock area of Windsor and it's Lex and Phelps Kendrick. Kendrick Farms and now it's a subdivision.

HERMAN WEINGART: Thank you.

REP. LAWLOR: Thanks again, Mr. Weingart. Thanks for coming by. Sorry you had to listen to all this law stuff leading up to this.

Next is George Poirier.

GEORGE POIRIER: Good afternoon. Honorable representatives and senators, my name is George

HB 5541

CARLENE KULISCH: If I were a Judiciary Committee member I'd be voting for 50 -- 5543.

REP. LAWLOR: Well you and I feel the same way then.

CARLENE KULISCH: Okay.

REP. LAWLOR: Next is Bill Leahey.

BILL LEAHEY: Good afternoon, Representative Lawlor and other members of the Judiciary Committee. My name's Bill Leahey and I am here today to support House Bill 5543. And I'm going to be short and sweet. I have an 80 acre farm in Suffield that is a family business. On the farm we produce broad leaf tobacco, hay, straw. I have a greenhouse operation and also a small herd of beef cattle. I am also President of the ConnMass Tobacco Growers Association. The Connecticut Agricultural Experiment Station is extremely important to the farms of this State.

And I can speak specifically of the Connecticut River Valley. Our direct contact with the experiment station is with the Valley Laboratory in Windsor. One of the things scientists do at the experiment station is work on improving many plant types and introducing new varieties. Much work has been done over many, many years to incorporate genetic plant resistance to plant pathogens.

The Connecticut Agricultural Experiment Station should have protection for new plant varieties and other discoveries through regulation in the State statutes while seeking patents,

trademarks and licensing agreements so it can be documented they took place here in Connecticut at the Connecticut Agricultural Experiment Station. I know our agricultural industry was saved by work done at the experiment station. Thank you.

REP. LAWLOR: Thank you, sir.

Are there any questions?

Well thanks and a special note of thanks to all of you who are advocating on a cause that doesn't often come before this Committee. And I think we've learned a lot today through your different presentations. So I do appreciate it. Thank you for coming today.

BILL LEAHEY: Thank you.

REP. LAWLOR: Thanks for your patience too.

Henry Beck.

HENRY BECK: Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to be here before the Committee and express support for Raised Bill 5530, AN ACT CONCERNING THE CONNECTICUT BUSINESS CORPORATION ACT. My name is Henry Beck. I'm a partner at Halloran and Sage in Hartford practicing in the area of business and corporate law. I'm also the Vice Chair and Legislative Liaison of the Business Law section of the Connecticut Bar Association. The Business Law section includes

## TESTIMONY

## JUDICIARY COMMITTEE

HB 5543

March 26, 2010

Good afternoon Mr. chairman and members of the Judiciary Committee. My name is Sanford Cohen. I would like to voice my support for HB5543.

I am third generation family farmer in Ellington producing field corn, pumpkins, tobacco, rye, straw, hay and mums. We farm over 600 acres in Ellington, East Windsor, Vernon., and Somers.

Over the years and through the generations the dedicated and capable staff of the experiment station has been a tremendous asset to the farmers and all the citizens of Connecticut by their work in researching and developing new and improved plant varieties resistant to disease, and insects while improving market characteristics. This is in addition to continuing education of the farm community to the latest research in producing quality products for local and world markets. Our direct contact with the Valley Laboratory has enabled us to identify and control pest and disease problems in a timely and effective manner.

The research being done at the Connecticut Agricultural Experiment Station is deserving of the provisions of HB5543 to aid in the continuation of their mission, with all the recognition and rewards so justly deserved.

Thank you.

Sincerely,



Sanford Cohen  
Cohen Farms  
Ellington

March 26, 2010

## JUDICIARY COMMITTEE

HB 5543

Good afternoon members of the Judiciary Committee. My name is Bill Leahey and I am here today to support HB 5543.

I have an 80 acre farm in Suffield that is a family business. On the farm we produce broadleaf tobacco, hay, straw, have a greenhouse operation and also a small herd of beef cattle. I am also president of the Conn Mass Tobacco Growers' Assoc.

The Connecticut Agricultural Experiment Station is extremely important to the farmers of this state and I can speak specifically of the Connecticut River Valley. Our direct contact with the Experiment Station is with the Valley Laboratory in Windsor.

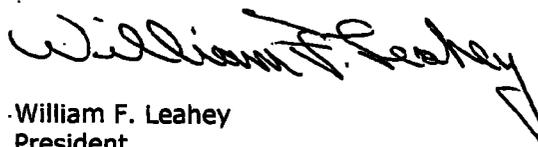
One of the things scientists do at the Experiment Station is work on improving many plant types introducing new varieties. Much work has been done over many many years to incorporate genetic plant resistance to plant pathogens.

The Connecticut Agricultural Experiment Station should have protection for new plant varieties and other discoveries through regulation in the state statues by seeking patents, trademarks and licensing agreements so it can be documented they took place here in Connecticut at the Connecticut Agricultural Experiment Station.

I know our agricultural industry was saved by work done at the Experiment Staton.

Thank you.

Sincerely,



William F. Leahey  
President  
Conn Mass Tobacco Growers' Assoc.



# The Connecticut Agricultural Experiment Station

PAGE 5  
LINE 8

123 HUNTINGTON STREET BOX 1106 NEW HAVEN, CONNECTICUT 06504

Founded 1875

Putting science to work for society

Judiciary Committee  
March 26, 2010

Good afternoon Senator McDonald, Representative Lawlor, and other members of the Judiciary Committee. My name is Louis Magnarelli. I am the Director of The Connecticut Agricultural Experiment Station and support Raised Bill No. 5543.

The Connecticut Agricultural Experiment Station, the oldest agricultural experiment station in the United States, has a rich history of making highly relevant discoveries for society. The pioneering work that led to the discovery of vitamin A, development of a high-yielding variety of hybrid corn, and production of new varieties of mountain laurel are some examples of research accomplishments.

During our 135-year history, however, there has been a lack of statutory authority for this agency to protect new plant cultivars and other inventions and to seek patents and licensing agreements. The current economic times are such that we need another source of revenue to re-invest in our research programs. This Experiment Station must become more self-sufficient.

Science technology has advanced greatly in the past 15 years, and we now have the tools to produce plants that are resistant to fungus infections and insect pests. Our goal to reduce pesticide use in agricultural settings is being accomplished. We now have new plant cultivars, such as strawberry, that show resistance to important pest problems and should be protected by patents or licensing agreements. Our growers are eager to include these plants in their farming operations because there are fewer options for pesticide treatments. These newly developed plants will be good for our environment and farmers. With reduced pesticide use, there will be lower farm costs and less human exposure to pesticides.

I asked our Attorney General's office for assistance on writing the new language for statutory authority. Current state laws on patents and royalties for the University of Connecticut served as a model. However, we made some changes that seem to better fit our needs. Moreover, we are aware of the federal Bayh-Dole Act, 35 U.S.C. Sec. 202, which requires, among other things, that non-profit organizations receiving federal grant funds must share patent royalties with inventors.

In the years ahead, we expect to make other discoveries, which will introduce better plants for society. It is hoped that you will support us in implementing the appropriate statutory language. Thank you.

Sincerely,

Louis A. Magnarelli, Ph.D.  
Director

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