

PA 11-244

HB5567

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
370 – 743**

2011

REP. TABORSAK: Any other questions from the committee?

Thank you, Representative.

REP. LESSER: Thank you.

REP. TABORSAK: Representative Rose. Is Representative Rose here? Okay, we'll skip Representative Rose now.

Is Representative Urban here? No? Okay.

Is Senator Hartley here?

Okay; we'll start taking members of the public. And the first speaker we have is Sandy Austin Goldstein, followed by Gerard Keegan, followed by Paul Costello.

Sandy Austin Goldstein.

Thank you. Can you press the button so that the microphone lights up there?

SANDRA AUSTIN GOLDSTEIN: Sure.

REP. TABORSAK: There you go.

SANDRA AUSTIN GOLDSTEIN: Good morning.

My name is Sandy Austin Goldstein. I live in Newington, and I'm the mom of an 11-year-old, little leaguer.

HB 5567

I'm here to talk to you today about the need to require batting helmets at batting cage facilities in Connecticut. I brought my son to little league tryouts last spring at Baseball City, which is an indoor batting cage center in Hartford, and I'm sure that what I witnessed

there is replicated throughout the state at other batting cages. At the tryouts, I thought that everyone in the batting cages would be wearing batting helmets, that it would be a no-brainer, but I was wrong. What I observed was that the teens and adults working there, running the tryouts, who were operating the pitching machines and fielding balls, did not wear batting helmets.

What I also observed after the tryouts were that batters using the batting cages were not wearing helmets at all. For those who operated the pitching machines, there was a net, protective barrier in front of them, but nothing covering their heads. The ones retrieving the balls to the side were not covered by the barrier.

According to their pitching machine manufacturers, these machines have the ability to pitch at maximum speeds from 70 to 100 miles per hour. Their batting cages are 70 feet long, giving room for a pitching machine to shoot out balls and the staff to field them. If the machine were to be placed the distance from a little leaguer's pitcher's mound to home plate, which is 46 feet, the batter would have a reaction time of about four-tenths-of-one-second to hit or turn away from the pitch.

There are many factors that come into play when determining the exit speed of a ball heading toward the pitcher and fielders, but baseballs have the potential of travelling at highway speeds, whether you're facing the pitching machine or the batter.

Baseball players from T-ball all the way up to major leagues are wearing batting helmets when they're playing baseball. They're an accepted

piece of equipment in the sport. They are scientifically proven to significantly reduce injuries, and it defies logic why this piece of safety equipment is not mandatory in batting cage facilities.

Without batting helmets, anyone in a batting cage is at risk for concussions, blindness, facial fractures, permanent brain injury, and more. Batting cage owners need to step up to the plate and protect batters by requiring batting helmets. It will help keep the cost to their liability and workers' insurance compensation down. It will help protect the quality of life for their players, and it will be a proactive way to reduce the significant risk of accidents that needlessly exists today.

Please consider voting in favor of this bill so we can prevent a tragedy before it happens.

Thank you for your time.

REP. TABORSAK: Thank you, Mrs. Goldstein.

And I think we have a couple questions here.

Representative Nafis.

REP. NAFIS: First, I want to welcome you and thank you for bringing that, the concept to us, to Senator Doyle and I. And, you know, we were able to introduce it.

As you and I spoke on the phone, I -- I think this is one of those things that sometimes you just assume people are doing. And -- and certainly from a safety perspective it seems as though it's something that just logically you would wear a helmet when you're going in a cage. I -- I know when my own children did little league, I mean, that was just -- they

wore a helmet; that was the way it was.

So the one thing that someone did raise was about possibly the sanitizing of them, if people were going to wear them. And, I guess, had you thought about that at all? Is there any idea you might have in that regard?

SANDRA AUSTIN GOLDSTEIN: Uh-huh. They do have the batting helmets available for people to wear. Whether or not they bring their own batting helmet is up to them.

REP. NAFIS: All right. Well, thank you so much, again. I -- again, I think this is something that we don't often think about but it could very well save somebody's life, and we appreciate you coming up today.

Thank you.

REP. TABORSK: Any other questions from the committee?

Representative D'Amelio.

REP. D'AMELIO: Thank you, Mr. Chairman.

Maybe not so much to the gentle lady here but maybe someone on the committee, I've never witnessed a high school or a little league baseball team where a batter was up without a helmet. So I believe we require or the law requires that; it's just common sense. And I just thank you for bringing this -- this issue to our attention, because I -- I assumed, like Representative Nafis that this just occurs, I mean automatically. It's just common sense that if somebody's throwing something at you at a hundred miles an hour, you're going to have some kind of protection on your head.

So thank you.

SANDRA AUSTIN GOLDSTEIN: The --

REP. D'AMELIO: And if anybody knows if the law requires high school or little league, I'd appreciate that answer at some point.

SANDRA AUSTIN GOLDSTEIN: The -- the children were wearing them. You know, the situation that I saw was that the older teens and the adults were choosing not to, and it wasn't enforced that they did.

REP. TABORSAK: Okay. Thank you for that clarification.

Any other questions here?

Senator Doyle.

SENATOR DOYLE: Thank you.

Thank you, again, Ms. Goldstein for coming and spending the time to come up. I just had a quick question, and maybe a little uncomfortable.

But with -- in your observation, was anybody hurt at that point or it's just you observed the balls that were whizzing in and the potential for someone being hurt?

SANDRA AUSTIN GOLDSTEIN: Right, no injuries that I saw.

SENATOR DOYLE: Good; okay.

Thank you, very much.

REP. TABORSAK: Thank you for your testimony today.

02/22/11

House Bill 5567

Committee on General Law, Room 2E

AN ACT REQUIRING THE USE OF HELMETS WHILE USING BATTING CAGES**The Need for Batting Helmets at Public and Private Batting Cages**

Good morning.

My name is Sandra Austin Goldstein. I live in Newington and I am the mom of an 11 year old Little Leaguer.

I am here to talk to you today about the need to require batting helmets at batting cage facilities in the state of Connecticut.

I brought my son to Little League tryouts last spring at Baseball City, an indoor batting cage center in Hartford. I am sure that what I witnessed there is replicated throughout the state at other batting cage facilities.

At the tryouts, I thought that everyone in the batting cages would be wearing batting helmets, that it would be a "no brainer", but I was wrong.

What I observed was that the teens and adults running the tryouts who were operating the pitching machines and fielding balls did not wear batting helmets. What I also observed after tryouts were batters using the batting cages without any helmets at all.

For those who operated the pitching machines, there was a net "protective barrier" in front of them, but others retrieving balls to the side of them were not covered by this barrier.

According to their pitching machine manufacturers, these machines have the ability to pitch from 70 -100 miles per hour (mph.)^{1,2}

¹ "Iron Mike" pitching machine, manufactured by Master Pitch, www.masterpitch.com

Their batting cages are 70 feet long, giving room for a pitching machine to shoot out the balls and the staff to field them. If the machine were to be placed the distance from a Little League pitcher's mound to home plate-46 feet-the batter would have the reaction time of about four tenths of one second, to hit - or turn away from- a pitch.³

There are many factors that come into play when determining the exit speed of a ball heading toward the pitcher and fielders, but baseballs have the potential of travelling at "highway speeds" whether you're facing the pitching machine or the batter.

Baseball players from T-ball all the way up to the Major Leagues wear batting helmets when they're playing baseball. They are an accepted piece of equipment in the sport, they are scientifically proven to significantly reduce injuries and it defies logic why this piece of safety equipment is not mandatory in batting cage facilities.

Without batting helmets, anyone in a batting cage is at risk for concussions, blindness, facial fractures, permanent brain injury and more.

Batting cage owners need to step up to the plate and protect batters by requiring batting helmets.

It will help to keep the cost of their liability and worker's compensation insurance down, it will help protect the quality of life for their players and it will be a proactive way to reduce a significant risk of accidents that needlessly exists today.

Please consider voting in favor of this bill so that we can prevent a tragedy before it happens.

Thank you for your time.

Jandra Austin Halderson

² "Hack Attack" and "Jr. Hack Attack" manufactured by Sports Attack, www.sportsattack.com

³ Little League Inc. safety newsletter, As Safe As Possible (ASAP), June 2010 • Volume 17/Number 3

H – 1111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 20
6542 – 6897**

The bill passes.

Will the Clerk please call Calendar No. 148.

THE CLERK:

On page 36, Calendar 148, House Bill No. 5567, An Acted Requiring Minors to Wear Helmets in Commercial Baseball Batting Cages, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark, Representative Taborsak?

REP. TABORSAK (109th):

Thank you, Madam Speaker.

Madam Speaker, the Clerk is in possession of an amendment, LCO No. 7148. I ask that the Clerk call the amendment and I be granted leave of the chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO No. 7148, which

will be designated as House Amendment Schedule "A".

THE CLERK:

LCO No. 7148, House "A", offered by
Representatives Taborsak, Rebimbas and Becker and
Senator Doyle.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize.

Is there objection? Is there objection?

Seeing none, Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker. Madam Speaker, this amendment is a strike-all amendment and essentially what it does and what the bill will do is that it will require any person under the age of 18 years entering a commercial nonprofit or municipally operated baseball batting cage to wear protective headgear that meets the ordinary standards of performance specifications as defined by the National Operating Committee on Standards for Athletic Equipment.

Madam Speaker, this bill is very much a public awareness campaign modeled after our very-familiar-to-us-all bicycle helmet law, Connecticut General Statutes 14-286d.

And we believe that it's important to prevent our

young children from being injured in these batting cages, and I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the chamber is on adoption.

Will you remark further? Representative Taborsak.

REP. TABORSAK (109th):

I move adoption, Madam Speaker, of the amendment.

DEPUTY SPEAKER ORANGE:

The question before the chamber is on adoption of House Amendment Schedule "A".

Will you remark on the amendment?

REP. TABORSAK (109th):

Yes, Madam Speaker, the amendment --

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

I'm sorry, through you, which I attempted to summarize, is very much a public awareness campaign that will require the wearing of protective headgear on people under the age of 18 years of age when in baseball batting cages.

I move adoption of the amendment and the bill as amended.

DEPUTY SPEAKER ORANGE:

Will you remark further on House Amendment
Schedule "A"?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. Madam Speaker,
questions through you to the proponent of the
amendment.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker. Representative
Taborsak, in your bringing out the amendment, you
indicated it was a public relations campaign.

Can you explain to the chamber what that means?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, unless I misspoke, I
didn't mean to say it's a public -- very much a public
awareness campaign, very much like our bicycle helmet
law, Connecticut General Statute 14-286d.

What I mean by that, to the gentleman, is that a
violation of this legislation if it were to become law
would not do a number of things.

It would not create a civil action. It would not be a criminal offense.

What it basically is is a statement of public policy. I think most of us would agree that when we did this with regard to children -- requiring children to wear bicycle helmets, what we saw was people realized that that was something that was very important to do.

And I think it's had a very positive effect on people's conduct in making sure that they are children wear bicycle helmets.

So that is what I meant by describing it as a public awareness campaign.

I appreciate the gentleman's questioning.
Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. Through you, Madam Speaker, with regard to the analogy to the bicycle helmet law, is that as well something that is just stated in our law that has no penalty for noncompliance?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through, Madam speaker. That is correct.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, it's my understanding that if, let's say, a commercial establishment who had a batting cage did not even make available batting helmets for their customers to use, they would not be subject to any liability in the event that customer got injured?

Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

That is correct, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madam Speaker, so if you don't -- if you go into a batting cage and you don't have a helmet, nothing happens to you civilly or criminally; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Under this proposed legislation, through you, Madam Speaker, nothing would be changed with respect to the Representative's question. That is correct.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, if you were a commercial establishment that makes money by providing a batting cage and you didn't even have to provide batting helmets, should somebody go there, want to use the thing, there's no batting helmet, they get in the cage, they get hit by a ball, there's absolutely no liability to proprietor of the establishment; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

What I -- because I believe the Representative's point is valid, but I'd like to simply point out that what -- what I would say to that is that a violation

of subsection (a) of this legislation would not create -- which is really the guts of the bill, would not create a civil action.

So I would agree with the Representative to the extent that that is his question.

If, however, something else were to happen, say, a batting -- a pitching machine were malfunctioning and someone were injured as a result of such a thing, this legislation doesn't address those kinds of hypothetical scenarios.

And so I think just to clarify that, hopefully that answers the question.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. I think what the good gentleman is saying is are normal laws of negligence should the establishment have a faulty batting machine that propelled the ball in an errant way and someone got hurt or there was some other defect with the establishment, certainly under our current law they would be liable of negligence.

But with regard to the issue of not providing a batting helmet for their establishment, there would be

absolutely no liability with regard to this law. Is;
that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

That is -- I would agree with that statement.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. I would only point out
to the chamber that different from the bicycle helmet
law --

The bicycle helmet law is sort of an individual
thing. Kids have bikes. And whether or not their
parents choose to purchase a bat -- excuse me, a bike
helmet, and make them wear it is an individual
decision.

No one, for the most part, is making money in an
establishment off making a kid ride a bike. A kid
wants to ride a bike, he rides a bike.

He wants to wear a helmet, he wears a helmet. If
he doesn't want to wear a helmet, he doesn't.

So therefore, the law that -- that we're

comparing this one to actually said, you know, you must wear a helmet. But if something -- if you don't, nothing's going to happen to you criminally or civilly.

This is slightly different, because most batting cages are commercial establishments. People make money off having kids come in because it's not every day you find a batting cage.

And what this now says is, yes, it's encouraging people, saying you must wear a batting helmet; but it's also saying very loud and clear in subsections (b) and (c) if you don't, don't worry about it. Nothing's going to happen to you.

As a matter of fact, in subsection (c) it says, if you are a person or -- which could be defined as a corporation or a municipality, you face absolutely no liability whether you provide batting helmets or not.

And I think that's the distinction between this law and the bicycle helmet law, I would argue.

So that gave me pause when I saw certain the language of the bill. Now, that being said, is it good for the state to promote the wearing of batting helmets? Absolutely. It should be our policy. That doesn't necessarily mean that every policy has to be reduced to a law.

We should do public service announcements. We

should do public education announcements about the importance of having kids who use or adults, for that matter, who use the facilities of a batting cage to wear a helmet.

But I'm a little concerned that this says it in -- in one paragraph and two paragraphs later basically says to those people who make money by having a batting cage, don't worry about it, nothing's going to happen to you if you screw up.

Or, in fact, save the expense, don't buy the batting helmets, it will be a BYOBH, bring your own batting helmet. And if the kid does or doesn't, so what?

Different sort of situation. That's what raised the concern in my mind.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

That's correct, Representative Cafero.

Will you care to remark further? Representative Clark Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. I rise in opposition to the amendment before us partially for the reasons that the Minority Leader just articulated.

But as I read through the amendment, I see

nowhere does it differentiate whether any sort of a pitching machine is in operation or whether it's not under the bill before us.

I know in my own experiences in going to battle cages with my own kids, it's frequent that there are teens working in these -- teens working in these establishments.

And before work starts or after work ends, one of the things they have to do is go in there and sweep and get the balls that are stuck in the nets.

And in this particular case, I don't see any reason or any public benefits in having them wear batting helmets when the machines aren't even on.

So I regretfully have to oppose the amendment before us.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Would you care to remark on House Amendment Schedule "A"? Will you care to remark?

Representative Rowe. Good evening.

REP. ROWE (123rd):

Good evening, Madam Speaker. Maybe, through you, a few questions, if I might, to the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. ROWE (123rd):

Thank you. Does this apply also -- it talks about a municipally operated baseball batting cage.

If a batting cage is exclusively softball, would this apply to that as well?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSK (109th):

Through you, Madam Speaker. Yes, it would.

DEPUTY SPEAKER ORANGE:

Representative Rowe.

REP. ROWE (123rd):

And the -- the section that the Minority Leader was talking about which sets forth that there's going to be no cause of action created under this, would the gentleman agree with me that -- that currently under current law, one would have a cause of action whether there be liability or not, but then one could bring a cause of action if they went into a baseball cage without a helmet and for whatever reason they got hit in the head with the baseball, whether it's pitched or off a foul ball, whatever, and were injured?

Under current law, would he agree that there

would be at least a -- the basis for a cause of action?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSK (109th):

I guess I would have to ask the gentleman to -- if he could just rephrase that question for me.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rowe.

REP. ROWE (123rd):

Okay, sure.

I'm going into the Shelton batting cages, and I'm pretty good. In fact, I do go into the -- the fast cage they have there on River Road in Shelton -- no, I do -- is -- they say it's about 80 to 90 miles an hour.

So I go there and I don't have a helmet. And this is before I became of age. But I still go there and I can still hit the fast ball, as a parenthetical.

But I'm there, I'm under 18, and the ball comes in and hits me in the head. I'm standing in the batter's box. I'm where I should be. The ball comes in and hits me in the head.

Would I have a cause of action under that basic hypothetical under current law?

Through you, please.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, I guess -- I think if I understand the Representative, I -- I would say that it's possible that you would have a cause of action.

I would say that you wouldn't have a cause of action by stating that someone violated subsection (a) of this legislation and that was the facts on which you relied for a cause of action, but you may under that hypothetical scenario have a cause of action.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rowe.

REP. ROWE (123rd):

Well, my question is current law, without this -- talking without this strike-all amendment. Under current -- like today, if a couple of 16-year-olds went out and did this, the only -- well, the primary claim of negligence was that they were allowed to enter into a facility -- batting cage facility without a helmet on and they got injured, a head injury that

would have been prevented had they been wearing a helmet, does a cause of action exist for that currently?

Through you, please.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. I am not aware of a cause of action that would lie on solely the basis of someone entering under the age of 18, entering a batting cage without a batting helmet on at this time.

However, I can't say for certain that someone hasn't succeeded in this state in bringing such a cause of action.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rowe.

REP. ROWE (123rd):

Okay. I might disagree that -- I think there would be one, and certainly there's a lot of creative lawyers around. You know those members of the plaintiff's bar. But I think there probably ought to be.

So my concern is that one of the things we're doing -- and I recognize this is -- you can say

public -- public -- a public advocacy campaign to get this out there.

But in doing that, in trying to get people to exercise common sense, that Section (c) in my view changes existing common law, frankly.

So I think that's -- that's a difficulty.

Beyond that, you know, I guess it's been softened a bit since it made it -- went through the committee process.

You know, the fact that we've got to spend time legislating common sense to people, whether it's a commercial business or parents that bring their kids there is unfortunate.

It seems that many things we do these days in this chamber have to do with legislating common sense. And I'm not sure if the people of the State of Connecticut bereft of common sense or if it's a diminishing quality or characteristic. I won't comment on that.

But I just like -- I just would like us to stay away from passing a law so that folks use common sense.

But I guess, as I've said on some other legislation, we've -- we've done and will do far' worse than this, and the intention on this is certainly -- has merit.

I think on balance, I won't be supporting it. But I appreciate the colloquy and the gentleman's answers.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule "A"?

Representative Shaban, you have the floor.

REP. SHABAN (135th):

Thank you. Madam Speaker, through you, a couple of questions to the proponent, please.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker. Piggybacking off the comments of the previous speakers, you know, I, too, raise some concern about --

I categorize these as don't-run-with-scissors laws. It's -- it's -- I'm not sure it's really the place of passing a statute.

But to define your point, Section (a) of the amendment, which will become a bill if passed, lists four entities or people -- says no person may enter into a commercial nonprofit or municipally owned batting cage. So there's four entities listed there.

In Section (c), it says no cause of action shall arise against nor shall any liability be imposed against any person or a municipality. So we're only talking about two.

My question through you, Madam Speaker, was that on -- was that an intentional omission of those middle two entities?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. No, that language is intended and for legislative intent. I appreciate the gentleman's question.

Subsection (c) is intended to state that a violation of subsection (a) to all of the entities described therein will not create a cause of action.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. I thank the gentleman for his answer.

I -- I guess just add to the core of my concern is subsection (c) actually lowers the bar, while the

intent of the bill is obviously a good one, public safety, do the right thing, use your common sense.

Subsection (c), as the previous speaker mentions, lowers the bar, because under existing law, I would argue -- and I think I'm probably right here -- that operations of a commercial batting cage are required to operate their commercial business in a reasonable and safe manner.

And if you're going to operate a batting cage, one of the ways you do that in a reasonable and safe manner is to provide helmets. Much as if you're operating a climbing gym, you're supposed to supply mats and safety harnesses.

This would be, in my opinion, the equivalent of mandating safety harnesses in the climbing gym, but if you don't provide them, no worries, you're not on the hook civilly or criminally.

So for those reasons and the reasons spoken about before, I can't support the bill, but I will support the effort if it does in fact fall back to a public awareness campaign.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the amendment

before us?

Representative Rebimbas, you have the floor,
madam.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Madam Speaker, I rise in support of the amendment, and I have listened attentively to all of these prior speakers that did point out some very good points, possibilities of some weaknesses or improvements could be made to this amendment.

But I certainly do respect the intent of it, which is to bring the awareness or the importance of protecting children in batting cages under the age of 18 who otherwise unfortunately would not take it upon themselves to respect the potential liability -- damage that could be caused if they were to be hit by the ball.

For legislative intent, through you, Madam speaker, a few questions to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Madam Speaker, through you, just for clarification purposes, this amendment that if passed will become the bill would have no

impact on private cages owned, for example, privately at a residential home; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Also, Madam Speaker, to the proponent of the bill, not sure whether or not he would know this question, but I think one of the points that was raised earlier -- a very good one -- by the Minority Leader regarding the relationship between the current helmet laws for people who ride bikes, that it is an individual, private decision in that regard whether or not to have a child wear a helmet, and I know that this was modeled from that.

Through you, Madam Speaker, if the Chairman of the committee knows whether or not when it comes to rental of bicycles if children under the age of 18, if there's any law in existence that requires them to have helmets.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

My understanding, through you, Madam Speaker of Connecticut General Statute 14-286(d) is that it pertains to children 15 years of age or under, operating a bicycle. And, so that I think that bicycle could include a rented bicycle, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And, just to clarify my question, would be under current statutes when it comes to helmet laws, if there was a facility that rented a bicycle and -- are they liable under current law to also provide helmets? So, in other words, I'm trying to compare this to the batting cage facility because it was a comparison made of an individual decision between maybe a parent and a child whether or not to require that child to have a helmet. The distinction was made that that's different from when you go to a commercial batting cage that you actually

pay for it. So, my question is if you go to a facility and actually rent a bicycle and it could be a commercial facility whether or not there is a liability on that commercial facility that rents the bicycle if a helmet is not provided to a child under the age and it may be under the age of 15, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. Yes, the entities renting bicycles under the statute that the Representative has described are required to make available helmets to people renting bicycles from them, that is my understanding and reading of the law and they may charge a fee for the helmet rental and it is considered a violation -- excuse me, a violation of that subsection is considered an infraction, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And, I want to thank

the Chairman for his response because I think as we move forward and we have debates regarding these different amendments and bills that pass through the house, we can see maybe how we could improve on these. Certainly the intent I think is a very good one in the sense of once again raising the awareness of an issue that wasn't being properly addressed and I think that there is a distinction here of what was previously represented as common sense not running with scissors but I do think there is a higher sense of standard in this situation where we do have commercial locations that have these batting cages so it's not simply informing people but making it aware to the business community that they do collect a fee and they should be providing these helmets. I think again the intent was not to punish so much the business community in the sense of not being able to comply with this, but certainly maybe that's something moving on in the future if we see that that's necessary, that the businesses are not taking it upon themselves to be responsible enough to assure the safety of these children, that might be something that this chamber would want to entertain in the future as well in that

regard. And, also through you, Madam Speaker, just one more final question for legislative intent.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. REBIMBAS (70th):

For legislative intent, through you, Madam Speaker to the Chairman of the committee, would a commercial location or municipality, someone who operates the batting cage other than the private party, those that are mentioned in the Amendment, would this simply the liability for being responsible to provide a helmet for a child under the age of 18, only be when the batting cage is actually in operation, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. I would say for legislative intent that the intent again of the bill is for persons under 18 to wear headgear while in a batting cage for the purpose of batting -- practicing batting, whether it be softball or baseball, so I think it's fairly understood that that is the intent

that this is for people that are in batting cages for the purpose of batting, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And, I want to thank the chairman for his responses. I think that Representative Chapin had raised that issue and it was a very good one because many a times there could be minors, children under the age of 18 in a batting cage for other purposes such as picking up the balls or any other purpose that they may have other than actually practicing their batting. So, I think that's very important also for legislative intent. So, once again, Madam Speaker, thank you for your time and thank the Chairman for his answers to the questions and I do rise in support of this Amendment.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on House Amendment Schedule A? Representative Klarides, you have the floor, Madam.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Madam Speaker, through

you, just a few questions to the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed, Madam.

REP. KLARIDES (114th):

Thank you. Madam Speaker, I know some of my colleagues have asked questions about the purpose of this bill and I know we've already heard that it was for public awareness and I do applaud that part of it, but through you, if the proponent could explain why typically in situations like this where we make laws for whether they're seatbelts or bicycle helmets for the safety of whomever it is we are trying to protect, there is some sort of penalty, whether it's criminal or civil or an infraction or the like, if the proponent can extrapolate a little bit as to what the reasoning for this language was, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. The only example that I can point to again, is the bicycle helmet law that -- again, I think most people would agree was successful without really having a hammer so to speak

for people that didn't exactly comply with it, but it was a successful campaign, a successful public policy that has I think resulted in bringing up public awareness on the importance of wearing helmets and I think most of us would agree that that's a good thing and that it has worked and that this is similar enough that this legislation is similar enough that it should work for this legislation as well, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And, through you, it's my understanding if the proponent has any knowledge of this, I would appreciate it. It's my understanding that people that own these types of establishments, these batting cages, must avail themselves of insurance for these purposes. Is the proponent aware of that, through you?

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, I'm not aware of a

law that requires them to carry insurance. I think any prudent business person opening a batting cage would go out and acquire insurance and I would not be surprised at all and it's probably the case that most insurance carriers would want to see usage of these helmets, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides:

REP. KLARIDES (114th):

Thank you, Madam Speaker. I think I would agree with him on that response. But, I guess where I get a little bit confused is if I own a batting cage business, clearly any prudent business person, to use the proponent's words, would avail themselves of insurance for these purposes. And, it's my understanding that these insurance policies mandate the owner of the business to have batting helmets available if a child comes in without one to post signage to make it very clear and plain and in plain sight of these helmets. So, once again, I do applaud the intent of this, but it is my understanding that in most of these establishments that this kind of information is available and why wouldn't we instead

of making a law that has no penalty and therefore doesn't necessarily incent anyone to do this but for the fact that it's out there, why don't we have this public information at these establishments, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

I'm not certain, through you, Madam Speaker, I understand the question. If the Representative could clarify what public information she's referring to, that would be helpful to me, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Just saying that batting helmets are good and safe and we would think it was a good thing for safety concerns to -- whether it's nonprofit or commercial or municipal as we've talked about in this bill, to say send out information and educate the places that have these types of batting cages as to why it's safe which I presume -- I

mean this seems like a common sense thing to me, obviously, I mean I wouldn't have my child go and have a ball thrown at them without a helmet on their head, but as I said I understand we want to get as many people knowledgeable on this matter as possible. I just don't necessarily see how having a law with no penalty allows that to happen when we could maybe just do some sort of public service sending out information through, I don't know, the Secretary of State's office or somebody like that, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, this bill is limited to really focusing on the usage of helmets in batting cages. I'd be glad to talk to the gentle lady in the next session about some of those other good ideas she has, through you, Madam Speaker..

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And, I understand we have no penalty in this bill, but who kind of enforced

this, I mean, what happens -- you go to this batting cage and your child doesn't have a batting helmet and because we have no penalty, I mean is it up to the owner of the establishment or -- I would presume we already have a burden on the parent because you're responsible for your minor. What would we hope to get from passing this bill I guess is what I'd like to know besides the public information. Would we like to have the business owners or the municipality or the nonprofit be the ones that go in and say, you can't use my facility unless you have a batting helmet? I mean, is that our intention here, through you?

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. We would like to raise the awareness of users of batting cages, parents of children that use batting cages, entities that own and operate batting cages and hope that through this those types of operations would conform their facilities to the law, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And, just one final area. If the proponent is aware, as of now if we don't have this, if say this bill went away today and we weren't discussing it, if he's aware if a child went to a batting cage and they didn't have a helmet and they got injured and then they subsequently sued the owner of the batting cage and then the owner of the batting cage said in that lawsuit, well it's contributory negligence because you didn't have a helmet on. So, for these few questions, let's make believe this bill doesn't exist. So, just in a plain negligence lawsuit, if the proponent is aware, would not wearing the batting helmet be able to be used as contributory negligence, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. Only in my experience, defense counsel will raise many things, many omissions acts as acts of contributory negligence, I'm sure that they would consider that sort of a claim, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. And, that is the same experience I've had. The reason why I asked that question is because in line 11, I'm concerned that we are stating and we will be stating in statute that it says failure to wear protective headgear as required by subsection A will not be considered to be contributory negligence on the part of the parent or guardian of someone under 18. And, I guess my concern with that particular section is if now without this bill it can be contributory negligence and quite frankly it should be at least be able to be brought up as an issue, this is actually taking that away and in my opinion, changing our civil laws, in a way, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Madam Speaker, I believe there wasn't a question asked that that was a statement and if there's a question I'd be glad to respond, through you, Madam

Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. Through you, does the proponent believe that the language in lines 10 and 11 changes our present civil law on negligence claims and contributory negligence in regards to not wearing a batting helmet, through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

What I believe that subsection B does is that it states that failure to wear protective headgear as required by subsection A, so it speaks specifically to the statute, shall not be considered to be contributory negligence. So, to the extent that this is not current law, I do not believe that it does. It is very specific to that subsection, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. I thank the gentleman for his answers. I do have a concern with making a law that makes something and then has no penalty, but my bigger concern right now is I do agree with the public -- giving the public information and I would be inclined to support this. I have a very serious concern and I think as an attorney and with Representative Taborsak in the same boat, I don't think either one of us can actually answer this question because as far as the contributory negligence part and I'm very concerned that this is actually in an unintended way, but in a very real way, changing our negligence statutes and the ability for somebody to bring a lawsuit and as the Representative mentioned, the items that may be brought up as issues that could be considered contributory negligence.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further? Representative Smith on the Amendment before us.

REP. SMITH (108th):

Thank you, Madam Speaker. Good evening to you.

DEPUTY SPEAKER ORANGE:

Good evening to you, sir.

REP. SMITH: (108th):

I'm going to make a few comments if I may to the proponent of the bill and I do so, and I want the chambers to know with the most -- utmost respect for Representative Taborsak who's a colleague of mine and has been for a long time and a friend as well, I consider him to be. When this bill first made it to the judiciary committee, I recall going home that evening and saying to my wife that we are now legislating common sense. And, I was kind of flabbergasted by that whole concept because it just made no sense to me that we have to have a bill of this nature requiring youngsters to wear helmets without any logic behind the fact that if they don't wear helmets, then there's no penalties or cause of action.

Now, I remember being over in Spain a few years ago and we're at the top of this very high mountain and it was this building that had a ledge that had no fencing, that had no protective guards, that had nothing to stop you from falling over the very edge of

this ledge and I commented to my wife, I said you know this is interesting -- there's no signs, there's no warnings, there's no nothing to protect you from falling over. And, she just turned to me and said well that's common sense. Don't stand on the edge and you won't fall over. And, that's kind of what we're dealing with here and I understand the laudable purpose of protecting our youngsters.

I have two young children that played baseball, they're a little older now, but I coached baseball, I understand all the dangers of not wearing a helmet and getting hit in the head, I've been hit in the head, it's a serious situation especially when the ball's coming in at the high speeds that these machines can generate. But, the concern I have here today is that with the laudable purpose that we are trying to accomplish, we're actually causing a disservice to our youngsters and a disservice to our constituents and the residents and the citizens for the State of Connecticut in that what we are doing is, and I believe right now if you're at a batting facility and you get hit in the head with a baseball from a machine and it's supervised and you're in the cage without a

helmet, you very well likely have a cause of action today as we stand here against the operator of that establishment.

If this bill is passed, that right goes away. So, think about that. You have a youngster whose 11 years old, 12 years old, feels invincible, jumps into the cage, gets hit by a ball in the temple and now has brain damage. It's real, it happens. Today, that youngster could bring an action against the operator of the establishment for negligence, for allowing him or her to go into the cage without a helmet.

Madam Speaker, if this bill is passed, that right, the right to protect himself or herself for the negligence of somebody else is taken away. I don't think that's what we want to do. I think that's the intent of this legislation. In fact, Representative Taborsak said it's not the intent of this legislation, but it actually says that there's no cause of action allowed for contributory negligence or for any type of negligence for failure to wear a helmet. Do we really want to do that? I do not think we want to do that.

I think we want to protect our children and I think there's a better way of doing it. There's a

simple way if we want to make public awareness that we just have a notice required. We could have a bill here that just requires these establishments or these municipalities or whatever they may be, to publish a notice at every facility that would require those using the batting cage to wear a helmet. Boom. If you leave it at that and they fail to wear a helmet or to make sure that somebody in the cage has a helmet, then that creates a cause of action and that is the standard I believe we're looking for. And, if I may through you, Madam Speaker, ask a few questions of the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. The question I have is, it talks about municipalities and as we all know, many municipalities have batting cages on the fields, for instance, New Fairfield has a batting cage at one of the local public schools. Would this bill apply to that type of situation where it's being used by the

local baseball teams, it's not really run by the municipality, but it's on municipal grounds, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. If it's a municipally operated batting cage, I would say yes, through you.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Well, here's the question because it may not be municipally operated, it's on municipally owned property, however it's being operated by say a local charitable organization, say the Lions Club. And, the Lions Club runs the program but the batting cage is on the municipal grounds and in that scenario a youngster goes in there without a batting helmet and gets hit in the head, would this type of situation apply under this proposed bill, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. The gentleman described a nonprofit operated facility which would fall under this language, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Thank you very much, Madam Speaker. So, I'm looking at lines six, seven and eight and it talks about the standard that the batting helmet has to maintain in order to be applicable under this act and the question, through you, Madam Speaker, is what if the helmet that is worn by the youngsters does not meet this standard, what happens then, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Well, the organization, the facility wouldn't be in compliance with the law but as the prior speakers have brought up and as we've discussed, that wouldn't be a violation that would be punishable by any sort of criminal offense, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

And, if I could ask a few more questions of the Representative, Madam Speaker? If that situation were to occur today, where you had a municipality that had a municipality that allowed youngsters to go into a batting cage and the helmet did not meet the standard that's referenced in this proposed bill, does the Representative feel that there would be a cognizable cause of action under today's standard, prior to this bill, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker. It is possible that there would be a cognizable cause of action, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And, do you feel, Representative Taborsak, through you, Madam Speaker,

that with the passage of this bill that that cause of action would now be taken away by virtue of the language of subsection B and subsection C, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Madam Speaker, at this moment I'd ask that I move the matter be passed temporarily. I apologize; I yield to the majority leader.

DEPUTY SPEAKER ORANGE:

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Good evening, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good evening, sir.

REP. SHARKEY (88th):

Madam Speaker, I move to second the motion of the -- I move to pass this item temporarily.

DEPUTY SPEAKER ORANGE:

Motion on the floor is to pass this bill temporarily. Oh, by the way, is there objection?
Hearing none, this bill is passed temporarily. Will

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SPEAKER DONOVAN:

Amen.

Thank you, Reverend.

Would Representative Charles Stallworth of the 126th District please come to the dais and lead us in the Pledge of Allegiance.

REP. STALLWORTH (126th):

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

SPEAKER DONOVAN:

Is there any business on the Clerk's desk?

THE CLERK:

Only today's calendar, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Mr. Clerk. Will the Clerk please call Calendar Number 148.

THE CLERK:

State of Connecticut House of Representatives
Calendar for Saturday, June 4, 2011.

On page 40, Calendar 148, House Bill Number 5567,
AN ACT REQUIRING MINORS TO WEAR HELMETS IN COMMERCIAL
BASEBALL BATTING CAGES, favorable report of the

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Committee on Judiciary. House "A" was designated on June 2nd.

SPEAKER DONOVAN:

Just waiting for the computer to kick in. If everybody just waits for the download. Hold on, please.

It looks like we're on the board. We are operational, everybody. Thank you for your patience. Representative Jay Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Good to see you today. I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the committees favorable report and passage of the bill.

Will you remark?

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk is in possession of an amendment, LCO Number 8196. I'd asked that the Clerk please call the amendment and I be granted leave of the Chamber to summarize.

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SPEAKER DONOVAN:

Will the Clerk please call LCO 8196, which will be designated House Amendment Schedule "A."

The Chamber will please stand at ease.

(Chamber at ease.)

SPEAKER DONOVAN:

I think we've got this.

Representative, I was about to call an LCO. Maybe you have some more information for us.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker, we have to clear up a procedural matter before I call the amendment that really gets to the substance, I think, of -- of the bill. In order to do that, I'm going to move adoption of LCO Number 7148.

And I'd ask that the Clerk call that and I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 7148, which was previously designated House Amendment Schedule "A."

THE CLERK:

LCO Number 7148, House "A," offered by
Representatives Taborsak, Rebimbas, Becker and Senator
Doyle.

SPEAKER DONOVAN:

Representative Taborsak seeks leave of the Chamber to summarize. Any objection? Representative, you may proceed.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker, I'd like to move for withdrawal of
LCO Number 7148.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

The question is withdrawal of House Amendment Schedule "A" 7148. Any objection? Hearing none, the
amendment is withdrawn.

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk is in possession of an amendment, LCO Number 8196. I'd ask that the Clerk please call that amendment and I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

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Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, it appears as though we had a little bit of a -- of a miscue with the presence of the next amendment we are going to call, so I was just going to ask that we pass this item temporarily. We'll come back to it.

SPEAKER DONOVAN:

The motion is for the bill be passed temporarily.

Without objection, so order.

Will the Clerk please call Calendar 392.

THE CLERK:

On page 15, Calendar 392, substitute for Senate Bill Number 367, AN ACT CONCERNING MOTOR VEHICLE NUMBER PLATES FOR ACTIVE MEMBERS OF THE ARMED FORCES, favorable report of the Committee on Transportation.

SPEAKER DONOVAN:

Representative Jack Hennessy, you have the floor, sir.

REP. HENNESSY (127th):

Thank you Mr. -- thank you, Mr. Speaker.

I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

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The bill as amended is passed. Will the Clerk
please call Calendar 148.

THE CLERK:

On page 40, Calendar 148, House Bill Number 5567,
AN ACT REQUIRING MINORS TO WEAR HELMETS IN COMMERCIAL
BASEBALL BATTING CAGES, favorable report of the
Committee on Judiciary.

SPEAKER DONOVAN:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

I move acceptance of the joint committee's
favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint
committee's favorable report and message of the bill.

Will you remark?

REP. TABORSAK (109th):

Thank you, Mr. Speaker, I will.

There is an amendment in the possession of the
Clerk, LCO Number 8196. I'd ask that the Clerk please
call the amendment and I be granted leave of the Chamber
to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8196, which will be designated House Amendment Schedule "B".

THE CLERK:

LCO Number 8196, House "B," offered by
Representatives Taborsak Klarides, et al.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the amendment. Any objection? Hearing none, Representative, you may proceed.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Back by popular demand, AN ACT REQUIRING MINORS TO WEAR ELEMENTS IN COMMERCIAL BASEBALL BETTING CAGES.

Mr. Speaker, this bill, essentially, as amended, prohibits any person under the age of 18 from entering into a batting cage without wearing protective headgear. So it makes that a requirement wearing protective headgear for -- for those people that meet that criteria. It does not apply to private batting cages. And what I mean by that is, batting cages owned at someone's residence. And what it also does not do is it does not create a statutory cause of action. And I'd like to highlight that it doesn't also affect rights that people have under common law.

And I like to thank Ranking Member Rebimbas and Representative Klarides for their help and others on the other side of the aisle. I think it's a better bill in the form that it's at, at this point in time, and I move adoption.

SPEAKER DONOVAN:

The question is adoption. Will you remark further? 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:

Opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further on the bill as amended? If not, staff and guests please come to the Well of the House. Members take their 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 to make sure your vote has been properly cast. If all the members voted, the machine will be locked, and the Clerk will take a tally. Clerk, please announce the tally.

THE CLERK:

Total number voting on House Bill 5567 as amended by House "B".

Total number voting	123
Necessary for passage	62
Those voting Yea	101
Those voting Nay	22
Those absent and not voting	28

SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Any announcements or introductions? Representative Genga.

REP. GENGA (10th):

No.

SPEAKER DONOVAN:

Representative Carter.

REP. CARTER (2nd):

Mr. Speaker, I rise for a point of personal

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SENATOR LOONEY:

Thank you, Madam President.

Calendar page 20, Calendar 148, House Bill 5567;
Madam President, move to place the item on the Consent
Calendar.

THE CHAIR:

So ordered.

A VOICE:

No. No. No. No. No.

SENATOR LOONEY:

Thank you.

THE CHAIR:

Oh -- oh, so -- excuse me.

A VOICE:

That's not on the Calendar on that Calendar page.
Wait a minute; that's not right.

A VOICE:

Page 20.

THE CHAIR:

Page 20?

A VOICE:

Yes.

SENATOR LOONEY:

cd/lg/sg/mhr/gbr
SENATE

587
June 8, 2011

As Calendar 148, House Bill 5567?

THE CLERK:

No.

VOICES:

(Inaudible.)

THE CHAIR:

They have --

THE CLERK:

That's --

THE CHAIR:

-- Calendar --

THE CLERK:

-- Calendar 644.

SENATOR LOONEY:

It's Calendar 644 --

THE CHAIR:

Four.

SENATOR LOONEY:

-- I believe is --

THE CHAIR:

Yes.

SENATOR LOONEY:

Is that -- that's your?

A VOICE:

cd/lg/sg/mhr/gbr
SENATE

588
June 8, 2011

. Yeah, I got it.

SENATOR LOONEY:

Calendar 644.

THE CHAIR:

That's correct --

SENATOR LOONEY:

Calendar --

THE CHAIR:

-- sir.

SENATOR LOONEY:

-- 644, House Bill 5567?

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Yes, Madam President.

Place that item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Next Calendar is six -- Calendar page 20,
Calendar 641, House Bill 6591. Madam President, move
to place the item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

cd/lg/sg/mhr/gbr
SENATE

593
June 8, 2011

(Chamber at ease.)

SENATOR LOONEY:

Madam President, if the Clerk might now call the items on the second Consent Calendar, so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the second -- the second Consent Calendar -- the second Consent Calendar begins on Senate Agenda Number 2, substitute for Senate Bill 18. Senate Agenda Number 3, House Bill 6215.

Calendar page 9, Calendar 473, House Bill 6514.

Calendar page 19, Calendar Number 639, House Bill 6554.

Calendar page 20, Calendar 641, substitute for House Bill 6591; Calendar 644, House Bill 5567.

Calendar page 21, Calendar 649, substitute for
House Bill 6552.

Calendar page 22, Calendar 653, substitute for
House Bill 6612; Calendar 654, House Bill 6515.

Madam President, I believe that completes that
items placed on Consent Calendar Number 2.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Hmm.

A VOICE:

What's the matter?

SENATOR LOONEY:

Yes.

THE CHAIR:

(Inaudible.)

SENATOR LOONEY:

Thank you, Madam President.

If we might move to a vote on that second Consent
Calendar.

THE CHAIR:

Yes; thank you.

Mr. Clerk, will you call for another roll call vote?

And the machine will be open.

THE CLERK:

Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

All members have voted? If all members voted, the machine will be closed.

And, Mr. Clerk, will you call the tally, please?

THE CLERK:

The motion -- motion is on adoption of Consent Calendar Number 2.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar passed.

We'll stand at ease a moment.