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**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC EMPLOYEES
PART 2
306 - 605**

2012

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March 1, 2012

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2:00 P.M.

SENATOR PRAGUE: -- it took a lot of courage and strength for you under the circumstances to come in and testify on this bill. We thank you very much and wish you good luck.

GWEN DOUGLAS: Thank you so much.

REP. ZALASKI: Thank you. Next is Lori Pelletier. Good luck following that.

LORI PELLETIER: And I was thrilled when I got number 9.

Good afternoon. For the record, I'm Lori Pelletier, and I serve as the secretary treasurer of the Connecticut AFL-CIO. And I have submitted written testimony and was going to address the para FMLA bill, but I don't need to. Those comments were what it's all about. I will address in particular House Bill 5233, An Act Concerning Workers' Compensation for Fire Fighters.

Many of you know that my brother is a fire fighter. And I know that going and seeing him in his firehouse that it's as much a family as when he would come home to us at our house. And, so, the idea that these men and women who are there to protect us, to respond to situations, heaven forbid one of their brethren die on the job that we can't extend an arm of compassion and workers' compensation to provide them with some additional services is beyond me. Our fire service day in and day out are the people that are running into the burning buildings that all of us are running out of. And, so, I urge your support of this bill.

I urge you to push back on people that will say, "The sky is falling." And what next?

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Again, these are men and women who are the nature of their person do things that most people will not, have courage beyond belief, and that we're all on time -- from time to time willing to stand next to them and have our photos taken with them because they are the personification of those that are important in our society.

So, again, I appreciate all the Committee's work with all the bills that they raise each and every year. And if you have any questions, I'd be delighted to answer them.

REP. ZALASKI: Thank you. Are there any questions from the Committee?

LORI PELLETIER: Thank you.

REP. ZALASKI: Thanks so much, Lori.

Jim Finley. I don't see him in the room, though.

Ryan Anderson.

BRIAN ANDERSON: Good afternoon, Chairman Zalaski, Chairman Prague, members of the Labor Committee. I'm Brian Anderson. I'm a lobbyist for Council 4 AFSCME, a union of 35,000 public and private employees.

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Council, I'm here to speak on several bills quickly. Council 4 supports Senate Bill No. 150. The eloquent testimony of Mrs. Douglas leaves me feeling inadequate to address this. Needless to say, people don't want to take FMLA. It's unpaid largely. They take it because they have to. There was an anomaly that cut out these workers. They're among the very few workers who don't get this protection. It's badly needed.

I know -- and I thank many of you for working hard over the years to pass this. Let's make this year we pass it. I can't see -- I've not heard any good reason articulated to not pass this bill.

Senate Bill 5233, an act concerning workers' comp for firefighters, is one that we strongly support. We don't represent firefighters. We do represent the folks who do the dispatch and we've worked closely with them. They have a really tough job. And to extend this to firefighters who have witnessed the death of a fellow fire fighter I think is simply humane. Thank God this doesn't happen so often, but a fire fighter's job is extraordinarily risky. So, I think it makes sense. I think the public would strongly support this.

We oppose House Bill 5201, An Act Concerning Deadlines for the Completion of Municipal Binding Arbitration. The binding arbitration system has worked well. It's probably the single-most studied system in Government. I'll summarize. It's been studied closely by program review. If you actually work in society, you can see that by setting up deadlines that are strict, you lose the flexibility in the system and you would force more binding arbitration -- a binding arbitration decision can take up to two years to be arrived at and it can be far more costly than coming to an agreement.

So, don't broke -- don't fix what's not broke is what our suggestion is. We oppose 520, An Act Concerning Municipal Collective Bargaining Arbitration and the Appointment of Arbitrators to the Arbitration Panel. Similar to the last bill, this system works. It's a system where we currently have a situation where the town

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JIM FINLEY: Chairman Zalaski, members of the Labor Committee, my name is Jim Finley. I'm Executive Director and CEO of the Connecticut Conference of Municipalities, and I always hate to follow my friend Brian Anderson. He brings such passion to his testimony. I'm not sure I'm up to his passionate level, but I'll do my best. I'm just going to speak briefly on two bills before you today. We've submitted written testimony on a number of other pieces of legislation also.

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House Bill 5201 would make some modest changes to the binding arbitration law, the municipal employee relations act, and insert some harder deadlines into the decision making within that process. As this Committee knows, the teacher negotiation act, which is a comparable collective bargaining and binding arbitration law for teachers, has really hard and fast deadlines.

What we're proposing here is that the binding arbitration process be completed within a year. We're not asking for any different -- any changes other than let's get -- let's get a decision. Let's move the process along, encourage both parties and the arbitrators to render a decision within a year, which I think is -- by any standard is a reasonable period of time. It would allow municipalities also to better fiscally manage the financial impacts of the decisions instead of getting decisions that have retroactive salary and other financial impacts going back sometimes several years.

So, we'd encourage you to take a look at that and consider some hard and fast deadlines. we're not here to overturn binding arbitration. We're not here to overturn

collective bargaining. We just -- after being partners with labor in the process, we have some different perspectives on the need to, I think, get quicker decisions.

The second bill before you, 5233, that would provide a new workers' compensation benefit for firefighters, let me preface my remarks by saying there is no one that has more respect for firefighters than I do and the members of my organization. We acknowledge their public service and the courage they bring to the duties they have that benefit us all.

As you know, the workers' comp system is based upon a physical injury and the impacts of that. If there is a physical injury that has a mental disability that follows, it's covered under workers' comp. This would actually establish a mental/mental, which is a Pandora's box if you get into the workers' comp system. We think that such benefits are already readily available under the health insurance programs that are -- our firefighting employees have. There are robust employee assistance programs in our municipalities. I think these benefits can already be addressed in the current system and we don't need to expand the workers' comp system which will result in, again, hefty premium increases across the state.

I'll be glad to answer any questions.

REP. ZALASKI: Are there any questions from the Committee? Yes, Representative Aman.

REP. AMAN: Yes. On the fire men's bill, because it only covers the death of another fire fighter when you're there, I can understand the reluctance to open up workman's comp and spread it out into the mental area that you're

talking about because once you do that, what other bills are we going to have here next year that's going to expand it out.

If the bill was completely redrafted, and of course it would be a mandate on the municipalities that they provide the same type of counseling and things that this bill would do under workman's comp, it would be the town would have to provide the benefit whether they do it under the medical policy or just do it out of their own budget. Would you have the same objections to the bill?

JIM FINLEY: I would still object to it because I think it's already covered under health insurance and employee assistance programs at the local level. I don't think there's a need to mandate a special coverage for one class of employees. I think they're already covered.

REP. AMAN: Okay, thank you.

JIM FINLEY: Yeah.

REP. ZALASKI: Sure. Senator Guglielmo has a question.

SENATOR GUGLIELMO: Yeah. The other question, Jim, if there was a death of a fire fighter and there were 10, 15, 20 firefighters present, which would probably be the case, I don't know if you're the one -- the right one to ask about the interpretation of the bill. Would that include all of them at the scene?

JIM FINLEY: I think the language, if they witness the death of a colleague, they would be covered.

SENATOR GUGLIELMO: Okay, thank you.

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SENATOR PRAGUE: You know, a traumatic event like experiencing the death of one of your fellow firefighters and causing stress, traumatic stress makes you just as sick as any kind of physical injury. I am a big supporter of this bill because experiencing something like this, these firefighters, they stand side by side time and time and time again, you know. And I think this is a must for us to do, frankly. So, you and I will disagree on this, but --

JIM FINLEY: Senator, I respect your position. And, again, municipalities have a vested interest in keeping our firefighters healthy. They invest a lot in their training, their equipment, and we have the highest respect for their capabilities. And I think these benefits are already available to them under other sources.

To really expand in an unprecedented way the physical/mental aspect of the workers' compensation system and go to a mental/mental, where do you end? I think it just raises a whole host of financial and other issues.

SENATOR PRAGUE: Disagree on this.

JIM FINLEY: I still love you, Senator.

REP. ZALASKI: I have a question, and that is about 5201, the one you talked about deadlines which I guess you support, right?

JIM FINLEY: Yes.

REP. ZALASKI: Now, in that, you heard what I had -- I think you were in the room when I talked to Brian, is that correct?

JIM FINLEY: Yes.

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REP. ZALASKI: And out of the arbitrators that you pick for this type of arbitration, you pick out of that group of 14. And are you in the agreement that there's only four that you guys usually pick?

JIM FINLEY: You know, I don't have firsthand knowledge of that, but I know there's a relatively few number of the ones that are qualified that end up being chosen.

REP. ZALASKI: So, the question that I had asked Brian I would have to sort of ask you, in that if you only pick out of four -- or four or six or whatever the case might be -- I've heard it's four from both sides, union and your side. And if they can't make meetings because of their being used all over the state, wouldn't that seem to be what -- well, how do you get around that when you have a deadline for teachers, is kind of what my question would be?

JIM FINLEY: You know, I don't know how the -- I know they have a similar labor management process for screening arbitrators under the Teacher Negotiation Act, similar to what they do under MIRA. But I'm not an expert in all the dynamics of that process, so, I can't answer your question.

REP. ZALASKI: Wrong guy to ask. Sorry. Thanks, Jim.

Any other -- yes, Representative Rigby.

REP. RIGBY: Thank you.

To the best of your knowledge with respect to House Bill 5233 for firefighters, are there any other professions that receive a benefit as outlined in that bill, whether they be

police officers, soldiers?

JIM FINLEY: No, sir, this would be a first.

REP. RIGBY: This would be a first, okay. Thank you for answering the question.

SENATOR PRAGUE: John Moran, I think police officers do, but I'm going to check it out.

REP. ZALASKI: Thank you. Appreciate you coming.

Okay. I think I called that Dawn and she wasn't here; is that right?

Cheryl Davis, maybe.

SHELLYE DAVIS: Shellye.

REP. ZALASKI: Shellye, I'm sorry. I couldn't --

SHELLYE DAVIS: Good afternoon, Senator Prague, Representative Zalaski, and distinguished members of the Committee, my name is Shellye Davis and I am Co-President of the Hartford Federation of Paraprofessionals. As a collective bargaining unit, we represent paraprofessionals who serve a diverse student population in the City of Hartford's school system. We are also 10-month employees who are not eligible for unemployment.

I would like to speak briefly today in favor of S.B. 150, An Act Concerning Family and Medical Leave Benefits.

The Hartford Federation of Paraprofessionals strongly supports this bill and the need for our members to be covered by it. As professional public educational employees, it is imperative that we maintain a positive and focused environment for the children and

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SHELLYE DAVIS: Thank you. I'm sure you're going to help us pass this bill.

REP. ZALASKI: We really appreciate you coming in. That's what we're here for.

SHELLYE DAVIS: Thank you.

REP. ZALASKI: I almost got it last year.

Okay. Next is Paul Rapanault.

PAUL RAPANAULT: Good afternoon, Senator Prague, Representative Zalaski, Senator Guglielmo, Representative Rigby. My name is Paul Rapanault. I represent the Uniform Professional Firefighters. We represent 5,000 unified firefighters throughout the state of Connecticut. I'm here to talk to you about several different bills.

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The first bill I want to talk to you about is one that we support, is 5233, An Act Concerning Workers' Compensation for Fire Fighters. The need for this bill arises out of an employer-provided Employee Assistance Programs that do not meet the needs of individuals who have been exposed to the death of coworkers. Most EAP programs are excellent, but are very limited in duration and often they fall short of the needs of the employee.

An employer who witnesses the tragic death of a coworker from afar is a completely different experience from one who is standing side by side on a hose line or on a ladder or on a roof. It's a completely different experience not only physically, but mentally. Firefighters are a very unique breed, I want to say. We work as a unit. When we go into,

you know, any kind of an emergency, we work as a team. It is devastating to an individual who has a comrade fall by his side and he's spared. Not only do you experience the loss of a friend, but you also go through in vivid detail the line by line, trying to examine what you did wrong that one of your friends was lost -- lost their life at the scene of an accident like that.

So, we think it is very important. And I would like to correct my friend Jim Finley. Please do have a provision in the same very part of the statutes that we're looking to have, have medical benefits covered. And I would also like to say that we are opposed to 5201, 5202 and 5203.

And I will be here for any questions.

REP. ZALASKI: Are there any questions from the -- yes. Representative Aman.

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REP. AMAN: Yes. On the -- by putting this into the workman's comp statute, if someone is diagnosed with posttraumatic stress disorder, is that that they will just get counseling and help, or do they get full workman's comp benefits where they -- as long as they are depressed, they would get their full salary, full -- through workman comp, the full package of workman's comp benefits? Are you looking just for the counseling and psychiatric help that someone may need?

PAUL RAPANAULT: Well, let me just say that in most instances that I'm aware of, most departments offer excellent EAP programs. The problem is that they're very short in duration so that once the EAP program is done, it's done. And for 99 percent of the people on the crew of that, you know, that was on duty that day,

that's probably adequate. That's probably all they need. It's that one person who was standing by that was there. Their partner that they were standing beside, or the one that really had a very -- a tragic experience more so than his other -- other partners did.

In that case, if that person needs additional help, he could rely on his medical benefits, but he's relying on his medical benefits and he's relying on his personal time. He's relying on sick time, vacation time. He's burning his benefits for something which was a job-incurred -- in our mind, a job-incurred incident. So, we believe that this is just a natural advancement of the benefit because it's something that I think that the person deserves, and more than deserves, needs, dramatically needs.

You know, I want to take a little bit of issue with what Jim Finley said. He said that he believes that these benefits are covered. Well, they're not covered. When your sick time is out, when your vacation time is out, you're on your own time. And beside the fact that, you know, this is something, because of the nature of the job, the firehouse is a very tough job. I mean, it's tough in that people expect you to be able to handle a lot of different things, physically, emotionally, and everything else. People are very reluctant to seek help, especially for something which is, you know, psychological in its nature.

So, what we've always been afraid of and we've seen in the past is people won't step forward outside of the group. When EAP comes in, it comes in as a group. The EAP program deals with the whole group that's on -- that was on duty that day. Actually, it could even be the whole department. But when one individual has

a problem that goes beyond what the whole group is, when the group treatment is over, that individual is very reluctant to step outside of that group and say, "Hey, I've got more of a problem here. I have more of a psychological problem than my friends do." We've seen that happen before. I mean, how many times? I don't know. I mean, like you said, people are reluctant, but people on the job with them, you can see it and it's not -- it's something that shouldn't be, shouldn't be.

Those workers should be able to expect the treatment they need in a job-incurred instant like that.

REP. AMAN: Following up, I don't have any problems, as we have talked, about the counseling part and the assistance. I think my one concern about entering into the workman's comp area is now they can go in and claim a 10 percent disability or 5 percent disability or whatever and receive the equivalent workman's comp benefits, basically cash, for the disability they incurred. Under this bill, is it your understanding that that type of workman's comp benefit would be available or just for the two or three weeks or month that they may be out of work because they are having the emotional problem handling the occurrence?

PAUL RAPANAULT: I mean, I'm certainly not a workman's comp expert. I would imagine that would be available to them. But to be perfectly honest with you, I'm not sure I can see in my own mind just how that can come about. I think that if going through -- you know, seeing a psychiatrist if that's what they need or psychologist, they're going to be going through some treatment which is either

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going to cure them and be able to get them whole and back to work, or not.

I personally don't know, in my experience, of anyone who has not gone back to work whole in that case. And, again, I mean, not being a psychiatrist or psychologist, I don't know just how you would deem someone, you know -- I want to be careful obviously. You know what I'm saying?

REP. AMAN: We're both trying to be very correct.

PAUL RAPANAULT: I want to be sensitive here because, I mean, this is a very sensitive and very personal issue. But, no, I don't see how that kind of a settlement would be arrived at, in my own mind.

SENATOR PRAGUE: Why not?

PAUL RAPANAULT: But, again, I'm not -- I'm not an expert in workers' comp.

REP. AMAN: I think that's where the reluctance I have heard is in opening the workman's comp to this sort of area is how far it's going to spread and how many other things it's going to be done. So, I think it's either the wording -- I think the intent that you're talking about I can support 100 percent. I think I'll be very careful about how we actually word the help that you're looking for.

PAUL RAPANAULT: You know, I have a problem with someone who says we support workers here and we support, you know, their health and everything. But when a need -- an area of need is pointed out to that is not by any stretch of the imagination an unfunded mandate or this megamandate, or anything that's going

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to bust the towns and the cities, we're talking about -- if a handful -- a decade, in my recollection, of people are affected here, if you really are concerned about your workers -- we're not expanding workers' comp to the point where it's going to bust the cities here.

I don't know. In my mind, I can't fathom that happening. So, let's be realistic. I mean, we're not talking about hundreds of people in 10 years. I can't think of 100 in the last 50 years that would be eligible for this kind of a benefit. I mean, so, if you're really concerned about workers, then this is not something which is outrageous and it's a well-deserved benefit, I believe.

REP. AMAN: Okay. Thank you very much for coming forward.

SENATOR PRAGUE: Paul, I -- you know, the municipality pays for workers' comp insurance coverage for the people who work for the municipality. And a mental/emotional injury is just as damaging if not more so sometimes than a physical injury. And it's the purpose of workers' comp to cover that injury. That fire fighter, you know, should get all the benefits that the municipality is paying for under workers' comp, he gets like 75 percent of his salary or something close to that, and he should get that, you know.

The insurance companies are obligated if they sell a product to provide the benefit that the person who has purchased that product has paid for. Whether it's an employer in a business or municipality, you carry workers' comp for the people who work for you. And I feel very strongly about workers' compensation coverage. You know, we have another bill before us for

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timely medical treatment under workers' comp because very often the insurance company will fight even providing the medical treatment that is needed for the person to get better.

So, I think this is a good bill and I think we'll be able to convince the Committee members.

PAUL RAPANAULT: Well, I thank you very much. And I want to thank the Committee also. When we came in to talk to you about this bill, you gave us quite a lot of help and direction in how to craft the bill so that we limited the scope of it to exactly the people we were looking to take care of. We're not looking for a fishing expedition here. We're not looking to cast a large net. We're looking to just identify -- we have identified the people we're looking to cover and I think this bill is certainly not unreasonable in looking to cover these folks.

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REP. ZALASKI: Senator Guglielmo has a quick question.

SENATOR GUGLIELMO: Just a quick question. How many firefighters have died in active duty, say, in the last 10 years? Do you know the number? In Connecticut, I mean, obviously.

PAUL RAPANAULT: I don't even think it's half a dozen.

SENATOR GUGLIELMO: Yeah.

PAUL RAPANAULT: Maybe three, four that I can recall.

SENATOR GUGLIELMO: Yeah. I mean, I think that would help the Committee with the scope of what we're talking about, you know. Okay,

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thank you.

PAUL RAPANAULT: Okay, you're welcome. Thank you.

REP. ZALASKI: Representative Aman.

REP. AMAN: Thank you again.

Looking at the bill, it's been pointed out to me we are going to be in agreement because if you look down at the last couple of the bill, it does cover exactly what my concern was, and that this bill does limit the treatment to psychiatrists and psychologists. So, my concern of opening up the workman's comp to a much wider range of benefits is addressed in the bill, as was pointed out to me. So, I believe it is covered. My concerns are covered the way it's been written.

PAUL RAPANAULT: Representative Aman, I don't remember if it was up at the microphone here that we spoke about the issue. It may have been in the back of the room. Your concern that this was going to affect maybe 100 people that run the crew that day. What we're looking to do is the people who experience something which goes beyond what the group experiences. The people who have very personal relationships with the individual affected or a personal -- a working relationship. So, this is not aimed at, you know, people who are going to be easily handled with the counseling available with EAP, which are by all accounts excellent programs, and handle 99.9 percent of the problems in these kinds of incidents.

It is a very small minority of people that we're talking about here. And it's not going to be in every incident either. There are going to be people who are going to be able to

handle it, and EAP is going to be more than enough.

REP. AMAN: I think this bill does clarify and I will be supporting it the way it's currently written.

PAUL RAPANAULT: Thank you.

REP. ZALASKI: Thank you. I have a quick question. Has nothing to do with firefighters. And that is I see you oppose 5201.

PAUL RAPANAULT: Yes.

REP. ZALASKI: And that is -- the crux of what we wanted to do with that bill is, I've heard complaints about -- well, I've been a chronic complainer about how long it takes to arbitrate cases generally. One of the things that people have brought to my attention is many times you pay the arbitrator up front. And we just thought that this bill should say, "You get paid after you give your decision." Because many times you say you have to do your briefs now, and they may take two or three months and do their briefs. And we thought if they didn't get paid until the briefs were done, that would be a good thing. What's your thoughts about that?

PAUL RAPANAULT: Well, I'm not sure that you want someone to rush through a brief because they want to get paid or they need to get paid or they feel they should be paid. I think that you -- to require someone or encourage someone to issue a brief quickly so that they can get paid for it is not a good policy, in my mind. I would think that you would want to give them some latitude there and say, "Hey, look, take the time that you need to give us a good brief and one that's going to be fair in looking at

all the facts. But we're going to pay you on time. We're going to pay you in a timely fashion."

Everybody deserves to get paid for what they do. So, if this person takes three months to write a brief, he should be paid for the time he's put in before that. I don't know. I just think it's not a good policy to say to someone, "We want something quick," especially when it's something that takes time to digest. You know, some of these arbitration decisions are on, you know, five, six, 10, 20 different issues. I don't want an arbitrator rushing through an issue because he needs to get paid, to be perfectly honest with you.

REP. ZALASKI: Well, I know how I feel. You pay me up front, I'm in no hurry to give you a decision, but that's me. I'm sorry.

All right. Well, thank you. Appreciate it.

PAUL RAPANAULT: Thank you.

REP. ZALASKI: Next is Mike Couture.

MIKE COUTURE: Couture.

REP. ZALASKI: Couture.

MIKE COUTURE: That's fine.

REP. ZALASKI: Thank you.

MIKE COUTURE: Call me Mike. I prefer that.

A VOICE: Mike.

MIKE COUTURE: Thank you.

Good afternoon, Senators, Representatives of

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the Labor Committee. Good afternoon to all those that are still remaining in the gallery. My name is Mike Couture. I'm the assistant fire chief for the City of Waterbury Fire Department. I'm here today to speak on behalf and in support of House Bill 5233, a bill that allows workers' compensation benefits for firefighters that develop posttraumatic stress disorders regarding them witnessing the line of duty death of a fellow fire fighter.

My strength lies in fire service training and safety. Also one of my strengths prior to the establishment of the State of Connecticut Commission on Fire Prevention and Control, Statewide Honor Guard Unit which, by the way, is a highly trained and professional unit that's in place. I was the point of contact for any fire department in the state of Connecticut that was in need of support, planning, and management of a fire fighter line of duty death funeral.

Over the years, prior to the Statewide Honor Guard group being put in place, I had been called upon to bury nine of our bravest. I believe my experiences, as unfortunate as they are, make me uniquely qualified to be here today and speak positively about this proposed House Bill.

Now, I'm not here today to speak about my exposure to line of duty death stress or how these exposures have impacted me. I am here to speak as an advocate for those firefighters who have witnessed and will unfortunately continue to witness the unexplainable terror of a fire fighter line of duty death. And for whatever reason, these people that witness that simply do not possess a mechanism to cope. Because there are firefighters that do not possess a mechanism to cope, their life

moves in an unexpected direction and revolves around what they witnessed, the images, the sounds and the smells that they had experienced which are now branded into their minds.

Now, just because a fire fighter does not possess a viable mechanism to cope doesn't mean a fire fighter cannot be taught a coping mechanism. The United States military understands that posttraumatic stress disorder is an injury brought about by the images of war that have been witnessed, heard and, yes, smelled. Soldiers inflicted with and diagnosed with posttraumatic stress disorders require prolonged professional treatment and care. And all of this is done in an effort to teach and establish a mechanism of coping and to regain some sense of order in their life. Just as the soldiers go to war to fight an enemy, firefighters go to war to fight our arch enemy, fire.

REP. ZALASKI: Excuse me. Could you wrap up for me, please?

MIKE COUTURE: I sure can.

REP. ZALASKI: We'll read your testimony.

MIKE COUTURE: And I shall provide that.

I guess I'm here just speaking as an advocate for those that are in need of gaining a sense of normalcy in their life and an opportunity to maintain their family unit. I speak as an advocate of this bill and I hope that you look favorably upon and vote favorably upon it.

I'm certainly available for any questions if you like and this testimony will certainly be made available for all of you.

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REP. ZALASKI: Does anybody have any questions from the Committee?

Say hi to Rick Hart for me, good friend of mine.

MIKE COUTURE: I sure will.

and, Senator Prague, the Waterbury fire department, you were certainly in our thoughts and our prayers during your illness and we're very happy to see that you're feeling much better. Okay.

REP. ZALASKI: Thank you.

MIKE COUTURE: You're welcome.

SENATOR PRAGUE: I just have to make mention of a friend of mine from the Waterbury Fire Department, John Keen. What a tragedy that was.

MIKE COUTURE: Thank you for your thoughts. Thank you for your prayers. And thank you for your considerate thoughts for our entire Department and for John's family as well. Thank you.

REP. ZALASKI: Eric Brown.

ERIC BROWN: Good afternoon, members of the Committee. My name is Eric Brown. I'm a senior staff attorney and lobbyist for AFSCME Council 15, Connecticut Council Police Unions. As you know, we represent 60 municipal police unions in the state and over 4,000 police officers, and I'm here to testify today regarding four bills dealing with reforms of the arbitration process.

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HB 5202 HB 5203

Unlike some of my friends in the labor

HB 5203
HB 5238

Council 4 AFSCME Testimony

Labor and Public Employees Committee - March 1, 2012

My name is Brian Anderson. I am a legislative representative for Council 4 AFSCME, a union of 35,000 Connecticut public and private employee members.

Council 4 supports S.B. No. 150 (RAISED) AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES. Approximately, 3,000 of these members are paraprofessional educators.

This bill extends Family and Medical Leave to paraprofessionals. FMLA allows workers to take a leave of absence (up to 12 weeks if they have worked the previous 12 months), unpaid, if they, a spouse, child or parent become ill (or in case of the first year of a child's birth, an adoption or to donate organs or bone marrow). FMLA is generally the sort of thing that people do not want to use unless there is a dire need. Very few families can afford to take unpaid time and lose income for any reason. Employers have the right to make employees use any vacation time or sick time for FMLA.

Paraprofessionals are unable to utilize the state provision of the law because they routinely work under the requisite 1,250 hours per year. This bill sets the requirement for paraprofessionals at 950 hours per year. This change would allow for this large segment of workers, who are called upon to provide very valuable societal service often under very trying circumstances (such as providing educational services to children with special needs), to have a right that our country provides to almost every other type of worker. This bill provides basic fairness.

Council 4 supports H.B. No. 5233 (RAISED) AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS. Thankfully, such cases where a firefighter witnesses another firefighter's death are rare. Yet this bill simply asks for human decency for workers who regularly risk their lives, health and mental health at a difficult and necessary job.

Council 4 opposes H.B. No. 5201 (RAISED) AN ACT CONCERNING DEADLINES FOR THE COMPLETION OF MUNICIPAL BINDING ARBITRATION

Council 4 opposes this bill because it tampers with the existing arbitration time frame. Changing this results in a less flexible situation which could inadvertently force municipalities and unions into going to binding arbitration when it is not necessary. It is best to avoid arbitration when it can be avoided because it can take up to two years to resolve and results in additional costs for both parties.

-MORE-



CONNECTICUT AFL-CIO

56 Town Line Road, Rocky Hill, CT 06067

860-571-6191

fax: 860-571-6190

Testimony of Lori J. Pelletier
 Secretary-Treasurer, Connecticut AFL-CIO
 March 1, 2012 before the Labor and Public Employees Committee

Good afternoon Senator Prague and Representative Zalaski, and members of the Labor and Public Employees committee. My name is Lori Pelletier and I serve as the Secretary -Treasurer of the Connecticut AFL-CIO, and I am here to testify on behalf of our 900 affiliated local unions who represent over 200,000 union members from all 169 cities and towns.

SB 179 HB 5240 HB 5201
HB 5202 HB 5203 HB 5238

I am here to testify on the following bills:

S.B. No. 150 (RAISED) AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.

We support this legislation. Paraprofessionals are an important component of our education system and provide our children with guidance and care. In return for their dedicated service it is only right that the FMLA be extended to these workers. We applaud all of the advocates and legislators from both sides of the aisle for their work on this bill and look forward to the Governor's signature when it becomes law.

H.B. No. 5233 (RAISED) AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS.

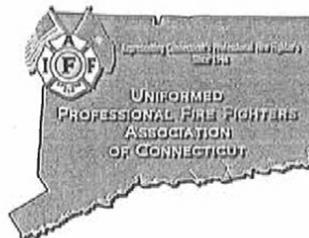
We strongly support this bill. Everyday these workers risk their lives for us, and when one of their own is killed right in front of them we should provide them with the necessary protection in return. My brother is a firefighter and I know first hand what they go through.

When Captain John Keane was killed three years ago in Waterbury his brothers and sisters had to deal with that death not only as a coworker but as a union brother. The fire service is truly a band of brothers (and sisters) and as a society we should not hesitate to extend to them this protection in return for them putting their lives in the line.

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UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT
 AFFILIATED WITH INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
 30 Sherman Street, West Hartford, CT 06110
 Office: (860) 953-3200 Office Fax: (860) 953-3334

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PAUL J. RAPANAULT
 DIRECTOR
 Legislative/Political Affairs

March 1, 2012

Labor and Public Employees Committee Public Hearing

Good afternoon Senator Prague, Representative Zalaski and members of the Labor and Public Employees Committee. My name is Paul Rapanault. I am the Director of Legislation/Political Affairs of the Uniformed Professional Fire Fighters of Connecticut. The UPFFA represents 5,000 career fire fighters, Emergency Medical Technicians and dispatchers in nearly 60 municipal and state local unions.

I am here today to speak on several bills before you.

H.B. No. 5201 AN ACT CONCERNING DEADLINES FOR THE COMPLETION OF MUNICIPAL BINDING ARBITRATIONS - WE ARE **OPPOSED** TO THIS BILL.

H.B. No. 5202 AN ACT CONCERNING THE ISSUING OF DECISIONS BY MEMBERS OF THE BOARD OF MEDIATION AND ARBITRATION - WE ARE **OPPOSED** TO THIS BILL.

H.B. No. 5203 AN ACT CONCERNING MUNICIPAL COLLECTIVE BARGAINING ARBITRATION AND THE APPOINTMENT OF ARBITRATORS TO THE ARBITRATION PANEL - WE ARE **OPPOSED** TO THIS BILL.

Binding Arbitration works and works well for all parties. These bills offer nothing constructive to the process and should be rejected.

H.B. No. 5233 AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS - WE **SUPPORT** THIS BILL.

The need for this bill arises out of employer provided Employee Assistance Programs that do not meet the needs of individuals that have been exposed to the death of a co-worker. Most EAP programs are excellent but of very limited duration and although they may be helpful, the limited scope and duration are not always adequate for all employees. An employee who witnessed from afar the tragic death of a co-worker had a different experience than a co-worker who was standing or riding beside his/her comrade. These workers will most likely have different needs not always managed in the limited EAP programs provided by employers. This bill would provide additional resources through Worker's Compensation and we ask your support of this important legislation.

Thank you for your consideration.

Paul J Rapanault, Legislative/Political Affairs

Walter M. O'Connor, *President Emeritus*
 Santo J. Alleano, Jr., *Vice President Emeritus*

Raymond D. Shea, *President Emeritus*
 Patrick J. Shevlin, *Treasurer Emeritus*

Statement
Insurance Association of Connecticut

Labor and Public Employees Committee

March 1, 2012

HB 5233, An Act Concerning Workers' Compensation For Firefighters

The Insurance Association of Connecticut (IAC) opposes HB 5233, An Act Concerning Workers' Compensation For Firefighters.

IAC's concerns regarding the restoration of "mental-mental" claims have been outlined to the Labor Committee numerous times since the 1993 reforms.

The 1993 reforms limited the availability of stress related claims to instances caused by a physical injury or occupational disease. Those limitations were properly put in place to prevent the explosion of such claims in Connecticut, as had been experienced in other states. In California stress claims became an epidemic and were as much as 15 percent of the total claims in the system.

Even limited changes to the reforms, as in HB 5233, only invite more reversals of this important provision. The cost of workers' compensation for employers would correspondingly increase due to any such reversal.



CONNECTICUT STATE FIREFIGHTERS ASSOCIATION, INC.

March 1, 2012

Senator Edith Prague, Co-Chair Labor & Public Employees Committee
 Representative Zeke Zalaski, Co-Chair Labor & Public Employees Committee
 Senator Edwin Gomes, Vice Chair Labor & Public Employees Committee
 Representative Ezequiel Santiago, Vice Chair Labor & Public Employees Committee
 Senator Tony Guglielmo, Ranking Member Labor & Public Employees Committee
 Representative John Rigby, Ranking Member Labor & Public Employees Committee

My name is Ted Schroll and I am the Legislative Representative for the Connecticut State Firefighters Association. The Association represents approximately 26,000 career and volunteer firefighters in Connecticut.

Our Association wishes to go on record as being in support of **Raised House Bill #5233, AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS**. You will be hearing from other speakers who will elaborate more than I on these bills, but this Association supports this bill.

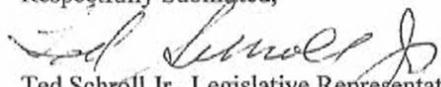
The profession of firefighting is a rather unique profession. Many time you hear firefighters referring to other firefighters as "brother firefighter" or "sister firefighter". They truly feel this way amongst their peers. Many times they perform tasks that either no one else wants to do, or are not able to do. AND, they do it under emergency or life threatening conditions. Additionally, if there is no accepted practice to perform these tasks, they are expected to find a way to successfully complete that given task. Much of their equipment is unique to their profession.

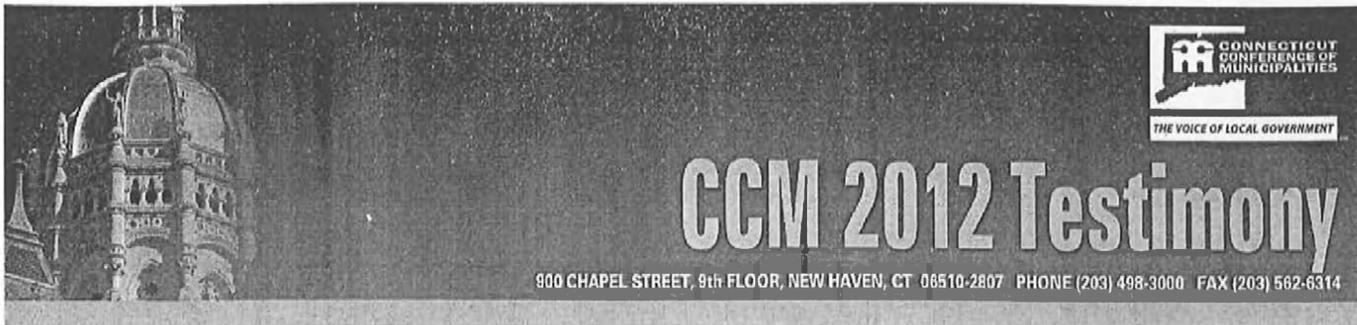
Because of these factors, most firefighters are close personally and tend to "stick together". Most career firefighters work a 24 hour shift. They work together and relax together. Some work weeks that they work overtime; they spend more time together working than they spend with their families. They build up a **familial** relationship that is seldom seen within other professions. Because of this relationship, when a fellow firefighter is injured or killed, it is like losing a family member. When the loss occurs while working together, it becomes more difficult for a firefighter to overcome these feelings of loss. The normal grieving procedures that are successful with other professions are not always successful with firefighters. These times are when the conditions within this bill would be helpful.

Please note that the conditions within this bill are not for any injury. Workers' compensation benefits would only "kick in" when one firefighter observes the death of a fellow firefighter in the line of duty, and if that firefighter is diagnosed by a board certified mental health professional with post-traumatic stress disorder as a result of that observation. A firefighter should not have to take personal vacation time or sick time to recover from the effects of a familial death that occurred while in the line of duty.

PLEASE SUPPORT RAISED HOUSE BILL #5233.

Respectfully Submitted,


 Ted Schroll Jr., Legislative Representative
 Connecticut State Firefighters Association



LABOR & PUBLIC EMPLOYEES COMMITTEE

March 1, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

House Bill 5233 "An Act Concerning Workers' Compensation for Firefighters"

CCM **opposes HB 5233** as a new unfunded state mandate on towns and cities that would require professional counseling be compensable under the Workers' Compensation Act for firefighters diagnosed with mental or emotional injuries – defined as post-traumatic stress disorder -- as a result of witnessing a death of a firefighter.

From layoffs – to accessing reserve accounts – to eliminating library, transfer station, and community center hours – local officials are in the trenches when it comes to making tough decisions in these difficult economic times. **And, with this backdrop of fiscal peril – you have before you – a new unfunded state mandate, HB 5233.** As noted by OFA in similar proposals from years past **the costs of just one emotional stress case could be significant.** Adding a highly subjective, unfunded mandate to already constrained local budgets could do great harm

The professions firefighters have chosen involves personal risk and courage. Local officials have long supported public safety employees and their just compensation when injuries occur on duty and as a result of their work. In fact, in 2008 local officials negotiated in good-faith, reasonable benefits for specific cardiac emergencies while on duty. However, these special stress-related benefits proposed in HB 5233 would be simply unreasonable and unaffordable. Make no mistake, this proposed new mandate could be the "camel's nose under the tent" scenario – as proponents would seek to mandate additional special benefits down the road.

HB 5233 is unnecessary. Currently, local public safety officials receive health benefits that include professional, confidential counseling. **Furthermore, towns and cities already offer extensive Employee Assistance Programs (EAPs) to employees suffering from stress.** These existing benefits provide all employees counseling, therapy, and other essential services to assist them and their families during difficult periods. This proposed mandate would unnecessarily and inappropriately create a new, costly special benefit – without any state financial aid – and thus, all at local property taxpayers' expense.

- Page 2 -

As state lawmakers grapple with major budget issues – proposals such as HB 5233 that seek to mandate special benefits – should ultimately be considered in the context of two fundamental questions:

1. *Is there a statewide public policy problem* that demands action by the General Assembly — or are the needs of special interest groups at issue?
2. *Can local residential and business property taxpayers afford the costs* of this new state mandate in this economy?

The answer to both questions is a resounding “NO”.

Each year, proponents seek to mandate these special benefits (*see HB 6408, 2011*). Committee members were prudent last year to not act on the proposed mandate – and should do the same this year. Although well-intended, now is not the time for new unfunded state mandates on already limited local resources as State and local officials navigate uncharted waters with respect to the duration of our budget crises. Furthermore, **changes to the entire workers’ compensation system – as a result of an individual case – should not be the basis of any statewide public policy.**

The present workers’ compensation law is reasonable and should not be changed. The existing system retains fairness and equity in servicing injured workers and it should be allowed to continue working towards that end.

CCM urges the Committee to **oppose HB 5233** now, in committee, as an unnecessary and unaffordable state mandate on your hometown.

★ ★ ★ ★ ★

If you have any questions, please contact Bob Labanara, Senior Legislative Associate of CCM via email rlabanara@ccm-ct.org or via phone (203) 498-3023.

A/c Michael P. Couture
Waterbury Fire Dept.

Asked To Speak On Behalf Of House Bill 5233-

- A Bill That Will Allow Workers Compensation Benefits For Firefighters That Develop Post Traumatic Stress Disorder As A Result Of Witnessing The Line Of Duty Death Of A Fellow Firefighter.

My Background-

- 25 Year Member Waterbury Fire Department.
- My Strength and Expertise Lies In Fire Service Training and Safety.
- Prior To The Establishment Of The State Of Connecticut Commission On Fire Prevention and Controls Statewide Honor Guard Unit, Which By The Way, Is A Highly Trained and Professional Unit-
 - I Was The Point Of Contact For Fire Departments, Throughout The State Of Connecticut, That Were In Need Of Support, Planning and Management Of A Firefighter Line Of Duty Death Funeral.
 - Over The Years, I Have Been Called Upon To Bury 9 Of Our Bravest.
- I Believe My Experiences Uniquely Qualifies Me To Be Here Today And Speak Positively About This Proposed House Bill.

Now,

I'm Not Here To Speak About My Exposure To Line Of Duty Death Stress Or How These Exposures Have Impacted Me.

HB 5233

I'm Here To Speak As An Advocate For Those Firefighters Who Have Witnessed and Will Unfortunately Continue To Witness The Unexplainable Terror Of A Firefighter Line Of Duty Death,
and For What Ever Reason, Simply Do-Not Possess A Mechanism To Cope.

Because There Are Firefighters That Do-Not Possess A Mechanism To Cope, Their Life Now Moves In An Unexpected Direction and Revolves Around What They Witnessed and The Images, Sounds and Smells Experienced, Which Are Now Branded Into Their Mind.

Now,
Just because A Firefighter Does-Not Possess A Viable Coping Mechanism Doesn't Mean A Firefighter Can-Not Be Taught A Coping Mechanism.

The United States Military Understands That Post Traumatic Stress Disorder Is An Injury Brought About By The Images Of War That Had Been Witnessed, Heard and Yes Smelled.

Soldiers Inflicted With And Diagnosed With Post Traumatic Stress Disorders Require Prolonged, Professional Treatment and Care,
All In An Effort To Teach and Establish A Mechanism Of Coping and To Regain Some Sense Of Order In Their Life.

Just As The Soldier Goes To War To Fight An Enemy,
Firefighters Go To War To Fight Our Arch Enemy, FIRE.

We Have Our Weapons, Just Like Every Soldier. We Have Strategic and Tactical Plans, Just Like Every Soldier and We Have Limitations Just Like Every Soldier.

When A Firefighter Dies In The Line Of Duty, Every Firefighter Is Impacted and Each Responds Differently.

Some Of Us Have The Ability To Cope and Continue With Our Lives. Some Do-Not Have The Ability To Cope and Its These Lives That Have A Tremendous Potential To Spiral Out Of Control.

Their Mind Is Not Their Own and They Can Become Dangerous Not Only To Themselves But To Their Fellow Firefighters As They Continue To Serve.

Their Mind Is Not Their Own and They Can Become A Danger For Their Family.

Employee Assistance Programs Are Great, But They Have Limitations With Regard To Diagnosed Post Traumatic Stress Disorders.

I Speak As An Advocate For Those, By Virtue Of Their Profession,
Where Present To Witness A Friend, A Co-Worker, A Brother or Sister Die In The Line Of Duty.

I Speak As An Advocate For Those Who Need Greater Care and Help In Learning How To Cope.

I Speak As An Advocate For Those In Need Of Regaining
A Sense Of Normalcy In Their Life and An Opportunity To
Maintain Their Family Unit.

I Speak As An Advocate Of This Bill and Hope You Look
and Vote Favorably Upon It.

Thank You.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 14
4474 - 4836**

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Please check the board to determine if your vote has been properly cast. If so, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5164, amended by House "A."

Total number voting	142
Necessary for passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER ORANGE:

The bill as amended passed.

Will the Clerk please call Calendar Number 80, Calendar Number 80.

THE CLERK:

On page 38, Calendar 80, Substitute for House Bill 5233, AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS, favorable report by the Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Madam Speaker.

Glad to see you on the dais with those bright colors today.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

REP. ZALASKI (81st):

Madam Speaker, I move for acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

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

Will you remark, Representative Zalaski?

REP. ZALASKI (81st):

Yes, Madam Speaker.

This bill extends Workers' Compensation -- Compensation coverage for mental and emotional impairment to a volunteer or paid uniformed municipal firefighter diagnosed with posttraumatic stress disorder, PTSD, that originates from the firefighter witnessing the death of another firefighter while engaged in the line of duty. To be eligible, the firefighter must be diagnosed by a licensed and board certified mental health professional who determines the PTSD stems from witnessing the death of another

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firefighter and is, thus, subject to any other
inclusive -- inclusion under Workers' Comp law.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on bill before
us?

Representative Aman of the 14th, good afternoon.

REP. AMAN (14th):

Good afternoon, Madam Speaker.

It's that time where the Labor bills start to be
discussed again. I don't think this one is going to
go near as long as our previous ones that we've had,
but, of course, I do have a few questions for the
proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. AMAN (14th):

Yes. This particular bill breaks from the norm
for Workmen's Comp in that it covers mental or
emotional impairment. Other than for the
firefighters, is there anyone else that receives this
sort of Workmen's Compensation benefit? Through you,
Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, yes. Police officers also receive the benefits that way.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

And as I remember the reason for that it turned out -- came from the tragedy of the chimpanzee case of about a year -- year and a half ago, where the police officer had to kill the chimpanzee and with all the other trauma that went along with that. And, through you, Madam Speaker, that is we're that particular language came from? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I believe that's where it came from. I think many of us in the chamber that were here discussing it were -- were also horrified to hear about that case.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

And I think all of us would also be very sympathetic for a firefighter who saw one of his fellow firefighters killed in the line of duty and, therefore, would have the same mental or emotional problems and should be treated, but I do -- continuing my questions on it. In lines 28, we talk about the firefighter actually witnessing the death. And I'll just use an example because I think it might be easier for legislative intent to understand what I'm talking about. If you had a firefighter doing the hose duty or ladder duty, saw a fellow firefighter fall off the roof and die, I don't think there be any question that that was witnessing the death of a fellow firefighter. My question to the proponent would be in that same scenario, the firefighter that fell from the building and was killed, was on the opposite side of the building, outside the sight line of the firefighter who is seeking treatment. Would he be covered by Workmen's Comp? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, that's a great point to be brought because it's only if he witnessed it.

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If he could not see on the back of the building, he would not be covered under this bill.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

And I think that's a very important point because it does make the exception very, very narrow. It also talks about -- in the duty of a firefighter. And if a firefighter is, say, on call, playing softball. He is being paid, but he is on call. Someone for some reason has a heart attack, would that fall under the line of duty, or is that not the legislative intent of this bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, that is not the intent of this bill, legislatively.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

And the reason I want to get something like that on the record is there's going to be great cases, and I think it's important that the Workmen's Compensation

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Board understand what we're talking about and what is important and what is not -- or what we actually intended it to -- to do.

The bill also calls for the fact that the Workmen's Comp should be limited to treatment by a psychologist or a psychiatrist. And just to make things very clear, there would be no cash settlement of this sort of case, like in many injury cases, physical injury cases, that there are. Through you, Madam Speaker, will there be any cash settlements from this sort of claim?

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, that's a great point to make sure we -- everybody realizes, no there is no cash involved in this under the conditions of this bill.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

I thank the proponent for his answers. The only concern I have with this bill, this particular carve-out I think is fine, but I am a bit concerned that

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with two carve-outs that we may be seeing down the road people coming in and asking for additional ones, which I don't know if I could possibly support. Or some time in future, adding the word "not" where it says "it shall be limited to treatment by a psychiatrist or a psychologist" and expand the benefits. But as the bill as written, I can definitely support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill before us?

Our wonderful distinguished deputy -- whoops excuse me, Minority Leader Representative Lawrence Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

A few questions, through you, to the proponent of the bill please.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Through you, is in my understanding that this section of our statutes that we hope to amend, deals with the exceptions to those matters that are work related and would qualify for Workers' Compensation; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I believe that's correct.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Is it my understanding based on lines 11 and then again on lines 17 through 42, that there's a distinguishment between personal injury and mental or emotional impairment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, yes, because normally -- normally in compensation cases the claims starts

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when there is a physical injury. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, my concern is that there is that distinction, starting in line 11 and continuing in lines 12 through 16, there is an exemption for coverage of a personal injury, and it goes on to say in line 12, an injury to an employee that results from the employees voluntary participation in any activity, the major purpose of which is social or recreational, including but not limited to athletic events, parties and picnics, whether or not the employer pays some or all of the cost of such activity.

My question is, through you, Madam Speaker, does that exception only pertain to personal injury or injury as defined in line 11 of the statute? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

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Through you, Madam Speaker, I believe that --
that is correct.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Well, then, through you, Madam Speaker, if, in fact, that is correct, starting in line 17, we define a mental or emotional impairment for which the actual substance of why we're here is being amended. Would that -- would I, therefore, read that to mean that voluntary participation in an activity, such as picnic or social or recreational event, that exemption does not apply to mental or emotional impairment section of statute? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I believe that if you -- if you have problems during the recreational or social events, I don't believe you collect under this bill, yes. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, with due respect, that was not my question. My question was the exemption that I just read, it starts in line 12 and continues on to line 16, seems to go along with the injury or personal injury section of this statute. I do not see -- and by the proponent's own words, that is separate and apart from mental or emotional impairment. I do not see that same exemption being applied to mental or emotional impairments, specifically the two carve-outs: one that's already in law for police officers, and the one we are proposing to be in law for firefighters. Am I misreading that or is that accurate? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I cannot say that I can answer that.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Well, through you, Madam Speaker, I am -- have been generally supportive of this bill, but there are

those who think otherwise. And for those who think otherwise one of the examples they gave and wanted to make sure it was not covered, is if firefighters, say, are marching in a Memorial Day Parade and, God forbid, on the firefighters suffers a heart attack and dies while marching in the parade. And obviously, that death is witnessed by his fellow firefighters. Under this bill, one could argue -- the critics of the bill claimed that he, a firefighter, would be subject to this bill because he witnessed a firefighter dying in the line of duty -- "duty" meaning the obligation to march in the Memorial Day Parade. Now, normally, if the preceding section had applied, it would be very clear that that did not apply in this case, because the preceding section I referred to exempts out social activities or recreational activities, et cetera. But in light of the fact that that section, based upon what the proponent just represented to this chamber, does not apply to a mental or emotional impairment. I guess I would ask, if, in fact, firefighters were being ordered to march in a Memorial Day Parade and, unfortunately, one suffered a heart attack and died, would that person be covered under the statute? Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I think on line 16 where it has a semicolon after "activity," means that it's all connected to the next paragraph. So I think that it all flows together -- and not that I was an English major. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I think whether or not the good Representative was an English major is of no import because what we're trying to do is pass an important law here and be clear about.

So let me ask again, in my previous question, the answer given by the proponent of the bill was that the personal injury or injury section as defined in line 11 is separate and apart from the sections concerning mental or emotional impairment, and yet, the exception that I just read from applies only to the physical injury part. What gives this chamber assurance that that same exemption, a voluntary participation in

something social, a picnic, a parade, a softball game, et cetera, . would also not apply to the section dealing with mental or emotional impairment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I think if you read on line 29 where it says engaged in the line of duty, that's what the -- I don't think a parade or picnic is in the line of duty. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, a parade or picnic in the preceding section that I referred to was sort of first defined as a, quote, voluntary participation. In many cases, the participation in Memorial Day Parade is not voluntary and, therefore, one could argue is in the line of duty. If that were the case, would the exemption still apply to a mental or emotional impairment?

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

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REP. ZALASKI (81st):

Through you, Madam Speaker, he has to be acting as an employee where he's actually at work in the firefighting.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And once again, through you, Madam Speaker, if the division head of a division of firefighters says Monday, ladies and gentlemen, we will be marching in the Memorial Day Parade. You need to show up at eight, we're going to march to miles and that is part of your duty. And during the course of that parade a firefighter, unfortunately, suffered a heart attack and died and said death was witnessed by his fellow firefighters. Would that be covered under the statute? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, no, it would not.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Madam Speaker, the Joan please point to the sections in which would assure all us that would not be the case? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, through -- to be covered under the Workers' Comp statute itself, you have to be injured in the line of work. We don't believe they would be considered working by marching in a parade. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Would it be safe to say the gentleman is willing to state for legislative intent that unless a firefighter is in the line of duty fighting fires, not in parades or other nonfirefighting activity, they would not be covered under this bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I'd be glad to because that is the complete intent of the -- of this bill.

REP. CAFERO (142nd):

Thank you.

Through you, Madam Speaker, if one of the firefighters in the course of his duties is assigned to desk duty filling out paperwork or doing other administrative tasks. And in the course of doing said task, suffers a heart attack and dies and is witnessed by his coworkers. Would those coworkers be subject to the provisions of this section? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I guess they would, yes.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

So, through you, Madam Speaker, in other words, is it fair to say, therefore, that the death of a fellow firefighter does not have to be the result of

fighting a fire. The death of a fellow firefighter just has to occur within the eyesight of another firefighter who happens to be at work, being compensated for his or her duties whether that be administrative or actually fighting a fire, regardless of the cause of the death of the firefighter, whether it was natural causes, a sudden heart attack, et cetera, any firefighter who witnessed that while on the job would be able to be compensated; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, if it's a direct result of what they are doing for work -- right. As long as it's in the scope of their work duties, then, yes. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

So, through you, Madam Speaker, if a firefighter, unfortunately, had congenital heart disease and was prone to cardiac conditions and suffered a heart attack at his desk while doing paperwork in the

presence of other firefighters. Those firefighters can choose to avail themselves of this section; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, as always, if he has congenital heart disease, then that's the defense that the employer could use. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, were not talking about the defense as to the poor firefighter who passed away. We're talking about a fellow firefighter who witnessed that fellow firefighter pass away whether it was from congenital heart disease, stroke, aneurysm, et cetera, maybe having absolutely nothing to do with their line of work but just because of a congenital disease. The fact that death occurred at work in the presence of his employees, the rights that are set forth, herein, do not go to the deceased would go to the firefighter who witnessed. And if the good

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gentleman could clarify that, I appreciate it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, if the firefighter is doing his regular job in the course of work, then, yes, he's covered under the bill.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I think is very important to understand that distinction. Many of us, myself included, who support this bill, certainly envisioned the firefighter in the line of duty battling a blaze. Let's face it. That's what we thought of. That, God forbid, that firefighter dies by falling off a ladder or being succumbed to smoke inhalation or, God forbid, again, the fire itself, and then his fellow firefighter witnesses that. They, darn well, should be entitled to certain psychiatric or psychological assistance and that's what this bill provides.

I am not sure, however, that this bill contemplated that if a firefighter happens to be at work, being paid, maybe waiting at the station because there's no calls and because of some other nonfirefighter-related disease, whether it's cardiac arrest or, as I indicated, an embolism, and aneurysm, whatever -- passes away, obviously, at the workplace and, obviously, in front of other firefighters. I did not believe it was the intent of this law to have those who witnessed that death compensated.

But just once again for clarification, I guess I am wrong and Representative Zalaski has indicated, that even under that scenario, even under the scenario of a group of firefighters gathered in any particular location while at duty, maybe they are waiting in the firehouse having dinner and one of them suffers a heart attack, a fatal heart attack. Because that happened in the presence of the other firefighters, all of those firefighters who witnessed that -- who were in that room, would be able to avail themselves of this law; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

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REP. ZALASKI (81st):

Through you, Madam Speaker, if they're all examined by a psychiatrist and they feel that they a mental problem from it, then, even I think that they deserve this. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Well, thank you, Madam Speaker.

I'm glad Representative Zalaski thinks they deserve it, but unless and until he becomes a Workers' Comp commission, we have to judge it based on what their standards are. And those standards, I think, are set by this law.

Ladies and gentlemen, I think this is a good bill. The intent of the bill. The intent in our mind's eye, the thing that is most obvious all of us. To be called for fire with your -- your brother or sister firefighter and to witness somebody you've worked with for that many years succumb in the line of duty fighting a blaze, if that firefighter needs psychiatric counseling or some help because of their posttraumatic stress syndrome, well, they should darn well get it.

But the very point that Representative Aman made about that slippery slope, those unintended consequences, not only in this law but in all laws. That's what we have to guard against. That's what we have to be most concerned about. That is why there is a series of questions posed to the proponent of the bill so that those who are charged with it interpreting these laws understand what we are thinking. And before we can pass this law to send it out to tell them what we are thinking, we have to explore every eventuality. And that's why posed the questions I posed.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark?

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Madam Speaker. Good afternoon.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. CAMILLO (151st):

Just a couple quick questions for --

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Please proceed.

REP. CAMILLO (151st):

The good Chair of Labor.

This bill -- this condition or disorder, do other states cover it? And if it's been asked already, I apologize. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Madam Speaker. It is a good questions, and nobody else has asked that but I don't have answer.

DEPUTY SPEAKER ORANGE:

Representative Camillo.

REP. CAMILLO (151st):

Thank you. And then the second question is, I don't see it, but are fire police patrolmen covered in this, or is it just volunteer firemen? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, it's paid -- it's volunteers or paid uniform municipal firefighters. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Camillo.

REP. CAMILLO (151st):

Thank you. And I thank the gentleman for his answers. I do rise in support of the bill for many of the reasons that Representative Cafero just mentioned. It's important. I don't think it's going to end up being a huge fiscal impact, at all. But, certainly, there out there in the frontlines and things do happen, so I do urge passage of it. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Will you care to remark further?

Representative -- the good doctor, Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon, sir.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, to the Chairman of
the Labor Committee?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SRINIVASAN (31st):

If -- through you, Madam Speaker, if the
firefighter had a history of a stress disorder and
then is unfortunate enough to witness this horrific
death of a firefighter would he, as per this bill,
would he still be able to qualify and get the
appropriate coverage? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I'm not sure I
understood who -- who is one that has heart disorder.
The one that saw the other firefighter passed away or
the firefighter that passed away. I'm not sure.

DEPUTY SPEAKER ORANGE:

Representatives Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, the firefighter has a
pre-existing stress disorder -- not a heart attack --
a stress disorder, then happens to witness the death

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of another firefighter and since it is a pre-existing condition of a stress disorder, would the firefighter then still be able to qualify to get this support?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I believe so.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, is there a time frame by when the firefighter should go in and say that what I experiencing and is the posttraumatic stress disorder? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

I'm sorry. Could you -- I didn't hear that question.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan, do you mind repeating? Can you hear okay. Is it too loud in here or are you just --

It's okay?

Okay. If we could just like lower a little bit.

I think we're Representative Zalaski sits he can't hear that well.

Representative Srinivasan, if you would ask or pose the question again, please.

REP. SRINIVASAN (31st):

It would be my pleasure, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

REP. SRINIVASAN (31st):

At times -- I will explain this before I asked this question, maybe it'll clarify that. People do not seek treatment immediately, but let's say six months go by, a year goes by, and then whatever stress this firefighter has because he has witnessed this death of a co-firefighter, would he still qualify by this law to see the counseling and get the necessary treatment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, it's the same as any statute. If there's no set time limit that he may

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seek treatment, then it's the same in this bill.

Through you, Madam Speaker.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, for that answer.

And my final question to the proponent, in that same line of thought. Is there a time limit that this person can continue to get treatment for his posttraumatic stress disorder? Through you, Madam Speaker.

REP. ZALASKI (81st):

There is no time limit if they're under treatment already. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, and I appreciate those answers from the Chairman of the Labor Committee.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Smith of the 108th, you have the floor, sir.

REP. SMITH (108th):

Thank you, Madam Speaker.

A few questions please to the proponent?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SMITH (108th):

You know, Representative Cafero you raised some good points in my mind. I'm trying to determine the distinction of when one begins work and one is on the way to work, perhaps, and I'm wondering if the Representative can help me with that. When does one engage in the line of duty as a firefighter? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I often say that I am not a lawyer, but I'm also not on fire -- I don't know when they start their work. I'm sorry. I don't have an answer for that. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

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REP. SMITH (108th):

I appreciate the honesty.

What I was thinking of is, especially with the volunteer fire departments that tend to make up most of my districts, if -- if there is a call where there is a fire and the fireman is on his way or her way to the firehouse, followed by another fireman and there is a car accident, but they never quite made it to the firehouse yet. And during that accident one of the firefighters dies in the car accident. With that type of scenario apply as being in the line of duty?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, this bill doesn't change current statute. And any of the laws that are, in effect right now are in effect for this bill.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

And thank you for that but, you know, I'm a lawyer -- I am a lawyer and I understand that the good

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Representative is not a lawyer but even as a lawyer I don't know whether one driving under that scenario that I raised would be in the line of duty or not. I'm just trying to create an idea going forward for those myriad of scenarios that we come across that some commissioner may have to deal with at some point in the future.

You know, I think this also is a good bill. And I'm all in favor of the firefighters and understand the risks that they put on their lives and what they do. What I think we should understand where the line is and what the intent of this bill is. If the intent of the bill is that if there engaged in the line of duty fighting a fire and witness a death, the bill applies. If the intent is, if they happen to be anywhere at any time in the line of duty, and they happen to witness a death from whatever cause, then the bill applies. We should know that, as well.

And I don't think we've had a clear indication of that this afternoon as to when that actually -- when the line of duty actually occurs. And it could be just because we don't know, but I think it's something that if -- if anybody in the chamber does have knowledge of that information be helpful, so we do

have the proper legislative intent as to when this bill would apply.

The only other question I had on the -- for the good representative is, whether or not this is a fiscal cost to the municipalities? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zeke Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, under the explanation in the fiscal note, it just says "may have potential fiscal impact," but they have no way of knowing. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

You know, I saw that, too, and I was wondering to myself how -- how we don't have answer on that. And I'm sure is not the Representative's fault that we don't have an answer, but I was wondering if -- if we know a certain amount of firefighters die per year fighting fires, and certain towns certainly are self-insured, the equation for that shouldn't be too hard to figure out. But it would be nice to know with the

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costs going forward would be to the municipalities who are self-insured, who may have to absorb these costs just based on averages.

You know, I'm troubled by the, I guess, lack of clarity of when this bill applies. You know, I hope we can clean that up going forward. It certainly something I think that needs to be cleaned up to not only protect the firefighters but to protect the municipalities who insure them.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Smith.

Will you care to remark further? Will you care to remark further?

Representative Carpino of the 32nd, you have the floor, madam.

REP. CARPINO (32nd):

Thank you, Madam Speaker.

I like to urge support of this bill, but I want to tell you why. We were lucky in Portland last year. Shortly after I was elected, I got a call that we had a firefighter down. And I went because they asked me to go, and we had a firefighter who was seriously injured, two of them as a matter of fact. And to sit

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at that scene and to sit in that firehouse with his peers and his colleagues on this cold January day, left their own homes, left their families and some of them who were individual business owners who were working on Saturdays -- at least in my community -- who leave when that call sounds, to go to find out that this man had been seriously injured. And to sit with this colleagues, as he was not only whisked away in an ambulance, but then to wait with everybody as he went down to the burn unit in Bridgeport, I think is reason enough. That can happen in the 169 towns or cities across the state.

We all know the great respect that is due to our firefighters across the state, but we also have to keep in mind that a large percentage of them are also volunteers that are picking up and leaving their family. So I would just like us all to keep that in mind as we seriously consider this bill, and I urge support.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further? Will you care to remark further?

Representative O'Neill.

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REP. O'NEILL (69th):

Yes, thank you, Madam Speaker.

If I may just a couple of questions.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. O'NEILL (69th):

There was a discussion earlier on -- I think the Minority Leader had it, talking about a parade and the situation in which a firefighter might have a heart attack or something like that during the course of marching in a parade. And I wasn't quite clear so I was hoping to make sure I got the answer correct in my mind as to whether, in the opinion of the Chair of the Labor Committee, that firefighter would be covered by this statute, this bill that is before us, and that witness, witnessing someone under those circumstances of a heart attack while marching in the parade would be eligible for the benefits of the bill before us? So that's the question, Madam Speaker, through you.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I don't believe that they would be covered while they're marching in a parade, no.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And just to follow along, is that because marching a parade is not considered to be the line of duty or -- we'll stop there. Is that because it's not considered to be part of being in the line of duty?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I don't believe that that would be in the line of duty.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

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

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

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Representative Larry Miller of the 122nd , my
good friend, you have the floor.

REP. MILLER (122nd):

Thank you, Madam Speaker.

I have one question has to do with the --

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. MILLER (122nd):

A fireman and his coworker, who happens to be a female fireman, they are in the back of the firehouse having a cigarette outside and the female firefighter is having some problems with her husband. They are going to get a divorce. He comes down there with a gun, sees her outside, he shoots the woman to death. The firefighter who witnessed that, would he be covered under this bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I'm not sure I caught which one is the firefighter?

REP. MILLER (122nd):

The female is the firefighter, through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

And through you, Madam Speaker, not that I'm trying to be difficult -- so the female was sitting around in the back, can you -- can you reiterate your question?

REP. MILLER (122nd):

Let me --

DEPUTY SPEAKER ORANGE:

Representative Miller, would you mind -- the scenario.

REP. MILLER (122nd):

Not at all, ma'am. Okay. Madam Speaker, I will.

Two people are -- two firemen are outside the building in the back of the firehouse. One is a male and one is a female. The female's having trouble with her husband. They are in divorce court. The husband comes down there with a gun, kills her, shoots her right in front of this guy, the other firemen. Would he be covered under this law? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

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REP. ZALASKI (81st):

Through you, Madam Speaker, and I hope you don't mean -- "he" meaning the husband would be covered if he was a firefighter because I would hope he would not. The other person sitting there with her, I guess, would be as long as they were on duty.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you for your answers. And thank you, madam.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Melissa Riley.

REP. RILEY (46th):

Thank you, Madam Speaker.

Madam Speaker, I have listened to the questions and the debate here today and there have been some very good questions raised. I first want to start off by saying we are not doing anything with this bill. I am in full support of this bill. We're not doing anything in this bill that changes the Workers' Compensation statutes and definitions as they exist

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today. In fact, in this -- in our Workers' Compensation statutes, we provide these very benefits for police officers suffering from mental and emotional impairment. That is section 31-294(h). That's well-defined and has been the available -- it's been an available remedy for Workers' Compensation commissioners to date.

We need to understand that there is a definition for injury and there is a definition for in the course of employment. Again, that's well litigated and that's established case law. So, again, we're not doing anything that changes the way that we make determinations of Workers' Comp. We're simply indicating that if one of our firefighters witnesses the death or witnesses the injury or what have you in the line of duty and suffers a mental injury, has suffered PTSD, has suffered somehow harm to that person, we that are taking care that firefighter and making sure that that firefighter receives the treatment that he or she deserves as a result of the injury, as a result of that mental injury. Again, it's the same benefit that we provide to our police officers.

So I do stand in full support of this bill.

Workers' Compensation commissioners are clearly well-versed in being able to answer many of the questions. This is not a rebuttable presumption. This is not a presumption on behalf of firefighter. The town continues to have any defense that it wishes to raise against an injury -- a claimed injury. Firefighters do need to file these claims within a timely fashion. Again, that's well defined in statute. And as far as treatment goes, if their claim is accepted and their treater continues to indicate that treatment is required or reasonable and necessary, that firefighter will continue to receive treatment that he or she needs. So thank you, Madam Speaker I do rise in full support of this bill.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Riley.

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

Representative Srinivasan, you have your light on for the second time, sir?

Mistake?

Second time? Okay. You have the floor.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, and thank you for the indulgence. And I do want to thank the clarifications we just received a few minutes ago. I want to thank the kind representative for giving us a clarification.

And through you, Madam Speaker, just one question to the proponent of the bill?

DEPUTY SPEAKER ORANGE:

Representative Zalaski, please prepare yourself.

Please continue.

REP. SRINIVASAN (31st):

Thank you, Madam --

Thank you, Madam Speaker.

Line 28 talks about witnessing the death, and I just want, for my clarification for everyone else, in the event of the firefighter who is in an injury, has a severe injury but does not die on the scene, taken by ambulance, goes to the hospital and, unfortunately, passes away in the hospital. Witnessing the death, would that still qualify for the person who saw this occur, would he still be able to qualify for the posttraumatic stress syndrome? Through you, Madam Speaker.

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Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, we believe so, yes.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So if I'm -- through you, Madam Speaker, if I'm -
- if I'm clear then, he or she does not have to
witness the death. He or she just has to just witness
a severe injury. I just want to make sure that death
does not need to occur at the site for the gentleman
to qualify? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, in the case of an
event as you spoke, number one, the worker themselves
would have to go before a psychiatrist and they would
make those determinations whether he suffered this
from the witnessing of a death. Through you, Madam
Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

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Thank you, Madam Speaker.

I appreciate that answer. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Hetherington of the 125th.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

Just a quick question or two to the proponent?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you.

The -- the Representative a moment ago in describing the Workers' Compensation law referred to -- used the term or the phrase "in the course of employment." I believe I quote that correctly, which, as I recall, is typical to language in Workers' Compensation law.

What I'm asking is, does the phrase "in the line of duty," is it -- is that synonymous with -- with the course of employment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

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REP. ZALASKI (81st):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

If they -- if a firefighter were marching in the parade that we're now familiar with and was directed to march in the parade and suffered a heart attack as a result of the stress of marching in the parade -- being ordered to march in the parade, wouldn't -- would not that physical injury be compensable?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, we have to remember that it's the witnessing of the event that we're worried about in this bill.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Yes, I understand that. However, is not the witnessing -- the witnessing of someone who dies -- witnessing the death of another firefighter while

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engaged in the line of duty. Now, does in the line of duty refer to the firefighter who dies, or to the firefighter who witnesses? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, it's through the witnessing.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I'm sorry. So, it is -- the firefighter, while engaged in the line of duty, witnesses; that's correct? The witness is the firefighter; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, as I've read on line 28, I gather, it says "firefighter witnessing the death." Yes, so I guess that's true.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

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REP. HETHERINGTON (125th):

But I would point out that it does say -- and I'm not being argumentative -- but I would point out in the next one it says "witnessing the death of another firefighter while engaged in the line of duty." So it's not crystal clear who's engaged in the line of duty, but I take it from the comments -- from the responses of the -- of the proponent that we're talking about the witness who's engaged in line of duty. So -- and -- and that is synonymous with "in the course of employment" so I'm not sure I understand how that is consistent with the explanation because if it's -- if "in the line of duty" is synonymous with "in the course of employment," then a firefighter witnessing the death of another firefighter while engaged in the line of duty would mean that he could be -- the witness could be engaged in any activity, not necessarily on the job, in which he would witness the death of a firefighter who was engaged in light of duty; isn't that correct, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

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Through -- through you, Madam Speaker, I'm not sure following the whole thing, but I'll try and a scenario now. And the scenario is if a band is walking by in a parade and they're firemen, and a fireman is fighting the fire on a house right next to the parade, and he sees a firemen die in the parade, then I guess he would be covered under this bill. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, forgive me. Through you, Madam Speaker, that -- that -- I think that's inconsistent with what we just established because the witness -- it's not the witness who has to be in the line of duty. It's the victim. The firefighter who loses his life is engaged in the line of duty. You know, I think a more accurate example would be if a firemen is off-duty and he happens to be walking down the street, he sees a fire which he is not involved in combating and he sees a fireman who is engaged in firefighting, lose his life tragically in the fire. The firemen who witnesses that while -- although he's not on duty --

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not in the line of duty, he still would qualify, would he not? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I'm sorry to say I'm not sure I caught all that, but I would still say that in the bill it says that the firefighter that witnessed the death has to be engaged in the line of duty.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see. I think I must have misunderstood the Representative. I thought the witness had to be -- the person engaged in the line of duty was the victim, not the witness. So, perhaps, it would be more accurate to say that both of them had to be engaged in the line of duty, would that be fair? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, I'd say that could happen, yes.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. Thank you. I appreciate the -- the proponent's responses.

Just to set forth what it think we have resolved. The question is what is meant in lines 27, 28, and 29, and that is someone is a witness and there's a victim. The question is who is the victim is and who is the witness. Is the victim the person who is engaged in the line of duty fighting a fire, or is the witness required to be the person in the line of duty when he witnesses the fire?

And I guess where we come out is, it's both. So this would be limited to a situation where both the victim and the firefighter -- and the witness -- both the witness and the victim were firefighters in the line of duty in the course of employment. And I'm glad we established that because I think that's what we intended here. We intended -- we intending -- we intended to mean that two firefighters engaged in fighting a fire are -- one of them is fatally injured

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and his or her companion sees what happens, and it's obviously struck by it. So I think that's where we come on, and I thank the proponent and -- thank you.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Miner, are you there?

Representative Miner, you have the floor, sir.

REP. MINER (66th):

I'm hiding, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Hi, Representative.

REP. MINER (66th):

Madam Speaker, I've tried to follow this bill both through the Labor Committee, Approps and, then, now today and I've had opportunity to speak with advocates for the bill and those that are concerned about the costs and the ramifications. And I, kind of, look at this bill like the OSHA bill. You know, the last place we should be here in this chamber is thinking that this does something that it doesn't do because I think it causes us to place risks and expense on something that may not have it, and it

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causes us to develop, I think, strange relationships with whether their career firefighters or volunteer firefighters when it's not deserved.

My concern right now is, I've listened intently to the Chairman of Labor Committee and listened intently to the Deputy Majority Leader, and I am not an attorney. I, you know, agree to do this just like many of us do, not knowing the law, and I don't know who to direct this question to, but my question, Madam Speaker, is, is the representation made by the Chairman of the Labor Committee in terms of who's covered and under what circumstances they're covered, the same representation that was made by the majority -- Deputy Majority Leader, because if we are, I want to support this bill. I don't want there to be any misunderstandings about who's covered, who's not covered, under what circumstances they're covered, and under what circumstances they're not.

The last thing we should be doing here today is leaving any doubt in anyone's mind about whether someone witnessing the death of a fellow firefighter will have the medical treatment that they need. If, in fact, we're trying to lodge a round peg in a square hole here, then this is a huge mistake for the State

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of Connecticut. Huge. Because it won't put the question to rest today and that's my fear. So through you, Madam Chairman, and I guess directed to the -- Madam Speaker, directed to the Chairman of Labor Committee, is that his understanding that the representations he made are consistent with those made by the Deputy Majority Leader, through you, please, with regard to who's covered and under what circumstances they're covered?

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker to my good friend from the Labor Committee, yes.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I guess if I could ask that same question to the Deputy Majority Leader, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Would you care to respond, Representative Riley?

REP. RILEY (46th):

Thank you, Madam Speaker, yes.

REP. MINER (66th):

You see Madam Speaker --

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

And -- and these are two people that I've had the pleasure of working with for many years, and so I value what they have to say, and I value their interest in trying to clarify the situation for us when I'm not sure. And so I rise in support of the bill. I think there's some risk. I don't think there's any more risk in the man or woman that answers the call. And so to the extent that we can provide some medical assistance -- mental, in this case, as soon as we can to try and fix what otherwise isn't visibly broken. I think benefits us all.

Thank you.

DEPUTY SPEAKER ORANGE:

Would you care to remark further?

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you very much, Madam Speaker.

A few questions through you to the proponent of the bill?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. CARTER (2nd):

Thank you.

In all the discussions about PTSD. I know it's possible for some folks to have PTSD. I think one of the colleagues brought up earlier from an earlier occasion. I, also, want to make sure, through you, Madam Speaker, does -- will he still apply to somebody who saw a reproduction of the incident via video or something like that, or do they have to witness in person? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, has to be a person.

DEPUTY SPEAKER ORANGE:

Madam Speaker to you, sir.

REP. ZALASKI (81st):

I apologize, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Carter.

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REP. CARTER (2nd):

Thank you, Madam Speaker.

I asked that question because one of the well-known external triggers of PTSD are often images that remind somebody of a traumatic event. We've had numerous firefighters in Connecticut who were volunteers in the recovery efforts down at Ground Zero as a result of 9/11. So I also want to know, for those individuals were involved with 9/11, through you, Madam Speaker, would this bill apply to somebody who already has PTSD from seeing a fellow firefighter in the recovery efforts? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Madam Speaker, no.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill?

Will you care to remark further on the bill before us?

Will 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 taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members
voted?

If all the members have voted, please check the board to determine if your vote has been properly cast. If so, the machine will be locked, and the Clerk will take a tally.

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5233.

Total number voting	144
Necessary for passage	73
Those voting Yea	141
Those voting Nay	3

Those absent and not voting 7

DEPUTY SPEAKER ORANGE:

The bill passes.

Are there any announcements or points of personal privilege?

Any announcements?

Representative Fleischmann, you have the floor, sir.

REP. FLEISCHMANN (18th):

Thank you, Madam Speaker, for a point of personal privilege?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. FLEISCHMANN (18th):

I wanted all members in the chamber and others who may be in the Capitol and interested to be aware that the Unified Theater, which is made up of West Hartford students were both special-needs students and other West Hartford school children is going to be giving a special performance in the Old Judiciary Chamber on the third floor starting in about two minutes. So anyone who would love to see a really moving wonderful theatrical experience that shows how children with special needs and mainstream students

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place the item on the consent calendar.

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

Oh, excuse me, Madam President.

THE CHAIR:

You've already did that one.

SENATOR LOONEY:

Strike that one. That one, I believe, is -- may have been marked previously. So strike that item.

Next one, Madam President, is calendar page 20, Calendar 496, House Bill 5412, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, calendar page -- moving back to calendar page 17, Calendar 474, House Bill 5233, move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 18, Calendar 479, House Bill 5500, move to place the item on the consent calendar.

THE CHAIR:

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On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

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On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:

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Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

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

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.