

PA12-129

HB5279

Government Admin. & Elections	687-689	3
House	1462-1480	19
<u>Senate</u>	<u>4440, 4497-4499</u>	<u>3</u>
		25

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 3
640 - 982**

2012



LEAGUE OF WOMEN VOTERS OF CONNECTICUT, INC.

CGA Government Administration and Elections Committee

March 12, 2012 Public Hearing

Comments Submitted by Pat Reilly, Connecticut League of Women Voters, Ethics Specialist

Comments On:

SB 256 AN ACT CONCERNING THE TIMING OF FACULTY CONSULTING AGREEMENT AUDITS UNDER THE CODE OF ETHICS.

I am Pat Reilly, Ethics Specialist for the League of Women Voters of Connecticut. Thank you for the opportunity to submit testimony in support of SB 256 AN ACT CONCERNING THE TIMING OF FACULTY CONSULTING AGREEMENT AUDITS UNDER THE CODE OF ETHICS.

The League of Women Voters of Connecticut, a statewide organization with over 1800 members, believes that the public should have confidence in the integrity of its government. Government officials and employees should be held accountable for carrying out their duties in both an effective and ethically responsible manner. As The Codes of Ethics are the means to accomplish these ends, the League has a keen interest in any efforts to reform, strengthen or clarify The Codes.

Based on the testimony by the Office of State Ethics for 5279 (please see below), the League supports the changes contained in SB 256, adding that the change from semiannually to annually will free up all involved resources giving them more time for other government activities.



STATE OF CONNECTICUT
OFFICE OF STATE ETHICS

OFFICE OF STATE ETHICS' STATEMENT IN SUPPORT OF
SECTION 2 OF RAISED BILL No. 5279
AN ACT CONCERNING PUBLIC INSTITUTIONS OF HIGHER EDUCATION

The Office of State Ethics ("OSE") supports section 2 of Raised Bill No. 5279 and respectfully requests that the following comments be considered. The proposed language in section 2 requires that the audit of faculty consulting agreements occur on an annual, rather than semiannual, basis. Compliance with policies that govern faculty consulting agreements is monitored by a nine-member committee established at each constituent unit of higher education, comprised of gubernatorial and legislative appointees, representatives of the constituent unit for which the committee has been established and a member of the Citizen's Ethics Advisory Board ("CEAB"). A member of the CEAB who has been serving on the committee for the University of Connecticut has recommended, and the CEAB concurs, that an annual audit report as to compliance with applicable policies is sufficient to meet the needs of the statute. In particular, the University of Connecticut is to be commended for the process it has put in place to ensure compliance with the law.

For further information please contact: Carol Carson, Executive Director, Office of State Ethics, at 860-263-2400; 860-263-2402 (fax)

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In Equal Opportunity Employer

In summary, there remain pending regulations in state agencies and departments that have never been brought before our Committee. If an agency does not come before the Committee, how can we take action on these regulations? This bill would give the Committee the authority to act when government agencies do not; providing our citizens more oversight, accountability and transparency over their government.

Thank you for your time and consideration of this request.

Kevin C. Kelly

H – 1127

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 5
1395 – 1745**

rgd/gdm/gbr
HOUSE OF REPRESENTATIVES

54
April 17, 2012

will announce the tally.

THE CLERK:

House Bill 5408.

Total number voting	148
Necessary for adoption	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes.

Will the clerk please call Calendar Number 78.

REP. COOK (65th):

On page 5, Calendar 78, House Bill Number 5279,

AN ACT CONCERNING PUBLIC INSTITUTIONS OF HIGHER
EDUCATION, favorable report by the Committee on Higher
education.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis, you have the floor, ma'am.

REP. WILLIS (64th):

Thank you very much, madam. Good afternoon.

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

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the Joint

Committee's favorable report and passage of the bill.

Will you remark further?

REP. WILLIS (64th):

Yes. Thank you, madam.

Section 1 of this bill conforms the higher education purchasing statutes to the current Department of Administrative Services advertising for competitive bids and proposals for goods and services.

Currently public universities and colleges have to advertise competitive bids and proposals in two or more publications and the Internet. This bill would permit our public colleges and universities to post their bid notices only on the Internet. This is clearly a cost savings measure for the colleges.

Section 2 of the bill changes the faculty consulting audit from a semi to an annual audit. Faculty at the public colleges and universities will continue to be actively engaged with private industry and consult with companies on a regular basis to address and solve a range of technical and business problems.

The Connecticut General Assembly has always recognized the importance of these faculty consulting agreements and set up an oversight framework to

monitor these agreements. But doing it twice a year is really unnecessary, and it does not provide any added value that is commensurate with the cost of staff time and resources.

Section 3 of the bill eliminates a requirement that an independent audit verify the book values of various UConn Health Center accounts. The auditors of public accounts, in their report, noted that the costs associated and incurred are unnecessary and should be avoided. And the costs of these reports clearly exceeds their value.

And Section 4 of this bill only clarifies our existing intellectual property statutes and not a change in law. It is before us today to help protect our public colleges and universities and their employee inventors and the inventions already in progress.

Under current law Connecticut and the University of Connecticut is entitled to its own participation to own or participate in the ownership of inventions by its employees. The employer inventor must assign to the university his or her rights and the interest in the invention.

This is before us today as a result of a court

case, Stanford versus Roche, where a faculty member was contractually required to assign inventions to the university. However, before that occurred, he signed an agreement in another document assigning the invention to the company. As a result Stanford lost its right to the invention.

This will make it clear that the ownership of the invention automatically invests with the university and does not depend on an employee actually signing an agreement.

Madam Speaker, the Clerk has an amendment, LCO 3052. I move that the reading of the amendment be waived and I be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 3052, which will be designated House Amendment "A."

The representative has asked leave to summarize. Is there any objections?

THE CLERK:

LCO 3052, House "A," offered by Representatives Willis, Senator Bye, and Representative LeGeyt.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize. Is there any objection? Is there any objection?

Please proceed, ma'am.

REP. WILLIS (64th):

Thank you much, Madam Speaker.

Section 1 of this bill, it just makes RFPs to clearly be posted -- public notice on the Internet instead of "and the Internet." So that is just a grammatical change.

Only want to make it clear that the units will only post bid and RFPs on the Internet as is the practice with the Department of Administrative Services.

Section 3 deletes references to Uncas on the Thames River -- I mean, hospital. These references are -- been deleted because the hospital is no longer in operation.

And Section 4 is a very technical change; basically reorders the wording in one of the sentences.

Both -- the amendment adds new sections to the bill, which will make it clear that the University of Connecticut and the Board of Regents have the authority to prove their admission statements with their respective campuses; secondly, make recommendations for merger or a closure of respective

institutions or campuses; and allows the University of Connecticut to report its budget expenditures to OPM.

I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is adoption of House Amendment "A." Will you remark further?

Representative LeGeyt, you have the floor, sir.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

I rise to comment on the amendment. I'm in full support of it, and I'd like to share that the Section 4 of the amendment simply continues the alignment that occurred with the reorganization last year of our higher ed system and creates some protections for UConn that are consistent with the reorganization bill as it was put forward.

So I'm in full support of this amendment. Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you remark further on House amendment "A?" If not, let me try your minds. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Those opposed nay.

The ayes have it. The amendment is adopted.

Will you remark on the bill as amended that is before us?

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

If I might, just a couple of questions to the proponent of the bill, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. MINER (66th):

Thank you, Madam Speaker.

As I was listening to you bring out the bill, I thought I understood you to say that some intellectual rights or patents would vest with the university, the higher education component. Is that correct?

Through you, Madam Speaker.

REP. WILLIS (64th):

Through you, Madam Speaker.

This bill only clarifies existing law. It is only a clarification and does not change the vested interest that the university or the researcher has.

The concern was that there could be a researcher who assigned ownership to an invention that rightfully belonged and rested with the university.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

And so are there circumstances where, prior to the passage of this law, there is vested right in some of these inventions by employees?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

That is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And so, by passing this piece of legislation, we take that vested right away from the employee?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

No, we are not taking it away from the researcher. We're just ensuring that it could not be signed over to a private company, leaving the university out.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

So, by passing this piece of legislation, there is then co-ownership in this right?

Through you.

REP. WILLIS (64th):

Through you, Madam Speaker.

It's presently the way it is. There's co-ownership and investment by the university and the researcher.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And that was my recollection. I think last year, or maybe the year before, we had done some legislation

to bring parity to employees that work, I think, for the department of -- it's not agriculture -- it's the Ag Experiment Station and that they had, in some cases, developed significant intellectual properties in the creation of plants, specifically, and knowing that folks that worked at UConn in their science wing actually had received some benefit. So they were able to negotiate at UConn for that.

So I'm happy to hear that while this does clarify it, it doesn't take it from one and automatically give it to the other.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Floren, you have the floor, ma'am.

REP. FLOREN (149th):

Thank you, Madam Speaker.

A question through you to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis, prepare.

Representative Floren, please proceed.

REP. FLOREN (149th):

Thank you.

Representative Willis, through you, when you say "invention," what is your specific definition? Because, to me, now intellectual property has so many new attributes with gene therapy, with pharmaceuticals, with computerized things, would that -- would your term "invention" cover all of those new intellectual property assets?

DEPUTY SPEAKER KIRKLEY-BEY:

Excuse me.

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

Yes, it would.

REP. FLOREN (149th):

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you remark further on the bill that is before us, the bill as amended?

Representative Mikutel.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker.

Madam Speaker, to you -- to the proponent of the bill. Did I hear the proponent of the bill say that this is a cost-savings measure? Partly so?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

Yes, it is.

REP. MIKUTEL (45th):

Well, I am very glad to hear that. And it gives me an opportunity to speak about the high cost of college, which is burdening our young people who are graduating with such debt that they can't even pay it off until the day they die.

And we ought to, in this assembly, do something about it because it's outrageous, the amount of money that it costs a young person to go to college today. And I hope that whatever we save is passed on by the administration to the students.

But we have to address this issue at some point because too many of our students are being saddled with debt that they just cannot pay off.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Will you remark further on the bill as amended?

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Yes. Thank you, Madam Speaker.

If I might, just a question or two to the
proponent of the bill?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis, prepare.

Representative O'Neill, please proceed.

REP. O'NEILL (69th):

Thank you.

As I was reading the OLR summary, it appeared that, under current law, in order for the university to acquire the rights that we're talking about in these inventions, the inventor, the employee had to assign those rights with a written document of some sort and that the purpose of this legislation seems to be to eliminate that step and simply say that if you were an employee and this invention was created by you and there's some requirement that there be some program that it be part of, or that it's the normal course of your duties, or you used university resources, that that's the condition under which the invention would become assigned, as opposed to a requirement of actually having a written assignment. That's what my understanding is.

If somebody were an employee of the university and they invented something, but they weren't doing this as part of being a researcher or who, as an employee who is expected to have research that would lead to inventions, would they be covered by this?

It does talk about some criteria, but now there, the way they're being expressed in the absence of the specific written assignment, I'm just wondering about somebody who might be working for UConn in some -- let's say the legislative liaison for UConn might invent a better mousetrap.

Is that what not -- is that to be covered by this? Or does it have to be part of a mousetrap development program that UConn is sponsoring or that the legislative liaisons are assigned some duty to invent mousetraps by the university to get -- to be covered by this statute? So that's my question.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

The researcher/inventor of an initiative would have to be part of an invention program, an agreement

rgd/gdm/gbr
HOUSE OF REPRESENTATIVES

April 17, 2012

that they are working on through the University of Connecticut, not something that an individual employee might embark on, on their own.

This would be a formal arrangement, whether it's at the health center or at the university where someone is conducting research on behalf of the university.

And they would commercialize it. I mean, we're really talking about commercialization of intellectual property that has been done at the University of Connecticut or UConn Health Center.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

So just to be sure, there is some kind of written document that the employee has to sign and an agreement and evidence that they knew that the work that they were doing was assignable to the university. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis.

REP. WILLIS (64th):

Through you, Madam Speaker.

That is my understanding.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

I'm glad for that clarification, because since we are changing the rules and that a person no longer would have to assign the rights, I guess my concern would be that someone who had no idea that they were going to be expected to turn over the rights of this, whatever invention it is, would suddenly be presented with a demand by the university or notice that these rights had, in fact, been assigned by virtue of the actions of the Legislature in transferring a piece of property which, apparently, at least to a large degree, resides in the possession of the employee.

And then we act to transfer it from their possession, in effect, to our possession by passing this legislation, which of course if we were doing that and they had no prior notice and had never agreed to anything like that happening, then that sounds to me like we have an unjust taking of property without due process of law.

But as long as they understand from the get-go that they are required to turn this thing over, whatever it is they're working on and there's some sort of documentation of that, then I'm pretty hopeful that we don't have to worry about that.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

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

Representative LeGeyt, you have the floor, sir.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

I rise in support of this bill and want to share that with regard to the section on intellectual property.

It's my understanding that agreements already exist that require, at least, the university to share in the ownership, but more importantly, the process of conferring that ownership on the university is a result of a piece of paper that needs to be signed whereby the employee who's done the research assigns ownership, and this -- that doesn't indicate that the employee expects to maintain any ownership benefit.

It's just procedural.

However, as a result of the court case in California, the window of time between when the property is available and the document is signed is a potential for problems, which that court case resolved in California, and which we're trying to resolve here by having the ownership automatically vest in the university.

I'm in full favor of this bill and encourage my colleagues to support it. Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Will you remark? Will you remark further on the bill as amended? If not, staff and guests please come to the well. Members take your seat. The machine will be opened.

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 KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked, and the

Clerk will prepare the tally.

Representative Fritz, for what reason do you stand?

REP. FRITZ (90th):

Thank you, Madam Speaker.

In the affirmative, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Please cast a vote in the affirmative for Representative Fritz.

The Clerk will announce the tally.

THE CLERK:

House Bill 5279 as amended by House "A."

Total number voting	147
Necessary for adoption	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passed.

Will the Clerk please call Calendar Number 141.

THE CLERK:

On page 39, Calendar 141, Substitute for House Bill Number 5182, AN ACT CONCERNING A CHANGE REGARDING THE FINANCIAL SECURITY OF LOTTERY SALES AGENTS,

S - 649

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**

rgd/tmj/gdm/gbr
SENATE

261
May 9, 2012

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Would mark that item as go. And then also, Madam President, would like to mark as go item appearing on calendar page 10, Calendar 411, Senate Bill Number 25, AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES. I'd mark that item go as well.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, now would proceed to place some items on the consent calendar.

THE CHAIR:

Thank you.

Please proceed, sir.

SENATOR LOONEY:

Yes. Thank you. Thank you, Madam President.

First of all, we'll do this in two segments. First of all, Madam President, on calendar -- calendar page 7, Calendar 376, House Bill 5279 move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

rgd/tmj/gdm/gbr
SENATE

318
May 9, 2012

(HB 5283)

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.

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:



State of Connecticut

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Bills placed on the Consent Calendar on May 9, 2012

5358
5148
5394
5326
5025
5534
5539
5320
5462
5394
5511
5283
5437
374
5011
5440
5279
5290
5307
5032
5230
5241
5087
5276
5484
5495
5232
5447
5543
5353
5271
5344
5038



State of Connecticut

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- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
- 5022
- 5259
- 5496
- 5360



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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the
Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

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.

rgd/tmj/gdm/gbr
SENATE

320
May 9, 2012

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.