

PA12-164

HB5248

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 16
5169 – 5506**

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THE CLERK:

On page 3, Calendar 70, House Bill Number 5248,
AN ACT CONCERNING THE PROHIBITION ON THE USE OF
UREA-FORMALDEHYDE INSULATION, favorable report by the
Committee on Public Safety.

DEPUTY SPEAKER HETHERINGTON:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. It's an honor to see you
in the Chair.

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

DEPUTY SPEAKER HETHERINGTON:

Okay. The question is acceptance of the joint
committee's favorable report and passage of the bill.

Will you remark?

REP. DARGAN (115th):

Thank you, very much, Mr. Speaker.

This bill will offer additional options to
homeowners by modifying the definition of
urea-formaldehyde foam installation.

Mr. Speaker, the Clerk is in possession of a --
of an amendment, a strike-all amendment. Will he
please call, and I be allowed to summarize, LCO Number

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4636.

DEPUTY SPEAKER HETHERINGTON:

Will the Clerk please call LCO Number 4 -- what was it -- 4636 and -- which will be designated House Amendments Schedule "A," I guess.

THE CLERK:

LCO 4636 House "A" offered by Representative Dargan.

DEPUTY SPEAKER HETHERINGTON:

The -- the Representative seeks leave of the Chambers to summarize the amendment.

Is there objection to summarization?

Hearing none, Representative Dargan, you may proceed with the summarization.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker.

This is a collaborative effort between the Department of Construction Services and Department of Public Health by just streamlining what urea formaldehyde is and what tripolymer and the definition of that is, and I move for its adoption.

DEPUTY SPEAKER HETHERINGTON:

Okay. The question before the Chamber is adoption of House Amendment Schedule "A."

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Will you remark on the amendment? Will you
remark on the amendment?

Okay. Mr. Speaker. Mr. Speaker. Minority
Leader -- Minority Leader Cafero.

REP. CAFERO (142nd):

Yes. With regard to the amendment, a question,
through you, to Representative Dargan.

DEPUTY SPEAKER HETHERINGTON:

Representative Dargan, prepare yourself.

REP. DARGAN (115th):

I sure will, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Okay. Thank you. Proceed.

REP. CAFERO (142nd):

Representative Dargan, what the heck are you
talking about with this thing?

Through you, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Okay.

REP. DARGAN (115th):

Well, we're talking about tripolymer, which is,
basically, environmentally safe, and the use of
tripolymer is permitted in 49 other states.

Through you, Mr. Speaker.

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DEPUTY SPEAKER HETHERINGTON:

Representative, would you go through the Chair?

REP. DARGAN (115th):

Oh, yes, yes, yes. Yes, yes, Mr. Speaker. Yes.

DEPUTY SPEAKER HETHERINGTON:

Okay. Okay. Thank you. Thank you. Thank you.

REP. DARGAN (115th):

Yes.

DEPUTY SPEAKER HETHERINGTON:

Okay. Thank you, Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I thank the gentleman for his answers, now I understand it. And I got to just tell you. We don't that -- that thing often, but when we do we know how to use, huh?

Thank you, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Thank you. Thank you. Are there further -- Representative Giegler.

Yes, Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker.

It's a pleasure to see you up there.

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DEPUTY SPEAKER HETHERINGTON:

Thank you.

REP. GIEGLER (138th):

I -- I have a question, through you, to the proponent of the bill.

DEPUTY SPEAKER HETHERINGTON:

Please proceed.

REP. GIEGLER (138th):

Thank you.

Currently, there's been a ban on the use of all foam insulations products. What changes have been made in this bill that will now allow foam installation in the State of Connecticut?

Through you.

DEPUTY SPEAKER HETHERINGTON:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker.

Urea-formaldehyde installation would still be illegal, but tripolymer, which was agreeable through a construction surface -- services and Department of Public Health, felt that it was a good product that could be used for installation for consumers within the State of Connecticut.

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Through you, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Representative Giegler.

REP. GIEGLER (138th):

I thank the chairman of the Public Safety Committee for his answers. This -- this product reduces energy consumption and it provides homeowners with more choices. It'll create jobs generating more business in Connecticut. Currently, Connecticut has vendors of this product but they are not able to sell to us, but rather to other states. So I urge my colleagues support.

Thank you.

DEPUTY SPEAKER HETHERINGTON:

Further comments on the amendment?

Representative O'Neill.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker. And it is very good to be able to address you that way.

I do have a question for the -- the proponent of the amendment, and I'm not quite sure if this really should be saved for the -- the bill. But there is -- there appears to be there's a provision for a penalty that's contained within the amendment, which is a

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strike all, but I'm not sure if that's part of the underlying bill or if it's part of the new language that's being added here.

And I'm just wondering, if this bill was -- since there's a penalty of \$500 for a first offense and a thousand dollars for each subsequent offense, I'm just wondering if this bill has been to the Judiciary Committee.

Through you, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Representative Dargan.

REP. DARGAN (115th):

I'm -- through -- through you, Mr. Speaker.

I believe it has not.

DEPUTY SPEAKER HETHERINGTON:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I don't see the chair of the Judiciary Committee with us, but I guess I have an inquiry then to the chair. Is this an appropriate matter to be referred to the Judiciary Committee, based on the fact that there is a fine?

DEPUTY SPEAKER HETHERINGTON:

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The House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER HETHERINGTON:

The House will come back to order.

It appears that the -- the penalties are civil penalties and the amounts involved are less than \$5,000. Accordingly, under the rules, this is not a mandatory referral. So the House will continue consideration of the bill -- of the amendment.

Thank you, representative O'Neill.

Are there any further comments on the amendment?

Yes, Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker. Nice to see you up there in your bow tie.

I did -- since the amendment becomes a bill, I think it's appropriate to make some comments on this new product. This amendment, which will become the bill, will allow tripolymer installation in Connecticut. It is a relatively new product. It has fewer negative impacts than some previous foams. However, it does contain formaldehyde. It is a phenol

urea formaldehyde resin. And the same resins are also used in plywood and some engineered wood panels.

This product may be up to 20 percent formaldehyde, and regular exposure to formaldehyde does cause respiratory tract irritation, rash, and may cause some types of cancer. However, it is -- this version is more stable than earlier foams and has been called green technology because it saves energy, not because it is hazard free, but because it does conserve energy.

So, we, in the Legislature, have to balance the potential good from saving energy for our constituents with the potential risk, in the form of exposure during installation or in the case of a fire. So training for workers is key to safe installation without harming our constituents. And that is in the amendment, which I'm happy to see.

Workers will need to take precautions during installation and trimming of the product. They will need to wear respirators and use ventilation, and not reenter the -- the people who live in the dwelling should not reenter the site for 24 hours to give formaldehyde a chance to dissipate.

Homeowners should also be aware that heating or

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fires can release the formaldehyde and should also be aware of the 24-hour rule, and hopefully the training will ensure this precaution.

So if we take these precautions, the product will save energy and will minimize harm to the public. And I encourage you to support allowing use of this product.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HETHERINGTON:

Thank you, Representative.

Are there further comments? Questions?

None appearing, I will try your minds. This is on Amendment "A."

All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HETHERINGTON:

Opposed?

The Amendment is adopted.

We are now on the bill -- with respect to the bill in chief, are there any comments or questions?

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

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beyond measure, that he's my friend. And ladies and gentlemen, it doesn't get any better than John Hetherington.

Thank you, John.

DEPUTY SPEAKER HETHERINGTON:

Thank -- thank you, Representative Lavielle. I'm very grateful for that. Yeah, well thank you.

There being no further request to speak, will staff and guest retire to the well and the House will be in order. And we'll take a vote.

THE CLERK:

The House of Representatives voting by roll call.

All members to the Chamber, please. The House of Representatives voting by roll call.

DEPUTY SPEAKER HETHERINGTON:

Okay. Has everyone -- all the members voted?
All members voted?

Check the board. Make sure your vote is accurately recorded.

Okay. Okay. Has everyone voted? Okay.

If all the members have voted, the machine will be closed, and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

House Bill 5248 as amended by House "A,"

Total Number Voting	126
Necessary for Passage	64
Those voting Yea	126
Those voting Nay	0
Those absent and not voting	25

DEPUTY SPEAKER HETHERINGTON:

The bill as amended has passed.

I -- I -- I'm thankful for all the gracious comments and for the graciousness of the Speaker in allowing me to come up here this morning. And I want to express my appreciation to -- to the members of the Fashionable 52 and other -- my other friends in the chamber here for -- for wearing the bow tie this morning. I thought I'd see if I could start a trend by wearing this, and I'll bet tomorrow you see a lot of these, you know. So that's very nice of you. I -- I -- I appreciate it.

The -- the opportunity -- I'll be very brief. The opportunity to be here has been truly a great privilege and a high point in -- in my life. And you are a wonderful group. I -- you're a wonderful group to talk with, to fight with, to party with. And in all respects, just a great group. I will never forget

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-- that it has.

SENATOR HARTLEY: And clearly it was a -- a flagship operation and great prominence, great leadership, and great staffing. So, yeah, that's a little hiccup in the road that we want to move well beyond. Okay. Thank you and we'll be awaiting -- we'll be awaiting the results of that.

STEVEN SPELLMAN: Thank you.

SENATOR HARTLEY: Thank you.

REP. DARGAN: Senator. You're not off the hook yet.

SENATOR GUGLIELMO: Just a quick question just for clarification, when -- when you talk about accumulating comp time and then going off to testify, you're not testifying in relationship to their duties, they're -- they're testifying say in another state as an expert witness for compensation, correct?

STEVEN SPELLMAN: That is absolutely correct.

SENATOR GUGLIELMO: Okay. Thank you.

REP. DARGAN: Further questions from committee members? Hearing none, thank you very much.

Keeping with our tradition that we're passed that one hour since we started at 11:06, we'll -- we'll rotate back and forth -- back and forth between the two lists.

First speaker on the public list is Mike Green.

MICHAEL GREEN: Good morning, distinguished Chairpersons, Vice-Chairpersons, Ranking Members, and members of the Public Safety and

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Security Commission. I'd like to thank you for taking the time on this extremely busy day to take a look at our -- at our hearing on the bill raised number 5248. My name is Mike Green, I'm the President of Tripolymer Foam Insulation, Incorporated. I've been involved with injection foam insulation for over 30 years.

Tripolymer, Incorporated, is exclusive distributor in the United States for tripolymer foam. It's a phenolic-based resin which, when combined with air and water, makes injection foam. Tripolymer has been used to insulate homes for over 30 years throughout the United States through our network of trained and certified professional installers.

It contributes to any lead points for new construction problem -- projects, it's environmentally safe, it's non-toxic, it's extremely fire resistant, non-corrosive, and has a high R-value. It's the best product on the market today for retrofitting insulation of older homes.

My network of dealers has insulated over 10,000 homes annually for over 30 years. I have tripolymer installed in my own home, my children's, my parent's. It's a -- it's a safe and workable product. I do support the ban on urea formaldehyde foam insulation, however, UFFI -- otherwise known as UFFI, but I'm here today is to modify the definition of UFFI.

I support the change in the -- the definition that the bill proposes. The correct -- the current definition is overbroad and prohibits other viable choices to consumers that will actually work better in their home for insulation.

California speaks directly to UFFI in regulations so stringent that UFFI is effectively prohibited there. California's definition of UFFI is the definition you are proposing in this bill, Raised 5248. Tripolymer is permitted in California. We are licensed in the state because tripolymer is a phenolic-based resin and is not categorized as a UFFI product, and by definition is not a UFFI product.

Connecticut's law, however, is so broad that it makes a product such as mine unlawful in the state, unlike any other state in the union. The -- the passage of this bill is important to at least three businesses located here in the state of Connecticut. They currently have to install tripolymer outside of the state. And when this bill is passed, excuse me, when this bill is passed, these businesses and several others who are waiting to take on our product in the wings will flourish in Connecticut and will be able to compete with the other insulation products, styrene, icynene and cellulose.

These dealers will be able to generate consumer and tax dollars, they're -- they're going to employ people, and they'll give the people of Connecticut an additional choice in making their homes more energy -- energy efficient.

I submit to you for your consideration testimony of these three dealers who would love to add their home state, Connecticut, to their service area. I believe the passage of this bill will serve to provide the same protection that was intended in 1981 when the law was written. But also it will give homeowners the choices, it will create jobs, generate

business, and consumer tax dollars for the state of Connecticut. And finally I would like to recommend that the effective date be upon passage.

REP. DARGAN: Thank you for your testimony. Questions from committee members? Questions? Thank you very much for your testimony.

MICHAEL GREEN: Thank you for having me.

REP. DARGAN: The next speaker is Senator John McKinney.

SENATOR MCKINNEY: Good afternoon, Chairman Dargan, Senator Guglielmo, members of the Public Safety and Security Committee. Thank you for the opportunity to testify today. For the record, my name is John McKinney, State Senator from the 28th District and Senate Republican leader.

I am here before you today to testify in opposition to Senate Bill 32, which attempts to change a 1998 law that established the minimum staffing number for state police officers. For those of us like myself who were not here in 1998, I think it's worth remembering that in -- on January 3, 1998, Heather Messenger was murdered by her husband while she was on the phone with 9-1-1. It took state police over 20 minutes to finally arrive on the scene, and by that time it was too late.

It wasn't the fault of the state police officers other -- the reason was the fact that at that night Troop D in Danielson had only four patrol cars on duty. The legislation creating minimum number of police officers was passed in part because of that horrific accident -- incident, excuse me.

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Distinguished Chairpersons, Vice-Chairpersons, Ranking Members, and Members of the Public Safety and Security Committee:

Thank you for holding this hearing on Raised Bill No. 5248. My name is Michael Green. I am President of Tripolymer, Inc. Tripolymer, Inc. is the exclusive distributor in the United States for Tripolymer®, a phenolic based resin which, when combined with air and water, makes injection foam insulation. Tripolymer® has been used to insulate homes for over thirty (30) years throughout the United States through its network of trained and certified professional installers. It contributes to LEED points for construction projects, is environmentally safe, non-toxic, fire resistant, and non-corrosive. With an R-value of 5.1 per inch, it is the best product on the market for retrofitting homes. My network of dealers has insulated over 10,000 homes annually for over thirty (30) years. I have Tripolymer® installed in my own home.

I support the ban on urea-formaldehyde foam insulation ("UFFI"), but I'm here today to urge you to modify the definition of UFFI. I support the change in the definition that this bill proposes. The current definition is overbroad and prohibits other viable choices to consumers. California speaks to UFFI. California's regulations are so stringent that UFFI is effectively prohibited. **California's definition of UFFI is the definition you are proposing in Raised Bill 5248. Tripolymer® is permitted in California and we are licensed in that state because Tripolymer®, as a phenolic based resin, is not categorized as UFFI and, by definition, is not a UFFI.** Connecticut's law, however, is so broad that it makes a product such as mine unlawful in this state, unlike any other state in the Union.

The passage of this bill is important to at least three (3) businesses located in this state, but who currently have to install Tripolymer® outside of the state. When this bill is passed, these businesses, and several others who are waiting in the wings, will flourish in Connecticut and will be able to compete with the other insulators installing polystyrene, icynene, and cellulose. These dealers will be able to generate consumer and tax dollars, employ more people, and give the people of Connecticut additional choices in making their homes more energy efficient. I have submitted to you for your consideration the testimony of these dealers who would love to add their home state, Connecticut, to their service territory.

I believe the passage of this bill will serve to provide the same protection intended in 1981, but also will give homeowners more choices, create jobs, and generate business and consumer tax dollars for the State of Connecticut. And, finally, I would recommend that the effective date be upon passage.

Thank you for your time.

Distinguished Chairpersons, Vice-Chairpersons, Ranking Members, and Members of the Public Safety and Security Committee:

Thank you for holding this hearing on the Raised Bill No. 5248. We are Mark Harris and Gina Crist, owners and operators of Good Life Energy Savers LLC, a commercial insulation contractor located in Danbury, CT. We employ 13 Connecticut residents and are also Connecticut residents ourselves.

We support the ban on urea-formaldehyde insulation, but urge you to modify the broad language of UFFI in Sec. 29-277 in support of the Raised Bill No. 5248, to adopt the California definition. This will allow for the installation of effective retrofit insulation products, such as Tripolymer, a phenolic based foam, to help meet the energy conservation objectives of the State of Connecticut because of its high R Value and air inhibiting characteristics. The State of Connecticut ranks second, behind Hawaii, in energy costs. Please note that these products are allowed and currently used in the other 49 states to reduce energy consumption. When this bill is passed, it will allow for this superior retrofit insulation product to be installed in our programs such as The Department of Energy and Environmental Protection's "Lead-By-Example" program (LBE) to reduce energy use in our state and local government buildings and to give people of Connecticut additional, safe choices in making their homes energy efficient.

In sum, we believe the passage of this bill will serve to provide the same protection intended to provide to residents in 1981, but also will give homeowners more choices, generate employment in the State of Connecticut, and generate business, tax, and consumer dollars in this state. We urge you to pass the bill and ask that it be instituted upon passage.

Thank you for your time.

February 27, 2012

Re: Bill No. 5248

Dear Chairpersons and members of the Public Safety and Security Committee:

I, along with Steve Fortin own and operate Spray-Tech Foam Insulation, LLC based in Southington, CT. We are entering our 5th year in operation and offer the residents of Connecticut several different insulation products to make their homes as energy efficient as possible.

Over the course of these years, we have employed numerous Connecticut residents and are currently seeking several more to add to our team. We are active members in local organizations and take pride in participating in our community's events.

While we understand the importance of legislation to protect ourselves and the people of Connecticut from unsafe products or chemicals, we believe the broad language of UFFI in Sec 29-277 unfairly covers many safe and quite possibly superior insulation products, such as Tripolymer Injection Foam.

We at Spray-Tech Foam Insulation, LLC are constantly seeking to add quality products to our product line that will not only be cost effective for our customers, but will also add to the comfort and energy efficiency of the home. We believe Tripolymer Foam meets these objectives and will help us expand our business, ultimately adding jobs and tax revenue to our State.

I thank you for your time and consideration and for holding this hearing on Bill No. 5248. We hope that you conclude that the UFFI wording should only include the intended urea-formaldehyde insulation and not unfairly target many safe and effective products.

Sincerely,

Ronald P. DaMotta, Jr.
Spray-Tech Foam Insulation, LLC

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So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 8, Calendar 482, House Bill 5106, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 19, Calendar 489, House Bill 5248, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 21, Calendar 504, House Bill 5319, move to place the item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 21, Calendar 505, House Bill 5328, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

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(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

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

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HB 5342

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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.