

PA12-181

HB5304

Environment	1451, 1452-1453, 1475, 1476, 1851, 1852, 2026- 2030	12
Senate	4497A-4497C, 4498-4499	5
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**JOINT
STANDING
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HEARINGS**

**ENVIRONMENT
PART 5
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2012

SENATOR MEYER: -- unless -- I think the bill needs to be amended.

But on the bigger -- on the bigger issue of -- of hunting, yet the implication of your testimony is that -- is that you would like to prohibit hunting in Connecticut or at least bow and arrow hunting; is that -- is that a fair conclusion of your position? In other words, it's not a matter of just Sunday, it's a matter of any -- any day of the week?

NAN ZYLA: Well, there's so many arguments against this bill. Sunday hunting, bow and arrow hunting is extremely inhumane and ineffective. It causes situations that are unpredictable. If deer are running through areas they -- where they weren't shot, people are going to see this, they're going to run into places that they aren't intended to be. They're going to run into traffic, causing more hazards for people. So there are any number of reasons, but bow and arrow is considered the least effective and least human method of hunting.

REP. ROY: Thank you, any other questions or comments members of the committee?
(Inaudible) Zyla, thank you very much.

NAN ZYLA: Thank you.

REP. ROY: Bob Crook followed by Davis Martin.

BOB CROOK: Senator Meyer, Representative Roy, HB 5261 HB 5263
members of the committee, my name is Bob HB 5304
Crook; I'm Executive Director of the Coalition
of Connecticut Sportsman. I've got four bills
to testify on.

I am not going to testify essentially on bow

and arrow hunting on Sunday. I think we have enough members here to fill you in. I would be more than glad to answer questions that have been raised from my perspective.

The other -- the other bill -- another Bill is 5261 AN ACT CONCERNING THE HUNTING OF DEER WITH A PISTOL. After passage of the original act in 2010 we've had no accidents -- no problems, including single-shot pistols in the statute will have no negative effect concerning safety, have a positive effect in terms of DEEP revenue -- revenue to the state in terms of handgun and ammunition sales and broader firearms selection amongst deer hunters.

Now, concerning poaching -- penalty for poaching, 5263 this bill has language in it that we have submitted substitute language to protect fishermen. And also the bill singles out sportsmen for special treatment with no definitive reason. They have a penalty for simple trespass -- criminal trespass and they have another special fine for hunters, fishermen, and trappers.

We agree that persons on land particularly for hunting and trapping without permission are probably poachers, but they -- if they haven't legally taken wildlife, they're just trespassers. And in other committees we have a bill on -- on poaching. In fact there's three penalty bills this year, and there's one in Judiciary, one here, and one in Public Safety, all dealing with misdemeanors, and all dealing with outdoor sports. I have put that down at the bottom of my -- of my testimony.

Charitable contributions paid in lieu of fines for hunting and fishing violations 5304. This is called the Tip Program. We initiated this

program over 20 years ago. In 1997 Judiciary changed the rules and said that all contributions in lieu of fines or penalties done by a prosecutor would go under Victim's compensation Fund.

Before, that Tip Program was receiving monies particularly on conservation law violations from the prosecutors, so it was funding the Tip Program. Tip Program is a reward program for people turning in illegal activity for outdoor sportsmen.

Secondly, they run a trailer at the fairs, and you may have seen the trailer at the fairs. Tip paid for that, plus all the mounts in the trail, plus all the information from public relations from DEEP in kind officers. So we support that.

And that's -- that's about all my -- by the way, all my testimony I've turned in a -- a turn in poachers tip program done by all our research that will give you more information. That concludes my testimony. I would be more than glad to answer questions.

REP. ROY: Thank you. Any questions for Bob Crook? Senator Meyer.

SENATOR MEYER: Bob, you mentioned that you have some substitute language with respect to fishing?

BOB CROOK: Yes.

SENATOR MEYER: What's the substance of that?

BOB CROOK: Well, it's -- it -- the -- the current law indicates that you're trespassing if you don't have -- under hunting -- hunting and trapping -- if you don't have written

HB5263

comments? Seeing none, thank you.

JASON MARSHALL: Thank you.

REP. ROY: Chris Marino followed by David Sutherland.

CHRIS MORINO: Good afternoon, Mr. Chairman, members of the committee. My name is Chris Morino. I'm from Goshen, Connecticut and I serve as Secretary of the Northwest Connecticut Sportsman Council.

HB 5304

I came here primarily to speak on SB 83, but we've heard a lot of testimony on Sunday hunting today. I would just like to reemphasize our -- our groups understanding of the DEP's role in this bill as far -- from a management perspective and express our confidence that the Agency has the ability to do this right and take into consideration any management needs or opportunities that exist.

You've heard pretty much everything else that needs to be said about the bow hunting on Sunday, so I would like to move on to House Bill 5261, the hunting of deer with a pistol. And that's another bill that we strongly support in concept.

That's a bill that basically is an extension of what was passed in 2010. We have a revolver bill in place. We -- as you've heard, we've had no incidents using a revolver over the past two years. And what this bill currently does is basically compliments the previous bill that's been enacted by the addition of allowing single-shot handguns along with the revolvers.

I've heard so far in the testimony a lot of references to pistols and I know there's a

connotation of pistol as being something semi-automatic, so I prefer single-shot handgun to be the descriptive term. And as such, it's probably the safest firearm of any type that's available for use for sportsmen.

Most of them are break open designs. It breaks open there's a single chamber. It can be seen to be unloaded or loaded whatever condition it might be in. It's the safest to carry in that manner. And it has several features that make it eminently suitable for deer hunting in general and that is it -- it can quickly be devised to attach a sling to it.

As you've heard before, we, you know, most sportsmen hunt from a tree stand or elevated position, having the sling and being able to, you know, maintain control of that firearm is important. The break open design you can see the condition of it. Single shots, unlike revolvers, can readily be modeled with an optical device and enhances aiming and -- and target identification.

So there's several good important reasons to have this. We would like to pass it and before I -- I just would like to say HB 5304 the charitable contributions bill, what you heard -- or you heard a little bit about the TIP Program and I -- I think as I serve on the CAC Committee with the DEP, those TIP trailers which are very important, public contacts and public educational resources for the Environmental Police are in drastic need of repair, updating, rehabilitation, right now at this time. And if this bill was passed the money would -- would help elevate that situation. Thank you.

REP. ROY: Thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
1743 – 2084**

2012



NORTHWEST CT SPORTSMAN'S COUNCIL

3 BARE HILL ROAD,
GOSHEN, CT 06756
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March 7, 2012

Connecticut Legislature
Environment Committee

HB5304
HB5263

Re: March 7, 2012 Environment Public Hearing

Members of the Environment Committee:

I am submitting testimony today on behalf of the Northwest CT Sportsman's Council. The Council is a coalition of sportsmen's clubs and organizations with a combined membership of 6,000 plus citizens of CT. I serve as Secretary on the Council and have been authorized by our delegates to address the Environment Committee's Public Hearing.

Our Council supports the following bills now under review:

S.B. No. 83 An Act Authorizing Bow And Hunting On Sunday Under Certain Circumstances.

It is our understanding that this is a DEEP sponsored proposal which will allow the Comissioner of DEEP the authority to open certain parcels of private land to Sunday Archery Hunting based on management needs.

We support this proposal from the standpoint that it allows for scientific deer management, while at the same time addressing the need of many sportsmen who work six days a week the opportunity to enjoy their sport on the only day available to them to recreate.

Further, this proposal will provide substantial revenue to DEEP, which Agency we feel is currently underfunded. And, it respects the rights of private landowners to choose how their property will be utilized by the public.

H.B. No. 5261 An Act Concerning The Hunting Of Deer With A Pistol.

We strongly support the concept of hunting deer on private land utilizing a revolver or single-shot handgun. We testified before this committee in 2010 on a similar proposal; but apparently, confusion with the language resulted in only the revolver gaining acceptance. We now have had two years of handgun deer hunting in CT, without incident, and would ask that single shot handguns be added to the statutorily allowed implements for use.

We feel that by its very nature, a single shot firearm is the safest implement of any available to sportsmen. Our support is derived from the fact that many of our CT sportsmen own single shot handguns and want to use them for hunting, which is the primary intended use of such firearms. Most, if not all single shot handguns in use are of a break open design, which exposes the firing chamber to open view for safe carrying. Further, most single shots are designed to accept a sling attachment, which would allow for safe use in elevated stands; such as tree stands, which is the preferred method of hunting deer with a handgun. As with the revolver, the range of a single shot is fairly short, and the cartridge velocities are generally much lower than that of a rifle or shotgun.

The inclusion of single shot handguns will surely result in increased revenue to DEEP.

(over)

H.B. No.5304 An Act Concerning Charitable contributions Paid In Lieu Of Fines For Hunting And fishing Violations.

We support this bill for its obvious beneficial effects in reducing poaching by involving the public in the Turn-In-Poachers program. Less well known is the fact that these funds have also been utilized to support and maintain the two DEEP TIP trailers, which provide the best public contact and educational efforts of DEEP law enforcement. The TIP trailer program currently is suffering from a lack of revenue to update and maintain the trailers. Passage of 5304 would help alleviate this concern. We would also point out that with the Governor's budget recommendation to reduce funding for the lobster program, the additional revenue from marine settlements would help maintain that program.

Our Council opposes the following bill:

H B. No. 5263 An Act Increasing The Penalty For Poaching

We respectfully oppose this bill on the grounds that it does not appear to address actual poaching at all. It seems to be concerned more with trespass, which appears currently to have adequate penalties, if applied. Further; it seems that an innocent or mistaken trespass could be dealt with just as severely as a willful violation. Making the distinction between the two would be difficult and arbitrary at best.

I would like to thank the Committee for considering my testimony.

Respectfully Submitted

Chris M. Marino
Secretary: NWCSC

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JUDICIAL BRANCHEXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Environment Committee Public Hearing
March 7, 2012

House Bill 5304, An Act Concerning Charitable Contributions Paid In
Lieu Of Fines For Hunting And Fishing Violations

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to House Bill 5304, An Act Concerning Charitable Contributions Paid In Lieu of Fines for Hunting and Fishing Violations. The bill would allow the court or prosecutor to take into account, in the disposition of a matter, the fact that a donation has been made to either the Turn In Poachers account or the Lobster Restoration account. While the Judicial Branch takes no position on the bill, we would respectfully request that payment be made exclusively to the Commissioner of Energy and Environmental Protection.

As drafted, payment could also be made to the clerk of the court. While clerks currently collect charitable contributions for the Criminal Injuries Compensation Fund (CICF), that fund is under the control of the Judicial Branch. Furthermore, our accounting processes do not permit immediate transmittal of the funds; our distributions are quarterly. Therefore, we would respectfully request that the references to the "clerk of the court" be stricken from lines 14, 15, 42, and 43.

Thank you for the opportunity to submit written testimony.

COALITION OF CONNECTICUT SPORTSMEN

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Testimony presented to the ENVIRONMENT COMMITTEE
7, 2012

March

**IN SUPPORT of H.B. No. 5304 (RAISED) AN ACT CONCERNING
CHARITABLE CONTRIBUTIONS PAID IN LIEU OF FINES FOR HUNTING
AND FISHING VIOLATIONS.**

by Robert T. Crook, Director.

The purpose of this bill is to provide funding for the Turn In Poachers program and the lobster restoration program.

The TIP program rewards people who provide information about poaching and other fish and game law violations. Informants call a 24-hour, toll-free, confidential hotline (1-800-842-HELP) staffed by the DEEP. TIP, a statewide, nonprofit organization, offers the informant a reward if a DEP investigation leads to an arrest. TIP also purchased and maintains a trailer with various wildlife taxidermy mounts that DEP staffs and brings to various wildlife fairs and shows to publicize the program, promote DEEP ENCON Police activities, and distribute information, cards and flyers to the general public.

TIP, which began about 20 years ago, received most of its funding from contributions made by defendants prosecuted for crimes or motor vehicle offenses. But that funding source was significantly reduced with the passage of PA 97-257, which requires that judges, when disposing of a case, consider only donations made to the Criminal Injuries Compensation Fund.

This bill would apply only to violations of hunting or inland waters fishing in Sections 1 & 2, and to violations of marine waters fishing provisions which monetary contribution would go to the Lobster Restoration account, Sec 3 & 4.

There is a TIP, or similar program, in each of the 50 states. Connecticut's program is a joint effort of DEP and TIP. DEP staffs TIP's toll-free, confidential hotline and promotes it in its wildlife publications. According to the Office of Fiscal Analysis, the hotline costs DEP about \$25 a month.

OLR has a report on **THE TURN IN POACHERS (TIP) PROGRAM**
<http://www.cga.ct.gov/olr/sitesearch.asp> **2005-R-0167**

We urge passage of this bill to continue the program of violators paying for enforcement, and to support the DEP ENCON Police public relations and information programs.

Topic:

LEGISLATION; ENVIRONMENTAL PROTECTION DEPARTMENT; GAME LAWS; WILDLIFE;

Location:

FISH AND GAME,

February 18, 2005

2005-R-0167

THE TURN IN POACHERS (TIP) PROGRAM

By: Paul Frisman, Associate Analyst

You asked about the Turn in Poachers (TIP) program and its recent history.

SUMMARY

The TIP program rewards people who provide information about poaching and other fish and game law violations. Informants call a 24-hour, toll-free, confidential hotline (1-800-842-HELP) staffed by the Department of Environmental Protection (DEP). TIP, a statewide, nonprofit organization, offers the informant a reward if a DEP investigation leads to an arrest. TIP also purchased and maintains a small trailer that DEP staffs and brings to various wildlife fairs and shows to publicize the program.

TIP, which began about 14 years ago, had received most of its funding from contributions made by defendants prosecuted for crimes or motor vehicle offenses. But that funding source was significantly reduced with the passage of PA 97-257, which requires that judges, when disposing of a case, consider only donations made to the Criminal Injuries Compensation Fund. A bill proposed this session (HB 5597, AAC Contributions By Defendants in Conversation Law Cases) would allow defendants in conservation law cases to contribute to TIP.

THE TIP PROGRAM

Program Funding

Prior to 1997, state law allowed a court, when disposing of a criminal or motor vehicle case, to consider that the defendant made a monetary contribution to, or performed community service work for, a private nonprofit charity or other nonprofit organization (CGS § 54-56h(a)). According to state TIP director Chris Torino, the TIP program received almost all of its donations from this source. In 1997, however, the legislature enacted PA 97-257, which requires courts to consider only whether the defendant made a charitable contribution to the Criminal Injuries Compensation Fund, which provides compensation and restitution services through the Office of Victim's Services. (The act did not change the law's community service provision.) TIP still gets some money from defendants' contributions, but Torino says PA 97-257 has significantly reduced the amount TIP receives.

Torino, TIP director since late 2003, said the program received about \$2,000 last year in court-approved donations, apparently from courts unaware of the change in the law.

Torino's predecessor, Milan Bull, said that between about 1997 or 1998 until 2003 the program typically received about \$2,000 to \$3,000 annually in contributions, and that TIP dispensed about four or five rewards a month, ranging in size from about \$50 to \$100. We were unable to find out how much money TIP received in contributions prior to 1997.

Program Operation

There is a TIP, or similar program, in each of the 50 states. Connecticut's program is a joint effort of DEP and TIP. DEP staffs TIP's toll-free, confidential hotline and promotes it in its wildlife publications. According to the Office of Fiscal Analysis, the hotline costs DEP about \$25 a month.

According to DEP Col. Eric C. Nelson, DEP assigns an incident number to each call made to the TIP line. The informant must provide this incident number when he calls DEP to find out if his tip has led to an arrest. If an arrest has occurred, it is up to the informant to notify TIP and request a reward.

DEP figures show that the hotline received 210 calls in 2003, leading to 23 arrests and 12 warnings. The number of calls increased to 337 in 2004, with the number of arrests and warnings remaining about the same, at 25 and 13 respectively.

Torino states that he gave out 14 rewards last year, totaling between \$1,800 and \$1,900. He said the amount of the reward depends on the type of offense and TIP's budget. For example, Torino said he might offer \$250 for tips that lead to deer poaching arrests, and \$100 to \$150 for tips leading to arrests for fishing law violations.

PF:ro

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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cd/sg/lg/sd/ev
HOUSE OF REPRESENTATIVES

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MAY 8, 2012

Will you remark further on the bill as amended?

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

I move this item be placed on the consent
calendar.

DEPUTY SPEAKER ARESIMOWICZ:

The motion before us is the item on the consent
calendar.

Is there objection? Is there objection?

Hearing none, this item is placed on the consent
calendar.

Will the Clerk please call Calendar 223?

THE CLERK:

On page 38, Calendar 223, Substitute for House
Bill Number 5304, AN ACT CONCERNING CHARITABLE
CONTRIBUTIONS PAID IN LIEU OF FINES FOR HUNTING AND
FISHING VIOLATIONS, favorable report by the Committee
on Finance.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Kiner of the 59th, you have the
floor, sir.

REP. KINER (59th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER ARESIMOWICZ:

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

Will you remark, sir?

REP. KINER (59th):

Yes, Mr. Speaker.

The Clerk has an amendment, LCO 4906. I would ask that the Clerk please call the amendment, and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 4906, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO 4906, House "A" offered by Representative Kiner, et al.

DEPUTY SPEAKER ARESIMOWICZ:

Representative seeks leave of the Chamber to summarize amendment.

Is there objection to summarization? Is there objection to summarization?

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Hearing none, Representative Kiner, you have the floor.

REP. KINER (59th):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a strike-all amendment. This amendment will allow for the town of Enfield to maintain their fish and game unit, which is been in operation for 40 years, provided such constables successfully complete a basic police training course. It is tailored to the duties to be performed by such officers and provided by a certified police officer of the police department of such town.

I move adoption.

DEPUTY SPEAKER ARESIMOWICZ:

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

Will you remark? Will you remark?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

Those opposed, nay.

The ayes have it.

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The bill is adopted.

The amendment is adopted.

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

Representative Kiner.

REP. KINER (59th):

Thank you, Mr. Speaker.

Mr. Speaker, I move that we place this item on
the consent calendar.

DEPUTY SPEAKER ARESIMOWICZ:

The motion before us is to place this item on the
consent calendar.

Is there objection? Is there objection?

Hearing none, this item is placed on the consent
calendar.

Will the Clerk please call Calendar 290?

THE CLERK:

On page 12, Calendar 290, Substitute for House
Bill Number 5120, AN ACT CONCERNING HUNTING AND
FISHING LICENSES AND PROVING SAFE HUNTING EDUCATION
AMENDING DEFINITIONS FOR THE WILDLIFE DIVISION AND IN
THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
AND ESTABLISHING A TASK FORCE TO STUDY WHETHER THE
TRANSFER THE CONSERVATION FUNCTIONS OF SAID DEPARTMENT

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On page 7, Calendar 219, House Bill Number 5148,
AN ACT CONCERNING AN ACT CONCERNING COMMUNICATIONS TO
VICTIMS OF THE CURRENT OPERATION OF A MOTOR VEHICLE
THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.
DEPUTY SPEAKER ARESIMOWICZ:

The distinguished Majority Leader, Representative
Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Good to see you up there.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you, sir.

REP. SHARKEY (88th):

Mr. Speaker, this represents the consent calendar
and for everyone's edification, I will be listing off
the calendar numbers in numerical order so that
everyone can follow. I'll try keep it -- and make
sure that I do it in numerical order. Thank you.

These will be: Calendar Number 90, Number 155,
Number 219, Number 223, Number 290, Number 320, Number
338, Number 345, Number 389, Number 430, Number 444,
Number 455, Number 467, Number 470, Number 475, Number
481, Number 485, Number 488, Number 489, Number 494,

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Number 496, Number 497, Number 505, Number 510, Number 513, Number 525, and Number 531.

I move adoption, I move adoption.

And with that, Mr. Speaker, I move adoption of the consent calendar. I move the consent calendar.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The question before us is on passage of the bills on today's consent calendar.

Will you remark?

If not, staff and guests please come to the well the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting today's consent calendar by roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all members voted?

Please check the roll call board to make sure your vote has been properly cast.

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

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar

Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The consent calendar passes.

Any announcements or introductions? Any announcements or introductions?

Is there any business on the Clerk's desk?

THE CLERK:

A list of Senate bills, Mr. Speaker.

SPEAKER DONOVAN:

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

I move that we waive -- waive the reading of the bills and have these items placed immediately on the House calendar.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

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State of Connecticut

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ERNEST J. COTNOIR
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PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358
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State of Connecticut

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- 5258
- 5106
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PERMANENT ASSISTANT
CLERK OF THE SENATE

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

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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.