

Legislative History for Connecticut Act

Act Number: 08-65
Bill Number: 5802
Senate Pages: 2415, 2499-2503 6
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Committee: Public Safety: 415-421, 422, 498-500, 505-510, 511-512, 519-524, 614, 615-616, 645-646, 654-671 48

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CONNECTICUT
GEN. ASSEMBLY
SENATE

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PART 8

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Senate

April 29, 2008

Calendar 425, PR.

Calendar 426, PR.

Calendar 427, PR.

Calendar 428, PR.

Moving to Calendar Page 9, Calendar 430, PR.

Calendar 432, PR.

Calendar 433, PR.

Calendar 435, PR.

Calendar 440, PR.

Calendar 441, PR.

Moving to Calendar Page 10, Calendar 447, PR.

Calendar 448, PR.

Calendar 449, House Bill 5802, Mr. President,

move to place this item on the Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered, Sir.

SEN. LOONEY:

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Mr. President, thank you. Mr. President, if we might ask the Clerk to call the items on the Consent Calendar and then proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please Call the Consent Calendar.

THE CLERK:

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

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

Mr. President, those items placed on the Consent Calendar begin on Calendar Page 2, Calendar 4, correction, Calendar 144, Senate Bill 314.

Calendar Page 4, Calendar 276, Senate Bill 569.

Calendar Page 10, Calendar 449, House Bill 5802.

Calendar 450, Substitute for House Bill 5680.

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Calendar 451, House Bill 5535.

Calendar 452, Substitute for House Bill 5609.

Calendar Page 11, Calendar 453, House Bill 5578.

Calendar 457, House Bill 5645.

Calendar 466, House Bill 5615.

Calendar Page 12, Calendar 469, Substitute for
House Bill 5629.

Calendar 470, Substitute for House Bill 5033.

Calendar 471, House Bill 5511.

Calendar 471, Substitute for House Bill 5808.

Calendar Page 13, Calendar 474, Substitute for
House Bill 5875.

Correction. Returning to Calendar Page 12,
Calendar 471, House Bill 5511.

Calendar 472, Substitute for House Bill 5808.

Calendar Page 13, Calendar 474, Substitute for
House Bill 5875.

Calendar 477, Substitute for House Bill 5666.

Calendar 478, Substitute for House Bill 5545.

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Calendar Page 20, Calendar 137, Substitute for
Senate Bill 172.

Calendar Page 21, Calendar 159, Substitute for
Senate Bill 305.

Calendar Page 23, Calendar 198, Substitute for
Senate Bill 157.

Calendar Page 27, Calendar 298, Senate Bill 682.

Calendar Page 29, Calendar 365, House Bill 5628.

Calendar Page 30, Calendar 401, Substitute for
Senate Bill 664.

Calendar Page 32, Calendar 444, Substitute for
House Joint Resolution 22.

Calendar 445, House Joint Resolution 28.

Calendar 446, House Joint Resolution 29.

Calendar 458, House Joint Resolution 64.

Calendar Page 33, Calendar 459, House Joint
Resolution 65.

Calendar 460, House Joint Resolution 66.

Calendar 461, House Joint Resolution 67.

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Calendar 462, House Joint Resolution 68.

Calendar Page 34, Calendar 463, Substitute for
House Joint Resolution 69.

Mr. President, that completes those items placed
on the Consent Calendar.

THE CHAIR:

The machine will be open.

THE CLERK:

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

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

THE CHAIR:

Senator Meyer, would you like to vote, Sir, on
the Consent Calendar?

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Have all Senators voted? If all Senators have voted, the machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Consent Calendar.

Total number voting, 35; necessary for adoption, 18. Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, would move that any bills referred to committees be transmitted to those committees immediately and not held.

THE CHAIR:

Hearing and seeing no objection, Sir, so ordered.

SEN. LOONEY:

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HOUSE

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1764-2118

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House of Representatives

April 17, 2008

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? And, if so, the machine will be locked. The Clerk will take a tally. And the Clerk will announce the tally.

CLERK:

House Bill Number 5902, as amended by House Amendment Schedule "A".

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER GODFREY:

The bill as amended is passed. Would the Clerk please call Calendar Number 86?

CLERK:

On Page 19, Calendar Number 86, House Bill Number 5802, AN ACT CONCERNING THE STATE FIRE PREVENTION

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CODE, Favorable Report of the Committee on Planning
and Development.

DEPUTY SPEAKER GODFREY:

The distinguished Vice Chairman of the Public
Safety Committee, Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. I move for acceptance of
the Joint Committee's Favorable Report and passage of
the bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will
you explain the bill, please, Sir?

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. This bill makes a number
of changes affecting the state fire prevention code
and the state fire safety code. Specifically,
currently there are no provisions in law for appeals,
modifications, interpretations, and penalties within
the state fire prevention code. This bill establishes
such provisions.

Secondly, it also gives authority to fire
marshals for the inspection of manufacturing

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facilities.. Those types of facilities are currently exempt from such inspections.

Lastly, it does give authority to issue citations to encourage compliance with these said codes. It's important to note that any citations issued by local fire marshals, 90% of that revenue would return to the issuing municipality.

I urge adoption, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Distinguished Ranking Member of the Public Safety Committee, Representative Kalinowski.

REP. KALINOWSKI: (100th)

Thank you, Mr. Speaker. As explained by Vice Chair Reynolds, this does bring many, brings up to date in the state fire prevention code. I do support it, and it actually passed with only one Nay vote among Committees of Public Safety, Judiciary, and Planning and Development. So I ask the Chamber's support. Thank you.

DEPUTY SPEAKER GODFREY:

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Thank you, Sir. The gentleman from New Britain,
Representative O'Brien of the 24th.

REP. O'BRIEN: (24th)

Mr. Speaker, the Clerk has an amendment LCO
Number 4297. I ask that the amendment be called and I
be given leave to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 4297,
which will be designated House Amendment Schedule "A".
Would the Clerk please call?

CLERK:

LCO Number 4297, House "A", offered by
Representative O'Brien.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to
summarize. Is there any objection? Hearing none,
please proceed, Representative O'Brien.

REP. O'BRIEN: (24th)

Thank you, Mr. Speaker. This amendment simply
gives the Department of Public Safety explicit
authority to enact and enforce regulations to protect

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residents and other neighbors from the effects of
blasting. I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark,
Sir?

REP. O'BRIEN: (24th)

Thank you, Mr. Speaker. I think it's self-
explanatory.

DEPUTY SPEAKER GODFREY:

Will you remark further on House Amendment
Schedule "A"? Will you remark on House Amendment
Schedule "A"? Representative DelGobbo.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. If I might, I have a few
questions, through you, to the proponent of the
amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. To the proponent of the
amendment, you described that the purpose of the
amendment was in effect to give the Commissioner of

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Public Safety the exclusive jurisdiction or authority regarding certain blasting regulations.

However, it is my understanding, as I read both the amendment and this section of the statute, that that is existing authority that the Commissioner of Public Safety already has in the statute.

And so I would ask for some further clarification then what does this amendment do, we'll say, in addition to what the gentleman suggested the amendment does. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Brien, do you care to respond?

REP. O'BRIEN: (24th)

Thank you, Mr. Speaker. Through you, as I said, this is to give explicit authority for that regulation. It is arguable that there is authority under the statutes, and I think that the Department has assumed that some of the text allows for the authority do to this. However, this proposal would grant them the explicit authority to provide this regulation. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative DelGobbo.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. I thank the gentleman for his answer. However, as we read the amendment, and in the format which amendments are offered to us, it would appear to this representative that the existing language of the statute, meaning existing law, which is throughout this amendment, but specifically Lines 6 through 9, for example, already state as a matter of existing law that the Commissioner of Public Safety shall have exclusive jurisdiction in preparation, etc.

What the amendment would appear to do would be to, in some ways, limit that jurisdiction in a sense that in Lines 20 through 23, which is the proposed changes to the statute that this amendment would undertake, and it would require the Commissioner of Public Safety to consult with the Commissioner of Environmental Protection when preparing regulations.

If I might, through you, Mr. Speaker, is that the gentleman's intent that this amendment therefore limits or adds additional entities, which will be

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involved in the development of regulations regarding these issues, as opposed to the existing statute, which gives it exclusively to the Department of Public Safety Commissioner. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN: (24th)

Through you, Mr. Speaker, the lines that the Member was referring to refer to consultation only. This provision came because this legislation was brought through the Committee on the Environment, and that committee was concerned about making sure that similar jurisdiction involving protection of neighbors from the effects that are quite similar to this would already be covered by the jurisdiction of the DEP.

Therefore, it was important to make sure that that kind of consultation existed, but it was the intention is for consultation. Mr. Speaker, through you.

DEPUTY SPEAKER GODFREY:

Representative DelGobbo.

REP. DELGOBBO: (70th)

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Thank you, Mr. Speaker, and I appreciate the gentleman's answers. So as this discussion is moved forward, the amendment does not in fact give exclusive jurisdiction to the Commissioner of Public Safety on these issues. That existed in statute already, but would, however, require that the Commissioner of Public Safety consult with the Commissioner of Environmental Protection when preparing regulations.

I guess I would the gentleman's understanding of this. What, in the form of the development of regulations, what does that consultation consist of?

For example, if it were the Commissioner of Public Safety's understanding and review, given the mandate that we already put on that commissioner for providing for public safety broadly, but there were some very specific items outlined in this section of the statute.

I will not read it, but it appears as though legislatures in the past have given very specific direction to the Commissioner for the issues that must be considered when preparing any regulations.

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And now, this amendment proposes to add a new entity in the form of the Commissioner of Environmental Protection as to be consulted with. So through you, Mr. Speaker, what does that consultation consist of, and does the DEP Commissioner have some kind of veto authority under this amendment to any proposed regulation that the Commissioner of Public Safety would offer? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN: (24th)

Through you, Mr. Speaker, my sense is that consultation is just as the word implies, which is a communication requesting input. I do not read this as requiring the Commissioner of DEP to even necessarily respond. It is to allow for input if the input is desired. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative DelGobbo.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. I thank the gentleman for his answers. However, further in this amendment,

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it would appear that we are further qualifying the authority of the Commissioner of Public Safety, as I mentioned earlier, in roughly Lines 8 through 15.

There is some specific direction by this legislature as to how and under what conditions that he or she might promulgate regulations.

Lines 16 and 17 add additional qualifications or considerations, which that Commissioner must adhere to in a promulgation of regulations. That being, as I said, enumerated in Lines 16 and 17.

So is it the gentleman's understanding that the intent of the language in those lines would to be further limit the purview or discretion of the Commissioner of Public Safety in allowing these types of activities? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN: (24th)

Through you, Mr. Speaker, the answer to that would be no. However, I will point out that I've just been informed by the leadership on our side that if this amendment were adopted that it would result in a

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referral to the Environment Committee that would jeopardize the overall bill.

In the interest of not doing that, it would be my intention at this time to withdraw the amendment.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to withdraw. I'm sorry, Representative O'Brien. Representative DelGobbo has the floor, so you can't make a motion. But Representative DelGobbo, if you would yield the floor, I'd be happy to call on Representative O'Brien.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. I'd be happy to yield the floor.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Representative O'Brien.

REP. O'BRIEN:

Thank you, Mr. Speaker. Given my previous comments, I would ask leave of the Chamber to withdraw--

DEPUTY SPEAKER GODFREY:

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The gentleman has asked leave of the Chamber to withdraw the amendment. Is there objection? Is there objection? Hearing none, the amendment is withdrawn.

Will you remark further on the bill?

Representative Cafero.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. Mr. Speaker, a question through you to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. CAFERO: (142nd)

Yes. Thank you, Mr. Speaker. Through you, on Lines 22 through 27, the new language of the underlying bill, it indicates that the state fire marshal may issue official interpretations of the state fire prevention code, including interpretations of any applicability of any provision of the code upon the request of any person.

Through you, Mr. Speaker, what if there was a person who wanted to appeal a particular interpretation given by the state fire marshal? Maybe they disagreed with it, and they wanted to appeal it.

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Is there a process to do that very thing? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Any decision by a local fire marshal can be appealed to the state fire marshal. Any decision of a state fire marshal can indeed be appealed to the courts only, as the bill proposed. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you. Through you, Mr. Speaker, in other words, if in fact a state fire marshal makes a ruling with regard to the prevention code that, say, prohibits someone from continuing on building in a certain manner, if they were constructing a dwelling or a building, if that person disagreed with that interpretation, they would be able to appeal that interpretation to the superior court of the State of

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Connecticut? Would that be their only avenue of appeal? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Yes, just to clarify, if it is a decision of a local fire marshal, the appeal would go to the state fire marshal, and then any subsequent appeal would have to be to the superior court. If the decision is of the state fire marshal, the appeal would be directly to the superior court. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you. Through you, Mr. Speaker, the appeal process just laid out by Representative Reynolds, would that be, is that in the underlying law or, excuse me, underlying bill, or is that current law? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

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REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. The state fire prevention code does not currently have procedures for appeals, and so this clarifies that. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

And through you, Mr. Speaker, would the good gentleman be kind enough to point to me the section of the bill, which provides for the appeal process he's laid out? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. In Section 6, starting in Line 174, the state fire marshal shall review a decision by a local fire marshal upon the request of any person determined to have right to appeal. That is the applicable section. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

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REP. CAFERO: (142nd)

I'm so sorry, Mr. Speaker. If he could repeat that, through you. I had trouble hearing.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Section 6, beginning with Line 174, the state fire marshal shall review a decision by a local fire marshal upon the request of any person determined to have the right to appeal or when the state fire marshal has reason to believe that such official has misconstrued or misinterpreted any provision of the code. That is the applicable section of the bill that proposes the appeal process.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. If I may, through you, Mr. Speaker, is there a section of the bill that's before us that allows the state fire marshal to amend the state fire prevention code? Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. If the question is can they rewrite the code, the answer would be no. But if the question is can they offer interpretations of the code, grant variations to the code, or grant exemptions of the code or approve equivalent or alternative compliance with the code, then that is allowed under the proposed bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you. Through you, Mr. Speaker, forgive me. I don't know if I have a different LCO Number, because going back, my previous question, the good gentleman referred to Line 164, and talked about the appeal process. I think he said 164, and yet I'm looking--

UNIDENTIFIED SPEAKER:

Have I got the right one?

REP. CAFERO: (142nd)

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Is it 174, okay. Forgive me. I have one more question here. Through you, Mr. Speaker, this section that deals with the state fire marshal being able to amend the fire code, could the good gentleman refer me to that section in the bill?

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. I should clarify. There is no capacity or authority for the marshal to amend the statute. However, the bill does propose that he have the authority to grant variations or exemptions or approve equivalent or alternate compliance with or to alter his interpretations when there are questions with regard to the applicability of any of the code. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, and again, unless I have a different copy, I'm looking at Line 74 where it says the state fire marshal may adopt amendments to

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the state fire safety code and the state fire prevention code regarding requirements for the frequency of inspections of different building uses regulated by the codes, etc.

Does that allow, through you, Mr. Speaker, the state fire marshal to indeed amend the state fire safety code or the state fire prevention code?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. My interpretation is that is through regulation, the marshal would have appropriate authority to make such changes. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, is that new language that I just read, or is that existing in statute?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative Reynolds.

REP. REYNOLDS: (42nd)

Through you, Mr. Speaker, existing law, through you.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO: (142nd)

And through you, Mr. Speaker, is there anything that the good gentleman knows of that interprets it the way he does with regard to regulations because it clearly states the state fire marshal may adopt amendments to the state fire safety code and the state fire prevention code. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. The codes themselves are considered the regulation. The legislature simply adopts the authorizing statute requiring the marshal to promulgate appropriate regulations, and that's what this section refers to. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, I thank the gentleman for his answers. Ladies and gentlemen, here's my concern, and I don't pretend to know a darn thing about this industry or even the background on this bill. But it just occurs to me that what we are doing is giving the state fire marshal, who is a wonderful person, but I presume as time goes on, that person will change and we never know.

But we're giving that individual an extraordinary amount of power, and I will stand corrected if that's the case. What we're basically saying is that our state fire code and our state fire prevention code, which is something that is very important in the construction industry, in the building of our buildings and our homes, etc. is a code that could be ever changing, frankly, as I read it, at the whim of the state fire marshal.

And not only that, when asked about the details of the code, the state fire marshal can offer his or her own interpretation of what they think it means.

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And that could change at their whim, based on what I think I just read. Now keep in mind, that's current law, and I don't suggest this bill is changing that portion of it, except for the interpretation part.

And what we were told is that if somebody disagrees with that interpretation, they can appeal it, but they have to do so through the superior court of the State of Connecticut.

It seems like an unusual amount of power placed in the hands of one individual, and that was my concern and the reason for my questions because, when you have one person who not only can interpret the rules, but change the rules at their whim, and the only way you could appeal it is by bringing a lawsuit, and you're in an industry where you're building and you might be in the middle of construction and there's a citing or an interpretation that could bring construction to a halt, that does not seem to me.

And again, I could stand corrected, to be a very easy thing to do if one would want to appeal. And that is the concerns I have with regard to the underlying bill. Thank you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on the bill? Representative Dargan.

REP. DARGAN: (115th)

Thank you, Mr. Speaker. I stand in favor of the bill. I also would like to thank my republican colleague, Representative Chapin, for over the years of trying to revise the fire prevention code. There is an issue in there dealing with manufacturing.

And there was some constituent opinions that come for years before this General Assembly to the public hearing about how the state goes about, on a yearly basis, of what's exempt and what isn't exempt.

And, for years, going back to the '40s and '50s, the manufacturing base in our state was very, very strong and, at that time, the code was somewhat weak in the way that we, the state fire marshals, along with the local fire marshals, did inspections. And I think that this is a very important part of the bill that is in this bill here today.

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So I would like to thank Representative Chapin for his years of helping to get this part within the bill. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Litchfield, Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. If I might, just a question through you to the proponent of the bill, please.

DEPUTY SPEAKER GODFREY:

Please frame your question, Sir.

REP. MINER: (66th)

Thank you, Mr. Speaker. Mr. Speaker, in Section 6, in the first sentence, it talks about an individual's right to appeal a decision made by a local fire marshal.

On Line 176, it talks about any person determined to have the right to appeal. Through you, is that person limited to someone in ownership of the building, control of the building, or anyone? Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Reynolds, would you care to respond?

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. The appeal could be made by any interested party. It could be the fire marshal himself if it was a state decision. It could be a building owner. It could be any interested party who could file that appropriate appeal, and the procedures for said appeal would be promulgated in the regulations. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. I know generally we limit an individual's ability to challenge a decision or to make a request to being one of the parties to that decision. So theoretically then this could be anyone? It doesn't necessarily have to be in controlling interest of a real estate or someone in the fire marshal's office? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Our expectation is that it would be any aggrieved party. However, again, the regulations will promulgate the exact procedures relative to the appeal process. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. I know I said that I only had one question. I guess the answer may require another one. So any aggrieved party, that would be determined through regulation not yet developed? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66th)

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And how would someone make the claim that they are somehow aggrieved if they are not the property owner? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. I would not assume to understand what any aggrieved party would deem as an objectionable part of any decision of a local fire marshal. This provision is purposely vague, and the regulations will adequately describe the procedures and process for an appropriate appeal process.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66th)

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

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Stratford, Representative Miller.

REP. MILLER: (122nd)

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Thank you, Mr. Speaker. A question or two to the proponent.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. MILLER: (122nd)

Can the fire marshal ever be overturned by any court in the State of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. The bill states that the superior court is the appropriate appeal vehicle for decisions of the state fire marshal. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER: (122nd)

And under this particular proposal now, will that change? Through you.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

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REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Under current law, there is no official appeal process, and this bill proposes to establish one for the first time, and so what you see before you is a newly proposed appeal process, as a result of the state fire prevention code adopted in 2004. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER: (122nd)

So this will, through you, Mr. Speaker, this will then prevent a court overturning decisions by fire marshals.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. No. This establishes an appeal to the superior court, which would have the authority to overturn or validate a state fire marshal decision. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

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REP. MILLER: (122nd)

Thank you. The reason I ask is we have had a particular case, a zoning matter in Stratford where the courts overturned some of the statements made by local fire marshal.

So I was just concerned whether lawyers are going to make the decision on some zoning matters here in Hartford at the superior court, or whether the local fire authority should have that decision. Through you.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

I'm sorry, Mr. Speaker. I could not hear the question.

DEPUTY SPEAKER GODFREY:

Representative Miller, if you would please repeat the question.

REP. MILLER: (122nd)

I certainly will. Thank you, Mr. Speaker. I mean no disrespect, but in Stratford we've had a particular zoning matter where the courts have

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overtured some of the comments made by our fire marshal.

And I'm concerned that we're allowing, and I mean do disrespect to lawyers, but we're letting some lawyers make a decision regarding fire matters and safety over that of what was stated by a fire marshal, who has the authority invested in him by the state fire marshal.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Let me clarify. If a decision of a local fire marshal is challenged and appealed, that would not go directly to the superior court. That would go to the state marshal. He would then have the ability to review the local decision and determine whether or not there was an inappropriate interpretation of the state code.

The superior court would then be a subsequent decision of the state fire marshal if necessary, but the immediate appeal from the local level would be to

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the state fire marshal only. Through you, Mr.
Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER: (122nd)

That answered the question. I thank you.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Canton,
Representative Witkos.

REP. WITKOS: (17th)

Thank you, Mr. Speaker. A few questions to the
proponent of the bill, please.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. WITKOS: (17th)

Thank you. Through you, Mr. Speaker, we've added
into the inspection process the words processes,
equipment, systems, and other areas. If he could give
examples or define the reason for that addition to the
language, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds, do you care to respond?

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REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. There are activities that could be occurring that could indeed start a fire if there was significant welding activity or something of that nature. That might be an example relevant to that particular provision. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you. Through you, Mr. Speaker, there's an expectation of privacy in certain systems that they may be or there may be some trade secrets. Would this allow the fire marshal to look at those or inspect those areas of the building because there may be, I guess, a life safety issue? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. This would give the state or local fire marshal the full authority to make inspections. I would not attempt to anticipate what

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conflict that may have with the corporate interest or confidentiality interest of the company.

The inspection authorization is granted, and should the entity being inspected feel it was inappropriate or unnecessary, then they can file an appropriate complaint with the state fire marshal. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you. And through you, Mr. Speaker, new language, Lines 102 through 106, there could be a fine imposed of \$50 a day. And then it goes on to say, upon failure to comply or remove/abate the hazard, what would constitute a failure? How many days does the company or entity have to correct any citation by the fire marshal? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. There's no set number of days. It depends on the violation and the severity of

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the violation and the potential for injury or property damage. The local or state fire marshal will issue an appropriate abatement order, providing what measures they wish to take place, and over what period of time.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you. As we move through the bill, currently a local fire marshal or local police officer can determine that if there exists a possibility of a death or injury because of overcrowding or other blockages of an exit and pyrotechnics, but we've added into the language insufficient egress.

Now in many of our communities, we have older buildings, historic buildings, and there meetings that are held in those rooms, and there may only be one doorway, one entrance, one egress. Would this new language allow a fire marshal to shut down a meeting because of insufficient egress? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Again, it's a hypothetical and not knowing what all of the circumstances are, I wouldn't attempt to assume what the actions of the local or state fire marshal would be.

It's just important to note that it is of extreme interest of the fire marshals that there be adequate means of exiting and egress. And if in their interpretation what is available on said property doesn't meet the letter or spirit of the code, then they may indeed issue an appropriate action.

I should say though that given the interest of a for profit business, the bill does require officials to notify the state fire marshal if they anticipate that anything they're requiring cannot be abated in four hours or less to give the entity in question some additional protection. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

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Thank you, and my last question, Mr. Speaker. Subsection C, Lines 217, speak down through that paragraph that if you've been cited once for a violation, you can't be cited for it again within a period of six months from the initial citation, so how would work if, during an inspection, you're found, I'm going to issue a warning or a citation of a \$50 fine.

So that's the first time that happens. If you can't be fined for it again, according to Subsection C, how would those fines be multiplied? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. The proposed bill gives them authority to issue appropriate citations for individual violations, followed by an appropriate abatement plan.

The fine must be paid, and assuming the abatement is achieved to the fire marshal's expectation and within the appropriate time frame, that would resolve a case. If that particular issue is not adequately

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resolved, then it could go to a legal process after that. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you, so if it wasn't resolved, then there can no longer be any action until it is resolved, if I read that correctly, that not for a six-month period. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. That's correct.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you. I misspoke when I said it was my last question. Does the new language in the bill allow for a redirection of funds that are collected through the municipality, now it would be 90%, as current, I guess, language is it all goes to the state treasury.

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But now, under this bill, any fine issued by the local fire marshal, 90% goes to the municipality. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. Under current law, there is no citation authority for the infractions we're discussing. The bill proposes a new citation authority, and you are correct. If the citation was issued by the local fire marshal, then 90% of the revenue from said fines would revert back to the issuing municipality. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17th)

Thank you, Mr. Speaker. I thank the gentleman for his answers.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Representative Candelora.

REP. CANDELORA: (86th)

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Thank you, Mr. Speaker. I just had one question for the proponent of the bill, if I may.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. CANDELORA: (86th)

Thank you. Just to carry on what Representative Witkos had discussed on the insufficient egress, on Lines 132. I can envision, understand the language of blocked or impeded egress because I could see that's a situation where there may be a local business that puts a box in front of an exit or maybe even puts a chain on a door.

I am concerned with the term of insufficient egress in that would it give a fire marshal the right to, once a business has gone through a site plan process, has been approved, would that give the fire marshal the flexibility to go back, look at a business, and say, you know, I don't think there's enough exits at a facility, despite the fact that it may have received all of its approvals and was found to be in compliance with the fire code at that time and is issued a CO.

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I'm wondering if the term insufficient egress is really pointing to a condition that may be created by a third party as opposed to the actual structure of the building, as it's built pursuant to a site plan.

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. A certificate of occupancy would be issued at the time occupancy was allowed and, at that time, it would be confirmed that appropriate egress was in place.

However, this envisions that if, at a later date, the infrastructure within a facility was changed in some way, the fire marshal does have appropriate authority to intervene in the interest of public safety. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA: (86th)

Thank you. To follow up, through you, Mr. Speaker, so this would envision possibly somebody that has made changes to a building, not having gone

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through the permitting process, because if somebody makes any infrastructure changes, obviously they would need to go back through site plan review and get the appropriate approvals from the fire marshal. So does the term insufficient egress address the situations where individuals may not have gotten site plan approval?

DEPUTY SPEAKER GODFREY:

Representative Reynolds.

REP. REYNOLDS: (42nd)

Thank you, Mr. Speaker. It is the expectation that the original inspection at the time of construction or in the hypothetical you've described at the time of a renovation, an inspection would be done to allow full use of that facility. This is specific to any violations after the fact that might provide impeded egress, as people attempted to escape a fire. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA: (86th)

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Thank you, Mr. Speaker. I guess I am just a little bit concerned over the provisions of this statute or this bill. In particular, I do think it does give a local fire marshal a lot more authority. My concern in general would be that if a building is constructed, complies with the fire code, that we would want that certainty of process to remain.

I appreciate the answers. I think I will support the bill, but again I think, in particular, Lines 132, it potentially gives a local fire marshal the ability to go in and issue violations on a business or an establishment that may have been in compliance with code violation, but for whatever reason, the fire marshal then deems that that person to be out of compliance. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from New Milford, Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. I felt compelled to rise when I was implicated during this debate. Let me first start by thanking the Public Safety Committee

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for moving forward on a concern that I have expressed in the past on behalf of a constituent of mine.

Let me also say I don't think I offered any input this year on this particular bill. Unfortunately, my leadership is not here to hear me say that, but maybe I'll say it to him personally.

The issue that arose in years past, there were really two issues that I have worked, happily worked with the Chairman of the Public Safety Committee on regarding fire safety and inspections.

The first had to do with the mandate that had been in statute regarding the requirement of annual inspections by our local fire officials. And I think that there was a consensus that while all of our local fire officials do the best job that they possibly can, that perhaps in many towns they were not able to achieve what was required of them by the statutes.

I think that that was addressed last year, if memory serves me correctly, in offering some sort of flexibility by really deferring, as I think Representative Cafero had talked about earlier, to

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someone else to come up with a more flexible inspection schedule.

When I had last checked with the Department of Public Safety, I believe it was in December. There was a draft schedule, and I have not seen anything since then. But I view that as a good faith effort on their part to bring a more reasonable position to the inspection schedule that is required by law. So I do thank the Public Safety Committee for that.

The other issue that I had brought to their attention was the exemption of manufacturing facilities from those annual inspections.

It was several years ago, I had met, I had been asked to meet with the state fire marshal, the state building official, as well as former Representative Stone, who was Ranking Member at the time on the Public Safety Committee, to talk about those various exemptions and whether or not the Department of Public Safety felt that they were legitimate exemptions.

At that time, the position, as I recall, that the department took was manufacturing facilities fell under kind of a dual jurisdiction, not only through

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the fire safety inspections, but OSHA as well, so they also fell under the jurisdiction of the Department of Labor through the OSHA inspections.

I do recognize that change in that, at least the proposed change in the bill before us today on that, which would allow the local fire marshals to have the opportunity to go in there, and I assume, in conversations I've had with others, both locally, as well as in this building, that we shed some light on this very serious issue about whether or not these inspections are being done and whether or not the required schedule has been an appropriate schedule.

I would imagine that the number of inspections that a local official may do on a manufacturing facility, if this bill were to pass, is probably only determined by the amount of time he has in his day and, quite honestly, but people suggesting or filing complaints that some manufacturing facility may be deficient in fire safety aspects of the building.

I certainly appreciate all of the comments that have been made today. I share some of the concerns that have been raised by others. And I also wanted to

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again publicly thank the Public Safety Committee for bringing this very important issue forward today.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Are there any further question? If so, staff and guests, please come to the Well of the House. Members, take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally. Mr. Clerk, if you'd please announce the tally.

CLERK:

House Bill Number 5802.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144

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Those voting Nay 0

Those absent and not voting 7

DEPUTY SPEAKER GODFREY:

The bill is passed. Representative Christ.

REP. CHRIST: (11th)

Mr. Speaker, I move for the suspension of the rule to refer House Bill Number 5536 to the Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

The question before the Chamber is suspension of the rules to take up House Bill Number 5536, which is in the possession of the Clerk, but not on our Calendar, and refer it to the Committee on Planning and Development. Is there objection? Hearing none, the rules are suspended and the bill is referred.

Will the Clerk please call Calendar Number 306.

CLERK:

On Page 11, Calendar Number 306, House Bill Number 5645, AN ACT CREATING AN EXEMPTION FROM PERMIT REQUIREMENTS FOR PARENT TEACHER ASSOCIATION CONDUCTED BINGO, Favorable Report of the Committee on Finance, Revenue, and Bonding.

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And that would be the prerogative of the municipality. Then they would require full training, the same as a municipal police officer.

SEN. STILLMAN: Any questions for the gentlemen?
Thank you very much.

UNIDENTIFIED SPEAKER: Thank you, again.

UNIDENTIFIED SPEAKER: Thank you, Senator.

REP. DARGAN: Next speaker is John Blaschik from the State Fire Marshal's Office.

JOHN BLASCHIK: Good morning. My name is John Blaschik. I'm Deputy State Fire Marshal. Senator Stillman, Representative Dargan, Members of the Committee, it's nice to be back again. And I'd like to speak to House Bill 5802, concerning the Fire Prevention Code.

As you know, we've been in this process for several years now. We're trying to blend together the building code and the fire code, and we have this new code on the blocks which is actually another blend of several codes. And that's the Fire Prevention Code.

We're actually looking at about 68 statutes that need to be addressed over the next several years. This is the foundation. This is the first floor, and for the most part, there's a technical changes in there.

In the Fire Code and the Building Code, we have a modification process, a process that the

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state can interpret the code and also a process of appeals.

That is going to be part of House Bill 5802. Setting up those processes and also doing something a little bit different on enforcement.

Because this Code deals with operations, not necessarily bricks and mortar, there, the abatement process doesn't work for everything that we try to cite.

Therefore, we're introducing a citation process that's copied with the housing process. Fire marshals will not be peace officers. They will remain the status that they are.

These violations, which originally when we started working on them was about four or five pages long, is now down to about 20 items. We have a meeting tomorrow, and I believe that those 20 items will even be whittled down to a dozen or so and that will be in regulatory review at that time when you can take a look at those.

The other is, it was, came up a few years that this Committee wanted us to be back in to manufacturing. That is addressed here. It takes the prohibition away from that, and as you remember last year, you allowed us to do a flexible schedule on inspections.

That's going to be part of the Code in the regulations, but what happens here is the manufacturing will go back into that cycle.

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Actually it will be every for years that locals conduct inspections in manufacturing.

And lastly, we had three major items after the station fire that were added for the ability for a Fire Marshal to either close down a building or to get the occupant load down to the requirements.

We've added two more which mirrors the requirements up in Massachusetts, which goes along with a citation process that they utilize up there.

And those other two are the storage of flammable and explosive material and the failure or, to maintain, or to shut off either fire alarms or sprinkler systems.

That now the Marshal can go in and try to get these corrected right away with the idea that behind him is the weight that he could close the building down.

We have one safeguard that we put in there, and that's if the Fire Marshal believes that the building is going to be closed for longer than four hours, they have to notify the state.

And we will make that decision on whether the building will be there unoccupied for four hour, or is there something else that we can do such as a fire watch. And with that, thank you.

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SEN. STILLMAN: Thank you. John, I don't have a copy of your testimony, did you have any formal written word?

JOHN BLASCHIK: I believe it was submitted, yes.

SEN. STILLMAN: Okay. I'll get it later. I'm pleased to see that this is moving along. I mean this obviously has been a concern for many people. And not having your testimony in front of me, are there any corrections you would like to see made to this Raised House Bill 5802 that's in front of us.

JOHN BLASCHIK: Actually there will be two that we will support. I believe Kevin Kowalski will be speaking. The citation process, right now 90% of the funding for the citation goes back to the municipalities.

Ten percent will be held by the state, and the reason why we're going to hold ten percent is that if anyone appeals that process, it gets appealed to the court system.

There is a, it only states right now that it goes back to the municipalities. We'd like to also include boroughs and fire districts. And there's some other language that judicial will be testifying on that they want to also include in that particular section.

SEN. STILLMAN: Are you supportive of their recommendation?

JOHN BLASCHIK: Yes.

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SEN. STILLMAN: Okay. Thank you. Anyone have any questions?

REP. DARGAN: John, I, reading with interest the testimony from the Home Builders Association, and maybe you could just correct me, because I really don't think this Bill really gives any new added authority to the local Fire Marshals because they already have the right to issue citations when there's violation of any Building Code. Am I correct in stating that?

JOHN BLASCHIK: All we have right now is an abatement process. And the abatement process works fine for construction items.

And the abatement process basically is the Fire Marshal goes in, cites violations, notifies the building owner of the violations, has 30 days for a return plan of corrections from the building owner.

And if the building owner doesn't submit a plan of corrections or doesn't move anywhere forward, then that gets submitted to the Housing Court which could be another 45 days or so.

Some of these items because it is, again, it's operations, it's not just, you know, bricks and mortar. The process will be gone long before the 15 days or 30 days or 45 days. So that's why we needed a citation process.

REP. DARGAN: Okay. Because I see in their testimony, they have some, you know, maybe some

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substitute language maybe I'll let you look at,
and we can talk about it later.

JOHN BLASCHIK: Okay.

SEN. STILLMAN: Anyone else have any questions for
Mr. Blaschik? Thank you, Sir, very much.

JOHN BLASCHIK: Thank you.

SEN. STILLMAN: Well, that, that's the list for the
elected officials and state agencies. Is there
anyone who is an elected official or state
agency head that has not spoken because they
didn't sign up yet or, anyone else?

You're all set? Okay. Thank you. Okay. He
knows he's next. Kevin Kowalski then from the
Simsbury Fire who's the Simsbury Fire Marshal.
Welcome, Sir.

KEVIN KOWALSKI: Good morning. My name is Kevin
Kowalski, and I'm the Fire Marshal from the
Town of Simsbury.

HB5669
HB5802

I also have the honor of representing the
members of the Connecticut Fire Marshals
Association on legislative matters. And I sit
also on the state Fire Prevention Committee,
Code Committee.

I want to thank the Chairs of Public Safety,
Senator Stillman, Representative Dargan, and
the rest of the members of the Public Safety
and Security Committee for allowing me to speak
to you today.

I'm here to speak in favor of both Raised House Bill 5669 regarding the installation of detectors and Raised House Bill 5802, AN ACT CONCERNING THE FIRE PREVENTION CODE.

First the House Bill 5669, the Fire Marshals support this proposed act to protect fire departments from liability where they install the life saving devices in accordance with the manufacturer's instructions.

I'd like to thank, thank you first of all for raising the Bill and bringing it to the public hearing. Over the years this single item, the smoke detector, has actually saved more lives across the country and in the State of Connecticut than any other item out there.

And the CO detectors that are being required now in new buildings and are being put in in a lot of the single family homes that are already built are also saving lives.

Manufacturers and dealers have programs now where they'll give you, give fire departments smoke detectors to install and hand out as well as batteries to operate with. Clearly in some areas where, A, people can't afford them or possibly can't even install them themselves.

I can speak for Simsbury specifically. The fire district currently has a policy in effect that the fire marshals often will go out and install new smoke detectors or replace batteries when called for by the Social Services Department for need, and that could be

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because the folks just can't install them physically, or they can't afford it.

We also carry batteries and new detectors on fire apparatus. So if we go to a call, regardless of whether we're called there by Social Service, we'll reinstall one to make sure there's an operating detector when we leave.

There's quite a few towns and cities that are doing the same thing. They have smoke detector handouts where they'll hand out thousand of detectors, smoke detectors to the public and show them how to install them.

Unfortunately, this has put us in a kind of precarious situation because what happens then is we could be held liable in the event of a failure of that detector.

We felt very fortunate. We actually have a documented save by a detector that was installed by our department. We feel very proud about that fact and feel that it's enough to continuing installing. However, we would like some protection.

And if this is the bill to do it, this is very much what we'd like to support. So it would not only assist those communities involved with the replacement--

UNIDENTIFIED SPEAKER: [inaudible]

KEVIN KOWALSKI: Okay. Okay. I guess I'll just, we would like again to support the smoke detector.

While initially lieutenants replaced all the bargaining unit personnel, the department has gone back to having sergeants in the unit. Currently, there are seven sergeants and six lieutenants serving in the internal affairs unit.

Also, against the recommendation in the New York report, investigations are being done in the field. The damage that is done to a trooper's career by a dysfunctional disciplinary process is a travesty.

While no one argues that there is a need for the process, they should be done timely and thoroughly. Currently the process is too long and unfair and is a disservice to all. Thank you.

SEN. STILLMAN: Thank you, Sir. Any questions for the gentleman? Thank you, Jerry.

REP. DARGAN: Our next speaker, Bruce.

BRUCE SPIEWAK: [inaudible - microphone not on] and Members of the Committee, thank you for the time that you're taking to hear this issue. I speak in support of Raised House Bill 5802. My name is Bruce Spiewak. I'm an architect and I'm here representing the American Institute of Architects Connecticut Chapter.

And the American Institute of Architects Connecticut Chapter is also a member of the Coalition for the Adoption of Unified Codes in the State of Connecticut, and so we applaud the raising of this bill in order to further the

effectiveness of the state fire prevention code in the State of Connecticut.

I have a couple of technical issues I'd like to make recommendations to you for your consideration, specifically in Line 12, speaking of revisions to the code, I think we're talking about revisions to the nationally recognized fire prevention code, and I think that should be clarified.

Specifically in Section 29-305b, in Line 43, again, I think we ought to clarify the state fire safety code and add the words under state fire prevention code to reflect the change in Line 47 which changes the word code to the word codes in the plural.

And perhaps most important, in Section 4 of the proposed bill, Section 29-309, this section is a section which currently establishes that the Codes and Standards Committee be the appeals board for the fire prevention and safety and fire safety codes.

And the proposed bill changes, deletes the reference in Line 153 to fire prevention and safety code, which is tied into the provisions of Section 6, which then takes the appeal from the state fire marshal and gives it to the Superior Court.

We feel that perhaps the appeal should go to an intermediate arena, just like the state building code and the state fire safety code appeals go from the state fire marshal to the state Codes and Standards Committee.

Also going back to Section 5 on Line 173, we would like to add that any determination by the state fire marshal shall be in writing, which is in conformance with the other statutes or the other codes.

That constitutes our recommendations. We'd like to applaud the Committee for following through on last year's statute, enabling the fire prevention code.

I'd like to thank, on behalf of AIA Connecticut, the task force for all their hard work, the Connecticut Fire Marshal Association, the Office of the State Fire Marshal. I know that their regulations are in process, and we are going to get them soon.

And we applaud all their work and your work and ask that you just consider these minor technical suggestions. Thank you.

SEN. STILLMAN: Thank you, Sir. You didn't write any of this down, did you?

BRUCE SPIEWAK: I did actually. I have a few copies of that.

SEN. STILLMAN: If you have a copy, you can leave it with the clerk of the Committee and then he'll make sure so we have that when we make the final recommendation on the bill. Any questions? Thank you very much. We appreciate your patience today as well.

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You would be doing these installations on an individual basis for a renter or a home, generally a renter or a homeowner that couldn't install them themselves. You wouldn't be, in other words, you wouldn't be going in and doing an entire complex of, say, several apartments.

CHIEF JAMES TRAINOR: No. No, under the state codes, fire codes, above a certain occupancy rate, they have to have smoke detectors and systems that operate on a regular basis, and those are checked on a yearly or annual basis anyway--

REP. FAHRBACH: Well, yeah, and I want it on the record because the testimony basically says that we would be taking responsibility away from landlords, and so I wanted to clarify that particular situation. Thank you.

CHIEF JAMES TRAINOR: No. Most of these programs [inaudible].

CHIEF EDWARD RICHARDS: I would just add that most of these programs target our at-risk population, which is disabled, elderly and children and low-income families.

REP. FAHRBACH: Thank you.

SEN. STILLMAN: Anyone else? Thank you, gentlemen. Appreciate it. Jerry Farley, followed by John Yacovino.

JERALD FARLEY: [inaudible - microphone not on] I apologize, sorry. You're right. You told me

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to look for the red light, but that was more than two hours ago. I forgot.

Senator Stillman and Representative Dargan and Members of the Public Safety and Security Committee, my name is Jerald Farley. I'm here on behalf of American Promotional Events, and I'm here to testify regarding Raised House Bill 5802.

I assume you have my written testimony. I guess what I'd rather do is just stress a couple of points that are, might help you understand.

It's not to change anything that's said here. It's to reinforce it. Obviously, as you can tell, we're in the fireworks business, and as a consequence, the manner in which the process that would be set up by House Bill 5802 affects us would be substantially different than it would be for most other affected parties, because our is a relative short-lived seasonal business.

So that's why we say that the process that's set up here is not only fraught with the possibility of abuse by that rare local official, but the appeals process is so incredibly cumbersome as to essentially mean nothing, because by the time it would be in place and finished, it would be over with and irrelevant.

As a consequence, we think that Sections 1c and Section 6 have to be substantially rewritten to make them more efficient and, as we've

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indicated, result-oriented rather than just a process-driven.

And then if I may, I'd like to suggest one other thing. I noticed in the bill, which is a little bit off this subject, but it's on Line 137, I believe. I think that is also drafted wrong.

I think that should say the use of any firework [Gap in testimony. Changing from Tape 2A to Tape 2B.]

--I did speak with the state Deputy Fire Marshal Blaschik outside after his testimony indicated that we would like to work with him on perhaps some language that might make this more effective and more useful for companies like ours and businesses like ours.

And with that, I'd like to close by saying we strongly oppose 1c and Section 6 as they're currently drafted. Did I use my full three minutes?

SEN. STILLMAN: I'm sorry, I, your last remark, you object to Section 6, you said?

JERALD FARLEY: Yes, because see, if you take Section 1c and Section 6 together, the process that's set up for the, if there is an interpretation given by someone at the local level or even the state fire marshal himself that is, we think, fundamentally flawed, the process set up by Section 6 is so cumbersome that it basically would mean that it would be

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meaningless by the time it would be finished because our business is relatively short-lived.

SEN. STILLMAN: Thank you, Sir. Also, there was another, something else in here that, I got lost on.

JERALD FARLEY: You mean Line 137?

SEN. STILLMAN: Yeah, on Line 137. The use of any device without a permit, you want us to remove the word without?

JERALD FARLEY: No. I think it's when, you have to add when a permit is required, because this says of any firework without a permit, and there are obviously uses of fireworks that don't require a permit.

SEN. STILLMAN: Thank you. Any other questions? Thank you, Sir. Thank you for your patience.

REP. DARGAN: Next speaker from the Meriden Fire Department, followed by John Jackman.

JOHN YACOVINO: Good afternoon. My name is John Yacovino. I'm the deputy fire marshal with the City of Meriden Fire Department. I'm here today to speak in favor of House Bill 5802. AN ACT CONCERNING THE STATE FIRE PREVENTION CODE.

I'm in favor of this bill for the following reasons. First, this bill will not allow, now allow for inspections of existing manufacturing occupancies on a regular basis.

It closes a loophole with the local fire marshals required to sign certificate of occupancy for new manufacturing occupancies. There was no authority to ensure occupant safety with routine inspections after the original inspection.

Second, the expansion of 29-306 to include blocked, insufficient or impeded egress, failure to maintain or the shutting off of any fire protection or warning system required by the state fire safety code, the storage of any flammable or explosive material without a permit or in quantities in excess of an allowable limit pursuant to a permit, use of any fireworks or pyrotechnic device without a permit or exceeding the occupancy limits established by the local fire marshal will certainly enhance public safety in the State of Connecticut.

Third, the ability under this bill to fine a person, firm or corporation \$50 a day for each day of continuance, for each violation, will finally establish a sense of urgency to rectify fire code violations.

The City of Meriden has a similar system in place for the last five years with our housing division, and this is has had excellent results with the program.

In addition, the return of 90% of the proceeds of the fine back to the municipality where the violation occurred will help offset the cost of fire prevention. Thank you for your consideration.

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SEN. STILLMAN: Thank you, Sir. Any questions? Did you have written testimony?

JOHN YACOVINO: No, Ma'am. I will provide it.

SEN. STILLMAN: If you would, please, provide it to the clerk or if you'd like to e-mail it to us at a later date, that would be fine, not too long because our deadline is Thursday. Thank you.

REP. DARGAN: John, followed by is it Mike Sinsigalli from West Hartford.

JOHN JACKMAN: Good afternoon. I wanted to speak in support of House Bill 5802 as basically as written with the two proposed editorial changes in regard to the citations and the return of money to political subdivisions to include boroughs and districts.

Everything I think has been positively stated about this, so I will not take up your time this afternoon. I know it's been a long day. But I encourage you to pass House Bill 5802 as written with the editorial changes. Thank you.

SEN. STILLMAN: Thank you, Sir. Appreciate your support. Any questions? Thank you.

REP. DARGAN: Michael, followed by is it Amy Stegall.

MICHAEL SINIGALLI: My name is Mike Sinsigalli. I'm an assistant fire chief for the West Hartford Fire Department, and I am also a

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member of the State Codes and Standards Committee.

However, I am here speaking on behalf of myself and not the state organization, or not the Codes and Standards Committee. I'd like to speak in favor of House Bill 5669 and House Bill 5802.

In West Hartford, we have had a smoke detector program in place for the elderly and the low income. I think it's a protection that we need.

I think, and with all respect to the trial lawyers association, many lawsuits I think are filed in hopes of an out-of-court settlement that don't have to pass the study of a full court to get some money. And this will go a great way in stopping some of those frivolous lawsuits.

In response to House Bill 5802, I support the passage of it as it's written regarding the appeal process. We've got a problem in Connecticut right now where the local fire marshal, although they do the groundwork for modification applications for the state fire code and make comments on the modification application process, are not considered an aggrieved party because we don't meet the classic test as an aggrieved party when it comes to codes and standards hearings or even when it goes into court.

The State Fire Prevention Code, as an operational type code, while I think the Codes

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and Standards Committee is very, very applicable and appropriate to render decisions based upon the fire code and construction issues, I think at times the operational issues are a bit more obscure.

And when you go in and you compare a facility to this operational standard, which would be the fire prevention code, it either complies or it doesn't.

And I would oppose any change of the appeal process unless it also entailed the fire marshal being named as an aggrieved party within the statute so that we could also have the right to appeal decisions. Thank you.

SEN. STILLMAN: Thank you. Any questions? Thank you very much.

REP. DARGAN: Next speaker, is it Amy Stegall?

AMY STEGALL: Representative Dargan and Senator Stillman, Members of the Committee, my name is Amy Stegall, and I'm president of the Connecticut Horse Council.

You have copies of my testimony today so I'm just going to touch on a few points. I'm here to support House Bill 5803, which is an act concerning education and training for animal control officers.

The Horse Council has pursued this issue for the last few years and our pleas have fallen on deaf ears. Currently in Connecticut, there is absolutely no training, certification,

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REP. FAHRBACH: Thank you.

SEN. STILLMAN: Any questions? All set? Thank you very much. You've been very helpful.

REP. DARGAN: Next speaker is Chris, I'm not saying his last name because I, from the Town of Glastonbury, House Bill 5802. I can't read it.

CHRIS SLING: Senator Stillman, Representative Dargan, and I appreciate your hospitality in having to listen to my support for House Bill 5802.

As a local fire marshal that works for a municipal government, I'd like to urge you to pass this bill because it's another tool in the enforcement capability of the local fire marshal, and we certainly need that.

This is to represent, or to help us enforce the chronic and persistent type of fire code violation that, as some of you are well aware of it.

There's people in our society that just don't like to have enforcement placed on them, and this is a little reminder that some of these violations end up costing municipalities more to send the certified mail letter than it does to have the individuals correct some of these.

So in terms of appealing a blocked exit, which is the most commonly found fire code violation, this too will go a long way to help us do our enforcement job, which a lot of people tend to

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forget that that's indeed what the fire marshals do.

I just want to say, in closing, I find it ironic that we are on the same docket with the uniform training for animal control officers. It's probably no secret to anybody in this room that if your dog continues to roam, the animal control officers will give you a ticket.

I think it's about time the local fire marshals have that same ability. And that's about all I have to say. Thank you for your support on this bill.

SEN. STILLMAN: Thank you, Sir. Any questions for the gentleman? Thank you.

REP. DARGAN: Bill Ethier.

BILL ETHIER: Thank you, Representative Dargan, Senator Stillman, Members of the Public Safety Committee. My name is Bill Ethier. I'm the executive vice president of the Home Builders Association of Connecticut.

We're an organization of over 1,500 companies across Connecticut in all aspects of residential development and construction. I'm here to testify on House Bill 5802, AN ACT CONCERNING THE STATE FIRE PREVENTION CODE, and I first want to apologize to the Chairs and the Committee.

In my written testimony, I reference you as the Chairs and the Members of the Planning and Development Committee. Chalk that up to being

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overworked and underpaid. But we, our testimony on this bill is really--

SEN. STILLMAN: [inaudible - microphone not on]

BILL ETHIER: That's exactly what happened. I testified on seven bills yesterday in the Planning and Development Committee, and that's the way it came out of the word processor.

Our issue on this bill is really very simple. We're concerned about the open-ended citation authority that it would give to local fire marshals, and we draw a parallel to an issue that we know much better and that I deal with as a land use lawyer much more often, with zoning enforcement officials.

We reference in our statute, there is a, zoning enforcement officials have citation authority to enforce the zoning codes and land use laws of a municipality, but they have a restraint on them that we think works pretty well to just guard against frivolous actions, frivolous citations or citations that are issued without probable cause.

And what we're asking in our testimony is that you place that same constraint on fire marshals. We're not concerned with the vast majority of fire marshals that do a great job, with zoning enforcement officials who do a great job.

But occasionally, there are individuals who are, for lack of a better term, rogue elephants who are unrestrained by any personnel issues.

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Some fire marshals are not employed by the municipality but by an individual fire district, so there's no pressure that can be put on them, if you will, by, you know, a first selectman or a mayor.

So we're just concerned about the frivolous and, you know, citations that might be issued out there without probable cause and that we think a restraint that mirrors the existing statute for zoning enforcement officials would be appropriate. And I'd be happy to answer any questions.

SEN. STILLMAN: Thank you. Any questions from anyone? So in other words, you believe that, because according to your testimony, that this is an expansive new authority, the way it's written?

BILL ETHIER: That's the way we read the bill. If you look at, I think it's Section 7 of the bill, it talks about as an alternative to any order, and it goes back to Section A of 7A, which is totally open-ended, any violation of the fire prevention code or fire safety code can be, there can be an order or a citation issued by the local fire marshal, any violation. So, you know, we think that's pretty broad.

SEN. STILLMAN: Well, we'll look into that. Representative Dargan, did you have--

REP. DARGAN: But it also says in there that, you know, if you're working with the local fire marshal, that such condition be remedied by the

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owner. I mean, I don't consider that a citation. I just say, okay, let's fix the issue.

BILL ETHIER: Yeah, that would be the order. A citation is different. But citation would come up in subsection C. It begins at Line 217. It says, as an alternative to issuing an order, there'd be the citation authority.

And, you know, again, I think the vast majority of situations where fire marshals are working properly and ordering people to clean up and make sure they're following the right code, that's great. I mean, that's their job and they should be doing that.

But again, our experience with zoning enforcement officials, occasionally a building official and occasionally a fire marshal is that they're, they have their own agenda.

And, you know, we're not concerned about the vast majority of them. It's those few individual who are just being perhaps overly aggressive and doing things that are either frivolous or without any probable cause. That's our only concern.

And we think the restraint that we suggested in our written testimony of being subject to a penalty if you will, it's the same penalty that's imposed on zoning enforcement officials, so there's a parallel already in current law that we just think that's an appropriate restraint.

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We think it's worked well for zoning enforcement officials. You don't see very many zoning enforcement officials who are just, you know, going off somewhere. We think it's because you have this restraint in the statutes. And that's all we're asking, for the parallel sort of program for fire marshals.

SEN. STILLMAN: Thank you.

BILL ETHIER: Thank you.

REP. DARGAN: Next speaker is Cynthia Jennings. Cynthia Jennings. Oh, okay. Next one is, I think, is it Jerry Pendleton?

GARY PENDLETON: Senator Stillman, Senator Dargan, and the rest of the Committee, thank you very much. This concerns Senate Bill 539, AN ACT CONCERNING THE USE OF SEIZED CONTROLLED SUBSTANCES AND DRUGS FOR TRAINING NARCOTIC DETECTION CANINES.

Officer Clark and myself are retired police officers in the Town of Groton. We have 38 years of experience between us using narcotic dogs.

We own a company now. We retired. It's called Nutmeg State K-9. We possess federal and state controlled substance licenses. And our business is designed just to train dogs for homeland security law enforcement, state, federal and municipal levels.

How the bill is now, we can't, it's not cost effective for us to buy drugs from a company

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marshals. It will also provide the ability to issue citations for fire code violations, the ability to seek injunctive relief when a fire code violation or hazardous condition exists.

It will also provide for an appeal process as well as avenues for alternative compliance for fire code violations.

This bill will clarify all the legal aspects to the Fire Prevention Code. It also will allow for the ability of fire marshals to inspect manufacturing establishments which are presently prohibited by law.

And just as a clarifying note for Mr. [inaudible] from the Home Builders Association regarding the citation aspect. Presently we have a meeting tomorrow at 1:00 to basically tie up all the loose ends with the Fire Prevention Code.

In terms of the open-endedness that's in here, it's actually going to be very clearly defined within the code.

It's well written within the Fire Prevention Code, and it's going to be clearly defined and dictated in terms of how we're going to be able to utilize this code. And we would like to leave it in its present format.

SEN. STILLMAN: Thank you, Sir. Does anyone have any questions? I know you've waited all day to speak.

DONN DOBSON: It's all right.

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SEN. STILLMAN: Thank you for your testimony.
Questions from anyone? Yes, Representative
Orange.

REP. ORANGE: Thank you, Madam Chair. I would just
like to say to you, thank you for coming. And
giving us your personal story and you
certainly, by doing this, not only help
yourself and others in your Department, but
also help the rest of us, because it takes a
very brave person to come and tell the story
that you have just told to us.

KAREN NIXON: Thank you.

SEN. STILLMAN: Thank you, anyone else? Thank you
very much. We do appreciate--

KAREN NIXON: Thank you.

SEN. STILLMAN: --it's hard for some of us to
appreciate what you've been through, but we do
appreciate you being here and sharing with us.
Thank you.

Donn Dobson, please, followed by, I think its
Stanley Domijan. Thank you.

DONN DOBSON: Good afternoon, Senator Stillman,
Representative Dargan, Members of the Public
Safety Committee.

I'm here to speak on two bills, Raised House
Bill 5669, AN ACT SHIELDING FIRE DEPARTMENTS
THAT INSTALL SMOKE AND CARBON MONOXIDE
DETECTORS FROM LIABILITY, and also Raised House

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Bill 5802, AN ACT CONCERNING THE STATE FIRE
PREVENTION CODE.

I've been here before. I have been here before you to speak on the merits of smoke detection and carbon monoxide detectors.

Our office and associated agencies within the Town of Old Saybrook have been trying to be proactive in distributing carbon monoxide and smoke detectors, especially within households that don't have the financial means to buy smoke detection.

We've received support from local retail and detector vendors. This program has been very successful and will save lives. We've been able to distribute in upwards of 150 carbon monoxide and smoke detectors over the last five years for families in need of them.

As part of my job, I have seen firsthand the deadly effects of both, and can attest to the fact that the smoke and carbon monoxide detection can literally mean the difference between life and death in the home. I feel this legislation is needed to protect fire departments from frivolous lawsuits.

The second bill is Raised House Bill 5802 concerning the Fire Prevention Code. I've spent the last couple of years as a member of the Fire Prevention Advisory Committee and can speak to its technical merit.

This bill will help to clarify the technical aspects for the usage of the code by fire

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marshals. It will also provide the ability to issue citations for fire code violations, the ability to seek injunctive relief when a fire code violation or hazardous condition exists.

It will also provide for an appeal process as well as avenues for alternative compliance for fire code violations.

This bill will clarify all the legal aspects to the Fire Prevention Code. It also will allow for the ability of fire marshals to inspect manufacturing establishments which are presently prohibited by law.

And just as a clarifying note for Mr. [inaudible] from the Home Builders Association regarding the citation aspect. Presently we have a meeting tomorrow at 1:00 to basically tie up all the loose ends with the Fire Prevention Code.

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SEN. STILLMAN: Thank you, Sir. Does anyone have any questions? I know you've waited all day to speak.

DONN DOBSON: It's all right.



CONNECTICUT STATE FIREFIGHTERS ASSOCIATION, INC.

March 4, 2008

Senator Andrea Stillman, Co-Chair Public Safety & Security Committee
 Representative Stephen Dargan, Co-Chair Public Safety & Security Committee

My name is Ted Schroll and I am the Legislative Representative for the Connecticut State Firefighters Association. The Association represents approximately 28,000 career and volunteer firefighters in Connecticut.

Our Association wishes to go on record as being in support of three bills on today's agenda. You will be hearing from many speakers who will elaborate more than I on these bills, but this Association supports these bills.

Raised Senate Bill #540 **AA Doubling the Fines For Moving Motor Vehicle Violations Occurring in Emergency Response Areas**

We would support the concept of this bill providing that fire service personnel would not be held responsible for establishing the "emergency response area." We would hope that this legislation would decrease the numbers of emergency services workers that are killed each year by motorists either speeding or not paying attention in an emergency response area.

Raised House Bill #5669 **AA Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors From Liability**

We support this initiative. There are quite a few municipal fire departments in the State of Connecticut that have programs to install smoke detectors and carbon monoxide detectors, and replacing batteries in existing detectors. Some of these programs are part of a public relations program, and other programs are aimed at residents who are less fortunate and unable to afford these life saving items. With these programs there is a liability concern. With this legislation, fire departments and municipalities would not be held liable as long as these items were installed in accordance with the manufacturer's instructions, and are installed in such department's official capacity.

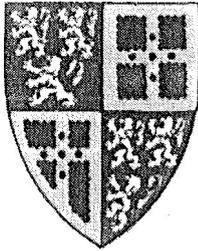
Raised House Bill #5802 **AAC The State Fire Prevention Code**

Unfortunately, this writer does not have all the expertise to speak confidently on the merits of this bill; however speakers from the Connecticut Fire Marshals Association will be addressing this bill. This Association fully supports the opinions of the Connecticut Fire Marshals Association

We thank you for the opportunity to provide this testimony. We would urge your passage of these bills.

Respectfully Submitted,

Ted Schroll, Legislative Representative
 Connecticut State Firefighters Association



TOWN OF OLD SAYBROOK
Office of the Fire Marshal
Donn V. Dobson Fire Marshal

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3133 • FAX (860) 395-1216
Email: ddobson@town.old-saybrook.ct.us

Hello my name is Donn Dobson & I am the Fire Marshal for the Town of Old Saybrook.

I am here to speak in favor of (2) **BILLS RAISED BILL 5669 AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON MONOXIDE DETECTORS FROM LIABILITY & RAISED BILL 5802 AN ACT CONCERNING THE STATE FIRE PREVENTION CODE** have been before you speaking on the merits of Smoke Detection & Carbon Monoxide Detectors. Our Office and associated agencies within the Town of Old Saybrook have been trying to be proactive in distributing Smoke & Carbon Monoxide Detection especially with the households that do not have the financial means to buy Smoke & Carbon Monoxide detection. We have received support from local retail stores and detector vendors. This program has been very successful in Old Saybrook where as we have distributed over 150 Carbon Monoxide and Smoke Detectors over the last 5 years to families in need of them.

As part of my job I have seen first hand the deadly effects of both and attest to the fact that had smoke and or carbon monoxide detection can literally mean the difference of life & death in a home. I feel this legislation is needed to protect fire departments from frivolous lawsuits.

The second d Bill I would like to speak in favor of **RAISED BILL 5802 AN ACT CONCERNING THE STATE FIRE PREVENTION CODE.**

I have spent the past couple of years as a member of the Fire Prevention Advisory committee and can speak to its technical merit. This bill will help to clarify all the technical aspects for the usage of this code by fire marshals. It will also provide for the ability to issue citations for fire code violations, the ability to seek injunctive relief when a for fire code violation or hazardous condition exists. This bill also provides for appeal process as well as avenues for alternative compliance for fire code violations. This bill will clarify many of the legal aspects of the FIRE PREVENTION CODE. This will also allow for the ability for fire marshals to inspect manufacturing establishments, which is presently prohibited by law.

Simsbury Fire District

871 Hopmeadow Street • Simsbury, Connecticut • 06070

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Tape 1A

T 3

March 4th 2008

Good Morning

My name is Kevin Kowalski I am the Fire marshal of the Town of Simsbury , I also have the honor of representing the members of The Ct Fire Marshals Association in Legislative matters, I also sit on the State Fire Prevention Code Committee. I would like to thank the Chairs of Public Safety Representative Dargan and Senator Stillman as well as the entire Public Safety and Security committee for this opportunity to speak before you today.

I am hear to speak in favor of both Raised Bill 5669 regarding the installation of Detectors and 5802 AAC- The Fire Prevention code.

First bill # 5802 The Fire marshals support the proposed act to protect Fire departments from liability where, they install life saving devices in accordance with the manufactures instructions.

We would like to thank you for raising this bill , over the years the single item that has saved more lives across the country and here in Connecticut has been the smoke detector. Fire Departments throughout Connecticut have been or are contemplating going on campaigns to install Smoke and CO detectors in people's homes.

Manufacture and dealers have programs where they will give the detectors to the communities for installations or give aways.

I can speak for Simsbury specifically :

Simsbury Fire District currently has a policy in affect that the FMO will go out and install a new smoke detector or replace a battery in the detectors, if referred by our Social service Department usually for folks that physically can't do it or can't afford it.

We also carry batteries and new detectors on the fire apparatus in the event we respond to an address that lacks the protection regardless of referrals. There are quit a few towns and cities that are doing this, handing out thousands of detectors and some like us installing the detectors and replacing the batteries. Unfortunately this has put us in a precarious situation.

While we have had a documented save where a resident was awoken by a smoke detector and escaped a fire, that was installed by the FD. I have been told that we could be held

liable should the properly installed detector fail to alert the person. Can you imagine getting sue for helping someone.

This bill would not only assist those communities involved with replacement programs but maybe help get more communities on board to help protect our citizens.

The second bill the Fire marshals support is # 5802.

Over the last three years the Fire prevention code committee has worked diligently on the development of a comprehensive code to protect the citizens in Connecticut from the perils of fire. We agree and support all the technical changes set forth in this proposed bill, but I do want to speak on two specific sections.

There should be a right to appeal these code requirements consistent with the Fire Safety codes , however this code is generally for operational issues verses "brick and mortar" building points. We believe that the Fire prevention code applications by the local fire marshal would be appealed to State Fire Marshal office. That office has the technical support to base an interpretation or some relief of the code.

We are also in strong support of section 7- c empowering the local Fire Marshal to enforce the State Fire Prevention code by issuing an immediate written citation. (A "ticket" for a violation). This has been a collaborative effort with the State Prosecutors office and should go along ways to assist the Fire Marshals with immediate resolutions of violations to the Prevention code.

This will be another tool in the tool box for Fire prevention. Additionally 90 % of the ticket proceeds would go back to the municipality.

Safe guards have been put in for over use, and a court process would be included.

The current system of abating a hazard would be kept for circumstance that requires more time to achieve compliance.

The current system has been a problem for some time now with routine violations and abatements jamming up the court system , some times taking years to achieve compliance. The State of Massachusetts has adopted a similar program and has had a very good response.

The one clarification I would like to have made is that the proceeds go back to include **Borough or District** that is responsible for the inspection.

Again thank you for this opportunity and if I can answer any questions
Please contact me at 860-658-1971.

J.G. DAPKUS
COMPANY, INC.

P.O. BOX 293 • DURHAM, CT 06422
TEL. (860) 349-9747 • FAX (860) 342-5210 • www.dapkusco.com

March 3, 2008

Committee on Public Safety and Security
Legislative Office Building
Hartford, Connecticut

Re: Raised Bill 5802 An Act concerning State Fire Prevention Code.

Concerning raised bill 5802, section 1, subsection C, the paragraph mentions that the State Fire Marshal will have the authority to interpret the applicability of any provision of the State Fire Code, upon the request of any person.

For the past several years, I have worked with the Office of State Fire Marshal on several issues regarding pyrotechnics. Sub committees were formed that consisted of members of the pyrotechnic industry and the fire marshal's office to discuss certain laws or regulations, that needed to be interpreted.

This course of communication between industry and regulators was vital in providing an accurate and proper interpretation of certain firework regulations. The "Due Process" between industry and regulators should be incorporated or considered in the amendment, before any critical interpretation is made.

This source of communication would also decrease the unnecessary civil litigation that can take place when improper decisions or interpretations are made about a certain regulation.

Thank you

Michael Dapkus
JG Dapkus Co. Inc.
Durham, Connecticut



• Exploding Targets • Fireworks •
• Firework Displays •



PS: '7

line: 18

Tape: 2A (28)

T 8



March 4, 2008

Testimony on HB 5802

Jerald E. Farley, Government Relations Consultant

Senator Stillman, Representative Dargan and members of the Public Safety and Security Committee, my name is Jerald Farley. I am a government relations consultant for American Promotional Events, Inc. (APE). I'm here on behalf of APE to provide testimony regarding HB 5802.

More specifically, Section 1(c) and Section 6, as they appear, when read together, give broad interpretive fire code powers to local Fire Marshals and the State Fire Marshals.

Currently, fire code interpretations are decided by the Codes and Standards Committee. This bill would allow Fire Marshals to no longer be required to go to this Committee. Losing this safe guard would allow Fire Marshals to impose their personal opinions when interpreting fire code.

The changes in HB 5802 provide for an appeals process that is cumbersome rather than resolution oriented. If a local fire marshal issued an interpretation that causes an issue for a person, then the person must go to the State Fire Marshal where the State Fire Marshal can issue any order it deems appropriate. Then if that person aggrieved by the decision, that person may appeal such decision to the superior court for the judicial district where the premises concerned are located.

Removing the necessary step of going before the Codes and Standards Committee essentially removes a person's right to due process. It also removes the checks and balances that are normally required of enforcement officials and allow for free reign of enforcement and interpretation.

We strongly oppose Section 1(c) and Section 6 of HB 5802.

American Promotional Events, Inc., d/b/a TNT Fireworks
4511 Helton Drive
Florence, AL 35630
1-800-243-1189

T9

Page 8
Line 7

Tape 2B

John Yacovino

DFM

My name is ~~Steve Prella~~ and I am the ~~Fire Marshal~~ for the City of Meriden. I am also here today to speak in favor of HB. No. 5802, An Act Concerning The State Fire Prevention Code. I am in favor of the bill for the following reasons:

First, This bill will now allow for the inspection of existing manufacturing occupancies on a regular basis. It closes a loophole where the Local Fire Marshal is required to sign the Certificate of Occupancy for a New Manufacturing Occupancy but has no authority to ensure Occupant Safety with routine inspections after the original inspection.

Second, The expansion of 29-306 to include blocked, insufficient or impeded egress, failure to maintain or the shutting off of any fire protection or warning system required by the State Fire Safety Code or State Fire Prevention Code, the storage of any flammable or explosive material without a permit or in quantities in excess of any allowable limits pursuant to a permit, the use of any firework or pyrotechnic device without a permit, or exceeding the occupancy limit established by the ~~State Fire Marshal~~ local fire marshal will certainly enhance public safety in the State of Connecticut.

Third, The ability under this bill to fine a person, firm or corporation \$50.00 a day for each day of continuance for each violation will finally establish a sense of urgency to rectify Fire Code Violations. The City of Meriden has had a similar system in place for the last five years with their Housing Division and have had excellent results with the program. In addition, the return of 90 percent of the proceeds of the fine back to the municipalities where the violation occurred will help offset the cost of Fire Code Enforcement.

Thank You For Your Consideration.

JÉ

T6

page 7

line 1

Tape 2A

General Assembly **Raised Bill No. 5802**

February Session, 2008 LCO No. 2511

02511 _____ PS_

Referred to Committee on Public Safety and Security

Introduced by:

(PS)

AN ACT CONCERNING THE STATE FIRE PREVENTION CODE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-291a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) The State Fire Marshal, in coordination with the advisory
5 committee established under subsection (b) of this section, shall adopt
6 and administer a [state] State Fire Prevention Code based on a
7 nationally recognized fire prevention code. Said code shall be used to
8 enhance the enforcement capabilities of local fire marshals and for the
9 purposes of prevention of fire and other related emergencies. Said
10 code shall be adopted not later than October 1, 2008, and shall be
11 revised thereafter as deemed necessary to incorporate any subsequent
12 revisions to the nationally recognized fire prevention code not later than eighteen
13 months following the date

14 of first publication of such revisions.
15 (b) There is established an advisory committee consisting of nine
16 persons appointed by the State Fire Marshal. The State Fire Marshal
17 shall appoint two members selected from a list of individuals
Raised Bill No. 5802

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18 submitted by the Codes and Standards Committee from the
19 membership of said committee and seven members representing local
20 fire marshals, deputy fire marshals and fire inspectors selected from a
21 list of individuals submitted by the Connecticut Fire Marshals
22 Association.

23 (c) The State Fire Marshal may issue official interpretations of the
24 State Fire Prevention Code, including interpretations of the
25 applicability of any provision of the code, upon the request of any
26 person. The State Fire Marshal shall compile and index each
27 interpretation and shall publish such interpretations at periodic
28 intervals not exceeding four months.

29 Sec. 2. Section 29-305 of the 2008 supplement to the general statutes
30 is repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2008*):

32 (a) Each local fire marshal and the State Fire Marshal, for the
33 purpose of satisfying themselves that all pertinent statutes and
34 regulations are complied with, may inspect in the interests of public
35 safety all buildings, [and] facilities, [of public service, all buildings and

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BRUCE J. SPIEWAK, AIA
PRINCIPAL

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375 MORGAN LANE, UNIT 405 • WEST HAVEN, CT 06516
bruces@conncode.com

35 facilities used for manufacturing and all occupancies] processes,
36 equipment, systems and other areas regulated by the State Fire Safety
37 Code and the State Fire Prevention Code within their respective
38 jurisdictions.

39 (b) Each local fire marshal shall inspect or cause to be inspected, [at
40 least]once each calendar year or as often as prescribed by the State Fire
41 Marshal pursuant to subsection [(b)] (e) of this section, in the interests
42 of public safety, all buildings and facilities of public service and all
43 occupancies regulated by the State Fire Safety Code and the State Fire Prevention
44 Code within the local
45 fire marshal's jurisdiction, except residential buildings designed to be
46 occupied by one or two families which shall be inspected, upon
47 complaint or request of an owner or occupant, only for the purpose of
48 determining whether the requirements specified in said [code] codes
49 relative to smoke detection and warning equipment have been

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49 satisfied.

50 (c) Upon receipt by the State Fire Marshal of information from an
51 authentic source that any other building or facility within the State Fire
52 Marshal's jurisdiction is hazardous to life safety from fire, the State Fire
53 Marshal shall inspect such building or facility.

54 (d) Upon receipt by the local fire marshal of information from an
55 authentic source that any other building or facility within the local fire
56 marshal's jurisdiction is hazardous to life safety from fire, the local fire
57 marshal shall inspect such building or facility. In each case in which
58 the local fire marshal conducts an inspection, the local fire marshal
59 shall be satisfied that all pertinent statutes and regulations are
60 complied with, and shall keep a record of such investigations. Such
61 local fire marshal or a designee shall have the right of entry at all
62 reasonable hours into or upon any premises within the local fire
63 marshal's jurisdiction for the performance of the fire marshal's duties
64 except that occupied dwellings and habitations, exclusive of common
65 use passageway and rooms in tenement houses, hotels and rooming
66 houses, may only be entered for inspections between the hours of 9:00
67 a.m. and 5:00 p.m., except in the event of any emergency requiring
68 immediate attention for safety to life, or in the interests of public
69 safety. Each local fire marshal shall make a monthly report to the
70 authority which appointed the local fire marshal and shall be paid for
71 his or her services in making such inspections of buildings [and]
72 facilities, processes, equipment, systems and other areas the
73 compensation agreed upon with such appointing authority.

74 [(b)] (e) The State Fire Marshal may adopt amendments to the State
75 Fire Safety Code and the State Fire Prevention Code regarding
76 requirements for the frequency of inspections of different building
77 uses regulated by the [code] codes and set forth a schedule of
78 inspections, except for inspections of residential buildings designed to

79 be occupied by three or more families, that are less frequent than
80 yearly if the interests of public safety can be met by less frequent

Raised Bill No. 5802

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81 inspections.

82 Sec. 3. Section 29-306 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2008*):

84 (a) When the local fire marshal ascertains that there exists in any
85 building, or upon any premises, (1) combustible or explosive matter,
86 dangerous accumulation of rubbish or any flammable material
87 especially liable to fire, [which] that is so situated as to endanger life or
88 property, [or finds] (2) obstructions or conditions that present a fire
89 hazard to the occupants or interfere with their egress in case of fire, or
90 (3) a condition in violation of the statutes relating to fire prevention or
91 safety, or any regulation made pursuant thereto, the remedy of which
92 requires construction or a change in structure, the local fire marshal
93 shall order such materials to be immediately removed or the
94 conditions remedied by the owner or occupant of such building or
95 premises. [, and all] Any such removal or remedy [construction and
96 changes] shall be in conformance with all building codes, ordinances,
97 rules and regulations of the municipality involved. [and such owner or
98 occupant shall be subject to the penalties prescribed by section 29-295
99 and, in addition thereto, may suffer a penalty of fifty dollars a day for
100 each day of neglect for each violation, to be recovered in a proper
101 action in the name of the state.] Any person, firm or corporation which
102 violates any provision of this subsection shall be fined not more than
103 one hundred dollars or be imprisoned not more than three months, or
104 both, and, in addition, may be fined fifty dollars a day for each day's
105 continuance of each violation, to be recovered in a proper action in the
106 name of the state.

107 (b) Upon failure of an owner or occupant to abate [such] a hazard
108 or remedy [such] a condition pursuant to subsection (a) of this section
109 within a reasonable period of time as specified by the local fire
110 marshal, such local fire marshal shall promptly notify in writing the
111 prosecuting attorney having jurisdiction in the municipality in which
112 such hazard exists of all the facts pertaining thereto, and such official

Raised Bill No. 5802

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113 shall promptly take such action as the facts may require, and a copy of
114 such notification shall be forwarded promptly to the State Fire
115 Marshal. The local fire marshal may request the chief executive officer
116 or any official of the municipality authorized to institute actions on
117 behalf of the municipality in which the hazard exists, or the State Fire
118 Marshal, for the purpose of closing or restricting from public service or
119 use such place or premises until such hazard has been remedied, to
120 apply to any court of equitable jurisdiction for an injunction against
121 such owner or occupant; or the State Fire Marshal, on his own

122 initiative, may apply to such court for such injunction. When such
 123 hazard is found to exist upon premises supervised or licensed by a
 124 state department or agency, the State Fire Marshal shall promptly
 125 notify the administrator of such department or agency of his findings
 126 and shall issue orders for the elimination of such hazard. [The
 127 provisions of this section shall not apply to any building, structure or
 128 premises used in the carrying on of manufacturing.]

129 (c) If the local fire marshal or a local police officer determines that
 130 there exists in a building a risk of death or injury from [overcrowding,
 131 blockage of required exiting or from the indoor use of pyrotechnics] (1)
 132 blocked, insufficient or impeded egress, (2) failure to maintain or the
 133 shutting off of any fire protection or fire warning system required by
 134 the State Fire Safety Code or State Fire Prevention Code, (3) the storage
 135 of any flammable or explosive material without a permit or in
 136 quantities in excess of any allowable limits pursuant to a permit (4) the
 137 use of any firework or pyrotechnic device without a permit, or (5)
 138 exceeding the occupancy limit established by the State Fire Marshal or
 139 a local fire marshal, such fire marshal or police officer may issue a
 140 verbal or written order to immediately vacate the building. Such fire
 141 marshal or police officer shall notify the State Fire Marshal if such
 142 marshal or officer anticipates that any of the conditions specified in
 143 subdivisions (1) to (5), inclusive, of this subsection cannot be abated in
 144 four hours or less. A violation of such order shall be subject to the
 145 penalties under section 29-295 of the 2008 supplement to the general
 146 statutes.

Raised Bill No. 5802

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147 Sec. 4. Section 29-309 of the general statutes is repealed and the
 148 following is substituted in lieu thereof (*Effective October 1, 2008*):
 149 The Codes and Standards Committee shall establish a procedure
 150 whereby any person determined to have the right to appeal may
 151 appeal a decision of the local fire marshal or State Fire Marshal relating
 152 to the enforcement of any provision of the general statutes concerning
 153 fire prevention and safety or the State Fire Safety Code not more than
 154 thirty days after the receipt of notice of the decision by the person
 155 aggrieved by such decision. Such procedure shall include the
 156 committee and shall be established in accordance with the provisions
 157 of chapter 54. Any person aggrieved by a decision made in accordance
 158 with such procedure may appeal therefrom to the superior court for
 159 the judicial district wherein the premises concerned are located.
 160 Sec. 5. (NEW) (*Effective October 1, 2008*) The State Fire Marshal may
 161 grant variations or exemptions from, or approve equivalent or
 162 alternate compliance with, particular provisions of the State Fire
 163 Prevention Code where strict compliance with such provisions would
 164 entail practical difficulty or unnecessary hardship, or is otherwise
 165 adjudged unwarranted, provided any such variation or exemption or
 166 approved equivalent or alternate compliance shall, in the opinion of

Comment: BJS - Consider leaving this
 for the appeal process.

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167 the State Fire Marshal, secure the public safety. Any application for a
 168 variation or exemption or equivalent or alternate compliance received
 169 by a local fire marshal shall be forwarded to the State Fire Marshal by
 170 first class mail not later than fifteen business days after the receipt of
 171 such application by the local fire marshal and accompanied by a letter
 172 containing the local fire marshal's comments on the merits of the
 173 application. Any such determination by the State Fire Marshal shall be in writing.

174 Sec. 6. (NEW) (Effective October 1, 2008) The State Fire Marshal shall
 175 review a decision by a local fire marshal upon the request of any
 176 person determined to have the right to appeal or when the State Fire
 177 Marshal has reason to believe that such official has misconstrued or
 178 misinterpreted any provision of the State Fire Prevention Code

Raised Bill No. 5802

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179 adopted pursuant to section 29-291a of the 2008 supplement to the
 180 general statutes. If upon review and after consultation with such
 181 official the State Fire Marshal determines that a provision of the code
 182 has been misconstrued or misinterpreted, the State Fire Marshal shall
 183 issue an interpretation of such code and may issue any order the State
 184 Fire Marshal deems appropriate. Any such determination or order
 185 shall be in writing and sent to such local fire marshal and to any appellant by
 registered

186 mail, return receipt requested. Any person aggrieved by a decision
 187 made by the State Fire Marshal in accordance with this section or a
 188 decision of the State Fire Marshal relating to the enforcement of the
 189 State Fire Prevention Code may appeal such decision in accordance with a procedure
established in accordance with Section 29-309.

191 Sec. 7. (NEW) (Effective October 1, 2008) (a) When the State Fire
 192 Marshal or a local fire marshal ascertains that there exists in any
 193 building, or upon any premises, a condition that violates the State Fire
 194 Prevention Code, the State Fire Marshal or local fire marshal shall
 195 order such condition remedied by the owner or occupant of such
 196 building or premises. Any such remedy shall be in conformance with
 197 all building codes, ordinances, rules and regulations of the
 198 municipality involved. Such owner or occupant shall be subject to the
 199 penalties prescribed by section (e) of this section and, in addition, may
 200 be fined fifty dollars a day for each day's continuance of each violation,
 201 to be recovered in a proper action in the name of the state.

202 (b) Upon failure of an owner or occupant to abate or remedy a
 203 violation pursuant to subsection (a) of this section within a reasonable
 204 period of time specified by the State Fire Marshal or the local fire
 205 marshal, the local fire marshal shall promptly notify, in writing, the
 206 prosecuting attorney having jurisdiction in the municipality in which
 207 such violation or condition exists of all of the relevant facts. The local
 208 fire marshal may request the chief executive officer, any official of the
 209 municipality authorized to institute actions on behalf of the
 210 municipality in which the hazard exists or the State Fire Marshal, to

Deleted: to the superior
 court for the judicial district where
 the premises concerned are located

211 apply to any court of equitable jurisdiction for an injunction against
 Raised Bill No. 5802

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212 such owner or occupant for the purpose of closing or restricting from
 213 public service or use the place or premises containing the violation or
 214 condition until the violation or condition has been remedied, or the
 215 State Fire Marshal may apply for such an injunction without such
 216 request.

217 (c) The State Fire Marshal or any local fire marshal empowered to
 218 enforce the State Fire Prevention Code may, as an alternative to issuing
 219 an order pursuant to subsection (a) of this section, give the owner or
 220 occupant a written citation for any violation of the State Fire
 221 Prevention Code. No such citation may be issued if the owner or
 222 occupant has been previously issued a citation for the same violation
 223 by the State Fire Marshal or the local fire marshal within six months
 224 prior to the current violation. Such citation shall contain the name and
 225 address, if known, of the owner or occupant, the specific offense
 226 charged and the time and place of the violation. The citation shall be
 227 signed by the State Fire Marshal or local fire marshal and shall be
 228 signed by the owner or occupant in acknowledgement that such
 229 citation has been received. The State Fire Marshal or local fire marshal
 230 shall, if practicable, deliver a copy of the citation to the owner or
 231 occupant at the time and place of the violation or shall use some other
 232 reasonable means of notification. Any person who is issued a citation
 233 for violation of any provision of the State Fire Prevention Code in
 234 accordance with this subsection shall be fined not more than two
 235 hundred fifty dollars.

236 (d) If a local fire marshal issues a citation pursuant to subsection (c)
 237 of this section, the state shall remit to the municipalities in which the
 238 violations occurred ninety per cent of the proceeds of the fine and shall
 239 remit to the State Treasurer the remaining ten per cent. If the State Fire
 240 Marshal issues a citation pursuant to said subsection, the state shall
 241 remit to the State Treasurer the entire proceeds of the fine. Each clerk
 242 of the Superior Court or the Chief Court Administrator, on or before
 243 the thirtieth day of January, April, July and October in each year, shall
 244 certify to the Comptroller the amount due for the previous quarter

Raised Bill No. 5802

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245 under this subsection to each municipality served by the office of the
 246 clerk or official.

247 (e) In addition to the fine prescribed in subsection (a) of this section,
 248 any person who violates any provision of the State Fire Prevention
 249 Code shall be fined not less than two hundred dollars or more than
 250 one thousand dollars or be imprisoned not more than six months, or
 251 both.

This act shall take effect as follows and shall amend the following
 sections:

Section 1 *October 1, 2008* 29-291a

Sec. 2 *October 1, 2008* 29-305

Sec. 3 *October 1, 2008* 29-306

Sec. 4 *October 1, 2008* 29-309

Sec. 5 *October 1, 2008* New section

Sec. 6 *October 1, 2008* New section

Sec. 7 *October 1, 2008* New section

Statement of Purpose:

To provide processes for the interpretation, alternative compliance, penalties under and appeals pursuant to the State Fire Prevention Code, to delete the prohibition against inspecting manufacturing establishments, and to permit the local fire marshals and State Fire Marshal to issue citations and apply for an injunction when a hazardous condition exists.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



March 3, 2008

Good morning Senator Stillman, Representative Dargan and member of the Public Safety and Security Committee

I write to oppose HB 5802 specifically, Section 1 (c). The Department of Public Safety and the fireworks industry have worked well together over the past several years. This open dialogue provided a fair and balanced basis for regulation with the necessary oversight of the Codes and Standards Committee before interpretations were made. Section 1 (c) would limit the oversight of the Codes and Standards Committee and would disrupt the proper balance between the building industry, architectural community, engineering community and the Connecticut legal sparkler industry.

We respectfully ask that you oppose Section 1 (c).

Graham Cornelis
Connecticut Manager



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
 1245 FARMINGTON AVENUE, 2nd Floor, WEST HARTFORD, CT 06107
 Tel: 860-521-1905 Fax: 860-521-3107 Web: www.hbact.org

*Your Home
 Is Our
 Business*

PS: 9

Line: 6

Tape: 2 B

T 11

March 3, 2008

To: Senator Eric Coleman, Co-Chairman
 Representative Art Feltman, Co-Chairman
 Members of the Planning & Development Committee

From: Bill Ethier, Executive Vice President & General Counsel

Re: Raised Bill 5802, AAC the State Fire Prevention Code

The HBA of Connecticut has concerns with RB 5802. The HBACT is a professional trade association with over one thousand five hundred (1,500+) member firms statewide employing tens of thousands of Connecticut's citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

The primary concern we have with this bill is the expansive new authority for local fire marshals to issue citations for any violation of the State Fire Prevention Code. We certainly understand that local fire marshals serve a very important public safety function. But the issuance of orders and citations to citizens is also a serious matter. We urge the committee to not let this new authority be unchecked and draw your attention to the limits on the citation authority that currently rests with zoning enforcement officials (ZEOs).

Like fire marshals, ZEOs also serve an important public health and safety function. Yet ZEOs are subject to section 8-12a(c) of the general statutes, which states, "Any zoning enforcement officer who issues a citation pursuant to an ordinance adopted under this section shall be liable for treble damages in any civil action if the court finds that such citation was issued frivolously or without probable cause." There have been very few cases where this statute has been invoked and we believe because it serves its effect of deterring frivolous official actions by these public officials.

Thus, if this bill is to move forward, we urge you to insert in this bill the following parallel language, "Any local fire marshal who issues an order or citation for any violation of the Fire Prevention Code or Fire Safety Code shall be liable for treble damages in any civil action if the court finds that such order or citation was issued frivolously or without probable cause."

Thank you for considering our comments on this legislation.

T 2
Page 1
line 15
Tape 1A



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 4, 2008

Rep. Stephen Dargan, Co-Chairman
Sen. Andrea Stillman, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

HB 5802 AN ACT CONCERNING THE STATE FIRE PREVENTION CODE

The Department of Public Safety supports this bill.

In May 2004, the State Fire Prevention Code was established by 29-291a. The statute was amended to allow the promulgation of regulations to take effect in October 2008.

Currently there are no provisions for appeals, modifications, interpretations and penalties of the State Fire Prevention Code established by § 29-291a. The existing State Fire Safety Code and other codes under the jurisdiction of the State Fire Marshal have these established procedures. This bill would establish a process for interpretation [section 1, (c)], penalty provisions [section 7], a modification process [section 5], and an administrative appeal process [section 6].

This bill would also change § 29-306 and delete the prohibition from inspection of manufacturing establishments, and allow the fire marshal to inspect manufacturing establishments.

It would expand the authority of the local fire marshal and police officer to vacate a building. Currently this action can be taken for three violations: (1) overcrowding, (2) blockage of required exits, and (3) indoor use of pyrotechnics. This would be expanded to (3) storage of flammable or explosive material without a permit and (5) failure to

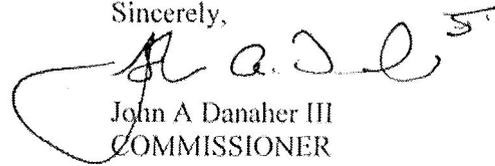
Phone: (860) 685-8000 Fax: (860) 685-8354
1111 Country Club Road
Middletown, CT 06457-2389

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maintain or the shutting off of any fire protection or warning system. It would also establish state oversight of the order to vacate in order to safeguard against the possibility of any arbitrary or unnecessary order by a local official.

The other technical changes to § 29-305 and § 29-309 coincide with the additional requirements of the State Fire Prevention Code.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. A. Danaher III", with a large flourish on the left side and a small "5" at the end.

John A Danaher III
COMMISSIONER
Department of Public Safety

NFPA REPORTS

U.S. Fire Loss for 2006

By Michael J. Karter, Jr.

In 2006, public fire departments responded to 1,642,500 fires in the United States, according to estimates based on data NFPA received from fire departments responding to its 2006 National Fire Experience Survey (see Tables 1 and 2). This represents an increase of 2.5 percent from 2005 and is the highest total since 2002, when fire departments responded to 1,687,500 fires.

There were an estimated 524,000 structure fires reported to fire departments in 2006, a 2.5 percent increase from 2005. From 1977 to 2006, the numbers of structure fires were at their peak in 1977, when 1,098,000 structure fires occurred (see Figure 1). The number of structure fires then decreased quite steadily, particularly in the 1980s, to 688,000 by the end of 1989, for an overall decrease of 37.3 percent from 1977. Since 1989, structure fires again decreased quite steadily, 24.7 percent to 517,500 by the end of 1998, and have stayed between 505,000 and 526,000 from 1999 to 2006.

Of the structure fires, 412,500 were residential fires, accounting for 78.7 percent of all structure fires, and an increase of 4.2 percent from a year ago (see Table 3). Of the residential structure fires, 304,500 occurred in one- and two-family dwellings, accounting for 58.1 percent of all structure fires. Another 91,500 occurred in apartments, accounting for 17.5 percent of all structure fires.

For nonresidential structure fires, most property types changed little in 2006, though changes occurred in a few property types: a decrease of 13.0 percent in store and office properties to 20,000, a 10.0 percent increase in other residential properties to 16,500, and an increase of 8.3 percent in educational properties to 6,500.

From 1977 to 2006, the numbers of outside fires were at their high in 1977, when 1,658,500 outside fires occurred. The number of outside fires decreased steadily the next six years to 1,011,000 in 1983, for a considerable decrease of 39.0 percent from 1977. Outside fires changed little for the rest of the 1980s, except for 1988 when 1,214,000 occurred. Outside fires dropped to 910,500 in 1993, and stayed near the 1,000,000 level the next three years. Since 1997, the number of outside fires stayed between 839,000 and 861,500, except for 1999 when they jumped to 931,500 and during the 2003-2005 period, when they were between 727,500 and 801,000.

In 2006, there were 840,500 outside fires, an increase of 4.9 percent from a year ago. In particular, brush fires increased 9.5 percent to 415,500.



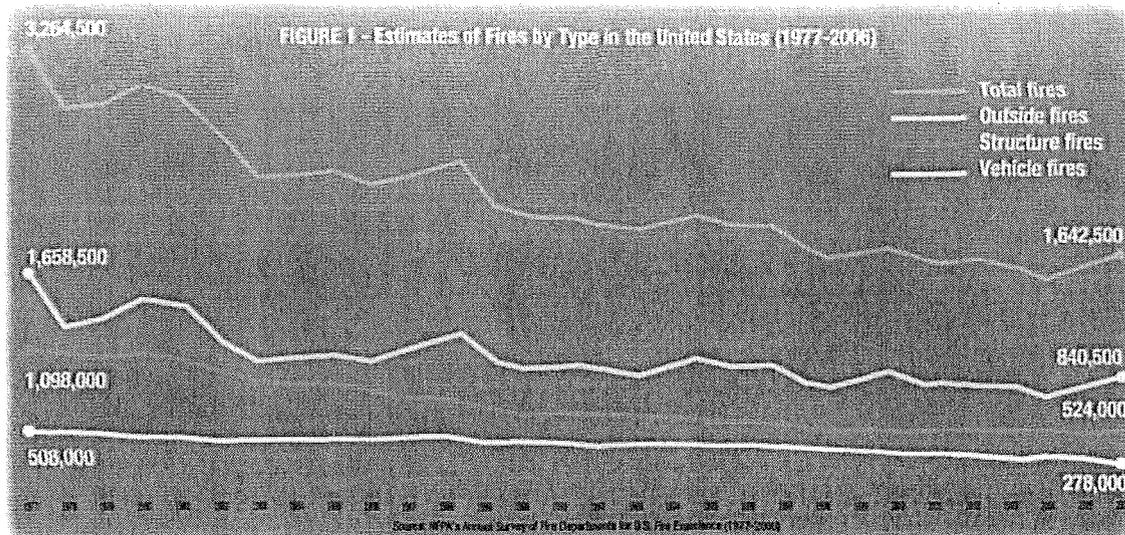
Civilian deaths

The 1,642,500 fires reported by fire departments in the U.S. in 2006 resulted in an estimated 3,245 civilian deaths based on data reported to NFPA (see Table 4). This is a decrease of 11.7 percent from 2005, and the lowest total since NFPA began using its current survey methodology in 1977-1978. The nature of this decrease is better understood when results are examined by property type.

An estimated 2,620 civilians died in residential fires in 2006, a decrease of 14.2 percent. Of these deaths, 425 occurred in apartment fires, and 2,155 in one- and two-family dwelling fires, a decrease of 16.1 percent. Most of the decrease is due to a 49 percent drop in the death rate for departments that protect communities of 5,000 to 9,999, and a

30 percent drop in the death rate for departments that protect communities of 2,500 to 4,999 people. Though encouraged by this drop in 2006, we must remain cautious because death rates can vary considerably from year to year, particularly for smaller communities.

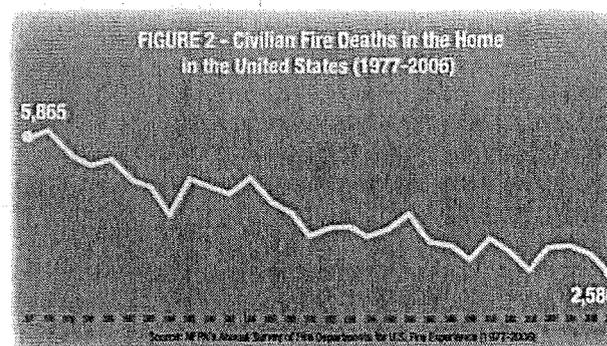
In all, fires in the home (one- and two-family dwellings including manufactured homes and apartments) resulted in 2,580 civilian deaths, a decrease of 14.9 percent from a year ago. Looking at trends in civilian deaths since 1977-1978, several observations are worth noting (see Figure 2). Home fire deaths were at their peak in 1978, when 6,015 fire deaths occurred. Home fire deaths then decreased steadily from 1979 to 1982 except for 1981, and decreased a substantial 20 percent



during the period to 4,820 by the end of 1982. From 1982 to 1988, the number of home fire deaths stayed between 4,655 and 4,955, except for 1984 when 4,075 fire deaths occurred. In the past 17 years, home fire deaths moved well below the 1982 to 1988 plateau and have stayed between 3,140 and 3,720 during 1991 to 2006 except for 1996, 1999, 2001 to 2002, and 2005 to 2006.

With home fire deaths still accounting for 2,580 fire deaths or 80 percent of all civilian deaths, fire safety initiatives targeted at the home remain the key to any reductions in the overall fire death toll. Five major strategies are:

- Widespread public fire safety education is needed on how to prevent fires and how to avoid serious injury or death if fire occurs. Information on the common causes of fatal home fires should continue to be used in the design of fire safety education messages.
- More people must use and maintain smoke detectors and develop and practice escape plans.
- Wider use of residential sprinklers must be aggressively pursued.
- Additional ways must be sought to make home products more fire safe. The regulations requiring more child-resistant lighters are a good example, as are requirements for cigarettes with reduced ignition strength (generally called fire-safe cigarettes). The wider use of upholstered furniture and mattresses that are more resistant to cigarette ignitions is an example of change that has already accomplished much and will continue to do more.
- The special fire safety needs of high-risk groups, e.g., the young, older adults, and the poor, need to be addressed. 2, 3



Also in 2006, 85 civilians died in nonresidential structure fires, an increase of 70.0 percent, and similar to the 2004 level.

Of the 2,705 civilians who died in structure fires, 305 or 11.2 percent died in fires that were intentionally set.

Also in 2006, 445 civilians died in highway vehicle fires, a decrease of 11.7 percent, the lowest it's been since 2002. Another 45 civilians died in other vehicle fires, and this includes 24 civilians who died as a result of fire and smoke in an airplane crash incident.

Civilian fire injuries

Results based on data reported to NFPA indicate that in addition to 3,245 civilian fire deaths, there were 16,400 civilian injuries in 2006 (see Table 4). This represents a decrease of 8.5 percent from 2005 and is the lowest it's been since 1977 to 1978 when NFPA started using its current survey methodology.

Estimates of civilian fire injuries are on the low side, because many civilian injuries are not