

<b>Act Number:</b>	09-078	
<b>Bill Number:</b>	6286	
<b>Senate Pages:</b>	2382-2406, 2458-2460, 2585-2588	<b>32</b>
<b>House Pages:</b>	2858-2868	<b>11</b>
<b>Committee:</b>	Public Safety: 49-55, 61-68, 76, 116-118	<b>19</b>
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**S - 584**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
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2344 - 2636**

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projects are to our towns, how important this field turf project was in our town. So, I could honestly say that this is a very good Amendment. It would have helped our town a great deal, had we had this six years ago. I would, again, speak in favor of this Amendment and would like to see passage. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kane. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I ask at this time to be "passed temporarily."

THE CHAIR:

Yes, thank you, Senator Looney. Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar Number 612, File 776, substitute for House Bill 6286, AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON MONOXIDE DETECTORS FROM LIABILITY, Favorable Report from the Committee on Public Safety and Judiciary.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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Good afternoon, Mr. President.

THE CHAIR:

Good afternoon.

SENATOR STILLMAN:

I move the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Thank you, you may proceed.

SENATOR STILLMAN:

And this would be a bill that exempts fire departments from liability for civil damages, personal injury, wrongful death, property damage or other loss when they deliver or install smoke or carbon monoxide detectors or batteries for these devices at residential premises.

With that, Mr. President, I do have an Amendment to the bill. If the Clerk would kindly call LCO number 7408.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7408, which is Senate Amendment, Schedule "A", which is offered by Senator Stillman of the 20th

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District.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I move adoption.

THE CHAIR:

Thank you. You may proceed.

SENATOR STILLMAN:

Thank you. This Amendment would prohibit the sale of something called a novelty lighter in the State of Connecticut. It is a lighter that, many times, is a little figurine. It can look like a little rubber duck or a little bicycle or it could light up in many different ways when you use the lighter. This is a very serious problem in terms of children getting their hands on these lighters because they look like toys. And the Commissioner of Public Safety does approve of this banning the sale of novelty lighters in Connecticut for that particular reason. Other states have done the same. New York City might be doing the same -- passing the same legislation, so I urge adoption of the Amendment. Thank you.

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THE CHAIR:

Further comment on the Amendment. Senator Kissel.

SENATOR KISSEL:

Thank you, Mr. President. I just stand in opposition to the Amendment. We had this bill before us in the Judiciary Committee and I recall voting against it at that time, too. My concern goes to the fact that here we are, we're about to outlaw what's called novelty lighters. And it's very unclear to me, actually, what that means.

You know, you go into any supermarket, drug store and they have tons of -- you know, lighters all over the place, right up there in those little circling things. And most of them look like the traditional lighters that your grandfather or your uncle had that, you know, they smoked a pipe or something like that. And at what point does an item, because of the simple way it looks, become illegal? I mean, if the notion is we want to keep something that starts a fire away from young people, in particular, small children, then we have to start thinking how we do everything in this state. I mean, a pack of matches, you know,

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especially the kind that you just rub on a sidewalk or on your driveway that just light. Where does this end? I mean, to my notion that a novelty lighter is something that someone who might collect lighters might want. And why do we want to live in a state where, all of a sudden, with the best of intentions and laudable goals, we want to start outlawing that?

I have some real concerns as to whether this proposal is constitutional. There was a case, once upon a time, that I was involved with and it had to do with a municipality wanting to regulate signage and logos on signs of businesses. Legitimate businesses, nothing wrong with the business, but it was a particular area of a particular town where, for whatever reason, during a couple of years, they got very uptight about imagery on signs. And nothing that anybody, I think, in this Circle would ever think was bad. I mean, like a judo place showing guys kick boxing and stuff like that.

But for whatever reason, the town started to try to enforce. And my understanding of the court cases associated with that particular government attempt to regulate speech was that, if it's appropriate

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regarding size and lighting and things like that, that might have a direct correlation to the overall safety of the society, that a town had some latitude. But if you reached in and went into exactly what the sign was depicting, the State did not have that authority.

I question whether the State of Connecticut has the authority to outlaw what's called novelty lighters when we're not really sure what that means. We're not sure what that means.

I happened to go home last week and when I got home, my son, Tristan, who's five years old, had a Scooby-Doo in there, a Scooby-Doo DVD. And as part of that Scooby-Doo DVD, they had collectors that have everything humanly imaginable regarding Scooby-Doo. I was just amazed. And so there, me and five year old were laughing at all the stuff, whether it was the talking View-Masters from 25, 30 years ago or the huge, inflatable Scooby-Doo dolls, but I bet you somewhere in these collections there was a Scooby-Doo lighter, or a Shaggy lighter or somebody had a lighter. And people like that, people wanted to collect those items, not because they need something to light cigarettes or pipes or cigars, but because

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they're collector's items. You know, some of the coolest things I remember when I was a kid was going to get my hair cut and they had that 12 cent comic book there and, you know, you could open it up and you would see all those crazy things, those novelties right on the front page. Whether it was the X-ray specs -- that never worked, they never worked. But things like that. To my mind, those are all novelties, you know, the quarter that you can hammer in the floor that everybody's going to try to pick up but they're never going to be able to pick that up.

So I appreciate the Amendment. I appreciate where the folks are that are supporting this, but there just comes a point where I think that -- I think I'd rather err on side of constitutionally protected free speech, which isn't always just what's written in a book, but it can take on the imagery of an item that is honestly and legitimately created in our country for sale. There's nothing illegal about selling something that starts a fire. You can see it every day, every place. And to start trying to draw lines here, I think, gets us into a really bad place, as far as limiting people's constitutionally and protected

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rights to manufacture and sell goods that are completely legal by any other stretch of the imagination. And for those reasons I would be opposing the Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I'm going to disagree with my colleague, Senator Kissel. He mentioned Shaggy and Scooby -- I was more interested in Daphne when I was a kid.

(Laughter.)

SENATOR KANE:

But in going back to the underlying Amendment. I have a question, through you, Mr. President, to the proponent of the Amendment.

THE CHAIR:

Senator Kane, you may proceed.

SENATOR KANE:

Thank you, Mr. President. In Section C, it says the provisions of this Section shall not apply to

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novelty lighters made before January 1, 1980. Through you, Mr. President, why is that?

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Yes, through you, Mr. President, I'd be happy to answer that question. It's because of the fact that before that time, they are now no longer able to be fueled and they're not -- many times they're lacking a device necessary for -- to produce the combustion or the fire and we -- so that is the reasoning behind that date. Through you, sir.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Is it also, maybe, because they are collector's items, through you, Mr. President, could that be possible?

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. That's very possible.

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Senator Kane.

SENATOR KANE:

Thank you. And I would assume, then, because today's May 19th, 2009, that we will have to come back next year or the year after or the year after or the year after and keep changing this bill because the lighters that, maybe, were made in 1990 would become collectors items. And then the lighters made before year 2000 would become collectors items. So, through you, Mr. President, does the proponent see that as happening? Maybe that's going to -- as time progresses, this type of problem may come up?

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. Through you, I guess we could speculate on lots of things. And there will be some new character that somebody might want to collect that we haven't heard of yet. But right now, I can tell you that, believe it or not, there is a Lighter Association in this country and they do support this Amendment that is before you and why they supported the bill, as well, when it came out of the

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Public Safety Committee. You know, there's lots of legislation if we could think that, what could occur that far in advance, I'm sure we'd have second thoughts about many things that we've passed. Through you, sir.

THE CHAIR:

Thank you. Senator Kane.

SENATOR KANE:

Thank you, Mr. President. One more question. I remember when I was a kid, we had candy cigarettes. And we also had those ones that are bubble gum and the little puff of smoke used to come out of there because of the sugar on the cigarettes. Obviously, I don't think they're still around anymore, but does the Senator know if we passed a law regarding those or was that just, maybe, the market changed and it didn't become something that was really valued anymore? Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kane. It's not directly on the Amendment. Senator Stillman, would you care to reply?

SENATOR STILLMAN:

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Thank you, Mr. President. I'll take a shot at it, thank you. I, too, remember those and certainly, if you'd like us to do some research on that issue we could find out for you, sir.

SENATOR KANE:

No, thank you, Mr. President. I thank the Senator for her answers.

The reason I bring it up is because I think, in government, we try to do too much. And we try to get into people's lives, sometimes, just a bit too much. I know this legislature passed a bill a few years back about soda in schools. And I, myself, like Senator Kissel, have young ones. I have a daughter who will be three in August and a son who just turned five in January. We, as parents, decided not to give our children soda. We give them juice or milk or water, but that's a conscious effort that, as parents, we make. I don't think I need the government to tell me that I should not give my child soda.

Similarly, I don't think I need the government to tell me that my child should not play with a lighter. I think that I have the ability, as a parent to guide my children to not play with matches, to not play with

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lighters. And I think, part of the reason we don't have candy cigarettes anymore is because the smoking, in general, has become something that most of us don't like or agree with or understand that it's unhealthy. So I think that's the reason behind my analogy, however off track it may have gotten, I do believe that we don't need government to tell us what to buy and how we should buy it. I think all of us around this room and all of us in the State of Connecticut understand what we need to do to raise our children in the proper way. So for this reason and the reasons I stated, I will be opposed to this Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kane. Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President. Through you, Mr. President, a question to the proponent.

THE CHAIR:

You may proceed.

SENATOR GUGLIELMO:

Senator, is this Amendment essentially the same as the bill that we had before us in Public Safety?

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THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you. Through you, Mr. President, yes, it is.

THE CHAIR:

Senator Guglielmo.

SENATOR GUGLIELMO:

Yes, through you, Mr. President. I believe that bill was almost unanimously passed by Public Safety, if I'm correct.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. Yes, you are.

SENATOR GUGLIELMO:

Thank you. Thank you, Mr. President. Thanks, Senator Stillman.

THE CHAIR:

Thank you, Senator Guglielmo. Further comment on the Amendment. Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I appreciate the

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debate we've had about this Amendment. It was the Public Safety Committee's concern about lighters that get into the hands of little children. As we all know, many times we look away as a parent and we never know what a child is attracted to. And certainly, something such as a lighter, which children have seen parents use in their homes, or something that looks enticing to a child, we'd like to do all we can to protect them. So I urge this Chamber to support the Amendment and that completes my remarks. Thank you, sir.

THE CHAIR:

Thank you, Senator Stillman. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. I ask for a roll call on the Amendment.

THE CHAIR:

Thank you, Senator Looney. When the vote is taken, it will be taken by roll. Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I will vote in favor of this Amendment, however, I think -- well, let me tell you what my preference would have been in this

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Amendment or an additional Amendment. And that would be to start to take a very close look at what causes children to actually be able to operate a lighter and create combustion and, ultimately, flame. I think that's the biggest and easiest area to attack in terms of undesired outcomes like producing a flame and, potentially, a fire in a house.

The risk that we run with trying to set up a bunch of parameters with respect to what's a safe and what's a kid-attractive lighter, is that you end up going down a road that is very hard to define. Whoever has to interpret this, whether it's a parent or a retailer or a judge, is going to have a real difficult time.

I can tell you from recent experience, in the State of New York, they tried to define what an assault weapon is. This is about a five page document. It is the most confusing set of guidelines and parameters that you've ever seen in your life. And I can see this being nothing but a can of worms to whomever is going to try to be interpreting it, whether it's in a court of law or in a sporting shop or whatever the case might be. So, just wanted to

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register, for the record, that I think we should try to, and this does make good common sense, sir. But I think, in the future, with Amendments and bills such as this, we should look for the easiest way to prevent the unwanted consequence. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Frantz. Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, through you to the good Senator Stillman.

THE CHAIR:

You may proceed.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, through you. I'm curious when we say in the language that this -- well, let me start by saying, Senator Stillman, is it true that, basically, this will prohibit any sale of any, quote, novelty lighter, as defined in 501a? This is a prohibition against anything deemed a novelty lighter? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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Thank you, Mr. President. Through you, that is correct. It would be effective October 1st of this year.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you and through you, Mr. President, when the Amendment talks about that you're banning anything that resembles in physical or functional article designed to appeal or intended for use of children ten years or younger, that particular description of what is being, if you would, outlawed, who makes that determination? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Through you, Mr. President. That's an excellent question. And I believe the language in the bill makes that determination as to what that is. The fact that it could resemble a toy gun or some other kind of toy, musical instrument, a little car, a little toy animal. Through you, sir.

THE CHAIR:

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Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Senator Stillman, through you, Mr. President to Senator Stillman. It says "but it is not limited to lighters (inaudible)". So there are some examples that, apparently, this bill takes into account, or this Amendment takes into account that, on its face, would violate this ban if this were to become law. But that's not an exhaustive list. Is that my correct reading? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Through you, sir. There could be other items out there that have not been identified specifically in this bill. I think the language in this bill -- in this Amendment, excuse me, identifies those that we typically see, and that are attractive to children under ten.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President. And then, through you, Mr. President, I have two daughters and I know that pink is a favorite color and anything pink, they purchase. Through you, Mr. President, if a lighter came in a very bright color, such as pink, and that attracted a child's attention under the age of ten, would that be a lighter which would be prohibited under this Amendment? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Through you, Mr. President. I happen to like pink as well. But I will tell you that the concern is that it possess, also, an audio or visual effect. So I don't believe that just because something is a color, necessarily, falls under this Amendment. But certainly, if someone was selling something that was of a concern, as stated later in the bill, that it certainly could be reviewed by a local police department to make sure that it is legally for sale.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President. And through you, Mr. President, did I understand that one of the bases for this lighter becoming illegal is that it must play music? Did I understand that correctly? Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Through you, sir, that is one, it doesn't have to, but that could be what it does.

THE CHAIR:

So it does not have to be a musical lighter.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Then Mr. President, through you, if it had for an attraction, Nickelodeon is a very well known station, one of which I still particularly care for. And if that name was on the lighter, would that be something that would run afoul of this law, in that the age group, generally, are young children? If it had "Nickelodeon" written on it, would that be something that would be against the law? Through you, Mr. President.

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THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. Through you, in Section C, lines 14 through 18 of the Amendment, it does say that it does not apply to a standard, disposable lighter that's printed or decorated with logos, labels, decals, artwork or heat shrinkable sleeves. Through you, sir.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So, through you, Mr. President, if the lighter had a cartoon character which is known, like something out of Nickelodeon, like a SpongeBob, which is a trademark for all their SpongeBob articles, or a Mickey Mouse or a Minnie Mouse or Goofy, would that run afoul of Section A or would that be permissible under Section C? Through you, Mr. President.

THE CHAIR:

Thank you. Senator Stillman.

SENATOR STILLMAN:

Through you, Mr. President. Starting on line

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three of the bill, we would consider the first section of this bill. It says it "has to resemble in physical form". So, if it was a lighter that looked like Mickey Mouse, in other words, it was the shape or as the example that you gave. Not that it had a little decal on it, but that it actually looked like a toy Mickey Mouse, then something of that nature would fall under the prohibition of the sale.

THE CHAIR:

Thank you, Senator Stillman. Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Thank you, Senator Stillman. So, my understanding is we're not concerned over names or logos, we're concerned over the form of the actual lighter and if it looks like a cartoon character or looks like one of these things or it is a flashlight, apparently. Is that true, a flashlight that's also a flashlight and a lighter? Through you, Mr. President, that would be something that would come under this bill?

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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Yes, thank you, Mr. President. That is correct, because we are concerned about it looking like something that someone could play with it. So, it would have to have the appearance of a toy.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Mr. President, I want to thank Senator Stillman for the answers to questions and I want to thank you for your patience, Mr. President. Mr. President, I understand the import of the Amendment. However, I just believe that there are a lot of other things that attract kids' attention other than forms. Logos, stickers, the fact that it says Nickelodeon or Walt Disney or Scooby-Doo or whatever you have, those are the types of things that are not outlawed by this. I don't think it should be. I think that government needs to stay out of the way where it can and this is where government is reaching its hands in an area it does not belong. I thank you, Mr. President.

THE CHAIR:

Thank you, Senator Fasano. Senator McKinney.

SENATOR MCKINNEY:

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Thank you, Mr. President. Mr. President, through you, if I could, several questions to the proponent of the Amendment.

THE CHAIR:

Please proceed.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, through you, just a follow up --

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney, for what purpose do you rise?

SENATOR LOONEY:

Thank you, Mr. President. With the indulgence of the Minority Leader, I would ask that this bill be "passed temporarily."

THE CHAIR:

This bill will be "passed temporarily." Mr. Clerk.

THE CLERK:

Calendar Number 620, File Number 154, 826 and 924, substitute for House Bill 5664, AN ACT CONCERNING THE AWARD OF RIBBONS AND MEDALS TO VETERANS FOR

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moment.

THE CHAIR:

Senators, we'll stand at ease.

(Senate at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Thank you, Mr. President. Mr. President, returning to an item marked "passed temporarily" earlier. And that is Calendar page 14, Calendar 612, House Bill 6286, that was marked "passed temporarily", if we might now mark that "go" and have that called immediately?

THE CHAIR:

Thank you. Mr. Clerk.

SENATOR LOONEY:

Thank you, Mr. President.

THE CLERK:

Turning to Calendar page 14, Calendar 612, File 776, Substitute for House Bill 6286, AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON

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MONOXIDE DETECTORS FROM LIABILITY, Favorably Reported,  
Committee on Public Safety and Judiciary. When the  
bill was last before us, LCO 7408 was called and  
designated Senate Amendment, Schedule "A".

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. Nice to see you up  
there, sir.

THE CHAIR:

Always nice to see you, Senator.

SENATOR STILLMAN:

Thank you. As much as that we had such an  
enlightened discussion earlier on that Amendment, I  
would like at this time to withdraw LCO number 7408.

THE CHAIR:

Is there any objection to withdrawing the  
Amendment?

Please proceed.

SENATOR STILLMAN:

Thank you, sir. The underlying bill is extremely  
important to our fire departments. And if there are  
no questions about it, I'd like to -- or concerns, I'd

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like to ask that the underlying bill be placed on  
Consent.

THE CHAIR:

Is there any objection? Seeing no objection, the  
item is placed on the Consent Calendar.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the  
Clerk might next move to call an item previously  
marked "passed temporarily." On Calendar page 30,  
Calendar 273, Senate Bill number three. We might call  
that as the next item.

THE CLERK:

Moving to Calendar page 30, Calendar 273, File  
Number 341, Senate Bill Number 3, AN ACT PROHIBITING  
THE ACQUISITION AND USE OF CERTAIN PARCELS OF LAND AS  
ASH RESIDUE DISPOSAL AREAS, Favorably Reported,  
Committee on Environment and Planning and Development.  
Clerk is in possession of Amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move acceptance of the Joint

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that it be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Mr. Clerk, would you please return to the call of the Calendar. Mr. Majority Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the Clerk might call the first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The 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 first Consent Calendar begin on Calendar page 5. Calendar Number 392, House Bill 6433.

Calendar 397, Substitute for House Bill 5915.

Calendar 405, House Bill 5536.

Calendar page 6, Calendar 406, House Bill 5873.

Calendar 457, substitute for House Bill 6264.

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Calendar page 12. Calendar Number 599,  
substitute for House Bill 6463.

Calendar page 13, Calendar 608, House Bill 6640.

Calendar page 14, Calendar 611, substitute for  
House Bill 6341.

Calendar 612, substitute for House Bill 6286.

Calendar 620, substitute for House Bill 5664.

Calendar page 15, Calendar 622, substitute for  
House Bill 6496.

Calendar page 16, Calendar 628, House Bill 5809.

Calendar 630, substitute for House Bill 5519.

Calendar page 23, Calendar Number 284, substitute  
for Senate Bill 290.

Calendar page 24, Calendar 103, Senate Bill 754.

Calendar 120, Senate Bill 818.

Calendar 136, Senate Bill 789.

Calendar page 26, Calendar 179, substitute for  
Senate Bill 951.

Calendar page 27, Calendar 207, substitute for  
Senate Bill 950.

Calendar page 29, Calendar 252, substitute for  
Senate Bill 1068.

Calendar page 34, Calendar Number 420, Senate

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Bill 325.

And Calendar page 40, Calendar Number 541, House  
Bill 6076.

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

THE CHAIR:

On the first Consent Calendar, the machine is  
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 now voting by roll call on  
the Consent Calendar. Will all Senators please return  
to the Chamber?

THE CHAIR:

Have all the Senators voted? Seeing that all  
Senators have voted, the machine will be closed.  
Clerk, please announce the tally.

THE CLERK:

Motions on adoption to the Consent Calendar,  
number 1.

Total Number Voting 36

Those voting Yea 36

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May 19, 2009

Those voting Nay 0

Those absent and not voting 0

THE CHAIR:

The Consent Calendar is adopted. Mr. Majority  
Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, a few  
more items to be marked "go." First, Calendar page  
29, Calendar 249, House Bill 6185. Calendar page 35,  
Calendar 424, Senate Bill 1045. Calendar page 36,  
Calendar 429, Senate Bill 940. Thank you, Mr.  
President.

THE CHAIR:

Thank you, sir. Mr. Clerk.

THE CLERK:

Turning to Calendar page 29, Calendar Number 249,  
Files number 49 and 285, House Bill 6185, AN ACT  
CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN  
PERSONNEL FILE STATUTES as amended by House Amendment,  
Schedule "A". Favorably Reported, Committee on Labor  
and Judiciary.

THE CHAIR:

Senator Prague.

**H – 1045**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 9  
2608 – 2924**

THE CLERK:

On page 21, Calendar 512, substitute for House Bill number 6252, an act concerning the SELECTION OF JUDICIAL MARSHALS, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER ORANGE:

Will the House please stand at ease.

Representative Olson.

REP. OLSON (46th):

Thank you, Madam Speaker. I rise to move that we pass temporarily this bill.

DEPUTY SPEAKER ORANGE:

The motion is to pass temporarily this bill is there objection? Is there objection? Hearing none, the bill is passed temporarily.

Will the Clerk please call Calendar number 513.

THE CLERK:

On page 21, Calendar 513, substitute for House Bill number 6286, AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON MONOXIDE DETECTORS FROM LIABILITY, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Jutila, you have the floor.

REP. JUTILA (37th):

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark?

REP. JUTILA (37th):

Thank you, Madam Speaker. This bill exempts fire departments from liable for civil damages or personal injury, wrongful death, property damage, or other loss when they deliver or install smoke detectors, carbon monoxide detectors, or batteries for these devices at residential premises. I move passage.

DEPUTY SPEAKER ORANGE:

The question is on passage. Will you remark further on the bill? Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker. I rise in support of the bill before us today. What this does is very simple. It encourages our local fire departments to get out into the community and help with the installation of smoke detectors and CO detectors,

particularly in those areas where fire risk is very, very high. It helps those in our community to stay safe. In particular it helps those in our community who are seniors and who may not necessarily have a young family member living close by who can just stop over after work and change the battery or change a smoke detector. It helps those seniors to know where to go and to reach out and to get help from those who know what to do. But at the same time this is not a waiver of liability that is without protection.

It still requires that, of course in order to be free of -- free of risk the fire department install the detector according to the manufacturer's instructions, that the device be installed in the fire department's official capacity, that an installed device be new and that records be kept so that we can keep track of which items are installed and where they're installed. This is a good bill. It's important to public safety. It's important to fire safety. And I urge its passage. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you very much, sir. Will you remark further on the bill? Will you remark further on the

bill? Will you remark further on the bill? If not --  
oops, Representative Hetherington of the 125th, you  
have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. I would like to ask a  
question of two of the proponent if I may.

DEPUTY SPEAKER ORANGE:

Most certainly. Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you. Through you, Madam Speaker. Do any  
fire departments currently provide this service?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. Yes, they do.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. Hetherington (125th):

Thank you. Could you tell me about how many?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. No, I do not know how many.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

And if you know, through you Madam Speaker, are these typically department where this is done by volunteers or by paid fire staff? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. Both volunteers and paid fire fighters perform this service in various departments.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.. And I thank the Representative for his responses. I would like to offer a comment a two. I'm a little concerned although I certainly applaud this -- the intent of this and -- but I'm a little

concerned about the actual immunity that is provided because the immunity is not absolute if one reviews the language.

It requires that the equipment be new, that it be installed in accordance with the manufacturer's instructions and I guess if I were a potential plaintiff with council I would figure out how to argue that the fire person did not follow the instructions. And did not install it properly. In fact it's hard to imagine any other places of liability other than it was not installed in accordance with the manufacturer's instructions. If it actually did not function and cause loss, damage. I -- you know I'm inclined to support this bill because I'd like to encourage this.

I think it's a great idea but I really am a little concerned that the way it is drafted does not provide the complete immunity that is I believe intended. I would prefer to see it drafted in a way that would require some notion of gross negligence or willful neglect in order to establish the liability of the fire department. So with those comments I'll wait to hear further comment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Would you care to remark further? Will you care to remark further on the bill before us? Representative Alberts of the 50th district you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. If I may a question to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. ALBERTS (50th):

Thank you. Through you, Madam Speaker. I'm curious as to how the bill may treat fire marshals that are employed by municipalities. Would they be exempt from litigation under the terms of the bill as presented? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Through you to Representative Alberts. The definition of fire department includes any municipal fire department, independent fire department, fire district, independent fire company, volunteer fire department, and any member thereof. So if the fire marshal is a

member of the fire department the fire marshal would have the same immunity.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. In my community -- my home community of Woodstock we actually have three different fire departments that serve the town and I think probably many of the members here have the same situation. Could a member of one fire department take it upon themselves to be involved in installations throughout their community and be held harmless under the rest of the provisions if they're all in accordance. So that just one entity for example might go forward in a particular community and perhaps address this? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. If it is a member of a fire department in that town and that member is performing the service somewhere in the town then that individual would have immunity under this legislation.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I thank the gentleman for his responses.

DEPUTY SPEAKER ORANGE:

Do you care to remark further on the bill before us? Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Madam Speaker. Very briefly, I just wanted to clarify I guess the type of device just to be sure that I understand the way this is drafted. If I could, one question through you to the proponent of the bill please.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, in section one -- the first part of section one it talks about the type of device that can be installed and I think we have certain building codes and certain requirements in this state where individuals have to be licensed to install certain things and when we talk about a battery operated or plug-in smoke detector we're not actually talking about something that would

otherwise require an electrician to install. Through you, is that correct, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Through you to Representative Miner, the answer is that it does not cover the electrical installation.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And I do thank the gentleman for his answer.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill? Will you care to remark further on the bill? If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. All members to the chamber. The House is voting by roll call. Members to the chamber please.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?  
Please check the board to be sure that your vote has  
been properly cast. If so, the machine will be  
locked. And the Clerk will take a tally. And the  
Clerk will announce a tally please.

THE CLERK:

House Bill 6286

Total number voting 137

Necessary for passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 14

DEPUTY SPEAKER ORANGE:

The bill passes. Will the Clerk please call  
Calendar number 512.

THE CLERK:

On page 21, Calendar 512, substitute for House  
Bill number 6252, AN ACT CONCERNING THE SELECTION OF  
JUDICIAL MARSHALS, favorable report of the Committee  
on Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Berger, you have the floor, sir.  
Nice to see you.

REP. BERGER (73rd):

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
SAFETY AND  
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recycling materials on site and reusing the recycled materials on site for -- for, you know, woodchips, or what have you. Using ultra-low flow toilets or composting toilets or waterless toilets on site. You know, if you do those things, some of those things might be controlled by the building code, but the building code doesn't require you to do that.

Other things, such as providing a manual to the owner of the building. You can get points if you provide a -- a good manual to the owner of how to operate the building properly to maintain those green features that are in the building. Those aren't controlled by the building code. None of these items are. And the list goes on and on and on.

REP. PERILLO: Thank. That helps quite a bit.

SENATOR STILLMAN: Thank you.

Any other questions?

Thank you very much.

WILLIAM H. ETHIER: Thank you.

SENATOR STILLMAN: Donn Dobson, followed by Charles Rothenberger, followed by Fred Wajcs.

If I mispronounce anyone's name, I apologize but, some of your handwriting is difficult to read so, Mr. Dobson.

DONN DOBSON: Good afternoon Senator Stillman, members of the Public Safety Committee.

My name is Donn Dobson. I'm the fire marshal for the town of Old Saybrook. I'm here to speak on -- in favor of the Raised Bill 6289,

HB6286

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and act -- An Act Shielding Fire Departments that Install Smoke and Carbon Monoxide Detectors -- Detectors from Liability. I've -- I have been before you to speak on a matter of smoke detection and carbon monoxide detectors. Our office and associated agencies for the town of Old Saybrook, have been trying to be proactive in distributing smoke and carbon monoxide detectors or batteries for the associated detectors.

This past December -- this past November, 2008, I had a fire in the town of Old Saybrook where a dog alerted the family that there was a fire in the house. The fire destroyed the -- the home and the family got out safely, they were lucky. But we found, through the investigation, that there was no working smoke detection in the house.

This past December was one of the deadliest months in the state of Connecticut fire history. The month of December 2008 saw ten people lose their lives in fire alone. This is in a state that averages 30 to 35 fire fatalities annually. Many of these fires can be prevented with a \$7 smoke detector.

We find this to be true in these economic times, with families having hard time putting and keeping their jobs. Many of these houses that had fatal fires did not have working smoke detection. And many fire departments around the state try to keep and be diligent about providing homes with smoke detection. But with that, in these cities and towns, many communities do not provide carbon or -- carbon monoxide or smoke detectors due to liability.

We'd like to change that and make it so more communities can provide detectors and help the number of fatal fires to come down to zero.

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SENATOR STILLMAN: Thank you, sir.

Any questions?

I know this bill has been before this committee before.

Representative Jutila.

REP. JUTILA: Thank you, Madam Chairman, and thank you Donn. Good to see you and thanks for coming all the way up from Old Saybrook on a snowy day.

DONN DOBSON: Thank you.

REP. JUTILA: Just a minor correction for you. The bill is actually 6286. You had it as 6289 although I'm pretty confident you probably support 6289 as well which appropriates money for fire fighter training. But --

DONN DOBSON: Yes, you're right. You're correct. Yeah. Sorry about that.

REP. JUTILA: Okay. Just a couple of quick questions. Do you know how many towns are not providing this service because of this situation with the liability?

DONN DOBSON: A fair amount of towns in the state of Connecticut through the Connecticut Fire Marshals Association this -- this oftentimes comes up in discussion. The town of Old Saybrook, my office as well as the fire department through, you know, speaking with our counsel in town has talked about the liability aspect of this, whether we provide or not to provide. And the premise, basically, is that, you know, we're doing more help than harm with -- with providing

detectors in for installation in people's homes. Exact numbers, I would venture to say it's probably close to half. In many towns across the board, including some of the larger cities, don't go down this road in terms of providing, installing. You know, they'll provide guidance but not necessarily the detectors themselves.

We've been fortunate enough to work with a lot of local community stores or larger chain stores to -- to receive these, either through grants or through, you know, civic groups, you know, the Kiwanis group is -- is one that comes to mind, that help provide dollars that help us to buy these so we can provide this.

A couple of Christmases ago, we have a number of families in the -- in the town that are -- that are -- that need things, and, you know, food and Christmas gifts, et cetera. And one of the things we did was provide them with smoke detection and carbon monoxide detection. And these are the same type of people, quite honestly, in the -- in these fires that aren't going to go out and buy batteries or go out and buy detectors, you know, in especially these times where you, you know, for seven bucks it literally can save your life.

So to answer your question it's probably more than half and if -- if I think the liability aspects are taken care of, I think, more -- more towns and cities would get involved.

REP. JUTILA: Okay. And do you -- I mean from the answer to your question, it's obvious that in some cases you're providing both the detector and the service of installing it. Do you also typically provide just the service if someone calls you they don't know how to install it or maybe they're elderly and you take the

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detector that they purchased on their own and then install it?

DONN DOBSON: Yes. We have done that following the manufacturer's recommendations or specifications. I mean by and large most of those specs are pretty universal across the board.

But to answer your question, in my community in Old Saybrook, 30 percent of our population is 65 plus, so we run into that situation quite often in terms of where to place it and how to place it and make sure it's done correctly.

REP. JUTILA: And the last question, do you know of any towns that have actually been sued for this?

DONN DOBSON: In the state of Connecticut, no. I know nationally, yes. There's been a number of -- of cases and -- not any that come to mind off the top of my head, but I, you know, it is obviously -- in a national sense, yes, it's happened on several occasions. You know, and it's obviously -- whether it's been won or lost, it has -- some of them have gone to trial.

REP. JUTILA: And do you happen to know if any towns have actually been found to be liable and any individuals?

DONN DOBSON: I don't -- I don't -- I can't say to that merit, in terms of whether they've been found liable or not. I did do some research trying to find that -- those questions out expecting those type of questions, and honestly, I can't tell you that I found that to date.

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REP. JUTILA: Okay. Thank a lot Donn.

DONN DOBSON: Thank you.

SENATOR STILLMAN: Representative Caruso.

Thank you.

REP. CARUSO: Good morning.

DONN DOBSON: Good morning.

REP. CARUSO: Or good afternoon, I guess. I appreciate the service that your town is doing, but I don't know if it should be done. You know, I really -- I guess I'm betwixt and between when I read the legislation, because in one breath it's great that the fire service maybe providing the smoke detectors or carbon monoxide detectors. It's clearly another issue about installing them. Because I think you run into an installation problem if it's improperly installed, a fire occurs, the family isn't warned properly; they should have some recourse because it was not installed properly. So my feeling is that towns, frankly, shouldn't be installing. They should be providing if they'd like to do that. I think that's laudable, but I think again it's a homeowner's responsibility, and from a renters point of view, it's a landlord's responsibility. I think the towns should be doing the inspections; if they don't have them in their units, the owner or the owner of the rental unit or the owner of the house should be notified to correct the situation. But to have public servants going in and doing installation, I think lends yourself to exposure. And I think there is a situation, you know, you can get a very crafty lawyer who feels that, you know, fire took place, the unit wasn't installed properly and can sue the

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town.

So, you know, I'm hesitant about supporting this legislation because I think it incurs installations by the department. And frankly I don't think that's where it should be. I think the department should be doing inspections, and if you want to provide free, you know, that's fine, that's laudable, but the installation, I don't think is your responsibility. What will we start doing next? You know, will the police department start installing grid, you know, coverings for windows to provide, you know, public safety protection. I just don't think -- in all due respect, I think it's laudable what you're trying to do, but I think it's also not advisable from my point of view.

Thank you.

SENATOR STILLMAN: Thank you, Representative. You bring up a good point.

Any other questions or comments?

Thanks, Donn.

DONN DOBSON: Thank you.

SENATOR STILLMAN: Appreciate it.

Charles -- next Charles Rothenberger, followed by Fred Wajcs, if I've pronounced your name correctly, you know who you are, followed by Paul Brady.

And just so the members know, we only have maybe six more people signed up so if people are concerned about running to other meetings, we shouldn't be too much longer.

I know so --

PAUL BRADY: Well, good afternoon. I'm Paul Brady. I'm the executive director for the American Council of Engineering Companies of Connecticut. I'm here to support House Bill 6284, An Act Concerning Adoption of Model Energy Code and Green Building Standards.

You have my written testimony before you, and I won't read that to you, but we're in support of this. I think this legislation will enable Codes and Standards to develop a workable, you know, building code that incorporates the intent of the original legislation. We've been working with codes and standards and with local building officials to try to come up with some solutions to these -- how -- how we're actually going to do this in the, you know, in the field-type issues. We're looking at enforcement issues, and we think we can come up with some -- some workable solutions to this. Particularly at the state level when you have a local building official who is, you know, under -- undermanned and understaffed and really doesn't have the -- the capabilities perhaps that some of the larger municipalities have. You know, we want to make sure this is done properly and the, you know, the intent of this legislation is carried out.

I'd be happy to answer any questions you might have.

SENATOR STILLMAN: Thank you, sir.

Any questions for the gentleman?

No. Thank you.

PAUL BRADY: Thank you.

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SENATOR STILLMAN: Anthony Martino.

Mr. Martino's not here. Okay.

Kevin Kowalski, followed by Martin Mador,  
followed by Jon Butts. Welcome.

KEVIN KOWALSKI: Good afternoon. I'm Kevin Kowalski, fire marshal in the Town of Simsbury, and also I -- also represent the Connecticut Fire Marshals Association. I want to thank the Chairs, Representative Dargan and Senator Stillman, for this opportunity as well as the -- the rest of the committee on this opportunity to speak in support of House Bill 6286, An Act Concerning Protection of Fire Departments that Install the Smoke Detectors and Carbon Monoxide Detectors.

I have submitted written testimony, and I will just kind of give a brief review. Essentially we do have a program within our community and I can speak for our community that we have an actual documented save based on the detector that was installed by the department.

We started out by putting detectors in folks that -- that couldn't afford them, couldn't afford a person to install them, and it was gone through -- through Social Services, would give us the -- the job slip, so to speak. We'd go out and install it in accordance with the manufacturers requirements. It's a \$7 item and the time spent is well worth it.

To answer the question, if anyone has ever gotten sued or -- or held liable and won the case. One of the points that was brought up during our -- our meetings with the Joint Council Fire Service, which includes the fire chiefs the -- the fire marshals, instructors,

et cetera, is that in one community, Meriden in fact, their attorney, their town attorney came back and said we will -- we do not want you to continue with the program. We feel that the -- the cost of -- of the -- the legal issues would far outweigh it. So they -- they're actually on hold on the program while they're getting the smoke detectors donated them -- donated in some cases. So -- so it becomes a problem, not so much for the legal costs of the actual lawsuit or how much you would lose for installing, it -- it could be the potential of a frivolous lawsuit which would cost thousands to -- to fight against.

Along our way of -- of working on this project, thanks to the -- the joint council we worked out with the -- got input from the legal folks up here, and came out with some compromised language that might appease -- or might help out in the -- in the development of -- of this bill. And I -- I do have a copy of it if you -- unfortunately only one copy at this point, which everybody understands, which doesn't essentially give away the store as far as liability is concerned, but -- but ultimately protects the -- the providers, so I -- that is -- that is available.

SENATOR STILLMAN: If you would leave that with David, clerk of the committee.

KEVIN KOWALSKI: I certainly will.

SENATOR STILLMAN: We'd appreciate that.

KEVIN KOWALSKI: And that's all I have as far as --

SENATOR STILLMAN: Did you mind reading it so we can --

KEVIN KOWALSKI: The substitutes?

SENATOR STILLMAN: Just what you're suggesting.

KEVIN KOWALSKI: It's -- it's quite lengthy, but I can -- I can do that.

SENATOR STILLMAN: Oh, okay. Well, then just give it --

KEVIN KOWALSKI: It essentially breaks it down and -- and speaks it to -- I -- I can summarize it briefly, and it just says it's no cause of action shall rise against the fire department for the installation or delivery to a residential premises or appliance as well as, any emergency appliance shall be installed and delivered pursuant to Section 1 shall be a new one. The appliance shall meet all the current requirements and a record of every installation or delivery made pursuant to this act will be kept by the fire department installing or delivering the appliance, and nothing in this act shall be construed to limit or extinguish the obligation or -- or duties of an owner or occupier recipient of the appliance delivered or installed.

So that kind of answers a lot of the questions that we were concerned with before, and -- and everyone seems to be amenable to that -- to that particular change.

SENATOR STILLMAN: Okay. If you'd leave that and then we'll --

KEVIN KOWALSKI: I certainly will, yes.

SENATOR STILLMAN: -- see what we can do with it. Okay. Thank you.

KEVIN KOWALSKI: Thanks for your time.

SENATOR STILLMAN: Thank you very much.

KEVIN KOWALSKI: Thank you. I forgot. I'm sorry.

SENATOR STILLMAN: Senator Caruso.

REP. CARUSO: If this law is not passed, would your department still do it at it's own peril or not do it?

KEVIN KOWALSKI: Our fire district will still continue.

REP. CARUSO: Okay. So then you understand, if you do that, you're town is taking on the liability for that service?

KEVIN KOWALSKI: Yes.

REP. CARUSO: Okay. Because see I -- just as I said to the gentleman, this is a major policy change. What we're saying is that public and -- public servants should do installation in privately-owned buildings. It's exactly what the towns are now complaining about when someone's evicted that the town shouldn't pick up the cost for storing the tenants items, you know, their couch and refrigerator and so forth. And so now what we're saying is that public servants on the payroll of the town now can do installation of these things so, you know, where does it stop. And I understand the public safety side to it, but I think that falls with the landlord or the property owner.

KEVIN KOWALSKI: If I may, add -- or answer the question. A couple issues come up and one of our programs that we have currently in effect is regardless of the -- the owners abilities or for financial backing we'll respond to a call at night, for instance, two o'clock in the morning and arrive to the residence, find

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no fire but -- but a faulty smoke detector. And our option, there is either we leave, go home and leave the person unprotected or we provide them with a smoke detector. Whether we install it or they install it, for it to work in an optimized condition is that we install it. A lot of people don't have the -- the wherewithal to do it at two o'clock in the morning. So we would install it and -- and in that particular situation.

Another situation is where -- where a person that's -- and we do this routinely -- in their eighties, a lady lives alone, we go there two o'clock in the afternoon, we make an appointment, bring a step ladder, put her smoke detector up or even put a battery in her smoke detector. She has no other family and she doesn't have the wherewithal to provide that, and so we'll do it as a service. We'll put that battery in or we'll put that smoke detector up. Does it happen often? No. And -- but it -- but it certainly does work out a lot better, I believe, for public safety -- for their safety.

REP. CARUSO: Again, I -- there are nonprofits that can do a lot of those services. And going out at a call at two in the morning is part of the routine of fire department. That's their routine. But to actually get into -- and I think providing it is fine if you did an inspection of a house that didn't have a smoke detector and you handed that to the person and said, you know, you should look into getting this installed. I think that's fine. It's when you trust -- when you cross that threshold and you start to install it, you pick up a liability issue.

And at that point, I have to be honest with you, I don't know if you want to take the

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liability away from the homeowner or the renter, because it may have been fault -- you know, incorrectly installed, and so why should that be -- person be denied the right of bringing action in a faultily installed unit? See that's the line you're crossing here, and you're taking away someone's right to bring action, and at the same time you're saying, well, I'm providing a service, but it could be conceivable that someone installs it improperly, and that individual should have a right to bring action.

SENATOR STILLMAN: Thank you, Representative.  
Representative Perillo.

REP. PERILLO: Just one brief follow-up.

Representative Caruso had asked -- obviously your department has, you know, said, you know, basically to heck with the liability we're going to do this anyways. And Representative Caruso asked if you would still do this if the bill were not passed, and you said you would. That's quite laudable.

Given your conversations with other departments those two departments who have not said, you know, we don't care about the liability, those departments who have said we're concerned about it, who don't do it now, if this bill were passed would they, in your opinion, start to do it?

KEVIN KOWALSKI: Absolutely.

REP. PERILLO: Thank you.

KEVIN KOWALSKI: I've gotten numerous calls that they want to know the status so they can start.

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SENATOR STILLMAN: Thank you very much.

Any other questions, comments?

Thank you.

KEVIN KOWALSKI: Thank you.

SENATOR STILLMAN: Appreciate it.

Is Anthony Martino here? Did anyone find him to tell him his name was called? No, okay. Then we'll move on to Martin Mador, and then John Butts.

REP. DARGAN: Martin, just one minute before you give your testimony. To people that have an issue dealing with the building codes, if you could hang around for five or ten minutes afterwards, just try to stay in this room so we could talk, because our caucus room is not available, so we could figure out where we got to go next. If that's okay with everyone that's here, including people from the Department of Public Safety.

Thank you.

MARTIN MADOR: Afternoon members of the committee. I'm Martin Mador. I'm the legislative and political chair for the Connecticut Sierra Club. I have a master's degree in environmental management from Yale. I am LEED accredited. I'm the author and editor of a book on architecture and the natural world. On the original drafter of the legislation here, requiring green schools. I've been working on green building legislation and the Legislature since 2002.

HB 6284

I have talked with members of the unified code group that you've heard from already. We are



## CONNECTICUT STATE FIREFIGHTERS ASSOCIATION, INC.

February 3, 2009

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

My name is Ted Schroll, 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 #759**      **AA Authorizing Bonds of the State for Regional Fire Schools**

I feel that the members of this committee are well aware of this project and do not need me to remind them of its importance. This committee has always supported this project. Presently the State has committed \$28 Million to this project. It is felt that before the end of this biennium this sum could be fully expended. However, this will complete only approximately 50% of the project. Additional bond funding at this time will allow for the continuation of this project. Other members of this Association's Education Committee will be providing more complete information on this item at this hearing.

**Raised House Bill #6286**      **AA Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors From Liability**

We support this initiative. It first arose in the 2008 legislative session. 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 could be 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. Members of Connecticut's Fire Service leaders have met and compromised with the opposition of last year's initiative. Substitute language will be provided for this bill that is acceptable to both parties.

**Raised House Bill #6289**      **AA Appropriating Funds For Firefighter Training**

This bill is a follow-up to legislation passed in 2007 that paid ONE-HALF of the cost of training for the Firefighter 1 and Recruit Training courses for new firefighters. The original 2007 proposal was to fully fund firefighter training for Firefighter 1, Recruit Training, Firefighter 2, Fire Officer 1, and Fire Service Instructor for municipal and state agency fire departments. We would suggest that this proposal could be implemented at this time, within available appropriations. While most all firefighters train to Firefighter or Recruit level of training, FF-2, FO-1, and FSI-1 are considered advanced training, and only a lesser amount of firefighters take advantage of these curriculum. We would, however, suggest some substitute language

**WE WOULD SUGGEST THAT SECTION 2 OF THIS RAISED BILL BE DELETED.**

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

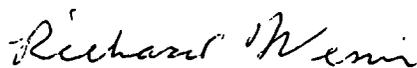
Litchfield County Fire Chief's Emergency Plan, Inc.  
Burrville Fire School  
P. O. Box 335  
Pleasant Valley, CT 06063

Raised Bill # 6286 would also be a benefit. Many fire departments have or would like to have programs to assist our residents with the installation of smoke and carbon monoxide detectors. The fear of being held liable for damages keeps many departments from assisting. The assistance is important for our elderly citizens that can not do the installation themselves.

The last bill I would like to your support on is Raised Bill # 6289. Presently fire departments can get reimbursed for one-half of the tuition to send a firefighter to Firefighter I or recruit school. This bill would allow additional levels to be included in this reimbursement. Many fire departments do not have the funds to pay for the higher levels of training. That forces firefighters to pay out of their own pockets. Many of these are volunteers. The additional levels being included in reimbursement would make it easier for the fire departments to afford this training.

I thank you for your time and hope you will support these bills. If you have any questions please feel free to contact me.

Respectfully submitted,



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[Richard.t.winn@snet.net](mailto:Richard.t.winn@snet.net)

# Simsbury Fire District

871 Hopmeadow Street • Simsbury, Connecticut • 06070

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February 3, 2009

Testimony to the Committee on Public Safety  
And Security

Members of the Public safety committee , Thank you for this opportunity to speak to you today. I am Kevin Kowalski, Fire Marshal of Simsbury and I also represent the Ct Fire Marshal Association. I am here before you in support of House bill 6286, AA Shielding Fire Departments that install smoke and Carbon Monoxide detectors from Liability.

Each year hundreds of people survive the ravages of fire because of a working smoke detector. Prior to the law requiring the installation of Smoke detectors by home builders and owners there were approximately 8000 fire related deaths nationwide each year ,The studies have shown that working smoke detectors have reduced that number to less than half. Unfortunately we are finding that in some cases the smoke detectors are not being maintained or are missing completely. Some Fire Departments have taken on programs to make sure their citizens have operating detectors. Most of these programs are free off charge are either supported by the communities through fund raising or through special programs from the Detector manufactures. In Simsbury we try not to leave a residence at a fire call without a properly operating smoke detector. In one case several years ago that very action resulted in the successful escape of a resident that awoke to a sounding detector because of a fire in her home.

Unfortunately some towns have shut these programs down after receiving interpretations from their town attorneys that they could be held liable as a result of an injury or death from a fire that had a properly installed detector. While these tort actions could be considered frivolous, the cost of the defense could be enormous.

Thank you for helping the fire service help the citizens of Connecticut



TESTIMONY  
ROBERT MCVEIGH  
PRESIDENT  
CONNECTICUT ALARM & SYSTEMS INTEGRATORS ASSOCIATION  
(CASIA)  
BEFORE THE  
PUBLIC SAFETY COMMITTEE  
FEBRUARY 3, 2009

The Connecticut Alarm & Systems Integrators Association (CASIA) **opposes HB-6286**, as drafted.

We are concerned that this bill appears to allow Fire Department personnel to wire and install carbon monoxide detectors and smoke detectors without the requisite license or training required by the state Department of Consumer Protection. The state of Connecticut has set forth, with deliberation, the training and experience needed by individuals to install low voltage electrical devices.

These requirements are intended to protect the public as well as employees from unsafe practices. We are therefore very concerned that this bill shields individuals from liability even if the detectors are installed in a faulty manner or the equipment is inferior. This is a terrible precedent and will undermine the safety and security of our citizens.

Clearly, any electrical installation should be done by a properly licensed individual to ensure the safety and welfare of the consumer. **We therefore oppose HB-6286, as drafted, but would certainly work with the firefighters to address these concerns.**

*CASIA, a statewide trade association established in 1974, is comprised of alarm companies working together to protect lives and property through the responsible use of electrical security and fire alarm systems. Our members are professional and technically skilled and experienced in integrated systems for intrusion and fire systems, closed circuit television, telephone, intercom, home theater, access control systems and computer wiring*