

**PA10-051**

**SB151**

House	3642-3650	9
Public Safety	41-44, 127-129	7
Senate	877, 1064-1066	4
		20

**H – 1084**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 12  
3573– 3922**

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

67  
May 3, 2010

Will the Clerk please call Calendar Number  
394.

THE CLERK:

On Page 16, Calendar 394, Substitute for  
Senate Bill Number 151, AN ACT LIMITING THE  
INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS,  
favorable report of the Committee on Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Ed Jutila, you have the floor,  
sir.

REP. JUTILA (37th):

Thank you, Madam Speaker. I move acceptance  
of the joint committee's favorable report and  
passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint  
committee's favorable report and passage of the  
bill in concurrence with the Senate. Will you  
remark? Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Madam Speaker,  
under current law, any person certified as a fire  
service instructor by the Commission on Fire  
Prevention and Control is indemnified by the state

from claims for personal injury or property damage.

That instructor must be acting in the discharge of his duties in providing fire service instruction and training. The law contains the typical exceptions for wanton, reckless or malicious conduct.

The Bill before us today would limit the categories of fire service instructors eligible for that indemnification by the state to three categories, instructors who are employees or members of a municipal, state or tribal fire department performing training for their members or employees.

The second category would be employees of the Commission on Fire Prevention and Control providing fire service training on behalf of the Commission.

And the third category would be those employed by a regional fire school to provide fire service training and instruction on behalf of the school.

The effect of this bill is to exclude anyone privately offering his or her services as a fire instructor, in which case that individual would have to go out and obtain his or her own insurance.

I don't believe it could have been anyone's

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

69  
May 3, 2010

intent originally, to effectively ensure a private, profit-making enterprise. This Bill would correct that and I would urge its passage.

DEPUTY SPEAKER ORANGE:

Thank you. Will you remark? Will you remark further? Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much. If I could, through you, just a few questions for the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. PERILLO (113th):

Thank you, Madam Speaker, and through you, were there any incidents or problems that brought this bill to our attention? Were there any individuals who had to be indemnified, any instructors who had to be indemnified, perhaps inappropriately, that caused this legislation to come before us? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker to Representative

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

70  
May 3, 2010

Perillo. I am not aware of any particular instance that gave rise to this, but I think there was a general concern that in an unanticipated way, some fire instructors who initially everyone might have expected all of them to be members of municipal departments or working on behalf of the Commission on Fire Prevention and Control, or with one of the state fire schools.

But what's happened is, there's become a bit of a private industry that's surfaced with regard to fire instructors, which again, I don't believe it was anyone's intent that the state would provide indemnification for them. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much and I thank the gentleman for his answer.

One final question. As I read the legislation, I'm wondering whether or not the bill would lift indemnification for volunteers from one municipal fire department who are volunteering their services as an instructor and another

municipal volunteer fire department.

Very often we see, you know, a fire instructor who's a volunteer at Fire Department A, has a relationship with Fire Department B and then they offer training to one another, often at no cost.

And I'm wondering if indemnification for that fire service instructor who's trying to help out the other fire department would still have indemnification should we pass this bill? Through you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Through you, I believe that it would be the intent of this bill that any fire service instructor who is a member of a municipal fire department performing fire training for any other members of any other municipal department would continue to be indemnified under this legislation.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker, and I thank the

gentleman for his question. I tend to agree with the legislative intent of this, but I was just concerned that the language is a little bit unclear.

And just to further get to legislative intent, I would imagine that the expectation would be that there would be indemnification provided that fire service instruction were volunteering their time.

So again, back to our fire department A and B scenario, if a volunteer from fire department A volunteers their time as an instructor for fire department B, it would seem that indemnification would be appropriate.

However, it is also foreseeable that there could be payment and money exchanged for that and it doesn't seem that that's the kind of person, the kind of situation where we want indemnification to continue.

So I guess for legislative intent, I would assume that the indemnification exists only if the work is performed voluntarily and that indemnification would be lifted should there be an exchange of payment for the service.

Through you, Madam Speaker, is that correct?

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

73  
May 3, 2010

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Thank you. Through you, Madam Speaker, the legislative intent here is clear that anyone who is engaging in a private profit-making enterprise, which I believe the scenario you describe is just that, would then not be covered with indemnification by the state.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much. That is exactly what I thought. I just wanted to clarify it for legislative intent.

Again, this is something that makes sense for the State of Connecticut and it makes sense for our fire services throughout the state, and I thank the gentleman again for his time, and I urge a yes vote.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you. Will you care to remark further on the bill? Will you care to remark further on the

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

74  
May 3, 2010

bill? Will you care to remark further on the bill?

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

THE 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 ORANGE:

Have all Members voted? Have all Members voted? If all the Members have voted, please check the board to determine if your vote has been properly cast.

If so, the machine will be locked and the Clerk will take a tally. And will the Clerk please announce the tally.

THE CLERK:

Senate Bill 151 in concurrence with the Senate.

Total number Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0

pat/mb/gbr  
HOUSE OF REPRESENTATIVES

75  
May 3, 2010

Those absent and not voting 12

DEPUTY SPEAKER ORANGE:

The Bill passes in concurrence with the  
Senate.

Will the Clerk please call Calendar Number 94.

THE CLERK:

On Page 34, Calendar 94, Substitute for House  
Bill Number 5164, AN ACT IMPLEMENTING THE  
RECOMMENDATION OF THE PROGRAM REVIEW AND  
INVESTIGATIONS COMMITTEE CONCERNING THE ALIGNMENT  
OF POSTSECONDARY EDUCATION AND EMPLOYMENT IN THE  
GREEN INDUSTRY, favorable report of the Committee  
on Education.

DEPUTY SPEAKER ORANGE:

The distinguished Dean of the House,  
Representative Mushinsky. You have the floor,  
ma'am.

REP. MUSHINSKY (85th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. MUSHINSKY (85th):

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

**S - 600**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 3  
618 - 932**

cd  
SENATE

31  
April 21, 2010

Calendar 345, Senate Bill Number 457, Mr.  
President, move to refer this item to the Committee on  
Government Administration and Elections.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 25, Calendar 346, Senate Bill  
Number 151, Mr. President, move to place this item on  
the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 348, Senate Bill Number 250, Mr.  
President, move to refer this item to the  
Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 349, Senate Bill Number 272, move to  
refer this item to the Committee on Public Safety and  
Security.

**S - 601**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 4  
933 - 1266**

cd  
SENATE

218  
April 21, 2010

Bill 5265; Calendar 313, substitute for House Bill 5002.

Calendar page 20, Calendar 314, House Bill 5201.

Calendar page 24, Calendar 340, substitute for Senate Bill 175.

Calendar page 25, Calendar 346, substitute for Senate Bill 151; Calendar 350, Senate Bill 333; Calendar 371, substitute for House Bill 5014.

Calendar page 26, Calendar 375, House Bill 5320.

Calendar page 27, Calendar 379, substitute for House Bill 5278; Calendar 380, substitute for House Bill 5452; Calendar 381, substitute for House Bill 5006; Calendar 382, House Bill 5157.

Calendar page 28, Calendar 384, substitute for House Bill 5204.

Calendar page 29, Calendar 395, substitute for Senate Bill 127; Calendar 396, Senate Bill 147.

Calendar page 30, Calendar 413, House Bill 5024; Calendar 414, substitute for House Bill 5401.

Calendar page 31, Calendar 419, substitute for House Bill 5303.

Calendar 32 -- page 32, Calendar Number 421, substitute for House Bill 5388; and on calendar page 34, Calendar 46, substitute for Senate Bill 68;

cd  
SENATE

219  
April 21, 2010

Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for  
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for  
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute  
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for  
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for  
Senate Bill 200.

Mr. President, that completes those items placed  
on the consent calendar.

THE CHAIR:

All right. If the Clerk has made an announcement  
that a roll call vote is in progress in the Senate on  
the first consent calendar, the machine will be open.  
Senators may cast their vote.

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.

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SENATE

220  
April 21, 2010

THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
SAFETY AND  
SECURITY**

**PART 1  
1 - 287**

**2010**

34  
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## PUBLIC SAFETY COMMITTEE

February 18, 2010  
11:00 A.M.

PAUL YOUNG: Correct.

REP. BOUKUS: So are churches considered non-profits?

PAUL YOUNG: Yes.

REP. BOUKUS: Okay. This can't be done at for-profit places?

PAUL YOUNG: It should not be done at a for-profit. We would not permit it at a for-profit organization.

REP. BOUKUS: What's an example of a profit? A work station? Superbowl?

PAUL YOUNG: Yeah. Aetna is a for-profit organization and they should not be doing something like this.

REP. BOUKUS: Okay. So a group of neighbors get together and they do a fifty-fifty at a 25th anniversary, that's illegal?

PAUL YOUNG: Yes.

REP. BOUKUS: Thank you very much.

SENATOR STILLMAN: Thank you, Representative. Any other questions? Thank you, sir.

In light of the fact that we have expended that first hour, before we go to the last person under the public officials we'll alternate and the first person under the public is Mark Salafia. Is he here? And he will be followed by Commissioner Danaher.

MARK SALAFIA: Good morning, Senator Stillman, Representative Dargan and members of the Public Safety and Security Committee. My name is Mark

SB151

Salafia, an active member and former president of the Connecticut Fire Department Instructors Association.

CFDIA is a fraternal organization of certified fire services instructors and associate members numbering 322, whose mission it is to advance fire safety service and emergency response safety through training and education. I am before you today to request your support for Senate Bill 151, AN ACT LIMITING INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS.

The goal of the CFDIA in proposing this change in legislation is to help provide high quality, safe fire service training through capable instructors. THE CFDIA supports indemnification for certified fire service instructors while acting in the discharge of their assigned duties while employed by a municipal, regional, state or tribal nation fire department or designated training organization.

The CFDIA is not in favor of providing indemnification for fire service instructors who, although certified, elect to deliver fire service training as private business entities. It is the feeling of our organization that the state of Connecticut should not be burdened with providing indemnification for instructors who choose to form a private training business. These private fire training companies should provide their own insurance coverage.

Some additional speaking points. At present certified fire service instructors do not require any recertification or continuing education units to maintain certification. An instructor could be certified, not affiliated with a fire service for any number of years, then begin a private fire training company and

would still enjoy the indemnification benefit provided by the state.

The CFDIA supports certified fire service instructors employed by municipal, state, industrial or tribal nation fire department, regional and state fire schools be indemnified while in the discharge of their official duties, providing training to their members, students or members of mutual aid departments.

The CFDIA requests this committee to amend the bill's language to be inclusive for certified fire service instructors to be indemnified during the discharge of their official duties while employed by the municipal, state, industrial or tribal nation fire department or employed by the state or regional fire training school. The attachment shows the example of this wording. As an organization the CFDIA is not aware of any situation where a private fire service instructor has had to be indemnified by the state of Connecticut. But private fire service training entities are becoming much more common.

SENATOR STILLMAN: Thank you, sir. Any questions?  
Yes, Representative Orange.

REP. ORANGE: Good noon to you. What types of problems are you seeing out there that brings this bill forward to us?

MARK SALAFIA: Our concern stems from the lack of control. If again, like I said in the remarks, if a member becomes certified, he could, for lack of a better term, probably become rusty over the years and then reenter into a training position on their own as a private individual, and probably not be current with a lot of the new standards and procedures that are acceptable in the fire service.

REP. ORANGE: Do you currently have an example of this in the state?

MARK SALAFIA: I do not.

SENATOR STILLMAN: Thank you. Any other questions.

I believe that this bill is before us -- I'm trying to remember if the department itself requested this. No? Okay. Anyone else have any questions? Thank you, sir, and thank you for your input.

MARK SALAFIA: Thank you for your time.

SENATOR STILLMAN: Next, Commissioner Danaher. And following Commissioner Danaher will be Steve Loban.

COMMISSIONER JOHN DANAHER: Good afternoon, Senator Stillman, Representative Dargan, members of Public Safety Committee. My name is John Danaher, Commissioner of the Department of Public Safety, and I'd like to address three bills. We have submitted written testimony on each and so, if I may, I'd just like to summarize the department's position on each.

HB 5158  
SB 150  
HB 5153

The first is Senate Bill 146, this is AN ACT CONCERNING THE COLLECTION OF DNA. This was a proposal that was submitted last year. It did make it out of this committee, but it died in the Judiciary Committee without a vote by the JF deadline day. In essence, what this bill does is address the problem that now exists with regard to individuals who have been convicted of a felony and directed by the court to give a DNA sample at the Department of Public Safety, but who in fact have failed to do so. If a person is convicted of a felony and receives a term of incarceration, that

**CONNECTICUT STATE FIREFIGHTERS ASSOCIATION, INC.**

February 18, 2010

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

Subject: SENATE BILL #151

The Connecticut State Firefighters Association wishes to go on record in support of the concept provided by Raised Senate Bill #151, AN ACT LIMITING THE INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS.

Our Association represents approximately 27,000 career and volunteer firefighters in the State of Connecticut. Among those are many members of the CT Fire Department Instructors Association (CFDIA).

It has come to our attention through the CFDIA that there has been some certified fire service instructors who, for whatever reason, are attempting to provide fire service instruction as private business entities. It is not our intention to prohibit those activities.

The original intent of the Fire Service Instructor indemnification was to protect municipal or state instructors when providing training classes for or within the fire service. It was not to provide indemnification for private business entities. It is felt that once these entities become private, they should provide for their own liability. They should not be able to fall back to the State of Connecticut for protection.

The CFDIA is of the opinion that a portion of the language proposed in the Raised Bill could be misinterpreted. Therefore, they have supplied some substitute language with their testimony. We would like to suggest that this slight change in the language of the bill would make it a better bill.

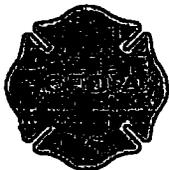
With this change of language, we would ask you to join us in support of this bill.

We thank you for the opportunity to provide this testimony.

Respectfully Submitted,

Ted Schroll, Legislative Representative  
Connecticut State Firefighters Association

p. 3 Line 19

**CONNECTICUT FIRE DEPARTMENT INSTRUCTORS ASSOCIATION**

**1 Fischer Road      Hartford, CT 06120**  
cfdia.com                      [cfdia@hotmail.com](mailto:cfdia@hotmail.com)

Senator Stillman, Representative Dargan, and members of the Public Safety and Security Committee.

My name is Mark Salafia, an active member and former president of the Connecticut Fire Department Instructors Association (CFDIA). CFDIA is a fraternal organization of certified fire service instructors and associate members numbering 322 whose mission is to advance the fire service and emergency response safety through training and education. I am before you today to request your support for Senate Bill #151, An Act Limiting the Indemnification of Fire Service Instructors. The goal of the CFDIA in proposing this change in legislation is to help provide high quality, safe, fire service training through capable instructors. The CFDIA supports indemnification for certified fire service instructors while acting in the discharge of their assigned duties while employed by a municipal, regional, state, or tribal nation fire department or designated training organization. The CFDIA is not in favor of providing indemnification for fire service instructors, who although certified, elect to deliver fire service training as private business entities. It is the feeling of our organization that the State of Connecticut should not be burdened with providing indemnification for instructors who choose to form a private training business. These private fire training companies should provide their own insurance coverage.

**Additional Points:**

1. At present, Certified Fire Service Instructors do not require any recertification or continuing education units to maintain certification. An instructor could be certified, not affiliated with the fire service for any number of years, then begin a private fire training company and would still enjoy the indemnification benefit provided by the State.
2. The CFDIA supports certified Fire Service Instructors employed by a municipal, state, industrial or tribal nation fire department, regional or state fire school be indemnified while in the discharge of their official duties providing training to their members, students, or members of mutual aid departments.
3. The CFDIA requests this committee amend the Bills language to be all inclusive for Certified Fire Service Instructors to be indemnified during the discharge of their official duties while employed by a municipal, state, industrial or tribal nation fire department or employed by a state or regional fire training school. The attachment shows an example of this wording.
4. As an organization, the CFDIA is not aware of any situation where a private Fire Service Instructor has had to be indemnified by the State of Connecticut, but private Fire Service training entities are becoming more common.

***AN ACT LIMITING THE INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS.***

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

Section 1. Section 7-323q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

The state shall save harmless and indemnify any person certified as a fire service instructor by the Commission on Fire Prevention and Control under section 7-323l from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in personal injury or property damage, which acts are not wanton, reckless or malicious, provided such person, at the time of the acts resulting in such injury or damage, was acting in the discharge of [his] such person's official duties [in providing] as an employee or member of a municipal, state, industrial or tribal nation fire department, or employee of a state or regional fire training school providing fire service training and instruction.

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

***Statement of Purpose:***

To limit the indemnification of fire service instructors to those instructors who provide such training to their own municipal, state or tribal nation fire department directly or through mutual-aid agreements or while employed by the Commission on Fire Prevention and Control or a regional fire school.