

PA 11-081

SB0863

General Law	776-796, 854, 855, 990-994	28
House	9269-9271, 9289-9290	5
<u>Senate</u>	<u>4706-4709, 4945-4949</u>	<u>4</u>
		37

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 3
744 – 1092**

2011

button there. Thank you.

ALBERT RIZZO: Thank you for inviting us here this morning. My name is Al Rizzo, and I represent the Connecticut Spa and Pool Association as its current government relations committee chairman.

SB 946
HB 6265

We have before us a bill we'd like to discuss and tell you that CONSPA was founded in the mid-sixties as a consumer advocate association. We employ at the present time somewhere between two and 5,000 people in the state of Connecticut, depending on the season, and we have approximately 150 members, and it starts from manufacturers to distributors and contractors and service people.

While we appreciate the Committee's -- I'd better get my 'glasses; I forgot to wear them -- raising S.B. Number 863 for us, we'd like to request some changes be made to its current form, and we have submitted them to you today, so you either have them now or they'll be there shortly.

But, there are two reasons that we want licensing for pool builders, two important reasons. The first one is that the consumer has a perception and confidence in their mind that when they hire a master plumber or a master electrician that they are hiring a professional that has reached a higher level of education within his industry.

Our industry at the present time has superseded all of that, and we've been teaching and training people for many, many years to get up to that level and above that level, and Rob is going to speak more to that.

The second is that if you want to build a pool

today, all you have to do is go down to the state department and buy a home improvement contractor's registration, not even a license, and you can do many things under that, whatever you want to do to improve a home, the siting of a new garage, whatever, and we fall into that category.

The problem is that other people that are in that category could just build a pool if they want, like we would build it, and it would be, of course, not the same type of pool. It wouldn't have the experience or the safety that's important to us.

The most important reason is safety. Proper education is required in order to protect the consumer so that they will enjoy the pleasures and health aspects of owning a swimming pool. They will be able to feel secure in the knowledge that the pool was built correctly and safely by a licensed contractor. The license will provide for continual education and enforcement. There's none of that in place right now. Right now anybody that has an HIC doesn't have to provide continuing education, and there's no enforcement to it other than if you take money and run, or something like that, then someone will chase you, but if you do a poor job, it becomes a matter for the court after that.

So many tragedies have taken place in swimming pools that by proper education and licensing enforcement will not take place again, and we've all seen entrapment cases come up, and accidents that happen around a pool that are needless because they weren't built or taken care of properly.

We now have a license which is called an SP2, SP1. We received it about ten years ago,

approximately ten years ago, and it's for service companies only, so the service parts of our companies are licensed, but the construction part is not licensed at this time.

Further, our association is linked with two other bills coming up today, S.B. 946, An Act Concerning The Enforcement of Occupational Licensing. I want you to know we're for it. And, H.B. Number 6265, an act concerning advertisement of non-licensed tradespeople.

It's appropriate that in the 1960's when I started this association, I and a group of other builders, that we started to fight what was called at that time bait and switch operations and the advertisement that was going on (inaudible), and we had to come before a committee to get word to the Department of Consumer Protection to get that accomplished, and we did.

Thank you, and Rob.

ROB ROMANO: I'll read fast. Gentlemen, I'm Rob Romano. I'm not only a pool builder, I'm also the current past-president of CONSPA and the president of the Northeast Spa and Pool Association, also known as NESPA.

NESPA is the parent association in the northeast chapters that cover Connecticut, the lower counties of New York state including Long Island, all of New Jersey and eastern Pennsylvania. I'm here today to support the Raised Bill 863, ACC licensing of swimming pool builders. I'm here today because there's a real need for oversight and standards in the swimming pool industry.

As Al mentioned, in recent years there have

been some high profile instances of people becoming entrapped. I served my two-year term for CONSPA in the fall of 2007 to the fall of 2009. I became president of the chapter only two months after the tragic death of a six-year-old boy in Greenwich, an accident that may have been avoided had everyone been educated and brought up-to-date on the current code.

In September of 2004, the 2003 IRC Appendix G code went into effect in our state. The pool where the accident happened was constructed the following summer in 2005. It was built, inspected and received a certificate of occupancy. Then two years later the suction entrapment occurred. Without going into further detail of the accident, we feel it could have been avoided if the builder had been aware of the changes made to the code through continuing education. The key word here is education.

Being a licensed builder is one thing. The education afforded to the license is priceless.

NESPA and CONSPA are leading the way in educating our members from Connecticut in the health code and building code inspectors. We recently were awarded a contract from the Consumer Product Safety Commission, CPSC, to put together and deliver programs on the health and building codes and how they were impacted by the Federal Virginia Graeme Baker Swimming Pool Safety Act. We currently have four programs in the state of Connecticut alone scheduled. The first one was actually held last week. With that said, the entire Appendix G section of the building code is only one and a half pages long. The entrapment section of the code we currently

use is only a half page long, but that page holds vital information on how to properly pipe a pool so that it does not become a potential trap for swimmers.

It's amazing how many builders and inspectors in our state still do not understand this code. We have an opportunity here to help them both. We are the experts in the field. To instill this license and require continuing education will force the builders who don't know, to know.

Not just pool builders are building these pools. You have landscapers, masons and home builders who do not understand how to properly pipe the pool or even know what a split main suction outlet is or a suction vacuum release system. A swimming pool builder is a person who performs excavation and grading, construction and installation of a swimming pool and water features more than 24 inches in depth, tiling and coping, decking and installation of all circulation equipment including pumps, filters and chemical feeders. Continuing education will teach them how to do it correctly.

Connecticut is in a unique situation. We are currently the only state to hold a service license to work on swimming pools. To obtain this license, one has to go through years of training that includes both classroom and field training.

We have a program in place through the Association of Pool and Spa Professionals to help train new swimming pool builders how to properly construct a swimming pool. This training is vital to the safe construction of the pool as it follows the current codes and standards on Connecticut's books today. We

recognize a need to grandfather the current builders in the state in order to obtain this license. In the end, it's the consumer who benefits the most from this license. They will have the peace of mind knowing that the professional pool builder is knowledgeable in his trade and will construct a pool that is safe for their children and guests.

I support Raised Bill 863, AAC licensing of swimming pool builders, and ask that you do, too.

One last thing. The Service License, the SP License, required to serve the pool lacks one crucial item: Enforcement. We would like to see the same enforcement language applied to the SP license that is in the proposed builder's license. It's necessary to the validity and integrity of said license.

We also feel the need to include tile and coping within the work performed definition. There are certain steps and criteria one needs to take in order to properly install these items on the shell of the pool, steps that can hinder the life span and quality of the installation --

SENATOR DOYLE: Thank you.

ROB ROMANO: Okay.

SENATOR DOYLE: Thank you, gentlemen, and just for the record, both were signed up. They came up together, but they both were independently signed up.

ROB ROMANO: We were trying to save you time.

SENATOR DOYLE: Yes. I appreciate it. Just for the record (inaudible), because it's an

overflow room, Room 2A has been opened, so members of the -- if you don't have seats, you can go up there and listen so you don't have to stand up, so it's an option for those in the room that would like to sit down and listen and come down if you're to testify.

Any questions for the gentlemen?
Representative Rebimbas?

REP. REBIMBAS: Thank you, Mr. Chair, and I thank you for your testimonies this morning. I just wanted to follow up on a few things that you had mentioned.

Indicating -- you had testified regarding the tragic accident in Greenwich regarding the six-year-old child. You had indicated that the pool was inspected, yet if the person who installed was aware of changes to the code possibly it may or may not have affected -- I don't want to say it would have prevented it, but may have affected the outcome.

Were there changes to the code prior to the inspection or post the inspection?

ROB ROMANO: Prior to.

The changes to the code happened in 2004. That's when they went into effect. The pool was built in '05, I think it was July of '05, so there was ten months that had gone by that -- I'm not putting blame here, but the building inspector and the pool builder could have found out about them. The problem is that there is no bulletin going out to anybody, saying that the codes are changed.

We understand that it's their responsibility to go and check if there had been code changes, but that didn't happen. It didn't

happen in either case. So, with the continuing education that's applied to the builder's license, you will go -- right now we have to go with the SP license every two years to have a continuing education, and we go thoroughly through all of the code changes that have happened.

Since that happened, there's been what? Three separate instances where they've added to the code. Had we not gone to continuing education, our members and non-members and inspectors probably wouldn't have been all aware of it.

ALBERT RIZZO: He's talking about continual education. That's required by the state like a master plumber and electrician, which is every two years. You can't keep abreast of these laws on a two-year period. Our association, which is over 40 years old does this on a monthly basis, and we work. One of my engineers was down at the building inspector's association last week, talking about pools and problems and things like that, and they're going to make -- what they're going to be pushing more is enforcement.

So, our educational process is ongoing. I mean it's the only reason why he does this every day as Rob does, and it's discussed. We're a small group, 150 of us in Connecticut. It makes it easy to ahold of everybody and say hey, wait a minute, this is coming up, it's right or wrong, and we either fight it or join it.

REP. REBIMBAS: Thank you again for those responses. I believe earlier also in your testimony you had indicated that you had worked with the Consumer Protection Department

related to some of these complaints that had been filed.

Would you just give us an idea of how many times maybe you've been called upon to assist in those things, or if you even have any idea regarding the statistics of complaints that have been filed?

ALBERT RIZZO: The problem is that what we've done in the association is they call me. I'm the old-timer, so they get ahold of me. They figure I've got more time.

REP. REBIMBAS: So there is --

ALBERT RIZZO: That's what's wrong with it. I'll call up the builder or the home owner and see what the problem is, try to straighten it out over the phone. If I find that he's unregistered and doesn't have a home improvement license or he's doing service work and he doesn't have an SP1 or 2 license, I then go directly to the Department of Consumer Protection.

At the present time, the law that we have to attain an SP1 and 2 license doesn't have any enforcement on it, so people that don't have it say okay, I did wrong, so what are you going to do about it? So, when I sit down with the Department of Consumer Protection, they say, well, we don't have any enforcement on it; we can't do anything about it.

REP. REBIMBAS: Do you have any idea how many pools in the state of Connecticut have been installed by licensed pool installers versus people who don't have that specific license?

ALBERT RIZZO: There are not licensed pool installers. Right now there are just people

registered as home improvement contractors.
Anybody (inaudible) can install a pool.
There's no license for it.

The only license we hold now is to repair
them.

REP. REBIMBAS: Okay. So there's only a license
currently for repairing of the pool --

ALBERT RIZZO: (Inaudible.)

REP. REBIMBAS: -- not necessarily for installing
(inaudible).

ALBERT RIZZO: Well, we're here today to get a
license for builders, not so much installers,
because we do from design work on through.
All of the engineering and design work goes on
within a separate company, and those are the
ones -- these are the people that we want to
get licensed.

REP. REBIMBAS: Thank you for your responses, and
thank you, Mr. Chair.

SENATOR DOYLE: Thank you. Representative?

REP. NICASTRO: Thank you, Mr. Chairman.

In Section G of the bill, it talks about the
fee for the swimming pool builder's license is
\$150, and that fee is good for one year. Is
that something new, you know, because we've
had this in front of us before, if I remember,
a couple of years ago. I believe you
testified at that hearing, too.

ALBERT RIZZO: Yes. Thank you.

REP. NICASTRO: Is that something new? Has that
been increased, or how did they arrive at that

figure that it would be 150 a year?

ALBERT RIZZO: I think it's -- I think your answer -- the answer is just the same as the SP1 and 2 license.

REP. NICASTRO: I'm sorry?

ALBERT RIZZO: It's the same. The present license that we hold now is the service company, a remodeler. It's an SP1 or 2 license, and that's what we pay for that license, and I think it's appropriate to -- home improvement?

ROB ROMANO: Yes, it is.

ALBERT RIZZO: I think it's the same as -- I didn't pick the figure out. I'm sorry. This time of the year I would think someplace. It coordinates with what we're paying now, I think, for the home improvement registration.

ROB ROMANO: Right now as an SP1 holder, I have to pay every October \$150 to keep my license, and every two years I have to go through continuing education to keep my license, and I think we're just trying to follow the same footprint because it's all related. Instead of service, we're building pools. Just to try to keep things a little even or fair, and keep it at \$150.

ALBERT RIZZO: Don't get confused if one license is going to (inaudible) the other. There are people in this industry that just service pools and don't maintain their license. My company does both as does Rob's, and he'll maintain the SP1 license as well as the new home builder's license.

REP. NICASTRO: Thank you. Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you. Representative
D'Amelio?

REP. D'AMELIO: Thank you, Mr. Chairman.

The swimming pool industry in Connecticut obviously is very -- it's limited, it's seasonal, and I know a few installers myself, and they have a lot of different part-time employees and different employees every year that they hire because they're not able to really retain the same employees every year.

How would we treat those employees of the contractor? Does the contractor (inaudible) the license or all of his employees, also?

ALBERT RIZZO: We're looking for the contractor's license. Within the association, we have several steps to get up to what's called certified, and most of my men and most of the people in this industry put through these steps within the association. There's no license, form or place, and they'll work under my license.

As a master plumber, I have journeymen working under me, and there's a place for them in the industry. We figure that if we get the license, the rest of you can come along after, but we're responsible. I'm responsible. I personally am responsible for every pool that my company builds or services.

And we're not interfering with any of the master pool plumbers or master plumbers or electricians. They still have -- this bill doesn't interfere with their work. They still have to -- if we need a master electrician to wire a pool (inaudible), and we need a master plumber to run gas lines and fresh water

supplies. We're allowed to do the plumbing around the pool.

REP. D'AMELIO: Thank you.

SENATOR DOYLE: Any further questions?
Representative Baram?

REP. BARAM: Thank you, Mr. Chairman.

With regard to some of the concerns you articulated, is there any requirement that the local building inspector inspect the installation of a new pool and, if so, is there an obligation in issuing a CO to understand the building code requirements for the pools so that there's some responsibility for monitoring and oversight by the local building inspector?

ALBERT RIZZO: It's a long question, but in each town -- there's 169 towns, and every building in these individual towns has a different sort of sets of rules that they want.

Generally, if you're building a swimming pool and it's a concrete or gunite pool, it still has to be inspected, and the reason the steel is inspected is because there's a grounding to that steel that has to be inspected.

The reason that we're connecting decks in here is because now several years ago a rule -- a law passed, a code passed that we have to have what's called equal potential bonding within the deck itself. All of these responsibilities fall on us. We're responsible for calling the building inspector. Sometimes the building inspectors say Al, what do you want me to inspect? Well, come on up and look at the steel anyways; give me your seal of approval, or something, you

know?

It's -- it's -- that's why we've got (inaudible) going around that Rob was talking about, that we've been selected to go out -- we, our association -- to go out and train building inspectors what to look for.

ROB ROMANO: If I can just add to that, before the accident happened a few years back, it was the -- the onus was on the pool builder in any trade, on the tradesman to understand the codes, and they were considered the expert, and a lot of times the building officials were relying on that person to guide them through the inspections. In other words, the building inspector wasn't 100 percent trained in what he was inspecting, but now since that did happen and was such a high profile case, the inspectors are stepping up their game, and they recognize that they, too, need to understand more fully what the code that they are enforcing says, so we're playing both roles. On the association level, we're trying to teach both builders and the inspectors how to understand this code properly.

It's all of this work over a page and a half, but that page and a half is so vital and there are so many questions that are involved in it that it's -- we spend hours and hours and hours and hours, trying to put these programs together, so I think today, the benefit, the result is that you have a more educated inspector who does have a better clue on what they're looking at, and in putting this license into effect will kind of force the pool builder who wasn't looking it up, the changes on the code, to now have to go ahead and be this is it, you've got it, now it's on you to do the right thing, and they can work together better with the building inspector.

ALBERT RIZZO: Part of these (inaudible) plumbers all talk to you on the phone, and our class was really teachable, the velocity of water going into a pipe. The size of the pipe is important, the size of the suction fitting on the end of the pipe is important. He doesn't even know what I'm talking about half of the time, but yet it affects our industry as to whether you're going to get hair entrapment or limb or body entrapment in that suction point, so all of these things -- flow rates, total dynamic head -- things like that are taught to people who didn't finish algebra even, but they have to understand this is what we have to do.

SENATOR DOYLE: Some of the plumbers don't understand, so they're like me. Interesting. Representative Reed?

REP. REED: Thank you, Mr. Chairman.

I'm just trying to circle back to the training, so your association would do the training or does do the training, and is there a fee for that that you charge people who take these classes?

ALBERT RIZZO: Uh-huh. Yes.

REP. REED: Does it vary, or is there sort of a standardized fee?

ALBERT RIZZO: Well, it varies on what level you're taking.

REP. REED: Well, I mean depending on who's taking it --

ALBERT RIZZO: Yes.

REP. REED: -- if it's a building inspector or --

ROB ROMANO: On the --

ALBERT RIZZO: I think it's appropriate to say that there will be a fee to the building inspectors because there will be paid teachers, and stuff like that, but it isn't anything that's exorbitant, but within the trade ourselves, most of the teaching is done for nothing. We charge nothing to go out teaching, and our association will every month have a meeting, and if part of it has to do with a new code coming up, one of us that went to the code hearings meetings will explain it. There's never a charge within the association unless it's a day or two fee.

ROB ROMANO: The grant that we receive is from the CPSC, and those classes that were offered to the inspectors, there's no fee to the inspectors. We do that for them for free because we feel that the information they're getting is priceless and you can't put a number on it. We're offering them that service.

REP. REED: And what about the companies, the installers?

ROB ROMANO: The installers, if they're going through the educational program or builder's program, they would have to pay for the class, and the class takes -- those programs are -- it's like going to school for a week. It's their schooling, their degree in pool building.

REP. REED: And they get a certification of some sort from --

ROB ROMANO: Right.

REP. REED: -- your association that they took and passed this course?

ROB ROMANO: Right. They buy textbooks, they have -- they're provided lunch, they sit in the classroom for eight hours a day, and it's a commitment for a week, a week-long commitment both time and monetary.

REP. REED: And do you take them on location to see if they've actually accumulated this knowledge?

ROB ROMANO: It's kind of tough. We have done it, and we have facilities down in New Jersey with our parent association, with NESPA. There's a pool that's constructed inside the warehouse there that they actually can break down and rebuild and do all types of things to it and have hands-on training.

REP. REED: And then one more quick question. I've noticed just sort of anecdotally that some of these -- and I know this is not your area of expertise, and I'm wondering if you have thoughts on it -- these above-ground pools are enormous, and they have vacuum systems and recirculation systems, filtering systems, and I'm wondering. That doesn't fall under the same umbrella, that's a whole different area?

ALBERT RIZZO: It's going to fall under this umbrella. We're talking what's called above and in-ground pools. Most of that is interstate commerce. Those are produced by engineers, shipped in as a package, and then you have installers that will install them, but they have to comply to all of the codes in the local area.

REP. REED: So your sense in this bill -- unless I

misread it -- this says in-ground, but you think that this will expand to include the large above ground pools as well?

ROB ROMANO: It's supposed to.

ALBERT RIZZO: It's supposed to. Now, it says here partially above-ground structures and permanently installed spas. I think you probably have a copy (inaudible).

REP. REED: It's a bigger umbrella (inaudible).

ALBERT RIZZO: Yes.

REP. REED: Okay. Thank you so much for your testimony.

ROB ROMANO: The importance is the circulation of the system, whether it's in the ground or above the ground. The split main drains and the suction vacuum relief system that's now required to put on that, they need to know what that is and understand it and know how to plumb it properly, so it affects -- the circulation doesn't change from above ground to below ground. You just need to know (inaudible).

ALBERT RIZZO: Transporting water was part of --

REP. REED: Yes, right. Thank you. Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you. Any further questions from the Committee? Chairman Taborsak?

REP. TABORSK: Thank you, Mr. Chairman, and I thank you gentlemen for coming here today to testify.

I'd like to get your attention on the issue of

experience and what the necessary experience you envision would be in order for someone to get into this business who isn't currently a builder, because in the bill that we have drafted, we asked the Commissioner of Consumer Protection to adopt regulations on this issue and define what type of experience would be required, training as well, but I just want to focus on experience for a minute.

It could be a concern of people on this Committee that if we were to create a license where there wasn't a mechanism for people to get into the business that aren't currently in it, we want, you know, entrepreneurs in our state to be able to start new businesses and to get into fields and trades. In some of the other trades, as you know, you know, the plumbers, the licensed trades, there are very clear mechanisms, apprenticeship programs in order to get the experience you need in order to take tests and get the licenses to become a licensed person in that trade.

So, this is really a two-part question, I guess. I'd like some feedback from you on, first, what you envision the type of experience should be required in order to get a pool builder's license, and two, what would the mechanism be, how would people get that experience?

ALBERT RIZZO: Apparently, it's not in the present bill, but we've already submitted to the Department of Consumer Protection our whole educational program, which is -- excuse me -- anybody that has been building pools for five years or more, to prove they've been building pools, they're automatically grandfathered in. You can't have restraint of trade and introduce this bill, so if they can show through methods of contracts, permits, and so

forth, that they've been in the total area of building pools for five years, they can automatically get it.

Another method is to become certified as a APSP certified professional pool builder. I've been one, and I started a program over twenty years ago, and there's something like several hundred of us throughout the United States. If you've attained that certification, that allows you to go in if you're going to go from state to state.

In the meantime, we have a training program that brings you up to these levels so that you would have to train for four or five years, working under the supervision of someone like myself or another licensed person, and the results of 288 hours of in-school educational programs that we teach, so there's a method of getting there. It isn't like we're going to stop anybody from becoming builders. I'm about done anyway.

REP. TABORSAK: Thank you. That's what I was looking for. I was looking for a little feedback on that issue on --

ALBERT RIZZO: We have an educational program in place. It's already been working for the SP1 and 2 license, working out well, and almost the same program, except it will be for builders, has already been in place, and it will just be a matter of sitting down and working it out.

REP. TABORSAK: So it sounds like you would be in favor of some kind of an almost apprenticeship program that involved a certain level of training and certification.

ALBERT RIZZO: Right now we call them men in

training, men and women in training, and that's what we use as a term (inaudible). That's what the Department of Consumer Protection asked us to do. Call them men in training for the time being.

REP. TABORSK: Okay. Thank you for that information. Thanks for testifying.

SENATOR DOYLE: Any further questions? Thanks for the background (inaudible). I think I'm ready to apply for the apprentice's program. Representative Widlitz, please? After Representative Widlitz will be Brian Bonner, Bruce Angeloszek, Martin Acevedo, and Don Vaccaro. Representative Widlitz?

REP. WIDLITZ: Good morning. I think it's still -- still morning. Representative Taborsak, Senator Doyle, and members of the General Law Committee, I thank you for the opportunity of testifying before you today in support of House Bill 6337. I'm State Representative Pat Widlitz. I represent the 98th District including the towns of Guilford and Branford. Actually, I share Branford with Representative Reed.

During the 1970's, federal incentives and limited oversight led to a proliferation of solar contractors, some of whom lacked the actual expertise required to provide good solar installations. As a result, the public lost confidence in the expertise of installing contractors, and the industry declined.

As technology improved and the solar industry re-emerged, the need was obvious for a licensing structure that would provide consumers with a high degree of confidence in the expertise of those installing contractors.

SENATOR DOYLE: The next speaker, Jenn Jennings, David Fay, Mike Silvestri -- sorry -- Silvestrini, Stephen Wing and David Boomer. Jenn? Thank you.

JENNIFER JENNINGS: Good afternoon, Senator Doyle, and the General Law Committee. I'm Jennifer Jennings of the Connecticut Heating & Cooling Contractors Association. We are a trade association in Connecticut, representing over 135 companies, and there are a couple of bills that we are here on today.

HB6337 SB863

First on the list, following what Mary Jane and PHCC had to say, would be the advertising bill. It has passed unanimously through this Committee as well as the Senate for the last couple of years. I'm not quite sure what it got hung up on. There is nobody in the industry to oppose it, so we do urge your passage of that bill as it would do nothing more than protect the consumer and allow licensed tradesmen to advertise the way they should be and handymen not to.

HB6265

Also, touching base, I would like to make reference to an act concerning the enforcement of occupational licensing laws. The CHC and the companies that we represent are in support of this. We do want to see more enforcement; we do want to make sure that there's a licensed tradesman doing the work that a licensed tradesman should be doing.

Following that one would be an act clarifying -- let's see -- An Act Concerning Penalties For The Violation of Mechanical Contractor Registration Requirements, which is Senate Bill 867. The CHC opposes this bill as it is currently written. We are unclear. We have a few questions. I'm sure it is something that can be worked out amongst the groups who

proposed it, but right now we definitely have some -- we feel that it's too broad and vague, and it just duplicates what the enforcement bill can do, so currently we do oppose that one.

While I am up here, I would like to also make reference to House Bill 6337, An Act Clarifying The Scope Of Solar Electricity Work. I know that currently makes reference to photovoltaic. There was reference made to solar thermal, and I think that applies in the same scope. We just want to make sure that photo-thermal licenses in that certification does not encroach on what a heating license should be doing.

Again, while making reference to that, Senate Bill 863, An Act Concerning The Licensing of Swimming Pool Installers, we are -- we have no concern with the language as it is currently written; however, we do want to make sure that it stays that way and does not encroach on a heating license as far as the heating systems of the pools are concerned.

SENATOR DOYLE: Thank you. Any questions? Senator Kissel?

SENATOR KISSEL: There seems to be some tension between the photovoltaic folks and the electrical folks, and you represent the contractors out there, and I'm surprised you didn't come down like with the electrical folks who really sort of said we don't want that bill at all, we hate that bill, and I didn't hear that from you, and I'm just wondering it's more nuanced than --

HB 6337

JENNIFER JENNINGS: The bill itself -- I mean -- it depends the way it's written. If it's going to -- I don't represent the contractors, the



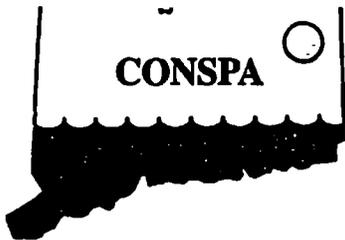
**TESTIMONY
JOSEPH PELLECCIA
EXECUTIVE DIRECTOR
CT PLUMBING, HEATING & COOLING CONTRACTORS ASSOCIATION
BEFORE THE
GENERAL LAW COMMITTEE
FEBRUARY 24, 2011**

The Connecticut Plumbing, Heating and Cooling Contractors Association (CT-PHCC) submits the following comments relative to SB-863, AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS.

Last session, we were concerned that an earlier version of this proposal would have allowed unlicensed individuals to perform work which should appropriately be done by a licensed plumber. This would have posed obvious safety concerns.

We negotiated language with the pool and spa industry that was satisfactory to all parties. This bill reflects that language in Section 1(f) and we are comfortable with this bill moving forward, as currently drafted.

CT-PHCC is a not-for-profit trade association that represents the professional plumbing, heating and cooling contractors in the state of Connecticut. CT-PHCC and its members are committed to protecting the health and safety of the public. Contractors who belong to the association have demonstrated reliability and trustworthiness and are licensed by the state of Connecticut.



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page 4
line 3

CONNECTICUT SPA & POOL ASSOCIATION

P.O. Box 657 Guilford, CT 06437-0657 (203) 453-2063

CONNECTICUT SWIMMING POOL BUILDER'S PROGRAM VOTING IN FAVOR OF S.B. NO. 863

I'M HERE TODAY AS CHAIRMAN OF THE GOVERNMENT RELATIONS ADVISORY COMMITTEE, FOR THE CONNECTICUT SPA & POOL ASSOCIATION (CONSPA). THE ASSOCIATION WAS FOUNDED IN 1967, AND I WAS ITS FIRST PRESIDENT. OUR ASSOCIATION HAS APPROXIMATELY 150 MEMBERS. THEY INCLUDE BUILDERS, SERVICE, DISTRIBUTORS, AND MANUFACTURERS. WE EMPLOY APPROXIMATELY 2000 EMPLOYEES, AND INCREASE THAT TO 5000, IN-SEASON.

WHILE WE APPRECIATE THE COMMITTEE RAISING S.B. NO. 863 FOR US, WE WOULD LIKE TO REQUEST SOME CHANGES BE MADE TO ITS CURRENT FORM AND WE ARE SUBMITTING THEM TO YOU TODAY.

THERE ARE 2 VERY IMPORTANT REASONS WHY WE WANT A "SWIMMING POOL BUILDER'S LICENSE".

THE FIRST: THE CITIZENS OF CONNECTICUT UNDERSTAND THAT MASTER PLUMBERS AND MASTER ELECTRICIANS ARE WELL TRAINED IN THEIR TRADE. BY HIRING THESE LICENSED PROFESSIONALS, THE CONSUMERS KNOW THAT THESE PEOPLE HAVE REACHED A HIGHER LEVEL OF EDUCATION AND CAN BE TRUSTED TO DELIVER A GOOD PRODUCT. THEY CAN ALSO FEEL SAFE KNOWING THAT THERE'S CONTINUAL EDUCATION AND ENFORCEMENT TO MAKE SURE THEY ARE GETTING THE VERY BEST OF PRODUCTS.

OUR PROBLEM IS, ANYBODY WHO CAN AFFORD TO PURCHASE A **HOME IMPROVEMENT CONTRACTOR'S (HIC) REGISTRATION**, IS AUTOMATICALLY CONSIDERED A SWIMMING POOL CONTRACTOR.

THERE IS NO MEASURE OF EDUCATIONAL BACKGROUND, OR THE EXPERTISE THEY MAY PRESENT ABOUT THEMSELVES. THIS NEW PROPOSED LICENSE WILL ALLOW THE CONSUMERS; TO KNOW THAT THEY ARE HIRING SOMEONE WHO HAS BEEN EDUCATED AND LICENSED IN THEIR TRADE AND HAVE A HIGHER LEVEL OF EDUCATION AND KNOWLEDGE OF THEIR INDUSTRY IS GUARANTEED.

THE SECOND AND MORE IMPORTANT REASON IS **SAFETY**. PROPER EDUCATION IS REQUIRED IN ORDER TO PROTECT THE CONSUMER SO THAT THEY WILL ENJOY THE PLEASURES AND HEALTH ASPECTS OF USING A SWIMMING POOL. THE CONSUMER WILL BE ABLE TO FEEL SECURE IN THE KNOWLEDGE THAT THE POOL WAS BUILT CORRECTLY AND SAFELY BY A LICENSED CONTRACTOR. THE LICENSE WILL PROVIDE FOR CONTINUAL EDUCATION AND ENFORCEMENT.

SEVERAL YEARS AGO, THERE WAS A TRAGIC ACCIDENT IN GREENWICH, WHERE A CHILD LOST HIS LIFE. BY PASSING THIS BILL, WE CAN GUARANTEE THE CONNECTICUT CITIZENS THAT A "LICENSED SWIMMING POOL BUILDER" HAS BEEN PROPERLY TRAINED AND EDUCATED AND WILL HELP TO PREVENT THIS FROM EVER HAPPENING AGAIN.

RESPECTFULLY SUBMITTED BY,

ALBERT RIZZO
CHAIRMAN
GOVERNMENT RELATIONS COMMITTEE
CONNECTICUT SPA & POOL ASSOCIATION
FEBRUARY 24, 2011

P. 4
10 7

Gentlemen,

I am Rob Romano. I am not only a swimming pool builder; I am also the current Past President of CONSPA and the President of the Northeast Spa and Pool Association AKA NESPA.

NESPA is the parent association of the northeast chapters that cover CT, the lower counties of New York State including Long Island, all of New Jersey and Eastern Pennsylvania. I am here today to support Raised Bill 863, AAC Licensing of Swimming Pool Builders. I am here today because there is a real need for oversight and standards in the pool building industry.

As Al Rizzo mentioned, in recent years there have been some high profile instances of people becoming entrapped. I served my two year term for CONSPA from the fall of 2007 to the fall of 2009. I became President of the chapter only 2 months after the tragic death of a 6 year old boy in Greenwich CT, an accident that may have been avoided had everyone been educated and brought up to date on the current code. In Sept of 2004 the 2003 IRC Appendix G code went into effect in our state. The pool where the accident happened was constructed the following summer in 2005. It was built, inspected and received a certificate of occupancy. Then 2 years later the suction entrapment occurred. Without going into details of the accident we feel it could have been avoided if the builder had been aware of the changes made to the code through continuing Education. The key word here is EDUCATION.

Being a licensed builder is one thing, the education afforded to the license is priceless. NESPA and CONSPA are leading the way in educating our members from CT and the health code and building code inspectors. We recently won a contract from the Consumer Product Safety Commission (CPSC) to put together and deliver programs on the health and building codes and how they are impacted by the Federal Virginia Graeme Baker Swimming Pool Safety Act. We currently have 4 programs in the state of CT alone scheduled. The first one was actually held last week. With that said, the entire Appendix G section of the building code is only 1 ½ pages long. The entrapment section of the code we currently use is only a 1/2 page long but that page holds vital information on how to properly pipe a pool so it does not become a potential trap for swimmers.

It's amazing how many builders and inspectors in our state still do not understand this code. We have an opportunity here to help them both. We are the experts in our field. To instill this license and require continuing education will force the builders who don't know, to know.

Not just pool builders are building these pools. You have landscapers, masons and home builders who do not understand how to properly pipe the pool or even know what a split main suction outlet is or an SVRS. A Swimming pool builder "is a person who performs excavation and grading, construction and installation of a swimming pool and water features more than 24 inches in depth, tiling and coping, decking and installation of all circulation equipment including pumps, filters, and chemical feeders". Continuing Education will teach them how to do it correctly.

CT is in a unique situation in our region. We are currently the only state to hold a service license to work on swimming pools. To obtain this license one has to go through years of training that includes both classroom and field training.

We have a program in place through the Association of Pool and Spa Professionals to help train new swimming pool builders how to properly construct a swimming pool. This training is vital to the safe construction of the pool as it follows the current codes and standards on CTs books today. We recognize a need to "grandfather" the current builders in the state in order to obtain this license. In the end, it is the consumer who benefits the most from this license. They will have the peace of mind knowing that the professional pool builder is knowledgeable in his trade and will construct a pool that is safe for their children and guests. I support Raised Bill 863, AAC Licensing of Swimming Pool Builders and ask that you do to.

One last thing. The Service License (SP license) required to service the pool lacks one crucial item; Enforcement. We would like to see the same enforcement language applied to the SP license that is in this builder's license. It's necessary to the validity and integrity of the said license. We also feel the need to include Tile and Coping within the work performed definition. There are certain steps and criteria one needs to take in order to properly install these items on the shell of the pool; steps that can hinder the life span and quality of the installment if it is installed without the proper training and education.

H – 1118

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 27
8965 – 9294**

Will the Clerk please call Calendar 594.

THE CLERK:

On page 32, Calendar 594, substitute for Senate Bill Number 863, AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS, favorable report of the Committee on Finance Revenue and Bonding.

SPEAKER DONOVAN:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. -- thank you, Mr. Speaker.

I move acceptance of the Joint Committee's favorable report, passage of the bill in concurrence with the Senate.

SPEAKER DONOVAN:

The question is on acceptance and passage. Remark.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

This bill creates a swimming pool builder's license making the industry safer for our residents.

The Clerk is in possession of an amendment, LCO Number 6429, Senate "A". I'd ask that the Clerk call that amendment and I be allowed to summarize.

SPEAKER DONOVAN:

Clerk, please call LCO 6429, designated Senate "A".

THE CLERK:

LCO Number 6429, Senate "A", offer by Senator
Williams et al.

SPEAKER DONOVAN:

Any objection to summarization? Representative,
you may proceed.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. Senate Amendment "A" adds
provisions allowing electronic delivery of certain
documents in modifying liquor administrative fees. I
move adoption.

SPEAKER DONOVAN

The question is on adoption. Remark further? If
not, let me try your minds. All those in favor, please
signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed nay. The ayes have it. The amendment's
adopted.

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Without objection, I move this item to Consent
Calendar.

law/lxe/jr/fst/gbr
HOUSE OF REPRESENTATIVES

786
June 7, 2011

SPEAKER DONOVAN:

Any objection? Hearing none, it's on the Consent
Calendar.

Will the Clerk please call Calendar 595.

THE CLERK:

On page 33, Calendar 595, Substitute for Senate Bill
Number 881, AN ACT CONCERNING THE POWERS OF THE STATE
TREASURER, DIVESTMENT OF STATE FUNDS INVESTED IN COMPANIES
DOING BUSINESS IN IRAN AND SUDAN AND THE MEMBERSHIP OF THE
TEACHERS RETIRING BOARD AND THE CONNECTICUT STATE
EMPLOYEES RETIREMENT COMMISSION, favorable report of the
Committee on Human Services.

SPEAKER DONOVAN:

That's too long, Mr. Clerk. Representative
Luxenberg.

REP. LUXENBERG (12th):

Mr. Speaker, I move for acceptance of the Joint
Committee's favorable -- favorable report and passage of
the bill.

SPEAKER DONOVAN:

The question is on acceptance of passage. Please
proceed.

REP. LUXENBERG (12th):

Yes, Mr. Speaker.

law/lxe/jr/fst/gbr
HOUSE OF REPRESENTATIVES

804
June 7, 2011

THE CLERK:

What page is it on?

SPEAKER DONOVAN:

Clerk, please call Calendar 592 which is the
beginning of the Consent Calendar.

SB 863 SB 1201

SB 852 SB 888

THE CLERK:

SB 377 SB 1216

SB 1003 SB 371

On page 32, Calendar 592, Substitute for Senate Bill
Number 858, AN ACT CONCERNING REVISIONS TO THE HIGHER
EDUCATION STATUTES.

SB 1112

SB 881 SB 1076

SB 518 SB 1098

A VOICE:

Mr. Speaker, this represents the Consent Calendar,
and I would move that we vote on it as such.

SPEAKER DONOVAN:

There's a Consent Calendar. Staff and guests,
please come to the well of the House. Members take their
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 the Consent
Calendar by roll call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members
voted? Please check the roll call board. Make sure your
vote's been properly cast. If all the members have voted,

law/lxe/jr/fst/gbr
HOUSE OF REPRESENTATIVES

805
June 7, 2011

the machine will be locked. The clerk will please take a tally. Clerk please announce the tally.

THE CLERK:

On today's Consent Calendar:

Total number voting 139

Necessary for passage 70

Those voting Yea 139

Those voting Nay 0

Those absent and not voting 12

SPEAKER DONOVAN:

The Consent Calendar's passed.

Any announcements or introductions?

Representative Piscopo.

REP. PISCOPO (78th):

Good morning, Mr. Speaker. For a general rotation.

SPEAKER DONOVAN:

Please proceed, sir.

REP. PISCOPO (78th):

Will the general please notes that Representatives Kokoruda and Noujaim missed votes ue to you illness in the family. Representative Rigby missed votes due to business in the district. Will the transcript please note that Representatives Candelora, Wood and Williams

S - 626

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 15
4617 - 4950**

pab/cd/gbr
SENATE

90
June 2, 2011

First Calendar page 32, Calendar 140, Senate Bill 863, previously marked go. And then Calendar page 45, Calendar 410, House Bill 5021.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, calling from Calendar page 32, Calendar Number 140, substitutes Senate Bill Number 863, AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR DOYLE:

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

THE CHAIR:

Acting on approval of the bill, will you remark, sir?

SENATOR DOYLE:

Yes. Thank you, Madam President.

pab/cd/gbr
SENATE

91
June 2, 2011

This file copy deals with an issue that was before the legislature last year whereby we were going to license swimming pool installers, create a new permit at the Department of Consumer Protection. There is currently a license for pool repairers, this creates a new license for pool -- you know, in ground pool installers. The bill was fully vetted last year and unfortunately I think it died on the Calendar in the Senate last year. But we had a -- we had a -- you know, a public hearing this year and we had I believe bi-partisan unanimous support of the bill.

In addition, Madam President, the Clerk has an Amendment, LCO 6429. May the Clerk please call -- and I be allowed to summarize?

THE CHAIR:

Mr. Clerk; LCO 6429, please.

THE CLERK:

Madam President, the Clerk in in possession of LCO Number 6429, introduced by Senator Williams, Senator Looney, et al. It shall be designated Senate Amendment Schedule "A".

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

pab/cd/gbr
SENATE

92
June 2, 2011

Thank you, Madam President. I first move adoption of the amendment.

THE CHAIR:

The motion is on adoption. Will you remark further, sir?

SENATOR DOYLE:

Yes, thank you.

This amendment deals with a few technical changes requested by the Department of Consumer Protection in their general statutes in terms of modernizing the capability of the Department to send notice to regulations where it doesn't have to be by mail, they can do it electronically and save some money. It also clarifies a few of the fees. And I urge the Chamber to support this amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I -- I apologize to some of my colleagues, when we caucused the bill I was originally opposed to it because I -- the underlying bill had to do with

pab/cd/gbr
SENATE

93
June 2, 2011

swimming pool installers and this is really a substitute as Senator Doyle gave a great explanation to. It allows us to bring us into the 21st Century by doing things electronically or via email and some requests by the Department of Consumer Protection. So I think it is a good bill and it does have -- enjoy my support. So, Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, I will try your minds, all in favor of the amendment please say, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment was adopted by voice
vote.

Senator Doyle.

SENATOR DOYLE:

If there's no objection I move this to the
Consent Calendar.

THE CHAIR:

Seeing none, so ordered, sir.

Mr. Clerk.

THE CLERK:

pab/cd/gbr
SENATE

129
June 2, 2011

Voting on Senate Bill Number 18

Total voting on 36

Those voting Yea 30

Those voting Nay 6

Absent and not voting 0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Mr. President, calling from Calendar page 33,
Calendar Number 165, substitute for Senate Bill Number
923, AN ACT CONCERNING THE AMERICAN COLLEGE OF
RADIOLOGY AND COLORECTAL CANCER SCREENING
RECOMMENDATIONS. And the Clerk is in possession of
amendments.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, I move for adoption of Joint
Committee Senate Report and passage of the bill.

THE CHAIR:

On acceptance and passage, please precede, sir.

SENATOR CRISCO:

Thank you, Mr. President.

Mr. President, currently colon cancer screenings are not covered by many insurance policies which prevents many from detecting cancerous growths and leads to late diagnosis, further development of the disease and death. Colon cancer is the second leading cause of cancer death in the United States. It is putting a detrimental strain on our health care system. It's difficult to detect in early stages and once a tumor invades a wall of the colon it can carry cancerous cells to other parts of the body causing new tumors to form.

With the recent development of new technology doctors have been able to detect colon cancer in the early stages. In order to save lives and save the State of Connecticut health care costs on the back end in the future this bill requires coverage of colorectal cancer screenings.

In addition, Mr. President, the bill also calls for Radiologists and Gastro Physicians to work together to develop particular protocols for colorectal cancer screening.

THE CHAIR:

Thank you, Senator.

pab/cd/gbr
SENATE

131
June 2, 2011

Will you remark, will you remark further?

Senator Kelly.

SENATOR KELLY:

Through you, Mr. President, to the proponent of
the bill.

THE CHAIR:

Please precede, sir.

SENATOR KELLY:

My recollection is that Senate Bill 923, was
amended by LCO 6045. Is that correct?

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, if the consent will give me a
chance to check, I'll check that out.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

SENATOR CRISCO:

Mr. President, through you --

THE CHAIR:

The Senate will come back to order.

pab/cd/gbr
SENATE

132
June 2, 2011

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Kelly, yes we adopted that amendment in this Chamber.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President.

And under the fiscal note for that amendment which increases -- I guess what it would do is it would no longer require any copayment and the like for additional colonoscopy. What is the fiscal note on that, through you Mr. President?

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, first let me say, yes, it's for the second colonoscopy within a period of a year. And the fiscal note, we would have to stand at ease and obtain for the Senator.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

pab/cd/gbr
SENATE

133
June 2, 2011

THE CHAIR:

The Senate will come back to order.

Senator Kelly is your -- have you answered --

SENATOR KELLY:

Yes, Mr. President.

THE CHAIR:

Senator Kelly has the floor. Senator Kelly.

SENATOR KELLY:

I'll yield to Senator Crisco.

SENATOR CRISCO:

Oh, thank you --

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

-- Mr. President, I -- I'm determining that Senator Kelly has a question on the fiscal note for the -- for the amendment and -- which I believe is \$176,000 and it's in the budget.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay, thank you, Mr. President, and thank you Senator Crisco for your answers with regards to this