

Legislative History for Connecticut Act

PA 14-50

SB267

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 13
4098 – 4450**

On page 26, Calendar Number 442, favorable report of the joint standing committee on General Law, Senate Bill Number 267, AN ACT CONCERNING SWIMMING POOL MAINTENANCE AND REPAIR WORK.

DEPUTY SPEAKER RITTER:

Representative Baram.

REP. BARAM (15th):

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

DEPUTY SPEAKER RITTER:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Representative Baram, you have the floor.

REP. BARAM (15th):

Thank you, Madam Speaker. This bill expands the activities that constitute swimming pool maintenance and repair work.

It also allows the commissioner of Consumer Protection to designate which specific trades require training and licensing and can set forth those regulations governing the trades that participate in such repair.

Madam Speaker, the Clerk has an amendment, Senate "A", which is LCO 3768. I would ask that the Clerk call this amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER RITTER:

Will the Clerk please call LCO 3768, which will be designated Senate Amendment Schedule "A".

THE CLERK:

LCO Number 3768 designated Senate "A" and offered by Senator Doyle and Representative Baram.

DEPUTY SPEAKER RITTER:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection?

Hearing none, Representative Baram, you may proceed with summarization.

REP. BARAM (15th):

Thank you, Madam Speaker. This amendment merely clarifies that the expanded repair and treatment of swimming pools excepts and removes water treatment and also allows, rather than mandates, the Department of Consumer Protection to decide which specific trades it will decide to regulate.

This helps clarify the bill and gives some good guidance in terms of what the Department of Consumer Protection should be regulating.

I would move adoption of the amendment and passage of the bill.

DEPUTY SPEAKER RITTER:

The question before the Chamber is adoption of Senate Amendment Schedule "A". Will you remark on the amendment?

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Madam Speaker. Just a question, through you to the proponent of the amendment, please.

DEPUTY SPEAKER RITTER:

Please proceed.

REP. CARTER (2nd):

During the debate and talking about the original underlying bill, there was a concern for some of the agencies out there such as like a YMCA, also you know, private ownership of pools.

By removing water treatment does this clear up that and now make it very clear that YMCAs can do

their own water treatment and don't have to hire anybody? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Baram.

REP. BARAM (15th):

Thank you. Through you, Madam Speaker. That is correct. A YMCA or an individual, private individual, can treat their own water, test it and treat it.

This bill really goes to the treatment of water that would recycle it and make it reusable but not the chemical testing that every pool owner is required to do and they can continue to do that on their own.

DEPUTY SPEAKER RITTER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, and I thank the good Chair of the General Law Committee for his answers.

Ladies and gentlemen, I believe the amendment does something that we needed to do to make this bill better and I'm sure my YMCA will be much happier.

I intend to support the amendment. Thank you.

DEPUTY SPEAKER RITTER:

Will you remark further on the bill, on the amendment? Will you remark further on the amendment before us?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

All those opposed, nay. The amendment passes.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

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

THE CLERK:

The House of Representatives is voting by roll.

Members to the chamber, please. The House of Representatives is voting by roll. Members to the chamber, please.

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted? Will the members please check the board to determine your vote has been properly cast.

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

Representative Becker, for what purpose do you rise?

REP. BECKER (19th):

Madam Speaker, I'd like to be noted in the affirmative, please.

DEPUTY SPEAKER RITTER:

The Clerk will record Representative Becker's vote in the affirmative. The Clerk will please announce the tally.

THE CLERK:

Senate Bill 267 as amended by Senate "A" in concurrence with the Senate.

Total number voting	141
Necessary for adoption	71
Those voting Yea	137
Those voting Nay	4
Those absent and not voting	10

DEPUTY SPEAKER RITTER:

The bill passes in concurrence with the Senate.

Representative Candelora, for what purpose do you rise, sir?

REP. CANDELORA (86th):

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called, to be followed by Calendar page 10, Calendar 228, Senate Bill 299.

And then moving to Matters Returned from Committee, also from the General Law Committee, Calendar page 37, Calendar 154, Senate Bill Number 83, also on Calendar page 37, Calendar 157, Senate Bill Number 208, and Calendar page 37, Calendar 158, Senate Bill 209, if the Clerk would call those items in sequence.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

On page 7, Calendar 176, Senate Bill Number 267, AN ACT CONCERNING SWIMMING POOL MAINTENANCE AND REPAIR WORK, favorable report of the Committee on General Law. There are amendments.

THE CHAIR:

Good afternoon, Senator Doyle.

SENATOR DOYLE:

Good afternoon, Madam President.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you, Madam President.

The Clerk has an amendment, LCO 3768. May the Clerk please call and I be allowed to summarize.

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THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3768, Senate "A" offered by Senator Doyle
and Representative Baram.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I first move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you, Madam President.

This amendment is a strike all amendment, so that's why I didn't go into the file copy. You know, since the Committee passed the bill, this amendment deleted a portion of the existing file copy that dealt with water treatment. The language that was deleted led to a large fiscal note. So basically that was taken out, which eliminated the fiscal note. What the -- what the amendment which will hopefully ultimately become the bill does expands the scope of the swimming pool maintenance and repair work license that currently exists under a statute. It expands to clarify that deals with replace, alter, or maintain the swimming pools. And this bill what it is is it's to protect our consumers to ensure when people are repairing or maintaining their pools, the person repairing it has a proper education and sophistication to care for the pool.

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Now there is an exemption if a homeowner or constituent owns their own pool and takes care of their own pool, that is an exemption. But this is a situation where a consumer hires someone to come in and take care of their pool, you know, make significant changes to it. We just want to make sure that the company that's hired has the proper knowledge and certification to care for the pool and to protect the consumer. So I urge the Chamber to adopt the amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Seeing none, all in favor of the amendment please say aye.

SENATORS:

Aye

THE CHAIR:

Opposed?

The ayes have it.

Senator Witkos. Good afternoon, sir.

SENATOR WITKOS:

Good afternoon, Madam President.

If I may just a few questions on the amendment to the proponent?

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you, Madam President.

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Through you, to the good Senator, we currently have in our statutes pool licensures, is that correct? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, through you, Madam President, the answer is yes.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Madam President, those licensures are for folks when they're building or constructing the pool and doing, I think there is already maintenance work to the pools, is that correct? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, the existing -- the existing license requirements really do focus on plumbing, heating, and kind of the construction of the pool. This language adds additional language to the license requirements to repair, replace, or maintain. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So if the Senator could just give us an example, if he's able to, as to what the current law is now, what kind of work that would be required to be done on a pool would change if this were to become the

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-- the bill before us would become law. Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes, through you, Madam President, under current law, you know, it's clear if I was to hire someone to come in and put like an in-ground pool, a sophisticated pool where you're bringing in plumbing, electrical work, getting it up and running. That clearly you need a licensed person to do it because it's clear, you know, it's starting from scratch, there's nothing there, and you certainly want to have licensed people to perform all that services to bring it in. This bill expands that to replace, alter, or maintain which means rather than just simply constructing, it expands it to further work whether you're repairing and making more significant changes to the pool.

The language in the bill does talk about maintenance, and maintenance is a -- is a broad term, but it's my understanding in Section C of the bill, the Department of Consumer Protection is going to eventually draft regulations that will help define specifically what maintenance services will be because it's hard for us to get into the, you know, the specific examples of maintenance in a piece of legislation when it's done better through regulations. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So through you, Madam President, I am fortunate enough to have an in-ground pool at my home and it's a Gunitite Pool, and it's surrounded by a concrete walk or patio. And so if I -- in between the pool itself and the walk or patio is a rubber thing that they put in there when they constructed the pool. Now that has to be, I don't know the technical term

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for it, it has to be taken out and I'm going to have to have it replaced again this year. Would I be required to hire somebody that has a pool licensure when it doesn't affect -- it's not electrical, it's not plumbing, it's not, I don't know if you would consider it a repair, but it's certainly replacement of a -- of a part of the patio deck of my pool or if I have a neighbor that says, oh, I can do that for you, I used to do that work. Would I be required to hire somebody that's licensed or could I use the good fortune of my neighbor that's willing to come over and, you know, for a steak on the grill or something? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I just have to ask a clarifying question. So I understand the hypothetical, are we talking about like part of the pool or part of the structure surrounding the pool? I just want to clarify, is it actually part of the water -- the pool or is it like the border of the pool? Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. Through you, Madam President, well up on -- it's the -- when the pool was constructed there's -- once the pool -- once the grade is brought back up to the side of the pool and your concrete surface is put on there. There's this rubber, I'll call it a -- like a grommet that goes around the outside to prevent water from seeping in. So if there's water in there during the wintertime it doesn't expand it and crack it. So I guess I wouldn't say it's necessarily part of the pool, but one could argue both ways on that. So, through you, Madam President.

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Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I'll just try to without going into further questions. If I'm -- it sounds like it really is kind of the perimeter of the pool for protection of the water. So I guess without knowing much about it, it sound like -- it does sound like it's part of the pool if it prevents leakage. So I would think it would be -- if you would have to -- if you're going to go out, you hire somebody. Now the person wouldn't have to be licensed, however, if your neighbor is going to assist you and you assist the neighbor, clearly if you're involved you have an exemption as a homeowner. So the question is are you going to hire the neighbor, but if you work with the neighbor you certainly could do it and avoid this requirement. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. Many of our communities will hopefully soon be facing the dog days of summer and their pools will be opening and it's a great asset that our towns and our cities have for all of our residents to stay cool and if you're not near a beach. And a lot of those pools are maintained by the Department of Public Works in the communities or the Parks and Recs Department. And some of the simple things that are done maybe annually are just if a light blows out, they might have to just change the light bulb, if you will, behind the lens cap in a pool. It's very simple, anybody could do it and it's routinely done now. Would the towns and cities or Parks and Recs Department be required to hire a company to change a light bulb? Through you, Madam President.

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Senator Doyle.

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SENATOR DOYLE:

Through you, Madam President, my interpretation of the maintenance would be that would not be covered. That's a simple maintenance task that, you know, my definition of maintenance for legislative intent would not require it. Now ultimately the definition is going to be defined in the regulations. But in terms of legislative history, I would think something that miniscule that really does not have -- I would argue it does not impact the safety or the public health of the consumer would not rise to the level of needing a licensed person to perform that task. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

Through you, so if it's a matter of public safety health issue, say if -- if the town maintenance department or a commercial establishment that has a pool, a country club for example, and they have staff that works in their pools and they happen to see one of the fins on a fan that blows out the fumes from chlorine happens to go and they say, well, I'm just going to need -- I need a new part. Can I just run down to the pool store and get a part and throw it on and we're good? Or now will this -- will the regulations that are forthcoming define those particulars? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, my interpretation of that example would not necessitate maintenance. I would think maintenance is a more significant task, you know, in terms of there's a hole in the wall or

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something -- something more significant with a much larger maintenance issue is my perspective. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I thank Senator Doyle for those answers. Ladies and Gentlemen of the circle, when we heard public testimony on the bill, there were many small pool company owners that supported the bill. And I was concerned at first that this was a move to prevent folks from working on their own pool or having people that they know work on it, but the experts, the business owners, the small business owners, said this would actually help small businesses out in our State of Connecticut because it will allow them -- almost all of their employees are licensed under some degree of pool licensure and it's not one of the bigger companies in the state that just hire these people and then with almost no certification send them in to do the job. So this will provide for quality workmanship, it will prevent fly-by-night operations coming in.

What I'm understanding of the bill and Senator Doyle's remarks, there -- the Department of Consumer Protections will promulgate regulations which will determine to the level of what will be required under these bills for repair and maintenance. It sounds like the things that a normal homeowner or a DPW or a commercial entity would do during their normal course of maintaining their pools to make sure that they're a safe swimming environment for those guests, patrons, and family members can continue to do that and these are for major repairs. And so I will stand in support of the bill.

Thank you, Madam President.

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Thank you. Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam. Good afternoon. Thank you, Madam President.

I do have a question for the proponent of the bill, if I may, through you?

THE CHAIR:

Please proceed.

SENATOR WELCH:

Thank you, Madam President.

And I think Senator Witkos and Senator Doyle almost got to the question that I had but not quite there, and that is when Senator Witkos was talking about that rubber barrier that he couldn't remember the name of and whether or not a neighbor could help him repair. And I believe your answer was so long as you were a part of that repair, then that would be fine. So let me ask the question another way. Let's say Senator Chapin is incapacitated for two weeks and he asked me to come over to his home to backwash his filter, assuming the backwashing of filter is something that DCP decides is defined as maintenance, would I be able to do that even though he is incapacitated and can't help me and even though I will not be receiving any compensation for that? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I guess my question -- I have to -- a question for Senator Welch, will Senator Chapin be supervising the work? Through you, Madam President.

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THE CHAIR:

Senator Welch.

SENATOR WELCH:

He will not, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

I apologize.

THE CHAIR:

Would you repeat that, Senator Welch.

SENATOR WELCH:

He will not.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Technically if he is not supervising, it would necessitate someone else. However, I would suggest you could define supervising in many terms. Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

THE CHAIR:

Thank you.

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Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

A few questions for Senator Doyle, if I may?

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

So, Senator Doyle -- thank you, Madam President.

If we're talking about a commercial enterprise, I am the owner of a commercial enterprise which does have a pool system, if we shut down the pool system, I have a professional guy open up the pool system every year. But then after that once the system is running, a part may go out -- well, let's start with the very easiest, we may run out of chlorine and we have to readjust the automatic chlorine filter to match the weather conditions. For instance, if it's 90 degrees, sunny, for a period of a week, it evaporates chlorine a lot faster than in June when it's not as hot and there's less evaporation. Would my maintenance guys who tinker with that chlorine filtration adjustment, would that be, for legislative intent, would that be considered maintenance under this bill? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, the answer is no because in the original file copy voted out by the Committee there was -- it was defined water treatment. That's been deleted by this amendment. So I would categorize what you just described as water treatment which is out, so it's not maintenance so it would not necessitate to hire someone to license -- you wouldn't

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need -- you would not need to hire a licensed person to handle that. Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, through you to Senator Doyle, so then let's say I'm halfway through the season and, you know, there's always a bunch of pipes, I'm about as articulate describing this as Senator Witkos was, but there's a bunch of pipes all that hook up to the filtration system and every now and then a toy can get clogged and a pipe gets a crack in it. And it's a simple quarter inch pipe that is the last part that goes into the system. If I were to tell my maintenance guy or my maintenance guy is at the club doing other things at the club, hey listen, just take out that old pipe, replace it with the new pipe, same PVC, same quarter inch pipe, commercial establishment, and I authorize them to do that work, would I need a licensed individual as prescribed by this bill to do the work? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I'll answer the question. If I answer -- if I appreciated your hypothetical, if we're talking about like a piece of a pipe rather than the entire plumbing system, clearly if it's the entire plumbing system, I think you need a licensed person. If we're talking about like a small portion of pipe that is worn down, I would say that would not necessitate a licensed person because it's a minor maintenance repair. And again to clarify, these are my interpretations for legislative intent. It's ultimately going to be decided by the regulations by DCP. But it's my interpretation that we're not talking about minor, minor things. It's more -- I

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would categorize replacing the entire piping system of a pool as maintenance. But then if you got to that point, you want a plumber there to make sure it's done right. Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

And I thank Senator Doyle for answering the questions and I appreciate that we have to wait for reg review or for the regs to come out to go in front of regs review and that may take some time. So I appreciate the legislative intent. And I agree if the reading of the bill is in such a manner that we're talking not about minor maintenance repairs, but if you're going to rehab a system or change a whole filter system, then it should be done by a licensed individual to ensure safety. So with that understanding of the bill, Madam President, I will support the bill or the amendment -- I walked out of Chamber so I'm not sure where we are.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further?
Will you remark further?

If not, Senator Doyle.

SENATOR DOYLE:

Yes, Madam President. Madam President, if there's no objection, I move it to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

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Excuse me, Madam President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President.

I apologize for the interruption. Before moving to that bill, if the Clerk would call the items on the Consent Calendar so that we might move to a vote on the first Consent Calendar.

THE CHAIR:

Absolutely.

Mr. Clerk, will you please call the Consent Calendar.

THE CLERK:

On today's first Consent Calendar, page 4, Calendar 413, House Joint Resolution Number 73, page 6, Calendar 142, Senate Bill Number 324, on page 7, Calendar 176, Senate Bill 267, on page 10, Calendar 228, Senate Bill Number 299, and on page 21, Calendar 375, Senate Bill 323, page 23, Calendar 389, Senate Bill 52, on page 36, Calendar 139, Senate Bill 252, page 37, Calendar 154, Senate Bill 83, page 37 again, Calendar 157, Senate Bill 208, and also on page 37, Calendar 158, Senate Bill 209.

THE CHAIR:

Mr. Clerk, did you miss page 36, Calendar 139?

THE CLERK:

No, I got it.

THE CHAIR:

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You got it. Thank you very much, sorry. At this time, Mr. Clerk, will you call for a roll call vote on the first Consent Calendar, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on Consent Calendar Number One has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On today's first Consent Calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes.

Mr. Clerk, I think we go back to the roll call vote -- I mean the vote on --

THE CLERK:

Calendar page 14, Calendar 311, Substitute for Senate Bill Number 332, AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY, favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Osten, let's try this again.

SENATOR OSTEN:

**JOINT
STANDING
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HEARINGS**

**ENERGY AND
TECHNOLOGY
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ENERGY AND TECHNOLOGY
COMMITTEE

March 4, 2014
11:30 A.M.

MICHAEL TRAHAN: We'd be pleased to sit down with the folks from NU and discuss what's occurring in Massachusetts and replicate something that's fair for ratepayers here as well.

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

SENATOR DUFF: Thank you, Representative Reed. Any other questions, members of the Committee? Nope. Thank you, Mike. Tom. Followed by Louis Burch, followed by Jen Siskind, followed by Steve Guveyan.

Turn your mike on, Tom.

TOM SWAN: Members of the Energy and Technology Committee, my name is Tom Swan. I'm the Executive Director of the Connecticut Citizen Action Group with over 20,000 dues paying families across the State of Connecticut.

HB5409
SB267
HB5412

I want to thank you for having this hearing today.. I've submitted written testimony on two bills that I'm just going to give a quick summary and then comment on one additional bill and try to beat my three minutes.

First is 5413 AN ACT CONCERNING TELECOMMUNICATION SERVICE. We don't think that this bill is necessary. We believe PURA has the authority to do this already, and we would welcome PURA doing an in depth investigation and study with a contested docket to look at really how are the emerging technologies impacting upon consumers and accessibility, affordability along with the workforce and what's going on there.

We think it's really important and it needs to be done right, instead of some of the proposals we saw coming forward last year.

We hope this is not just a shell bill to play some type of games late in the Session where we've all got to be at each other's throats.

The second bill I want to talk to you about today is 5409 AN ACT CONCERNING HYDRAULIC FRACKING. Why in the world do we want to become Pennsylvania's garbage bucket? Seriously. There's not enough jobs in there for any type of economic development.

It's hazardous waste. We should just ban this stuff once and for all. We do not need to take anybody else's waste.

We think labeling what goes through the state and all when transported is hazardous is a good complement piece, but we really need something like Senate Bill 267 to be a companion to this to be real about what's going on.

I mean, the CEO of Exxon Mobil is suing to block fracking in his neighborhood because it lessens property values. We're going to do that to the State of Connecticut by bring the waste here? That's crazy.

In closing, I want to offer all to our support for the shared solar bill that previous folks have testified on. It's part of a smarter, cleaner, more affordable energy future. Thank you very much for your consideration.

SENATOR DUFF: Thank you, Tom. Appreciate it. Any questions? No, great. Have a great day.

TOM SWAN: Thank you.

SENATOR DUFF: Louis.

LOUIS BURCH: Good afternoon, Representative Reed, Senator Duff and the other distinguished members of this Committee. My name is Louis

HB5412

HB5409

**JOINT
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COMMITTEE
HEARINGS**

**ENERGY AND
TECHNOLOGY
PART 2
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2014

Testimony of Tom Swan, Executive Director, CT Citizen Action Group (CAG)

March 4, 2014

Before the Energy and Technology Committee

On HB 5413 and HB 5409

Good Afternoon, Representative Reed, Senator Duff and other members of the Energy and Technology Committee; my name is Tom Swan and I am testifying on behalf of over 20,000 member families of CCAG: CT Citizen Action Group. I want to thank you for having the hearing today. I am here today to express our opinion that we believe HB 5413 AAC Telecommunications Service is unnecessary due to PURA's ability to undertake such a study without legislation and that if such a study was to be called for that it actually focus much more on the potential impact on customers, both businesses and individuals.

We would welcome a contested PURA docket to analyze our current laws regarding telecommunications, the strengths and weaknesses, and the advantages and disadvantages to the consumer of different telecommunications services being offered, and propose possible changes to CT statutes. Areas to study would include:

- Current business, technical, and economic activities being undertaken by telephone and other telecommunications service providers in Connecticut;
- The sufficiency of the facilities and instrumentalities furnished or provided by such companies;
- Analyze the adequacy, availability and affordability of these services among different demographic groups, as defined by population density, income, home ownership, race and ethnicity, age, disability, and other relevant criteria;
- The current condition of the landline telephone network;
- The impact of the different services on the universal service objectives required under the 1996 Telecommunications Act;
- The resiliency and functionality of the different types of network services in a natural disaster or other emergencies;
- The extent of the development of wireless and FFTP telecommunications services in locations throughout the state;
- The extent that non-landline services meet consumer requirements for reliable voice and data telecommunications service at affordable rates and its possible impact on public safety, and
- The sufficiency of the current regulatory system to protect the interests of consumers and whether current laws or regulations should be changed or amended to enhance or strengthen oversight and regulation over the entire telecommunications industry.

CCAG also would like to weigh in on HB 5409 AAC Hydraulic Fracking Waste. While we agree that any waste transported through CT should be labeled as hazardous waste we do not believe that 5409 adequately protects the residents of CT. CCAG strongly supports a comprehensive ban on fracking waste in CT as was proposed in SB 267 in the Environment Committee and view anything short of that is a disservice to our state.

Thank you for your consideration.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
506 – 1173**

2014

SENATOR WITKOS: And now you said sometimes people you may be aware that they're sending apprentices out in the field illegally. Are you aware what the penalties are? Does the shop lose their license or does a journeyman get kicked out of the program or what are the ramifications?

I mean, somebody's putting, I imagine, their business on the line for doing that. I don't know what the penalties are. Any idea?

TODD BERCH: I know that there are penalties. I am not quite sure what they are.

SENATOR WITKOS: Okay. All right. Thank you.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

TODD BERCH: Thank you.

SENATOR DOYLE: Next speaker is Al Rizzo, then Glenn Marshall.

Al Rizzo.

SB 267

AL RIZZO: It's getting close to bedtime. You people work too late.

My name is Al Rizzo, and I'm owner of Rizzo Pool Company for the past 60 years. But I'm here representing the Customer Relations Committee of Connecticut Spa & Pool Association. We call it CONSPA.

And good evening, Senators and Representatives.

I'm here in favor of Bill 267. It breaks down into three portions and I want you to understand. One portion is simple. It's continual -- enforcement of continual education. The Department of Consumer Protection, TCP, has been enforcing it for the past 14 years, but according to law, they don't have that enforcement right, they'll give them that right.

Second part of the bill is meant in training, and it's something similar to what you were just listening to, where we can hire high school and college students through the December months and train them to clean pools properly and there is a program that we have already set up a place for their training and they're registered.

We started several months ago in conjunction with the Department of Consumer Protection, and they're the ones that are controlling it.

The third part of the bill is simply an explanation of what an SP-1 and SP-2 can do. SP-1 represents the owner of a pool service company and a repair company, and SP-2 is the journeymen. But it takes quite a bit of -- 4,000 hours of on-the-job training, plus 280 hours of schooling for them to reach that portion of the journeyman.

The problem is that along the way there's some mix-up as to the understanding of what a serviceman can and can't do. Right now that journeyman is the only one who is allowed to go and clean pools, and in order to do so he needs very little training. You don't have to be around that many years to learn how to clean a pool.

So we hire high school through the summer and college boys or girls and get them in and we give them a week of training, on-the-job training, and a day of schooling. It's in-house schooling. We have it all and any one of the companies can do their own training and the schooling.

The Association also puts on the training if it needs to be. The problem then with that section, which is -- I've submitted this -- it's Section 20-417(a)(a), Paragraph A. And it has to do with explaining what it means.

And we submitted several pages to this committee for the bill, and the attorneys in abbreviation got it all small that we lost some of the meeting along the way. So I've handed out another paragraph just for that.

And it does a better job of describing exactly what the men in training are allowed to do on their own after they've been trained properly.

Now some of these people come back all through high school and college, work their way through, it helps them work their way through. And there's no such thing as minimum wage in ours. I mean, they start out at 11-\$12 an hour, and they actually work their way up from that as they get more progressive with what they do.

Connecticut Swimming Pool Association started in the early 1960s as a consumer advocate group for the pool industry. Incorporated in 1967. I served as the first president, and it has been in existence ever since. We have our own training programs, we instituted in the 1980s a certification program, and we've been licensed since 1998 and after getting grandfathered in 2000 it took hold and we've been in existence

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at that program ever since.

So if you have any questions on 267 or the one I passed out for that first paragraph, I'll be glad to answer them.

THE COURT: Thank you, Mr. Rizzo.

Any questions from the committee?

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

Thank you, Mr. Rizzo, for being here. In one section, actually in Section 1, there's a piece where it talks about the water treatment of a swimming pool was added in there. Now, is that to imply that anybody who does water treatment has to be licensed at this point or fall into this?

AL RIZZO: Are you asking me?

REP. CARTER: I am asking. Is that (inaudible).

AL RIZZO: Yes. The sanitation of water, they're adding chemicals. We've been allowed to do that since 2000. Just pertaining to pool water itself, same thing is acid washing and draining a pool.

REP. CARTER: So here's my question. So if I own a pool at home, does this mean now I have to call you to come do my water treatment?

AL RIZZO: No.

REP. CARTER: Can I still do it on my own?

AL RIZZO: No. You're allowed as a homeowner to do anything you want to do. When we build a pool

and turn it over to you as a homeowner, there's never a problem. You come to class and we send technicians out to train you. After three or four times out there you usually get the hang of it and you can do it.

When you make a mistake you'll call up and ask us. The problem really occurs that these men are our front line of action. When I walk on a property and they're trained to do this, I look at the gate. Is the gate opening and closing automatically?

Will it shut properly? Is the fence in good condition? How is it decked when you get there? is the coping good? And this takes place when the pool becomes old like me, you know, starts falling apart. And nobody pays attention to it, especially a new homeowner.

So somewhere along the line we have to have these people there to do it, and actually the young people that join as men in training are trained in safety and be able to report back, hey, we got main drain covers missing or the diving board is broken, or something like that. It creates more business and it also protects the public.

REP. CARTER: Thank you very much, Mr. Rizzo.

Thank you, Mr. Chairman.

SENATOR DOYLE: Senator Witkos.

SENATOR WITKOS: Thank you.

Mr. Rizzo, just one question. If I have a pool at my house and spring comes, we get it -- I have a pool company that comes and does it for me every year and halfway through the season I go to flip on the lights, they don't work. So

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I call up my electrician to come in, because I figure it's an electrical issue.

Would they be prevented from working on my pool unless they have a pool (inaudible) license?

AL RIZZO: Our license covers -- first of all, when you build a pool, we have to use a master electrician and master plumber to do any of the work that pertains to their -- under their license.

SENATOR WITKOS: No. My scenario is -- this is after the fact.

AL RIZZO: Once it's after -- once after it's built we are trained to take care of that. My men can go out there and change a light bulb on your underwater light. They can pull a light out and replace the whole light right back to the junction box. We already have that.

SENATOR WITKOS: Excuse me. That wasn't my question to you. Not that -- if your folks are trained to do it. I'm asking you can I call an electrician to come and handle my -- what I perceive to be as a homeowner and electrical issue --

AL RIZZO: Yes, sure.

SENATOR WITKOS: -- without having a pool certification licensed --

AL RIZZO: Yes, definitely. The master electrician, and they can -- we just do a little portion, they can do any portion.

SENATOR WITKOS: Okay. I just wanted to make sure that they were still allowed to do that.

AL RIZZO: You're not stepping on toes of any master

plumbers or electricians.

SENATOR WITKOS: Okay. Thank you.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Any further questions?

Seeing none, thank you. And we have the language and we'll talk the legal. Thank you.

The next speaker is Glenn Marshall.

AL RIZZO: I'm sorry, you must have missed Ray.

SENATOR DOYLE: Okay. Ray.

RAYMOND RESCILDO: Is it on?

SENATOR DOYLE: Yes.

RAYMOND RESCILDO: My name is Raymond Rescildo, and I'm here to support Raised Bill 267. I'm going to -- having a little trouble here.

From a practical point of view, I own and operate a small swimming pool company. I run the office but I also get in my truck every day and perform the work.

My typical work day ranges from installing and repairing gas heaters, natural propane, pumps on 220-line voltage, high-pressure plumbing repairs, automated chemical dispensers and anti-entraption devices.

The reason I support 267 is not only the tremendous contribution to public health and safety, I also support it for the confidence it provides me as a micro-business owner like

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myself.

The trainee program is just a gateway to growth. It's very hard to craft guys and have a template to do it. the clarified scope of work at operations like mine, a template that kind of puts us on par with companies that have dedicated service departments or a safety officer.

I mean, I see this is a real -- this is a gift to a smaller business. It's kind of like giving us a human resource department with the trainee program, and that's why I support it.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you.

Glenn Marshall, please. Then Joe Wrinn and there's three people signed under one name, so I guess each has got a minute. But first from (inaudible).

The first one is Glenn Marshall.

GLENN MARSHALL: Good afternoon, Senator Doyle, Representative Baram and members of the General Law Committee.

My name is Glenn Marshall, and I am a business manager for the New England Regional Council of Carpenters in Connecticut, representing thousands of carpenters. I am here today to testify in opposition to Raised Bill 412, AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES as it is currently written.

Connecticut first enacted licensing laws

CONNECTICUT GENERAL ASSEMBLY
Tuesday, March 11, 2014

TESTIMONY OF Kim K. V. McClain
TO THE GENERAL LAW COMMITTEE
ON PROPOSED HOUSE BILL 267, "AN ACT CONCERNING SWIMMING POOL
MAINTENANCE AND REPAIR WORK."

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). The Community Associations Institute (CAI), is a national member supported, not-for-profit educational and resource organization dedicated to fostering vibrant, competent, harmonious community associations for the 1 in 6 Americans who live in common interest communities.

I am submitting testimony to present my insights about how the proposed bill will affect the more than 5,000 common interest communities in Connecticut, and the hundreds of thousands of people who live in them.

We respectfully request that additional clarifying language be added to Raised Bill 267 to ensure that the term "water treatment" in Section 1 Subsection a.) does NOT include activities such as: ph testing, use of pool chemicals, vacuuming and other basic maintenance tasks. These responsibilities are typically required of community association property management staff and lifeguards.

CAI-CT supports the overall intent of the bill which is to further clarify issue regarding trade area licensure requirements and provisions for continuing education. It is our belief that such requirements lead to advancing best practices in all industries.

We would be happy to further discuss with you this issue, or any other issues affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmclain@sbcglobal.net.

Thank you for your consideration.

Respectfully submitted,

Kim McClain

RAYMOND RESCILDO
 860-637-2588
CERTPOOLSPA@AOL.COM

SUPPORT BILL 267

Good afternoon,

My name is Raymond J. Rescildo, CSP. I support Raised Bill No.267 (an act concerning pool maintenance & repair work.) I am a licensed swimming pool contractor. I own and operate Certified Pool & Spa in Plymouth CT.

- I stress the word operate, because I not only run the "office side" of my business I get in my truck everyday to perform the pool & spa maintenance & repair work myself.

My typical workday ranges from installing or repairing gas heaters (natural gas & propane), pumps on 220 line voltage, high pressure plumbing repairs, automated chemical dispensers, and anti suction entrapment mechanisms.

During spring pool openings I may repeat these tasks 5 or 6 times per day. I **SUPPORT raised bill 267 for several reasons.**

- As a CT citizen I support bill 267 for the tremendous contribution to public, health safety & welfare.
- I also support bill 267 for the **confidence** it provides a micro business owner like myself.

Statement of Purpose: To clarify the scope of swimming pool maintenance and repair work and to adopt regulations concerning trade areas for which licenses are required, trainees and continuing professional education.

- 1. clarify the scope of swimming pool maintenance**
 - A clarified scope would give small operations like mine a template to build a "new hire to licensee" training program at nearly no cost.
 - Most small companies do not have the time, ability or resources to craft these programs. I have priced private training resources, they are extremely expensive.
 - Bill 267 grants a small company an increased ability to compete with large outfits, which have the resources for dedicated training departments and safety officers
- 2. adopt regulations concerning trade areas for which licenses are required, trainees**
 - work force trained to operate safely, employee safety is a major concern to potential employers – trained new hires can recognize & report hazards
 - qualify work force, a tool for growth – hire with confidence

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SUPPORT BILL 267

3. continuing professional education

- like any technology – Pool & spa technology rapidly evolving, safety & energy efficiency
- Licensees are current with new building codes, regulatory & environmental impact changes.

BILL 267 not only greatly increases the health & safety of those enjoying, building & servicing Connecticut's many residential & commercial pools.

Bill 267 is a conduit to further qualify Connecticut's pool & spa workforce and provides confidence to small outfits looking to create new jobs & grow their business.

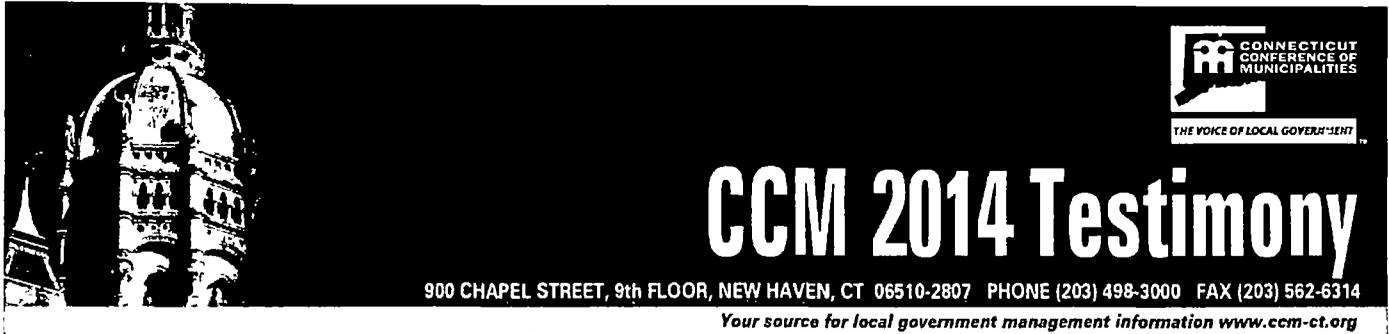
Bill 267 is a true service to Connecticut's citizens & business owners.

Respectfully,

Raymond Rescildo CSP

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certpoolspa@aol.com



GENERAL LAW COMMITTEE

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The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

SB 267 – “An Act Concerning Swimming Pool Maintenance and Repair.”

This proposal would clarify the scope of pool maintenance and repair work, along with requiring the adoption of regulations regarding the licensing, training and education of pool maintenance and repair professionals.

While CCM understands the intent of the proposal, we have concerns that these new requirements would affect those currently working on municipally maintained and operated pools. To this end, CCM asks that the Committee first obtain a detailed analysis on the potential impact this proposal would have on local budgets and personnel to ensure SB 267 would, at the least, have a revenue neutral impact on our hometowns.

CCM therefore, urges the Committee to take not action on SB 267 until further analysis is conducted.

★★★★

If you have any questions, please contact Mike Muszynski, Senior Legislative Associate of CCM at mmuszynski@ccm-ct.org or (203) 500-7556.