



## Agency Legislative Proposal - 2019 Session

**Document Name** 10.1.18\_DAS\_Tech\_CJISFunds

State Agency: Department of Administrative Services (DAS)

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Lead agency division requesting this proposal: Business Office

Agency Analyst/Drafter of Proposal: Terrence Tulloch-Reid

**Title of Proposal:** An Act Concerning Technical Modifications to the Administration of Funds Related to CJIS and Other Programs

**Statutory Reference:** 54-105a; 18-81x

**Proposal Summary:** DAS is seeking to update C.G.S. §54-105a and CGS §18-81x to reflect that fact that the Department of Emergency Services and Public Protection, not DAS, is now the agency that is responsible for administering the criminal justice information system (CJIS).

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

##### History

In the 2007 budget (P.A. 07-4. June Spec. Sess. §36), the Department of Information Technology (DOIT) was given the responsibility of administering CJIS. To cover the expenses of this responsibility, P.A. 07-4 authorized DOIT to utilize revenue from the prison inmate pay phone service contract. In particular, §36 delineated the order of priority for the allocation of that revenue:

- 1<sup>st</sup> – the Department of Correction was entitled to \$350,000 annually for inmate educational services and reentry programs, pursuant to C.G.S. §18-81x;
- 2<sup>nd</sup> – DOIT was entitled to revenue to cover its costs for administering CJIS;
- 3<sup>rd</sup> – the Judicial Department was entitled to any remaining revenue for staffing and services needed for its statewide expansion of the Probation transition Program and Technical Violation Unit operations.

After DOIT was consolidated into DAS in 2011, DAS took over these responsibilities. Specifically, the DAS Bureau of Enterprise Systems and Technology (DAS BEST)



administered the criminal justice information system and the DAS Business Office handled the transactional work associated with the distribution of the funds among DOC, DAS and the Judicial Department.

Although P.A.07-4 stated that the CJIS Governing Board was within the Office of Policy & Management (OPM) for administrative purposes, OPM transferred its responsibilities to provide administrative support to the Board to the Department of Emergency Services and Public Protection (DESPP) via a memorandum of understanding (MOU) in 2015.

In 2017, DAS entered into a MOU with DESPP transferring the seven DAS employees who were dedicated to the administration of CJIS to DESPP. The transferred employees continue to be paid for from the prison inmate pay phone service contract. With the transfer, DESPP took over the responsibility for managing the employees, including making all decisions regarding their work assignments, performance evaluations and approval of their time and attendance.

This transfer was agreed upon in recognition of the fact that DESPP was already providing administrative support to the CJIS Governing Board and that DESPP had established the Center of Excellence for Criminal Justice Information Technology, both of which facts made the management of CJIS employees at DAS inefficient.

The 2017 budget essentially codified the terms of both the 2015 OPM/DESPP MOU and the 2017 DAS/DESPP MOU.

#### Requiring DAS to Distribute the Funds Is Inefficient and Creates Confusion

As described above, when C.G.S. §54-105a and CGS §18-81x originally gave DOIT the responsibility for distributing the revenue from the prison inmate pay phone service contract, there was a clear nexus between DOIT's responsibility for administering CJIS and its responsibility for distributing the money to the other parties. DOIT had the authority to make decisions about what constituted the actual costs for administering CJIS, as well as the knowledge of anticipated costs. When DOIT was merged into DAS, its business office functions were absorbed by DAS as well. Accordingly, the responsibility for administering CJIS and the responsibility for distributing the funds remained within a single agency. Now that DESPP has taken over responsibility for the administration of CJIS, there is no reason for the responsibility for distributing the funds to stay within DAS.

To the contrary, the current division of labor creates inefficiencies. DAS receives requests for information about the amount and availability of the funds from the various funding recipients (DESPP, DOC, and Judicial), as well as the CJIS Governing Board, which DAS cannot readily answer because DAS does not have authority over the administration of CJIS



or knowledge of anticipated costs. DAS cannot provide the reliable estimates the agencies need in order to plan for their funds.

Just as it was more efficient for DESPP to manage CJIS employees, it is also more efficient for DESPP to handle the distribution of the funds.

Moreover, the current statutory language generate confusion. By giving DAS the responsibility to *disburse* the funds, the statutes I because it creates the unsupportable impression that DAS has authority over the decisions about what should be included as allowable costs for administering CJIS. Such decisions are the responsibility of the CJIS Governing Board (in accordance with applicable state policies and procedures). All of the entities that have an interest in the prison inmate phone systems funds – DOC, DESPP and the Judicial Department – are members of the Governing Board. They, with the other eight members of the Board, are collectively responsible for establishing the direction of and policies for CJIS and have the authority for resolving functional and operational issues, including making decisions about the appropriate costs for administering CJIS. As the Board is within DESPP for administrative purposes, specifying that DESPP has the responsibility of disbursing the funds will eliminate this confusion.

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **NO**
- (3) Have certain constituencies called for this action? **DAS Business Office**
- (4) What would happen if this was not enacted in law this session? **These duties will continue to be errantly aligned at the wrong state agency.**

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**Origin of Proposal**

**New Proposal**

**Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

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## PROPOSAL IMPACT

**AGENCIES AFFECTED** (please list for each affected agency)



**Agency Name:** Department of Corrections, Judicial Department, Department of Emergency Services and Public Protection, Office of Policy Management  
**Agency Contact (name, title, phone):** Doreen Delbianco (JUD), David McCluskey (DOC), Scott Devico (DESPP/CJIS) , Eleanor Michael (OPM)  
**Date Contacted:** [Click here to enter text.](#)

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency's Comments**  
[Click here to enter text.](#)

Will there need to be further negotiation?     YES     NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*  
N/A

**State**  
N/A

**Federal**  
N/A

**Additional notes on fiscal impact**  
This proposal simply re-allocates responsibility for one agency to another without adding any costs.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

See above

Section 1: Section 54-105a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

[For the fiscal year ending June 30, 2008, and each fiscal year thereafter, any] **Any** revenue derived [by the Department of Administrative Services] from the contract for the provision of



pay telephone service to inmates of correctional facilities that is remaining after any required transfer to the Department of Correction pursuant to section 18-81x, or that is remaining after any of such revenue is made available to the Department of [Administrative Services] **Emergency Services and Public Protection** to administer the criminal justice information system, shall be transferred to the Judicial Department for staffing and services necessary for the state-wide expansion of the probation transition program and the technical violation units.

Section 2: Section 18-81x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

For the fiscal year ending June 30, [2007] **2019**, and each fiscal year thereafter, the sum of \$350,000 from revenue derived [by the Department of Administrative Services] from the contract for the provision of pay telephone service to inmates of correctional facilities shall be transferred to the Department of Correction, for Other Current Expenses, for expanding inmate educational services and reentry program initiatives.

## Agency Legislative Proposal - 2019 Session

**Document Name:**

10.1.18\_DAS\_Tech\_CodeRevisions

**State Agency:**

Department of Administrative Services

Liaison: Terrence Tulloch-Reid

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**Lead agency division requesting this proposal:**

Office of the State Building Inspector & Office of the State Fire Marshal

**Agency Analyst/Drafter of Proposal:**

Terrence Tulloch-Reid & Erin Choquette

**Title of Proposal**

AAC Technical Modifications to Chapters 540 & 541 of the Connecticut General Statutes

**Statutory References**

C.G.S. § 29-231

C.G.S. § 29-252a (b), (c) & (f)

C.G.S. § 29-254

C.G.S. § 29-263(a)

C.G.S. § 29-265(a)

C.G.S. § 29-266(d)

C.G.S. § 29-291b

C.G.S. § 29-296

C.G.S. § 29-258

C.G.S. § 29-307

### **Proposal Summary**

This proposal consists of several technical modifications to Chapters 540 & 541 (Building & Fire Code Provisions):

- C.G.S. § 29-231: technical modification to an existing boiler exception
- C.G.S. § 29-252a: Subsections (b), (c) -- delete the requirement that a contracting Commissioner certify that plans and specifications of projects meet code. Subsection (f) -- delete in its entirety
- C.G.S. § 29-254: eliminate obligation to send modification requests by U.S. mail and add a specific time-frame for appeals (45 days)
- C.G.S. § 29-263(a): insert reference to Fire Prevention Code in the compliance requirements
- C.G.S. C.G.S. § 29-265(a): technical conforming change
- C.G.S. § 29-266(d): add a specific time-frame for appeals (45 days)
- C.G.S. § 29-291b: eliminate obligation to use U.S. mail to correspond with the State Fire Marshal
- C.G.S. § 29-296: eliminate requirement to use U.S. mail to correspond with the State Fire Marshal
- C.G.S. § 29-258: repeal duplicative requirement regarding training duties
- C.G.S. § 29-307: repeal duplicative statute regarding the authority of state fire marshals

## PROPOSAL BACKGROUND

### Reasons for Proposal

**Section 1 is a technical modification to C.G.S. § 29-231 relate to an existing exception to the requirements for boilers.**

This language adds an exclusion for small “point of use” water heaters (less than 10-gallon capacity) that are installed in schools, hospitals, public buildings, etc. from the statutes regarding requirements for boilers and water heaters. The national standards, as adopted in the Connecticut State Codes, exempts these small water heaters. This proposal makes the exemption explicit in the statute in order to align the statute with the national standards and State Codes.

**Section 2 amends subsections (b) and (c) of C.G.S. § 29-252a by deleting the requirement that Commissioner of a state agency and the Director of the Connecticut Airport Authority certify that plans and specifications of projects comply with the State Building Code.**

Under current law, the Commissioner of a contracting agency must certify to the State Building Inspector that a project complies with the State Building Code. The projects subject to this statute are projects under the State Building Inspector’s direct authority and are reviewed and inspected by the State Building Inspector’s staff. Since the State Building Inspector has already verified compliance with the State Building Code under his own authority, certification by the agency head adds no value.

**Section 2 also repeals subsection (f) of C.G.S. § 29-252a.**

Subsection (f) is from a 1990 statute requiring state buildings to obtain building permits and certificates of occupancy. This subsection gave the legislature the authority to postpone the implementation date of these requirements. In practice, these requirements have been in effect since 2000, so there is no longer any need for this subsection.

**Section 3 amends C.G.S. § 29-254 to eliminate the obligation to send requests for variations from and exemptions to the State Building Code via U.S. mail. It also establishes a specific timeframe of 45 days for filing appeals.**

Local building inspectors and the OSBI prefer that requests for variations and exemptions be transmitted through email, which saves time and money. This section also provides that the appeal process set forth in C.G.S. §29-266(d) also applies to appeals under this statute. (See section 6)



**Section 4 amends subsection (a) of C.G.S. § 29-263 to include the “Fire Prevention Code,” in addition to the Fire Safety Code.**

This section makes explicit the obligation of fire marshals to review plans to ensure compliance with the Fire Prevention Code, not just the Fire Safety Code. This is merely a conforming change, as fire marshals already ensure that design plans comply with both codes.

**Section 5 is simply a conforming change identified as necessary by the Legislative Commissioners’ Office last year**

**Section 6 amends subsection (d) of C.G.S. § 29-266, which relates to municipal appeals, to add a specific timeframe of 45 days for appeals.**

C.G.S. § 29-266 creates the process whereby a citizen may appeal a decision of a municipal board of appeals to the Codes & Standards Committee, and then to the Superior Court. Section 6 establishes a specific timeframe of 45 days for such appeals.

**Sections 7 and 8 eliminate the obligation to send requests for variances from and exemptions to the Fire Prevention Code and the Fire Safety Code to the State Fire Marshal by U.S. Mail.**

Such communications are already conducted through email.

**Section 9 repeals C.G.S. § 29-258 and C.G.S. § 29-307.**

C.G.S. § 29-258 requires the Commissioner conduct a comprehensive education program for design professionals, construction industry representatives and local building officials. This statute is duplicative of C.G.S. § 29-251c, which outlines the Commissioner’s duties to conduct educational programs for various stakeholders, including individuals listed in C.G.S. § 29-258.

C.G.S. § 29-307 states that a fire marshal may order the removal of fire hazards from manufacturing establishments. This authority already exists in the Connecticut Fire Code and the Connecticut Fire Prevention Code.

***Please consider the following, if applicable:***

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO***
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **unaware***
- (3) Have certain constituencies called for this action? **No***

(4) *What would happen if this was not enacted in law this session?* **Technical Statutory clean up. The statutory inconsistency with code re: small boilers (section 1) if the boiler exception language is not clarified this upcoming session could create some unneeded administrative duties for DAS.**

- **Origin of Proposal**     New Proposal     Resubmission

**2018 submission to Public Safety & Security Committee**

[Raised Bill 281](#) “An Act Concerning Small Hot Water heaters, Certain Certifications By State Agencies and The Connecticut Airport Authority, Communication With the State Building Inspector And State Fire Marshal And Revisions To Other Statutes Related to Buildings and Fire Safety”

**PROPOSAL IMPACT**

- **Agencies Affected** (please list for each affected agency)

N/A

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency’s Comments**

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)

**Savings**

Section 1: If C.G.S. § 29-231 is not changed, municipalities will incur the expense of paying for the inspections that serve no practical purpose.

Sections 3, 7 & 8: Repealing the obligation to send correspondence by U.S. mail minimizes the time required to process requests for variances and exemptions and eliminates the obligation on the part of municipalities to pay for postage.

Sections 3 & 6: Establishing a clear time frame for filing appeals reduces uncertainty and minimizes costs associated with long-delayed litigation.

**State**

**Indirect Savings**

Sections 3 & 6: Establishing a clear time frame for filing appeals reduces uncertainty and minimizes costs associated with long-delayed litigation.

**Federal**

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

*See* Reasons for Proposal

**AAC Technical Modifications to Chapters 540 & 541 of the Connecticut General Statutes**

Section 1 Section 29-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The provisions of this chapter shall not apply to: (1) Boilers under federal control; (2) portable boilers used in pumping, heating, steaming and drilling in the open field; (3) portable boilers used solely for agricultural purposes; (4) steam heating boilers, hot water heaters and hot water heating boilers, when used in private homes or apartment

houses of not more than five families; (5) hot water heaters approved by a nationally recognized testing agency that are equipped with adequate safety devices including a temperature and pressure relief valve[, having a] **and have: (A) A** nominal water capacity of not more than one hundred twenty gallons and a heat input of not more than two hundred thousand British thermal units per hour and used solely for hot water supply carrying a pressure of not more than one hundred sixty pounds per square inch and operating at temperatures of not more than two hundred ten degrees Fahrenheit, provided such heaters are not installed in schools, day care centers, public or private hospitals, nursing or boarding homes, churches or public buildings, as defined in section 1-1; **or (B) a nominal water capacity of not more than ten gallons and a heat input of not more than twenty thousand British thermal units per hour in any occupancy;** (6) antique or model boilers used in public, nonprofit engineering or scientific museums and operated for educational, historical or exhibition purposes having a shell diameter of less than twelve inches and a grate surface area of less than one square foot; and (7) public service companies, as defined in section 16-1.

Section 2. Section 29-252a subsection (b) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The State Building Code, including any amendment to said code adopted by the State Building Inspector and Codes and Standards Committee, shall be the building code for all state agencies and the Connecticut Airport Authority.

(b) (1) No state or Connecticut Airport Authority building or structure or addition to a state or Connecticut Airport Authority building or structure: (A) That exceeds the threshold limits contained in section 29-276b and requires an independent structural review under said section, or (B) that includes residential occupancies for twenty-five or more persons, shall be constructed until an application has been filed by (i) the commissioner of an agency authorized to contract for the construction of buildings under the provisions of section 4b-1 or 4b-51, or (ii) the executive director of the Connecticut Airport Authority, with the State Building Inspector and a building permit is issued by the State Building Inspector. Two copies of the plans and specifications for the building, structure or addition to be constructed shall accompany the application. **[The commissioner of any such agency or the executive director of the Connecticut Airport Authority shall certify that such plans and specifications are in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code.]** The State Building Inspector shall review the plans and specifications for the building, structure or addition to be constructed to verify their compliance with the requirements of the State Building Code and, not later than thirty days after the date of application, shall issue or refuse to issue the building permit, in whole or in part. The State Building Inspector may request that the State Fire Marshal review such plans to verify their compliance with the Fire Safety Code.

(2) On and after July 1, 1999, the State Building Inspector shall assess an education fee on each building permit application. During the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application, and the State Building Inspector shall remit such fees, quarterly, to the Department of Administrative Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Administrative Services and shall be used for the code training and educational programs established pursuant to section 29-251c. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c.

(c) All state agencies authorized to contract for the construction of any buildings or the alteration of any existing buildings under the provisions of section 4b-1 or 4b-51 or, for any such Connecticut Airport Authority building, the Connecticut Airport Authority, shall be responsible for substantial compliance with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be. Such agencies and the Connecticut Airport Authority shall apply to the State Building Inspector for a certificate of occupancy for all buildings or alterations of existing buildings for which a building permit is required under subsection (b) of this section **[and shall certify compliance with the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be, to the State Building Inspector]** prior to occupancy or use of the facility.

(d) (1) No state or Connecticut Airport Authority building or structure erected or altered on and after July 1, 1989, for which a building permit has been issued pursuant to subsection (b) of this section, shall be occupied or used in whole or in part, until a certificate of occupancy has been issued by the State Building Inspector, certifying that such building or structure substantially conforms to the provisions of the State Building Code and the regulations lawfully adopted under said code and the State Fire Marshal has verified substantial compliance with the Fire Safety Code and the regulations lawfully adopted under said code for such building or alteration to such building, as the case may be.

(2) No state or Connecticut Airport Authority building or structure erected or altered on and after July 1, 1989, for which a building permit has not been issued pursuant to subsection (b) of this section shall be occupied or used in whole or in part, until the commissioner of the agency erecting or altering the building or structure or, for any Connecticut Airport Authority building or structure, the executive director of the Connecticut Airport Authority, certifies to the State Building Inspector that the building or structure substantially complies with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be.

(e) The State Building Inspector or said inspector's designee may inspect or cause to be inspected any construction of buildings or alteration of existing buildings by state agencies or the Connecticut Airport Authority, except that said inspector or designee shall inspect or cause an inspection if the building being constructed includes residential occupancies for twenty-five or more persons. The State Building Inspector may order any state agency or the Connecticut Airport Authority to comply with the State Building Code. The commissioner may delegate such powers as the commissioner deems expedient for the proper administration of this part and any other statute related to the State Building Code to The University of Connecticut, provided the commissioner and the president of The University of Connecticut enter into a memorandum of understanding concerning such delegation of powers in accordance with section 10a-109ff.

**[(f) The joint standing committee of the General Assembly having cognizance of matters relating to the Department of Administrative Services may annually review the implementation date in subsection (b) of this section to determine the need, if any, for revision.]**

[(g)] (f) Any person aggrieved by any refusal to issue a building permit or certificate of occupancy under the provisions of this section or by an order to comply with the State Building Code or the Fire Safety Code may appeal, de novo, to the Codes and Standards Committee not later than seven days after the issuance of any such refusal or order.

[(h)] (g) State agencies and the Connecticut Airport Authority shall be exempt from the permit requirements of section 29-263, **as amended by this act**, and the certificate of occupancy requirement under section 29-265, **as amended by this act**.

Section 3. Section 29-254 is repealed and the following substituted in lieu thereof  
(Effective from passage):

(a) Any town, city or borough or any interested person may propose amendments to the State Building Code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, any such amendment may be restricted in application to such municipality. Each amendment to the State Building Code shall be adopted in accordance with the provisions of section 29-252b.

(b) The State Building Inspector may grant variations or exemptions from, or approve equivalent or alternate compliance with, the State Building Code where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided the intent of the law shall be observed and public welfare and safety be assured. Any application for a variation or exemption or equivalent or alternate compliance received by a local building official shall be

forwarded to the State Building Inspector [**by first class mail**] not later than fifteen business days after receipt by such local building official and shall be accompanied by a letter from such local building official that shall include comments on the merits of the application. Any such determination by the State Building Inspector shall be in writing. Any person aggrieved by any decision of the State Building Inspector may appeal to the Codes and Standards Committee not later than thirty days after [**mailing of**] the **date of the** decision. Any person aggrieved by any ruling of the Codes and Standards Committee may appeal [to the superior court for the judicial district wherein the premises concerned are located] **in accordance with the provisions of subsection (d) of section 29-266, as amended by this act.**

Section 4. Subsection (a) of section 29-263 of the general statutes is repealed and the following substituted in lieu of (*Effective from passage*):

a) Except as provided in subsection [(h)] (**g**) of section 29-252a, **as amended by this act**, and the State Building Code adopted pursuant to subsection (a) of section 29-252, after October 1, 1970, no building or structure shall be constructed or altered until an application has been filed with the building official and a permit issued. Such permit shall be issued or refused, in whole or in part, within thirty days after the date of an application. No permit shall be issued except upon application of the owner of the premises affected or the owner's authorized agent. No permit shall be issued to a contractor who is required to be registered pursuant to chapter 400, for work to be performed by such contractor, unless the name, business address and Department of Consumer Protection registration number of such contractor is clearly marked on the application for the permit, and the contractor has presented such contractor's certificate of registration as a home improvement contractor. Prior to the issuance of a permit and within said thirty-day period, the building official shall review the plans of buildings or structures to be constructed or altered, including, but not limited to, plans prepared by an architect licensed pursuant to chapter 390, a professional engineer licensed pursuant to chapter 391 or an interior designer registered pursuant to chapter 396a acting within the scope of such license or registration, to determine their compliance with the requirements of the State Building Code and, where applicable, the local fire marshal shall review such plans to determine their compliance with the Fire Safety Code [.] **and the State Fire Prevention Code.** Such plans submitted for review shall be in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code [.] **and the State Fire Prevention Code.**

Section 5. Subsection (a) of section 29-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

a) Except as provided in subsection [h] (**g**) of section 29-252a, **as amended by this act**, no building or structure erected or altered by any municipality after October 1, 1970, shall be occupied, as defined in the regulations adopted under section 29-252, has been

issued by the building official, certifying that such building, structure or work performed pursuant to the building permit substantially conforms to the provisions of the State Building Code and the regulations lawfully adopted under said code. Nothing in the code or in this part shall require the removal, alteration or abandonment of, or prevent the continuance of the use and occupancy of, any single-family dwelling but within six years of the date of occupancy of such dwelling after substantial completion of construction of, alteration to or addition to such dwelling, or of a building lawfully existing on October 1, 1945, except as may be necessary for the safety of life or property. The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy.

Section 6. Subsection (d) of section 29-266 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person aggrieved by any ruling of the Codes and Standards Committee may appeal **within forty-five days pursuant to subsection (c) of section 4-183** to the superior court for the judicial district where such building or structure has been or is being erected

Section 7. Section 29-291b of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*)

The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the State Fire Prevention Code where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal **[by first class mail]** not later than fifteen business days after the receipt of such application by the local fire marshal and accompanied by a letter containing the local fire marshal's comments on the merits of the application.

Section 8. Section 29-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of section 29-292 where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any



application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal **[by first class mail]** within fifteen business days of receipt by such local fire marshal and shall be accompanied by a letter from such local fire marshal that shall include comments on the merits of the application.

Section 9. Sections 29-258 and 29-307 are repealed. (*Effective from passage*)

**Agency Legislative Proposal - 2019 Session**

**Document Name:**

10.1.18\_DAS\_Tech\_SchoolConstruction

**State Agency:**

Department of Administrative Services

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**Lead agency division requesting this proposal:**

Office of School Construction Grants Review

**Agency Analyst/Drafter of Proposal:**

Erin Choquette

**Title of Proposal**

AAC a Technical Modification to School Construction Grant Statutes

**Statutory References**

P.A. 18-178, §§ 18 & 26

## **Proposal Summary**

Public Act 18-178 section 18 directs the School Safety Infrastructure Council (SSIC) to award grants for multimedia interoperable communication systems. The SSIC, however, is not set up to administer a grant program. This proposal transfers responsibility for such grants to the Department of Emergency Services and Public Protection (DESPP) as part of DESPP's existing School Security Infrastructure Competitive Grant Program.

## **PROPOSAL BACKGROUND**

### **Reasons for Proposal**

The language approved in P.A. 18-178 §18 is a legal nullity because it is written as though the School Safety Infrastructure Council (SSIC) has authority to administer school construction projects: "...not more than five million dollars shall be made available for school security projects administered by the School Security Infrastructure Council...". This premise is inaccurate.

The SSIC does not administer any school projects. Because the SSIC does not administer any school security projects, there are no projects that could legally qualify for this grant money. Moreover, the SSIC was established to develop assessment standards and criteria relating to school safety infrastructure. It does not administer any grants. Rather, school security grants are administered by the Department of Emergency Services & Public Protection (DESPP).

Moreover, DESPP has experience multi-media interoperable communication systems. As indicated on [the DESPP website](#):

The DEMHS Field Support Coordination Unit, which reports to the State Emergency Management Director, performs a number of functions designed to enhance and support field operations, including statewide interoperable communications.

This unit has an Interoperable Communications Executive Committee and has already identified technical standards related to this area. Neither DAS nor the SSIC have a comparable level of expertise and experience in this area.

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **NO**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **unaware**
- (3) *Have certain constituencies called for this action?* **A Senator questioned DAS as to why it has not implemented an application process for grant money associated with multimedia interoperable communication systems. DAS explained the language of the Public Act was flawed**
- (4) *What would happen if this was not enacted in law this session?* **DAS cannot implement this provision as currently drafted so there would be no legal mechanism for distributing the proposed grant money.**

- **Origin of Proposal**     **New Proposal**                       **Resubmission**

**See Reasons for Proposal**

**PROPOSAL IMPACT**

- **Agencies Affected** (please list for each affected agency)

N/A

Agency Name:

Department of Emergency Services and Public Protection

Agency Contact (name, title, phone):

Scott Devico Legislative Program Manager

Date Contacted:

Approve of Proposal     **YES**     **NO**     **Talks Ongoing**

**Summary of Affected Agency's Comments**

Will there need to be further negotiation? \_\_\_ YES \_\_\_NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)  
N/A

**State**  
N/A

**Federal**  
N/A

Additional notes on fiscal impact  
This proposal simply assigns an existing responsibility to a different agency. It does not create any new responsibilities.

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

**See Reasons for Proposal**

DRAFT LANGUAGE

Section 1. Section 18 of Public Act 18-78 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of funding (1) grants to projects that have received approval of the Department of Administrative Services pursuant to sections 10-287 and 10-287a, subsection (a) of section 10-65 and section 10-76e, (2) grants to assist school building

projects to remedy safety and health violations and damage from fire and catastrophe, and (3) technical education and career school projects pursuant to section 10-283b, the State Treasurer is authorized and directed, subject to and in accordance with the provisions of section 3-20, to issue bonds of the state from time to time in one or more series in an aggregate amount not exceeding eleven billion seven hundred fifty-six million one hundred sixty thousand dollars, provided ninety million dollars of said authorization shall be effective July 1, 2018[, and provided not more than five million dollars shall be made available for school security projects administered by the School Safety Infrastructure Council established pursuant to section 10-292r that involve multimedia interoperable communication systems].

Section 2. Subsection (b) of section 26 of Public Act 18-178, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Education for the purpose of the school security infrastructure competitive grant program, established pursuant to section 84 of public act 13-3, as amended by section 15 of public act 13-122, section 191 of public act 13-247, section 73 of public act 14-98, section 1 of public act 15-5, section 1 of public act 16-171, section 1 of public act 17-68 and section 490 of public act 17-2 of the June special session **and provided not more than five million dollars shall be made available for school security projects administered by the School Safety Infrastructure Council established pursuant to section 10-292r that involve multimedia interoperable communication systems.**

