



Agency Legislative Proposal - 2021 Session

Document Name: _DAS_CommissionforEdTech

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: DAS

Liaison: Lee Ross

Phone: 860-713-5085

E-mail: lee.ross@ct.gov

Lead agency division requesting this proposal: DAS

Agency Analyst/Drafter of Proposal: Lee Ross

Title of Proposal: An Act Concerning the Commission for Education Technology

Statutory References: 4d-80, 4d-81, 16-331cc

Proposal Summary:

Section 1 adds 4 additional members to CET’s board – representing boards of education, the CT Educators Computer Association, elementary school teachers and secondary school teachers.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

CET is the principle education technology policy advisor for the state. The addition of board members representing primary and secondary teachers as well as other educators, will allow CET to better address the technology needs of schools and school districts.

◇ **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?*

The bill consists of new proposals.



PROPOSAL IMPACT

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

Agency Name: Agency Contact (<i>name, title, phone</i>): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> Not applicable.
State There is no fiscal impact on the state.
Federal Not applicable.
Additional notes on fiscal impact

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

See above



◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

By adding representatives of primary and secondary teachers, as well as other educators, CET will be better positioned to most appropriately to meet the education technology goals set by the Board.

Subsection (a) of section 4d-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) There is established a Commission for Educational Technology within the Department of Administrative Services. The commission shall consist of the following members or their designees: (1) The Secretary of the Office of Policy and Management, the Commissioner of Administrative Services, the Commissioner of Education, the Commissioner of Economic and Community Development, the president of The University of Connecticut and the president of the Connecticut State Colleges and Universities, the State Librarian and the Consumer Counsel, (2) one member each representing the Connecticut Conference of Independent Colleges, the Connecticut Association of Boards of Education, the Connecticut Conference of Municipalities, the Connecticut Council of Small Towns, [and] the Connecticut Library Association, **the Connecticut Association of Public School Superintendents, and the Connecticut Educators Computer Association,** (3) **a secondary school teacher designated by the Connecticut Education Association and an elementary school teacher designated by the American Federation of Teachers - Connecticut,** ([3]4) four members who represent business or have expertise in information technology, two of whom shall be appointed by the Governor, one of whom shall be appointed by the speaker of the House of Representatives and one of whom shall be appointed by the president pro tempore of the Senate, ([4]5) one member who is a chief elected official of a municipality, who shall be appointed by the minority leader of the Senate, and ([5]6) one member who is a representative of small business who shall be appointed by the minority leader of the House of Representatives. The commission shall convene a meeting at least once during each calendar quarter.



Agency Legislative Proposal - 2021 Session

Document Name: 11012021_DAS_RealEstateConstruction

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: DAS

Liaison: Lee Ross

Phone: 860-713-5085

E-mail: lee.ross@ct.gov

Lead agency division requesting this proposal: DAS

Agency Analyst/Drafter of Proposal: Erin Choquette, Lee Ross

Title of Proposal: An Act Modernizing Real Estate & Construction Management

Statutory Reference: 4a-100(k) &(n), 4b-3, 4b-21, 4b-22a, 4b-23(i), 4b-53,

Proposal Summary:

Sections 1 – 3 change the phrase “update bid statement” to the more descriptive “update statement” and make the failure to provide such statement curable, rather than an automatic disqualification.

Section 4 streamlines the surplus property disposition process by reducing the time for towns to decide if they are interested in the property from 120 days to 60 days.

Section 5 gives DAS the ability to grant and receive easements from other governmental entities.

Sections 6 and 7 clarify vague language relating to the scope of the SPRB’s review, update the monetary threshold for when consultant contracts must be reviewed by SPRB and update the qualifications for Board members to reflect the complexities of commercial development.

Section 7 also explicitly authorizes DAS to use real estate brokers and other consultants as necessary and to negotiate a commission or fee structure for such contracts.

Section 8 gives DAS direct authority over integrated works of art in public works projects while keeping the responsibility for non-integrated works of art with DECD.

PROPOSAL BACKGROUND

◇ Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

Section 1- 3 rename “update bid statement” to “update statement” in order to eliminate confusion about the term given that the statement does not include any information about the actual bid. More importantly, they correct an overly rigid requirement that mandates the disqualification of a company if the statement is not included with the bid by giving the awarding authorities the option of allowing contractors up to 2 days after the bid opening to provide the statement. Under this existing law, the disqualification language has forced the state to award contracts to companies that were not the lowest most qualified bidder, thus costing the state millions in higher contracting costs for what is truly just a clerical error.

Section 4 streamlines the surplus real property disposition process thus eliminating additional maintenance /carrying costs. Under current law, towns have up to 120 days to tell DAS that they may be interested in acquiring surplus property. In practice, towns do not need that much time to make an initial decision about potential interest. By reducing the time to 60 days, this section gives towns adequate time to assess whether they have any interest in the property and, if not, to allow DAS to move more quickly to try to dispose of the property.

Section 5 gives DAS the ability to grant or receive easements from other governmental entities. Generally, such easements are necessary to allow towns right of ways for life and safety purposes, such as allowing fire trucks access to state university campuses. Without this language, each individual easement to be legislatively approved through the new conveyance process, which is time consuming, expensive and unnecessary.

Sections 6 and 7 clarify the SPRB’s scope and standard of review. In an AG opinion letter obtained by SPRB in 2019, the AG’s office acknowledged that the existing language is vague and recommended legislative clarification. Given that the SPRB was created for the purpose of ensuring that agencies complied with competitive procurement practices and did not engage in cronyism, it is appropriate to specify that its scope of review is to verify agency compliance with applicable statutes. It also updates the qualifications of Board members to reflect the complexities of commercial real estate development.

Section 7 also updates the threshold for when construction consultant contracts should be reviewed by SPRB and makes the standard the same for all governmental entities. These clarifications will preserve SPRB’s important oversight mission while expediting the review process, eliminating the needs for agencies and the SPRB to waste time and resources on peripheral questions.



Section 6 also explicitly authorizes DAS to contract with real estate brokers and other consultants and, if appropriate, negotiate a commission fee structure. Giving DAS this authority provides it with another tool to ensure that it is acquiring the necessary space for agencies at the lowest costs. Because real estate brokers know not just what space is currently available but also what will or may become available, their expertise can help the state reduce month-to-month leases, reduce tenant improvement and least costs and expedite relocations.

Section 8 gives DAS direct authority over integrated works of art, i.e., art t becomes integrated with the building structure and thus needs to be coordinated with the actual renovation or construction project. By giving DAS this authority, the state’s commitment to public art is preserved while reducing change orders, costs and delays and increasing accountability, coordination and competitive bidding.

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?*

The proposal is a resubmission as a result of the truncated 2020 session.

PROPOSAL IMPACT

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

Agency Name: DECD Agency Contact (name, title, phone): Tommy Hyde Date Contacted: 11/12/19
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
Summary of Affected Agency’s Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Agency Name: DOT Agency Contact (name, title, phone): Pam Sucato Date Contacted: 11/12/19
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing



Summary of Affected Agency's Comments Support changes but DOT asked us to specify that SPRB's review should relate only to compliance with state statutes and regulations
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Agency Name: SPRB Agency Contact (name, title, phone): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Although it is not an agency, DAS communicated with the SPRB chairman regarding the proposed changes before the 2020 session. SPRB responded by proposing legislation to increase its scope of authority.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

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

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> Savings: By making the omission of an update statement curable, sections 1-3 eliminate the requirement that towns disqualify the lowest responsible bidder over a minor issue, thus avoiding the need to contract with higher bidders.
State Savings: The state will see the same savings as municipalities. In addition, the state may save millions as a result of the streamlining of unnecessary bureaucracy, and the ability to utilize experts and modern construction practices.
Federal Potential savings: to the extent section 5 creates a standard process for granting/receiving easements from the U.S. government, it will save time and resources to both the federal government and the state if any agency needs to utilize this process.
Additional notes on fiscal impact

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

See above



◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Faster processing, fewer claims, reduced lease rates and maintenance costs, quicker completion of construction projects, greater coordination and accountability.

An Act Modernizing Real Estate and Construction Management

Sec. 1 Subsection (k) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(k) (1) Any substantial evidence of fraud in obtaining or maintaining prequalification or any materially false statement in the application [] or update statement [or update bid statement] may, in the discretion of the awarding authority, result in termination of any contract awarded the contractor by the awarding authority. The awarding authority shall provide written notice to the commissioner of such false statement not later than thirty days after discovering such false statement. The commissioner shall provide written notice of such false statement to the Commissioner of Consumer Protection and the president of The University of Connecticut not later than thirty days after discovering such false statement or receiving such notice.

(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial subcontractor, within the past five years (A) has included any materially false statement in a prequalification application [] or update statement, [or update bid statement,] (B) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or (C) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification



has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

Sec. 2. Subsection (n) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(n) The commissioner shall establish an update statement for use by contractors and substantial subcontractors for purposes of renewing or upgrading a prequalification certificate and [an update bid statement] for purposes of submitting a bid pursuant to section 4b-91, **as amended by this act.**

Sec 3. Subsections (d) and (e) of section 4b-91 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(d) Each bid submitted for a contract described in subsection (c) of this section shall include an update [bid] statement in such form as the Commissioner of Administrative Services prescribes and, if required by the public agency soliciting such bid, a copy of the prequalification certificate issued by the Commissioner of Administrative Services. The form for such update [bid] statement shall provide space for information regarding all projects completed by the bidder since the date the bidder's prequalification certificate was issued or renewed, all projects the bidder currently has under contract, including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes in the bidder's financial position or corporate structure since the date the certificate was issued or renewed, any change in the contractor's qualification status as determined by the provisions of subdivision (6) of subsection (c) of section 4a-100 and such other relevant information as the Commissioner of Administrative Services prescribes. [Any bid submitted without a copy of the prequalification certificate, if required by the public agency soliciting such bid, and an update bid statement shall be deemed invalid.] Any public agency that accepts a bid submitted without a copy of such prequalification certificate, if required by such public agency soliciting such bid, and an update [bid] statement may become ineligible for the receipt of funds related



to such bid, except that the public agency soliciting such bids may allow bidders no more than two business days after the opening of such bids to submit a copy of the prequalification certificate, if required by such public agency, and an update statement.

(e) Any person who bids on a contract described in subsection (c) of this section shall certify under penalty of false statement at the conclusion of the bidding process that the information in the bid is true, that there has been no substantial change in the bidder's financial position or corporate structure since the bidder's most recent prequalification certificate was issued or renewed, other than those changes noted in the update [bid] statement, and that the bid was made without fraud or collusion with any person.

Sec. 4. Subsection (e) of section 4b-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(e) After receiving notification from the secretary that such land, improvement or interest may be treated as surplus, the Commissioner of Administrative Services shall offer to convey such land, improvement or interest to the municipality in which the land, improvement or interest is located, including, but not limited to, by selling, leasing, exchanging or entering into agreements concerning such land, improvement or interest, provided (1) prior to such conveyance, the municipality by vote of its legislative body accepts such conveyance, and (2) a resolution of such municipal action, verified by the clerk of the municipality, is delivered to the Commissioner of Administrative Services not more than [one hundred twenty] **sixty** days after receiving notice from the commissioner regarding the proposed conveyance. If the municipality fails to deliver such resolution to the commissioner within such [one-hundred-twenty-day] **sixty-day** period, the municipality shall be deemed to have declined the proposed conveyance, provided the commissioner may extend the [one-hundred-twenty-day] **sixty** period deadline by not more than an additional [sixty] **thirty** days. The municipality shall waive all rights to purchase the land, improvement, interest or part thereof if the municipality declines or is deemed to have declined the conveyance of such land, improvement, interest or part thereof.

Sec. 5. Section 4b-22a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Administrative Services may (1) grant easements with respect to land owned by the state to a public service company, as defined in section 16-1, the owner of a district heating and cooling system, a municipal water or sewer authority, a telecommunications company, as defined in



section 16-1, subject to the approval of the Office of Policy and Management, the agency having supervision of the care and control of such land and the State Properties Review Board, and (2) acquire easements with respect to land not owned by the state in connection with a Department of Administrative Services project, subject to the approval of the State Properties Review Board. No easement granted under subdivision (1) of this section shall be for the disposal or storage of radioactive or hazardous waste materials. The commissioner shall provide notice of any easement granted under said subdivision to the chief executive official of the municipality, and the members of the General Assembly representing the municipality, in which the land is located.

(b) Notwithstanding any provision of the general statutes, the Commissioner of Administrative Services may (1) grant rights-of-way or other easements with respect to land owned by the state to the United States government or any subdivision of the state for public purposes if said commissioner finds that such purposes are not in conflict with the public interest, subject to the approval of the Office of Policy and Management, the agency having supervision of the care and control of such land, and the State Properties Review Board, and (2) acquire easements with respect to land owned by the United States government or any subdivision of the state for public purposes if said commissioner finds that such purposes are not in conflict with the public interest, subject to the approval of the State Properties Review Board.

Sec. 6. Section 4b-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) There is established a State Properties Review Board which shall consist of six members appointed as follows: The speaker of the House and president pro tempore of the Senate shall jointly appoint three members, one of whom shall be experienced in matters relating to **commercial** architecture, one experienced in **commercial** building construction matters and one in matters relating to **commercial** engineering; and the minority leader of the House and the minority leader of the Senate shall jointly appoint three members, one of whom shall be experienced in matters relating to the purchase, sale and lease of **commercial** real estate and buildings, one experienced in [business matters] **complex commercial real estate development** generally and one experienced in the management and operation of state institutions. No more than three of said six members shall be of the same political party. One of the members first appointed by the speaker and the president pro tempore shall serve a two-year term, one shall serve a three-year term and one shall serve a four-year term. One of the members first



appointed by the minority leaders of the House and Senate shall serve a two-year term, one shall serve a three-year term and one shall serve a four-year term. All appointments of members to replace those whose terms expire shall be for a term of four years and until their successors have been appointed and qualified. If any vacancy occurs on the board, the appointing authorities having the power to make the initial appointment under the provisions of this section shall appoint a person for the unexpired term in accordance with the provisions hereof.

(b) The chairman of the board shall be compensated two hundred dollars per diem up to a maximum of thirty thousand dollars annually. Other members of the board shall be compensated two hundred dollars per diem up to a maximum of twenty-five thousand dollars annually. The members of the board shall choose their own chairman. No person shall serve on this board who holds another state or municipal governmental position and no person on the board shall be directly involved in any enterprise which does business with the state or directly or indirectly involved in any enterprise concerned with real estate acquisition or development.

(c) The board may adopt such rules as it deems necessary for the conduct of its internal affairs, in accordance with section 4-167.

(d) Notwithstanding any other statute or special act to the contrary, the Commissioner of Administrative Services shall be the sole person authorized to represent the state in its dealings with third parties for the construction, development, acquisition or leasing of real estate for housing the offices or equipment of all agencies of the state or for the state-owned public buildings or realty, as provided for in sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint Committee on Legislative Management may represent the state in the planning and construction of the Legislative Office Building and related facilities, in Hartford; (2) the Chief Court Administrator may represent the state in providing for (A) space for the Court Support Services Division as part of a new or existing contract for an alternative incarceration program pursuant to section 54-103b or a program developed pursuant to section 46b-121k, or (B) other real estate needs of the Judicial Branch when delegated authority to do so by the Commissioner of Administrative Services; (3) the board of trustees of a constituent unit of the state system of higher education may represent the state in the leasing of real estate for housing the offices or equipment of such



constituent unit, provided no lease payments for such realty are made with funds generated from the general revenues of the state; (4) the Labor Commissioner may represent the state in the leasing of premises required for employment security operations as provided in subsection (c) of section 31-250; (5) the Commissioner of Developmental Services may represent the state in the leasing of residential property as part of the program developed pursuant to subsection (b) of section 17a-218, provided such residential property does not exceed two thousand five hundred square feet, for the community placement of persons eligible to receive residential services from the department; (6) the Commissioner of Mental Health and Addiction Services may represent the state in the leasing of residential units as part of a program developed pursuant to section 17a-455a, provided each such residential unit does not exceed two thousand five hundred square feet; and (7) the Connecticut Marketing Authority may represent the state in the leasing of land or markets under the control of the Connecticut Marketing Authority, and, except for the housing of offices or equipment in connection with the initial acquisition of an existing state mass transit system or the leasing of land by the Connecticut Marketing Authority for a term of one year or more in which cases the actions of the Department of Transportation and the Connecticut Marketing Authority shall be subject to the review and approval of the State Properties Review Board. The Commissioner of Administrative Services may establish and implement any procedures necessary for the commissioner to assume the commissioner's responsibilities as said sole bargaining agent for state realty acquisitions and shall perform the duties necessary to carry out such procedures. The Commissioner of Administrative Services may appoint, within the department's budget and subject to the provisions of chapter 67, such personnel deemed necessary by the commissioner to carry out the provisions of this section, including experts in real estate, construction operations, financing, banking, contracting, architecture and engineering. **The Commissioner of Administrative Services may engage real estate brokers and such other consultants as the commissioner deems necessary to assist such personnel and shall have the authority to negotiate either a commission or fee structure to compensate such brokers or consultants for services performed.** The Attorney General's office, at the request of the Commissioner of Administrative Services, shall assist the commissioner in contract negotiations regarding the purchase, lease or construction of real estate.

(e) The State Properties Review Board shall be within the Department of Administrative Services and shall have independent decision-making authority.

(f) The State Properties Review Board shall review **and approve or deny** real estate acquisitions, sales, leases and subleases proposed by the Commissioner of Administrative



Services or proposed by the Chief Court Administrator pursuant to the authority delegated to the Chief Court Administrator by the Commissioner of Administrative Services, the acquisition, other than by condemnation, or the sale or lease of any property by the Commissioner of Transportation under subdivision (11) of section 13b-4, subject to section 4b-23 and subsection (h) of section 13a-73 and review, for approval or disapproval, any contract for a project described in subsection (h) of section 4b-91. [Such review shall consider all aspects of the proposed actions, including feasibility and method of acquisition and the prudence of the business method proposed] **The board shall not grant approval if it has determined on the basis of objective evidence that agency or branch failed to comply with the applicable state statutes or state regulations in connection with the proposed action.** The board shall also cooperate with and advise and assist the Commissioner of Administrative Services and the Commissioner of Transportation in carrying out their duties. The board shall have access to all information, files and records **directly relevant to its evaluation of the agency's compliance with the applicable statutes or regulations,** including financial records, of the Commissioner of Administrative Services and the Commissioner of Transportation, and shall, when necessary, be entitled to the use of personnel employed by said commissioners. The board shall approve or disapprove any acquisition of development rights of agricultural land by the Commissioner of Agriculture under section 22-26cc. The board shall hear any appeal under section 8-273a and shall render a final decision on the appeal within thirty days thereafter. The written decision of the board shall be a final decision for the purposes of sections 4-180 and 4-183. The provisions of this section shall not apply to any airport, airport site or any part thereof operated by the Connecticut Airport Authority established pursuant to section 15-120bb.

Sec. 7. Subsection (i) of section 4b-23 of the general statutes is repealed and the following is substituted in lieu thereof (*July 1, 2021*):

As used in this subsection, (1) "project" means any state program, except the downtown Hartford higher education center project, as defined in section 4b-55, requiring consultant services if the cost of such services is estimated to exceed [one] **five** hundred thousand dollars [or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed three hundred thousand dollars, or in the case of a building or premises under the supervision of the Office of the Chief Court Administrator or property where the Judicial Department is the primary occupant, the cost of such services is estimated to exceed three hundred thousand dollars]; (2) "consultant" means "consultant" as defined in section 4b-55; and (3) "consultant services" means "consultant services" as defined in section



4b-55. Any contracts entered into by the Commissioner of Administrative Services with any consultants for employment (A) for any project under the provisions of this section, (B) in connection with a list established under subsection (d) of section 4b-51, or (C) by task letter issued by the Commissioner of Administrative Services to any consultant on such list pursuant to which the consultant will provide services valued in excess of [one] **five** hundred thousand dollars, shall be subject to the approval of the Properties Review Board prior to the employment of such consultant or consultants by the commissioner. The Properties Review Board shall, not later than thirty days after receipt of such selection of or contract with any consultant, approve or disapprove the selection of or contract with any consultant made by the Commissioner of Administrative Services pursuant to sections 4b-1 and 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such selection or contract.

Sec. 8. Section 4b-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For purposes of this section, the following terms have the following meanings: "State building" means any building or facility owned or leased by the state of Connecticut and open to the public or intended for such use, exclusive of any shed, warehouse, garage, building of a temporary nature or building located on the grounds of a correctional institution; "proposal development expenses" means the cost of preparing a detailed drawing, model or plan as determined by the Department of Economic and Community Development **or the Department of Administrative Services, in accordance with subsections (e) and (f) of this section;** [and] "work of art" means **"integrated works of art," which is defined as** art work which is to be an integrated part of such state building, including but not limited to, fresco, mosaic, sculpture and other architectural embellishment or functional art created by a professional artist, artisan or craftsman[,]; and **"non-integrated works of art," which is defined as** any work of visual art which is not to be an integrated part of such state building, including but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media. "Work of art" as used in this section shall not include landscape architecture or landscape gardening.

(b) The State Bond Commission, in the allocation of proceeds of state bonds for purposes of construction, reconstruction or remodeling of any state building, shall allocate for works of art, with respect to each such project and for the purposes of subsection (c) of this section, an



amount from such proceeds not less than one per cent of the total estimated cost of such construction, reconstruction or remodeling, exclusive of (1) the cost of any land acquisition, (2) any nonconstruction costs including the cost of such work of art, and (3) any augmentations to such cost, provided any such allocation for work of art as provided in this section must be approved, prior to authorization of such allocation by the State Bond Commission, by the Commissioner of Administrative Services in consultation with the Department of Economic and Community Development. **The authorization of each such allocation must specify the maximum amount, if any, that may be spent on integrated works of art and the maximum amount, if any, that may be spent on non-integrated works of art for each such project.** Such allocation may be used to reimburse any artist, artisan, craftsperson or person who creates a work of art, for proposal development expenses when the Department of Economic and Community Development **or the Department of Administrative Services, in accordance with subsections (e) and (f) of this section,** requests such proposal development or to compensate persons who, at the request of the Department of Economic and Community Development **or the Department of Administrative Services, in accordance with subsections (e) and (f) of this section,** determine whether such works of art require proposal development.

(c) There is established within the General Fund a state building works of art account, which shall be a separate, nonlapsing account. The moneys within said account shall be used (1) for the purchase of works of art from distinguished Connecticut artists, which shall be placed on public view in state buildings, (2) to establish a bank of major works of art, from which individual works of art may be circulated among state buildings, public art museums and nonprofit galleries, and (3) for repair of all works acquired under this section. The Department of Economic and Community Development, in consultation with the Commissioner of Administrative Services, shall adopt regulations in accordance with the provisions of chapter 54, which shall (A) indicate the portion of the one per cent allocation under subsection (b) of this section, up to one quarter of such allocation, which shall be deposited in the General Fund and credited to said account, (B) set forth the manner in which the moneys in said account shall be allocated and expended for the purposes of this subsection, and (C) establish procedures to ensure accountability in maintaining the integrity of such bank of works of art.

(d) There is established a subaccount within the state buildings works of art account, established pursuant to subsection (c) of this section, to be known as the "maintenance account" to be used solely for the conservation, repair and cleaning of artworks commissioned and purchased for state buildings pursuant to this section. The Department of Economic and Community Development shall determine what percentage of the one per cent allocation



pursuant to subsection (b) of this section, up to ten per cent of such allocation, to credit to said subaccount.

(e) The Department of Economic and Community Development shall, with respect to a **non-integrated** work of art in any project under subsection (b) of this section, be responsible for the selection of any artist, artisan or craftsman, review of any design or plan, and execution, completion, acceptance and placement of such work of art[,]. [provided any work of art to be located in any building under the supervision, security, utilization and control of the Joint Committee on Legislative Management shall be approved by said committee. The Commissioner of Administrative Services, in consultation with said department,] **Said department** (1) shall be responsible for the contractual arrangements with any such artist, artisan or craftsman, and (2) shall adopt regulations concerning implementation of the purposes of [subsection (b) of this section and] this subsection.

(f) The Department of Administrative Services shall, with respect to an integrated work of art in any project under subsection (b) of this section, be responsible for the selection of any artist, artisan or craftsman, review of any design or plan, and execution, completion, acceptance and placement of such work of art. Said department (1) shall be responsible for the contractual arrangements with any such artist, artisan or craftsman, and (2) shall adopt regulations concerning implementation of the purposes of subsection (b) of this section and this subsection.

(g) Any work of art to be located in any building under the supervision, security, utilization and control of the Joint Committee on Legislative Management shall be approved by said committee.



Agency Legislative Proposal - 2021 Session

Document Name: 11012021_DAS_FireCodeTech

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DAS

Liaison: Lee Ross

Phone: 860-713-5085

E-mail: lee.ross@ct.gov

Lead agency division requesting this proposal: Office of the State Building Inspector

Agency Analyst/Drafter of Proposal: Lee Ross, Joe Cassidy

Title of Proposal: AAC Technical Changes to the Fire Codes

Statutory Reference: 29-292, 29-291c, 29-251c, 29-297, 29-303

Proposal Summary:

Section 1. Renames the advisory committee to Fire Prevention Code Committee, and clarifies the application of the Fire Prevention Code.

Specifically, the advisory committee established under this section has been operating as the Fire Prevention Code Committee to more accurately reflect its advisory role under the Fire Prevention Code. It also clarifies that the Fire Prevention Code governs all buildings constructed on or before December 31, 2005. This is necessary because older buildings have structural characteristics that would be technical violations under the Fire Safety Code (which applies to buildings constructed on or after January 1, 2006). For example, older buildings have stairways with 7 inch risers and 8 inch treads, instead of the newer requirement of 7 inch risers and 11 inch treads. It is impossible for older buildings to change stairwells as they are integral to the structure of the building. The Fire Prevention Code covers all required safety and prevention measures, but makes accommodations for older buildings.

Section 2. Makes technical changes to 29-291c, the code enforcement section, to include enforcement of both the State Fire Prevention Code and State Fire Safety Code.

This will clarify the Fire Marshal's enforcement authority under both codes.



Section 3. Adds an additional interim step to the Fire Prevention Code enforcement appeals process.

Specifically, if a party is aggrieved over a decision by the State Fire Marshal, instead of taking an appeal directly to the Superior Court, the party may appeal to the Fire Prevention Code Committee for resolution before appealing to the Superior Court, thereby potentially reducing the burden on the courts if there is a resolution. If a party wants to continue its appeal, it may then appeal to the Superior Court.

Section 4. Clarifies the scope of authority of the Fire Safety Code and makes technical changes to repeal outdated language relating to regulations. Repeals unnecessary and outdated language relating to smoke detectors.

Specifically, it requires that the Fire Safety Code be based on both model fire and life safety codes, codifying current practice of utilizing several nationally recognized codes to update and amend the State Fire Safety Code. Second, it clarifies that the Fire Safety Code applies to the all building constructed after December 31, 2005. Third, it repeals subparagraphs (2) and (3) of subsection (a), which are all either repetitive of other statutes or contain technical requirement language that has long been part of the state's fire and building codes. Fourth, it also **removes statutory language that prevents Connecticut homeowners from taking advantage of technological advancements.** Current language in subsection (a), for example, requires **homes built after 1985 to have smoke detection equipment that uses alternating current, which means hard-wired smoke alarms.** Technological advancements in the industry have resulted in wireless smoke alarms. Unfortunately, Connecticut homebuilders cannot take advantage of this advancement because state statute prevents us from allowing for its use in code.

Section 5. Makes a technical change to the fire zone access statute to require that both the Fire Safety and Fire Prevention codes require fire zones for the access of emergency vehicles to all buildings and facilities. This codifies existing practices within both fire codes.

Section 6. Repeals 29-295 in its entirety. 29-295 is duplicative of in that it consists of exactly the same fine structure as set forth in 29-291c(e).

Section 7. Makes technical changes to 29-296. Specifically, it removes the outdated reference to regulations, and specifically identifies the Fire Safety and Fire Prevention codes as authority.



Section 8. Makes technical changes to 29-305 regarding inspections by local fire marshals. Specifically, it removes all outdated references to regulations and identifies the Fire Safety and Fire Prevention codes as authority. In addition, it clarifies that all smoke and carbon monoxide detection and warning equipment must comply with the State Building Code as well as fire codes.

Section 9. Removes reference to the duplicative fine structure language in 29-295. Adds language to reference the fine structure in 29-291c.

Section 10. Makes a technical change to 29-251c regarding the Code Training and Education Board of Control. Specifically, it changes the source of three members of the Board from the Building Code Training Council to the Codes and Standards Committee.

Section 11. Makes a technical change to 29-297 regarding the appointment of a temporary local fire marshal. Specifically, it allows municipalities to appoint any individual who holds a fire marshal certification as a temporary local fire marshal rather than only a deputy fire marshal.

Section 12. Removes the requirement under 29-303 that local fire marshals or fire chiefs report to the State Fire Marshal all exposures by local firefighters to suspected carcinogens or other hazards from a fire, explosion or other fire emergency.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Without the changes, the fire code statutes would have outdated language that could create vagueness and confusion as to the roles of both the Fire Safety and Fire Prevention Codes, as well as the enforcement authority of the State Fire Marshall. In addition, C.G.S. 29-292 would remain poorly constructed lacking clear guidance to stakeholders on the existing smoke and warning equipment requirements. Current statute also limits the type of smoke detection/warning equipment required in residential buildings. Also streamlines the administrative work of the State Fire Marshal by eliminating duplicative reporting requirements.

◇ 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?

Sections 1-9 are being resubmitted as a result of the truncated 2020 Session. Sections 10-12 are new submissions.

PROPOSAL IMPACT

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

Agency Name: None

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)

None--- The local FM is the local authority for these issues – and the bill doesn't create any new enforcement duties.

State

None

Federal

None

Additional notes on fiscal impact

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

See above



Sec. 1. Section 29-291a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The State Fire Marshal, in coordination with the [advisory committee] **Fire Prevention Code Committee** established under subsection (b) of this section and in accordance with the provisions of section 29-291e, shall adopt and administer a State Fire Prevention Code based on a nationally recognized fire [prevention] code. The code shall be used to enhance the enforcement capabilities of local fire marshals and, **on and after the 2020 edition of the code, for the purposes of prevention of fire and other related emergencies in buildings constructed on or before December 31, 2005.** The code shall be revised as deemed necessary to incorporate any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions. The code shall include provisions for oil burners, flammable and combustible liquids, gas equipment and piping, liquefied gas and liquefied natural gas and hazardous chemicals.

(b) There is established [an advisory committee] **the Fire Prevention Code Committee** consisting of nine persons appointed by the State Fire Marshal. The State Fire Marshal shall appoint two members selected from a list of individuals submitted by the Codes and Standards Committee from the membership of said committee and seven members representing local fire marshals, deputy fire marshals and fire inspectors selected from a list of individuals submitted by the Connecticut Fire Marshals Association.

(c) The State Fire Marshal may issue official interpretations of the State Fire Prevention Code, including interpretations of the applicability of any provision of the code, upon the request of any person. The State Fire Marshal shall compile and index each interpretation and shall publish such interpretations at periodic intervals not exceeding four months.

Sec. 2. Section 29-291c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) When the State Fire Marshal or a local fire marshal ascertains that there exists in any building, or upon any premises, a condition that violates the State Fire Prevention Code **or the State Fire Safety Code**, the State Fire Marshal or local fire marshal shall order such condition remedied by the owner or occupant of such building or premises. Any such remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Such owner or occupant shall be subject to the penalties prescribed by subsection (e) of this section and, in addition, may be fined fifty dollars a day



for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate or remedy a violation pursuant to subsection (a) of this section within a reasonable period of time specified by the State Fire Marshal or the local fire marshal, the local fire marshal shall promptly notify, in writing, the prosecuting attorney having jurisdiction in the municipality in which such violation or condition exists of all of the relevant facts. The local fire marshal may request the chief executive officer, any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists or the State Fire Marshal, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant for the purpose of closing or restricting from public service or use the place or premises containing the violation or condition until the violation or condition has been remedied, or the State Fire Marshal may apply for such an injunction without such request.

(c) The State Fire Marshal or any local fire marshal empowered to enforce the State Fire Prevention Code **and the State Fire Safety Code** may, as an alternative to issuing an order pursuant to subsection (a) of this section, give the owner or occupant a written citation for any violation of the [State Fire Prevention Code] **applicable code**. No such citation may be issued if the owner or occupant has been previously issued a citation for the same violation by the State Fire Marshal or the local fire marshal within six months prior to the current violation. Such citation shall contain the name and address, if known, of the owner or occupant, the specific offense charged and the time and place of the violation. The citation shall be signed by the State Fire Marshal or local fire marshal and shall be signed by the owner or occupant in acknowledgment that such citation has been received. The State Fire Marshal or local fire marshal shall, if practicable, deliver a copy of the citation to the owner or occupant at the time and place of the violation or shall use some other reasonable means of notification. Any person who is issued a citation for violation of any provision of the [State Fire Prevention Code] **applicable code** in accordance with this subsection shall be fined not more than two hundred fifty dollars.

(d) If a local fire marshal issues a citation pursuant to subsection (c) of this section, the state shall remit to the municipalities in which the violations occurred ninety per cent of the proceeds of the fine and shall remit to the State Treasurer the remaining ten per cent. If the State Fire Marshal issues a citation pursuant to said subsection, the state shall remit to the State Treasurer the entire proceeds of the fine. Each clerk of the Superior Court or the Chief Court Administrator, on or before the thirtieth day of January, April, July and October in each year, shall certify to the Comptroller the amount due for the previous quarter under this subsection to each municipality served by the office of the clerk or official.



(e) In addition to the fine prescribed in subsection (a) of this section, any person who violates any provision of the State Fire Prevention Code **or the State Fire Safety Code** shall be fined not less than two hundred dollars or more than one thousand dollars or be imprisoned not more than six months, or both.

Sec. 3. Section 29-291d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The State Fire Marshal shall review a decision by a local fire marshal upon the request of any person determined to have the right to appeal or when the State Fire Marshal has reason to believe that such official has misconstrued or misinterpreted any provision of the State Fire Prevention Code adopted pursuant to section 29-291a. If upon review and after consultation with such official the State Fire Marshal determines that a provision of the code has been misconstrued or misinterpreted, the State Fire Marshal shall issue an interpretation of such code and may issue any order the State Fire Marshal deems appropriate. Any such determination or order shall be in writing and sent to such local fire marshal by registered mail, return receipt requested. Any person aggrieved by a decision made by the State Fire Marshal in accordance with this section or a decision of the State Fire Marshal relating to the enforcement of the State Fire Prevention Code may appeal such decision to the **Fire Prevention Code Committee established pursuant to subsection (b) of section 29-291a within fourteen days after receipt of such decision by the State Fire Marshal. Any person aggrieved by any ruling of the Fire Prevention Code Committee may appeal to the** superior court for the judicial district where the premises concerned are located.

Sec. 4. Section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a)(1) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same in accordance with the provisions of section 29-292a. The code shall be based on [a] nationally recognized model fire [code] **and life safety codes** and shall be revised as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. [The regulations in said] **On and after the 2020 edition of said code, the** code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto **constructed after December 31, 2005,**



except in private dwellings occupied by one or two families and upon all premises, and shall include provision for (A) carbon monoxide detection and warning equipment in (i) new residential buildings not exempt under [regulations] **the Fire Safety Code** adopted pursuant to this subsection and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, and (ii) all public or nonpublic school buildings, and (B) smoke detection and warning equipment in (i) residential buildings designed to be occupied by two or more families, (ii) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (iii) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries, **and (iv) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after July, 1, 2021, requiring equipment capable of operation using any power source permitted in the standards adopted in the Fire Safety Code.**

[(2) Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm.

(3) Said regulations shall (A) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon monoxide; (B) provide the requirements for



testing and inspecting carbon monoxide detection and warning equipment installed in public or nonpublic school buildings and shall include, but not be limited to, the frequency with which such equipment shall be tested and inspected; (C) require that, for a public or nonpublic school building, (i) any carbon monoxide detection equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2075, or (ii) any carbon monoxide warning equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2034; (D) require the installation and maintenance of such detection or warning equipment to comply with the manufacturer's instructions and with the standards set forth by the National Fire Protection Association; and (E) prohibit, for public and nonpublic school buildings for which a building permit for new occupancy is issued on or after January 1, 2012, the installation of any battery-operated carbon monoxide warning equipment or any plug-in carbon monoxide warning equipment that has a battery as its back-up power source.]

(b) (1) No certificate of occupancy shall be issued for any residential building designed to be occupied by two or more families, or any new residential building designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1978, unless the local fire marshal or building official has certified that such building is equipped with smoke detection and warning equipment complying with the Fire Safety Code **and the State Building Code**.

(2) No certificate of occupancy shall be issued for any (A) new residential building not exempt under [regulations adopted pursuant to subsection (a) of this section and designed to be occupied by one or two families] **the Fire Safety Code** for which a building permit for new occupancy is issued on or after October 1, 2005, or (B) public or nonpublic school building for which a building permit for new occupancy is issued on or after January 1, 2012, unless the local fire marshal or building official has certified that such residential or school building is equipped with carbon monoxide detection and warning equipment complying with the Fire Safety Code **and the State Building Code**.

(c) (1) No municipality, local or regional board of education, or supervisory agent of a nonpublic school, and (2) no employee, officer or agent of such municipality, board of education or supervisory agent acting without malice, in good faith and within the scope of his or her employment or official duties shall be liable for any damage to any person or property resulting from the failure to detect carbon monoxide within a public school building, provided carbon monoxide detection equipment is installed and maintained in accordance with the manufacturer's published instructions and with the [regulations] **the Fire Safety Code** established pursuant to this section.



Sec. 5. Section 29-293 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Fire Safety Code and the State Fire Prevention Code shall specify reasonable minimum requirements for fire safety in new and existing buildings and facilities.

(b) The **State Fire Safety Code and the State Fire Prevention Code** shall, and any municipality may, by ordinance, require the establishment of one or more fire zones for the orderly access of fire and other emergency equipment to buildings or facilities open to the public. Any such ordinance may be in accordance with the (1) size, type of construction and nature of use or occupancy of such buildings or facilities, and (2) the fire suppression equipment and method of attack utilized by the fire department.

Sec. 6. Section 29-295 of the general statutes is repealed in its entirety. (*Effective July 1, 2021*).

Sec. 7. Section 29-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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] **the State Fire Safety Code or 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 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.

Sec. 8. Section 29-305 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*)

(a) Each local fire marshal and the State Fire Marshal, for the purpose of satisfying themselves that all pertinent statutes and regulations are complied with, may inspect in the interests of public safety all buildings, facilities, processes, equipment, systems and other areas regulated by the Fire Safety Code and the State Fire Prevention Code within their respective jurisdictions.

(b) Each local fire marshal shall inspect or cause to be inspected, at least once each calendar year or as often as prescribed by the State Fire Marshal pursuant to subsection (e) of this



section, in the interests of public safety, all buildings and facilities of public service and all occupancies regulated by the Fire Safety Code **or the State Fire Prevention Code** within the local fire marshal's jurisdiction, except residential buildings designed to be occupied by one or two families which shall be inspected, upon complaint or request of an owner or occupant, only for the purpose of determining whether the requirements specified in said codes relative to smoke detection and warning equipment have been satisfied. In the case of a school building, each local fire marshal shall submit a written report to the local or regional board of education documenting each such inspection.

(c) Upon receipt by the State Fire Marshal of information from an authentic source that any other building or facility within the State Fire Marshal's jurisdiction is hazardous to life safety from fire, the State Fire Marshal shall inspect such building or facility.

(d) Upon receipt by the local fire marshal of information from an authentic source that any other building or facility within the local fire marshal's jurisdiction is hazardous to life safety from fire, the local fire marshal shall inspect such building or facility. In each case in which the local fire marshal conducts an inspection, the local fire marshal shall be satisfied that all pertinent statutes and regulations are complied with, and shall keep a record of such investigations. Such local fire marshal or a designee shall have the right of entry at all reasonable hours into or upon any premises within the local fire marshal's jurisdiction for the performance of the fire marshal's duties except that occupied dwellings and habitations, exclusive of common use passageways and rooms in tenement houses, hotels and rooming houses, may only be entered for inspections between the hours of 9:00 a.m. and 5:00 p.m., except in the event of any emergency requiring immediate attention for life safety, or in the interests of public safety. Each local fire marshal shall make a monthly report to the authority which appointed the local fire marshal and shall be paid for his or her services in making such inspections of buildings, facilities, processes, equipment, systems and other areas the compensation agreed upon with such appointing authority.

(e) The State Fire Marshal may adopt amendments to the Fire Safety Code and the State Fire Prevention Code regarding requirements for the frequency of inspections of different building uses regulated by the codes and set forth a schedule of inspections, except for inspections of residential buildings designed to be occupied by three or more families, that are less frequent than yearly if the interests of public safety can be met by less frequent inspections.

Sec. 9. Section 29-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) When the local fire marshal ascertains that there exists in any building, or upon any premises, (1) combustible or explosive matter, dangerous accumulation of rubbish or any



flammable material especially liable to fire, that is so situated as to endanger life or property, (2) obstructions or conditions that present a fire hazard to the occupants or interfere with their egress in case of fire, or (3) a condition in violation of the statutes relating to fire prevention or safety, or any regulation made pursuant thereto, the remedy of which requires construction or a change in structure, the local fire marshal shall order such materials to be immediately removed or the conditions remedied by the owner or occupant of such building or premises. Any such removal or remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Any person, firm or corporation which violates any provision of this subsection shall be fined not more than one hundred dollars or be imprisoned not more than three months, or both, and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate a hazard or remedy a condition pursuant to subsection (a) of this section within a reasonable period of time as specified by the local fire marshal, such local fire marshal shall promptly notify in writing the prosecuting attorney having jurisdiction in the municipality in which such hazard exists of all the facts pertaining thereto, and such official shall promptly take such action as the facts may require, and a copy of such notification shall be forwarded promptly to the State Fire Marshal. The local fire marshal may request the chief executive officer or any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists, or the State Fire Marshal, for the purpose of closing or restricting from public service or use such place or premises until such hazard has been remedied, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant; or the State Fire Marshal, on his own initiative, may apply to such court for such injunction. When such hazard is found to exist upon premises supervised or licensed by a state department or agency, the State Fire Marshal shall promptly notify the administrator of such department or agency of his findings and shall issue orders for the elimination of such hazard.

(c) If the local fire marshal or a local police officer determines that there exists in a building a risk of death or injury from (1) blocked, insufficient or impeded egress, (2) failure to maintain or the shutting off of any fire protection or fire warning system required by the Fire Safety Code or State Fire Prevention Code, (3) the storage of any flammable or explosive material without a permit or in quantities in excess of any allowable limits pursuant to a permit, (4) the use of any firework or pyrotechnic device without a permit, or (5) exceeding the occupancy limit established by the State Fire Marshal or a local fire marshal, such fire marshal or police officer may issue a verbal or written order to immediately vacate the building. Such fire marshal or police officer shall notify or submit a copy of such order to the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less from the time of such order. Upon receipt of any such notification or copy, the State Fire Marshal shall review such



order to vacate, and after consultation with the local fire marshal or local police officer, determine whether to uphold, modify or reverse such order, with any further conditions the State Fire Marshal deems appropriate to protect any person from injury. A violation of such order shall be subject to the penalties under section [29-295] **29-291c**.

Sec. 10. Section 29-251c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*).

(a) As used in subsections (a) to (c), inclusive, of this section “prior approval of the Code Training and Education Board of Control” means approval by the board of a fiscal year budget prepared by the Commissioner of Administrative Services. The commissioner shall develop a program to sponsor (1) training and educational programs in the mechanics and application of the State Building Code and the Fire Safety Code conducted for any municipal or state code official, or any candidate for such positions, and (2) continuing educational programs in the mechanics and application of the State Building Code and the Fire Safety Code for any architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state, and shall determine the equipment necessary to sponsor such training and educational programs.

(b) There is established the Code Training and Education Board of Control which shall promote code training and education. No funds shall be expended for the purposes listed in subsection (a) of this section without prior approval of the Code Training and Education Board of Control. The board shall consist of seven members as follows: (1) Three members of the [Building Code Training Council] **Codes and Standards Committee**, one each of whom shall be appointed by the speaker, majority leader and minority leader of the House of Representatives, (2) three members of the Fire Marshal Training Council, one each of whom shall be appointed by the president pro tempore, majority leader and minority leader of the Senate, and (3) one architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state, who shall be appointed by the Commissioner of Administrative Services. The members of the board shall continue in office for the term of three years from the first day of July next succeeding their appointment. Vacancies on the board shall be filled by the original appointing authority for the balance of the unexpired term.

(c) The commissioner shall establish a program of education and training in the mechanics and application of the State Building Code and the Fire Safety Code conducted for any municipal or state code official, or any candidate for such positions, and a continuing educational program in the mechanics and application of the State Building Code and the Fire Safety Code for any architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state.



(d) The Commissioner of Administrative Services may apply for any federal or private funds or contributions available for training and education of code officials or other persons eligible to receive training under subsections (a) to (c), inclusive, of this section. Not later than July 1, 2000, the Commissioner of Administrative Services, with the approval of the Building Code Training Council and the Fire Marshal Training Council, shall adopt regulations in accordance with chapter 54 to establish an administrative process to adjust as necessary (1) the amount of the education fee to be assessed by the State Building Inspector pursuant to section 29-252a and each municipal building official pursuant to section 29-263, and (2) the portion of the fees collected which may be retained by each municipal building department for administrative costs. The education fee shall be adjusted downward or upward, as the case may be, when necessary, but not more than annually, to reflect the actual cost of the training and educational programs and the continuing educational programs established in subsections (a) to (c), inclusive, of this section and the educational programs required in subsections (a) and (b) of section 29-262, except that no such fee may be increased by more than four cents in any one year. The portion of fees which may be retained for administrative costs shall be adjusted downward or upward, as the case may be, when necessary, but not more than annually, to reflect the actual costs incurred in collecting such fees, except that the fees to be retained for administrative costs may not be less than one cent or greater than three cents per thousand dollars of the value of the construction declared in the building permit application.

(e) The Commissioner of Administrative Services shall annually submit a report of the amount of funds received pursuant to subsection (d) of this section, or of any other funds received by the commissioner for the purposes of code training and education under this section, to the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding and appropriations. All direct expenses incurred in the conduct of the code training and educational programs, or of the operation, maintenance and repair of facilities, food services and other auxiliary services incurred in the conduct of the code training and educational programs, shall be charged, and any cost of equipment for code training and educational programs may be charged, against the funds appropriated for the code training and educational programs on order of the Comptroller. Any balance of receipts after expenditures shall be retained by the commissioner and shall be used solely for the code training and educational programs under this section and for the acquisition, as provided in section 4b-21, alteration and repairs of real property for educational facilities, provided repairs, alterations or additions to educational facilities costing fifty thousand dollars or less shall require the approval of the Commissioner of Administrative Services and capital projects costing over fifty thousand dollars shall require the approval of the General Assembly, or when the General Assembly is not in session, of the Finance Advisory Committee. Funds appropriated to or received by the Commissioner of Administrative Services for the code training and educational programs shall also be used for (1) (A) the operation, maintenance and repair of auxiliary services facilities, and (B) any other activities related to training and educational programs in



the mechanics and application of the State Building Code and the Fire Safety Code conducted for any municipal or state code official, or any candidate for such positions, and (2) continuing educational programs in the mechanics and application of the State Building Code and the Fire Safety Code for any architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state. No funds shall be used for the purposes of this section without prior approval of the Code Training and Education Board of Control, established pursuant to subsection (b) of this section.

Sec. 11. Section 29-297 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*).

(a) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough, or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough, or, in the case of an incorporated fire district, the executive authority of such district shall appoint a local fire marshal and such deputy fire marshals, fire inspectors and other fire code inspectors or fire investigators as may be necessary. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of such municipality. Each local fire marshal shall be sworn to the faithful performance of his or her duties by the clerk of the town, city, borough or fire district and shall continue to serve in that office until removed for cause. Such clerk shall record his or her acceptance of the position of local fire marshal and shall report the same in writing to the State Fire Marshal within ten days thereafter, giving the name and address of the local fire marshal and stating the limits of the territory in which the local fire marshal is to serve.

(b) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough or, in the case of an incorporated fire district, the executive authority of such district may, upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal, appoint [a deputy] **a person who holds a fire marshal certification issued pursuant to section 29-298 of the Connecticut General Statutes** as the acting fire marshal for a period not to exceed one hundred eighty days.

Sec. 12. Section 29-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*)

The fire chief or local fire marshal with jurisdiction over a town, city, borough or fire district where a fire, explosion or other fire emergency occurs shall furnish the State Fire Marshal a report that shall include (1) all the facts relating to its cause, its origin, the kind, the estimated



value and ownership of the property damaged or destroyed, [(2) the name of each firefighter who was (A) present at such fire, explosion or other fire emergency, and (B) exposed to heat, radiation or a known or suspected carcinogen as a result of such fire, explosion or other fire emergency, including the duration of each such firefighter's exposure,] and [(3)] such other information as called for by the State Fire Marshal on forms furnished by the State Fire Marshal, or in an electronic format prescribed by the State Fire Marshal. The fire chief or fire marshal may also submit reports regarding other significant fire department response to such fire or explosion, and such reports may be filed monthly but commencing January 1, 2008, such reports shall be filed not less than quarterly.



Agency Legislative Proposal - 2021 Session

Document Name: 11012021_DAS_BoilerCode

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DAS
Liaison: Lee Ross Phone: 860-713-5085 E-mail: lee.ross@ct.gov
Lead agency division requesting this proposal: Office of the State Building Inspector
Agency Analyst/Drafter of Proposal: Lee Ross, Joe Cassidy

Title of Proposal: AAC Revisions to the State Boiler Code
Statutory Reference: C.G.S. § 29-231
Proposal Summary: Technical modification to align the existing boiler code statute with the current model code.

PROPOSAL BACKGROUND

◇ Reason for Proposal

<p><i>Please consider the following, if applicable:</i></p> <ol style="list-style-type: none"> (1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary?</i> (2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?</i> (3) <i>Have certain constituencies called for this action?</i> (4) <i>What would happen if this was not enacted in law this session?</i> <p>In current statute there is no exclusion from certification for any boiler or water heater, regardless of size, in certain types of facilities, such as schools, day care centers, public and private hospitals, nursing and boarding homes, churches and public buildings. There are hundreds of small “point of use” water heaters in use in these facilities. OSBI is required to certify each of these units. These units are tested and listed by independent agencies, such as UL, and do not present a safety risk to the public. Model code language exempts these units from certification. This proposal creates an exception for this units in the boiler code statute.</p>
--

- ◇ **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?

This proposal is being resubmitted as a result of the truncated 2020 Session.

PROPOSAL IMPACT

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

Agency Name: None Agency Contact (name, title, phone): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> 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) If C.G.S. § 29-231 is not changed, municipalities will incur the expense of paying for the inspections that serve no practical purpose.
State Reduced number of objects to inspect and certify leading to administrative cost savings.
Federal None
Additional notes on fiscal impact

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

Streamlined government. Eliminating unneeded requirements.
--



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.



Agency Legislative Proposal - 2021 Session

Document Name : 11012021_DAS_3rdPartyCert

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Administrative Services

Liaison: Lee Ross

Phone: 860-713-5085

E-mail: lee.ross@ct.gov

Lead agency division requesting this proposal: Regulatory Compliance

Agency Analyst/Drafter of Proposal: Lee Ross, Joe Cassidy

Title of Proposal: AAC Certification of Third Party Inspection Agencies

Statutory Reference:

Proposal Summary: This proposal authorizes DAS to create a certification program whereby third party inspectors and firms would be certified by DAS to be able to perform certain building and elevator plan reviews, inspections, and certifications. The certification of the third party inspectors and inspection firms would be administered by DAS. The certification program would establish and maintain minimum qualifications, administrative guidelines and procedures to ensure that all inspections or reviews conducted by the third party inspectors/firms are at the highest professional level, and to ensure a process for verification and auditing of the third party inspectors/firms. In connection with building code compliance, building owners or construction firms would be able to contract with the certified inspectors, who would work under delegated authority from the local building official.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

There have been no law changes necessitating this change. New York City and the District of Columbia have similar programs for building inspections. From discussions with individuals familiar with each jurisdiction the programs have been successful and the outcomes have been, overall, positive. The building and development communities have asked for relief from delays in scheduling inspections, etc. Most municipalities are facing budgetary constraints and, despite collecting significant building permit fees, have not been able to staff their building



departments adequately to meet the demand for construction inspections. This limited staffing causes delays in scheduling inspections, creating delays in productivity for contractors. This program would allow contractors to work more efficiently with increased schedule certainty providing cost savings and encouraging development. The time pressure caused by this overloaded demand for inspections does not allow building department staff the necessary time to perform thorough inspections when they do them. This program would allow local departments to leverage limited resources with these outside resources improving overall public safety. An unregulated market already exists to provide plan review and inspection consulting services. This program would provide minimum standards, oversight and audit functions to this market, to improve its performance and insure the reliability of the third party product.

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?*

This is a resubmission as a result of the truncated 2020 Session.

PROPOSAL IMPACT

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

Agency Name: None Agency Contact (name, title, phone): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> There would be no fiscal impact to municipalities. This program would allow local building departments to leverage limited resources with the resources of these agencies alleviating the impacts of reduced staffing on citizens while improving overall public safety.
State



Staff would need to be reassigned and supplemented to administer this program and perform the review and audit functions contemplated in this program.
Federal None
Additional notes on fiscal impact Because the building owner or construction company – not the towns or the State – would be the entities that contract with the third-party inspectors, there will be no cost to the municipalities or state associated with the use of such third party inspectors.

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

The proposal will positively impact economic development and provide improved public safety.
--

An Act Concerning the Certification of Third Party Inspection Agencies

Sec. 1. (NEW) *(Effective October 1, 2021):*

The State Building Inspector and the Codes and Standards Committee acting jointly, with the approval of the Commissioner of Administrative Services, shall establish a program to certify independent inspectors and inspection firms to perform code inspections for submission to the local building official. The program shall establish classifications of inspectors and inspection firms, the duties and responsibilities of each inspector or inspection firm at each such classification level, including the insurance requirements and the minimum qualifications of inspectors or inspection firm at each such classification level. It shall establish an oversight and audit program administered by the State Building Inspector to insure the consistency and quality of a certified inspector or inspection firm's work product. The State Building Inspector may charge any person a reasonable fee for applying for certification. The commissioner may waive any such fee for any person who applies, in the form and manner prescribed by the commissioner, for a waiver of such fee and demonstrates that he or she is financially unable to pay such fee.