Senate

General Assembly

File No. 85

February Session, 2010

Substitute Senate Bill No. 195

Senate, March 23, 2010

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE DESIGNATION OF REGIONAL FIRE SCHOOLS.

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

Section 1. Section 3-123e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

The Comptroller shall disburse to any **[**regional fire school,**]** regional emergency dispatch center or any state or county-wide fire radio base network, in the form of a grant, such funds as may be appropriated to the Comptroller for the purposes of such **[**fire school,**]** emergency dispatch center or fire radio base network. Each such grant shall be disbursed in equal quarterly amounts at the beginning of each quarter of the state fiscal year. After the close of each fiscal year, each such **[**fire school,**]** emergency dispatch center or fire radio base network shall submit to the Comptroller, through the Connecticut State **[**Firemen's**]** <u>Firefighter's</u> Association, an audited report concerning the disbursement of such grant funds.

Sec. 2. Section 4-107a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) On or before November first, annually, each fire training school which received state funds for the current fiscal year shall submit a report, through the Connecticut State [Firemen's] Firefighter's Association, to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, through the legislative Office of Fiscal Analysis. The report shall set forth, in a form prescribed by said office, a detailed statement of (1) any expenditures of state funds during the previous fiscal year, (2) estimated expenditures of state funds during the current fiscal year, and (3) state funds requested for the following fiscal year.

(b) On or before November first, annually, each emergency communications center which received state funds for the current fiscal year shall submit a report, through the Connecticut State [Firemen's] Firefighter's Association, to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, through the legislative Office of Fiscal Analysis. The report shall set forth, in a form prescribed by said office, a detailed statement of (1) any expenditures of state funds during the previous fiscal year, (2) estimated expenditures of state funds during the current fiscal year, and (3) state funds requested for the following fiscal year.

Sec. 3. Section 7-323k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) There is established a Commission on Fire Prevention and Control to consist of twelve members appointed by the Governor. The State Fire Marshal or [his] a designee and the chancellor of the community-technical colleges or [his] a designee shall serve as ex-officio, voting members of said commission. Of the twelve members appointed by the Governor, two shall represent The Connecticut State [Firemen's] Firefighter's Association, two shall represent the

Connecticut Fire Chiefs Association, two shall represent the Uniformed Firefighters of the International Association of Firefighters, AFL-CIO, two shall represent the Connecticut Fire Marshals Association, two shall represent the Connecticut Fire Department Instructors Association and two shall represent the Connecticut Conference of Municipalities.

(b) On or before July fifteenth, annually, each organization to be represented on said commission shall submit to the Governor a list of nominees for appointment to said commission, which list the Governor may use when making **[**his**]** the appointments to said commission. On or before September 1, 1975, the Governor shall appoint eight members of said commission to serve for a term of three years and on or before September 1, 1976, **[**he**]** the Governor shall appoint four members for a term of one year. Thereafter **[**he**]** the Governor shall appoint members to said commission, to replace those whose terms have expired, to serve for three years. Persons appointed to said commission shall be qualified, by experience or education, in the fields of fire protection, fire prevention, fire suppression, fire fighting and related fields.

(c) The commission shall meet at such times and at such places as it deems proper. Said commission shall elect from its membership a chairman, vice chairman and secretary who shall serve a one year term commencing on October first of the year in which they are elected, provided nothing contained herein shall prevent their reelection to such office. No member of said commission shall receive compensation for **[**his**]** such member's services.

(d) Members of the commission shall not be considered as holding public office solely by virtue of their membership on said commission.

(e) The commission shall be within the Department of Public Safety for administrative purposes only.

Sec. 4. Section 28-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) All members of any auxiliary police, auxiliary fire or other civil preparedness force shall be compensated for death, disability or injury incurred while in training for or on civil preparedness duty under the provisions of this chapter as follows: (1) Employees of the state, municipalities or political subdivisions of the state who are members of civil preparedness forces and for whom such compensation is provided by any provision of existing law shall be construed to be acting within the scope of their employment while in training for or engaged in civil preparedness duties and shall be compensated in accordance with the provisions of chapter 568, section 5-142 or any special act concerning compensation to certain employees: Regular [policemen or firemen] police officers or firefighters who are members of the State Police Association or the State [Firemen's] Firefighter's Association shall be construed to be acting within the scope of their employment while in training for or engaged in civil preparedness duties and shall be entitled to all the benefits as members of said associations; (2) any persons who are engaged in regular employment apart and separate from their duties as members of civil preparedness forces and for whom such compensation is not so provided shall, while in training for or engaged in civil preparedness duty under the provisions of this chapter, be construed to be employees of the state for the purposes of chapter 568 and section 5-142 and shall be compensated by the state in accordance with the provisions of said chapter 568 and section 5-142. For the purposes of this subsection, the average weekly wage, as said term is used in said chapter 568, shall be ascertained by dividing the total wages received by the injured person from all employers during the twenty-six calendar weeks immediately preceding that in which [he] such person was injured by the number of calendar weeks during which, or any portion of which, such person was actually employed, but, in making such computation, absence for seven consecutive calendar days, though not in the same calendar week, shall be considered as absence for a calendar week. For the purpose of determining the amount of compensation to be paid in the case of a minor under the age of eighteen years who has sustained an injury entitling [him] such person to compensation for total or partial

incapacity for a period of fifty-two or more weeks, or to specific indemnity for any of the injuries enumerated in section 31-308, fifty per cent may be added to the average weekly wage. When the injured person is a trainee or apprentice receiving a subsistence allowance from the United States because of war service, such allowance shall be added to **[**his**]** such person's actual earnings in determining the average weekly wage. All claims under this subsection shall be determined according to the procedures specified in chapter 568. For the purpose of this subsection, no person shall be considered regularly employed unless **[**his**]** such person's total employment previous to injury as provided above exceeds a net period of thirteen calendar weeks; (3) any member of the civil preparedness forces not covered in subdivision (1) or (2) hereof, for disability or injury incurred while in training or on civil preparedness duty under the provisions of this chapter, or **[**his**]** such member's dependents in the event of **[**his**]** such member's death while in such training or on such civil preparedness duty, shall be compensated by the state in such amount as is determined to be just and reasonable by the compensation commissioner for the district in which such member resides or resided, provided a claim shall be made in writing to the commissioner for the district in which the claimant resides within one year from the date of injury or death. In no event shall such amount exceed the maximum payments provided in chapter 568 or be less than the minimum wage as determined by the Labor Commissioner for a period of recovery from injury to be determined by such compensation commissioner.

(b) Any sums payable under any Act of Congress or other federal program as compensation for death, disability or injury of civil preparedness workers shall be deducted from the amount payable under subsection (a) of this section.

Sec. 5. Section 3-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Whenever a person, under the provisions of the constitution and bylaws of The Connecticut State **[**Firefighters**]** Firefighter's Association,

is entitled to relief from said association, as a firefighter injured in the line of duty, or rendered sick by disease contracted while in the line of duty, or as the widow or child of a firefighter killed in the line of duty, the Comptroller shall, upon the delivery to **[**him**]** the Comptroller of proper proofs from said association of the right of such person to relief as aforesaid, draw **[**his**]** an order upon the Treasurer in favor of the person or persons entitled to such relief, or their legal representative, for the amount to which such person or persons are entitled as relief as aforesaid, provided such orders shall be limited to available appropriations.

Sec. 6. (NEW) (*Effective October 1, 2010*) (a) No regional fire school shall be established without the approval of the Commission on Fire Prevention and Control, in consultation with the Connecticut State Firefighter's Association. Any entity that seeks to establish a regional fire school shall submit an application to the commission. Not later than sixty days after such submission, the commission, in consultation with the Connecticut State Firefighter's Association, shall approve or deny such application.

(b) The commission may, in consultation with the Connecticut State Firefighter's Association, suspend or revoke the approval of any regional fire school that fails to meet the standards established by the commission in accordance with section 7-323*l* of the general statutes, as amended by this act or any regulations adopted in accordance with subsection (d) of this section, provided no regional fire school established prior to October 1, 2010, may have its approval suspended or revoked under this section. Any regional fire school that has had its approval revoked or suspended may request a hearing, not later than ten days after receiving the notice of such revocation or suspension. Upon request, a hearing shall be held in accordance with chapter 54 of the general statutes not later than thirty days after the commission's receipt of such request. Any appeal of such revocation or suspension shall be in accordance with section 4-183 of the general statutes.

(c) The commission shall disburse to the regional fire schools in the

179 form of a grant any funds appropriated to the commission for the
180 purposes of the regional fire schools. Not later than June 30, 2011, and
181 annually thereafter, each regional fire school shall submit an audited
182 report concerning the use of such funds to the Connecticut State
183 Firefighter's Association. The association shall provide the commission
184 with a copy of such report.

185 (d) The commission shall adopt regulations in accordance with the
186 provisions of chapter 54 of the general statutes to implement the
187 provisions of this section.

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

190 (a) The commission shall:

191 (1) Recommend minimum standards of education and physical
192 condition required of each candidate for any firefighter position;

193 (2) Establish standards for a fire service training and education
194 program, on a voluntary basis, and develop and conduct an
195 examination program to certify those fire service personnel who
196 satisfactorily demonstrate their ability to meet the requirements of the
197 fire service training and education program standards;

198 (3) Conduct fire fighting training and education programs designed
199 to assist firefighters in developing and maintaining their skills and
200 keeping abreast of technological advances in fire suppression, fire
201 protection, fire prevention and related fields;

202 (4) Recommend standards for promotion to the various ranks of fire
203 departments;

204 (5) Be authorized to apply for, receive and distribute any state,
205 federal or private funds or contributions available for training and
206 education of fire fighting personnel; **[**and**]**

207 (6) Approve or reject the establishment of or, when appropriate,

suspend or revoke the approval of, regional fire schools in accordance with section 6 of this act; and

[(6)**]** (7) Submit to the Governor and Joint Legislative Management Committee of the General Assembly an annual report relating to the activities, recommendations and accomplishments of the commission.

(b) The commission may adopt regulations, in accordance with the provisions of chapter 54, as are necessary to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2010*	3-123e
Sec. 2	*October 1, 2010*	4-107a
Sec. 3	*October 1, 2010*	7-323k
Sec. 4	*October 1, 2010*	28-14
Sec. 5	*October 1, 2010*	3-123
Sec. 6	*October 1, 2010*	New section
Sec. 7	*October 1, 2010*	7-323*l*

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 $	FY 12 $
Fire Prevention & Control, Com.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Sections 1 - 5 of this bill make technical changes to codify current practice. There is no associated fiscal impact.

Sections 6 – 7 of this bill allow the Commission on Fire Prevention and Control (CFPC) to establish or revoke the designation of a regional fire school. It is anticipated that any administrative and procedural costs associated with this change would be infrequent and minimal. As such, the CFPC could accommodate the change without requiring additional resources. A regional fire school can appeal in the case of revocation. The establishment and appeals processes are administrative in nature and would not have a fiscal impact.

Section 6(c) specifies that the Commission disburses appropriated funds to each regional fire school with the requirement that the schools submit an audited report concerning the use of those funds. This codifies current practice and therefore has no associated fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
sSB 195

AN ACT CONCERNING THE DESIGNATION OF REGIONAL FIRE SCHOOLS.

SUMMARY:

This bill prohibits regional fire schools from being established without the approval of the Commission on Fire Prevention and Control, with the consultation with the Connecticut State Firefighter's Association (CSFA). The commission must approve or deny any application within 60 days.

The bill allows the commission, in consultation with the CSFA, to suspend or revoke the approval of any regional fire school, established after October 1, 2010 that fails to meet the commission's standards. Any school whose approval is suspended or revoked may request a hearing within 10 days of receiving notice. The commission then has 30 days to hold a hearing.

The bill transfers to the commission from the comptroller, authority to disburse state-funded grants to the regional fire schools. Annually, beginning by June 30, 2011, the schools must submit audited reports on their use of grant funds to the CSFA. The CFSA must then provide the commission instead of the comptroller, with a copy of the report.

Finally, the bill requires the commission to adopt implementing regulations.

EFFECTIVE DATE: October 1, 2010

BACKGROUND

Commission on Fire Prevention and Control

The commission oversees various aspects of preventing and

controlling fires. It consists of 12 members appointed by the governor and is within the Department of Public Safety for administrative purposes (CGS § 7-123k).

Regional Fire Training Schools

The nine Connecticut regional fire training schools are located in Derby, Fairfield, Middletown, New Haven, Stamford, Torrington, Willimantic, Windsor Locks, and Wolcott. Eight are operated and controlled by municipal or regional fire associations. The Windsor Locks school shares a building that is under the care, custody, and control of the commission.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute
Yea 20 Nay 0 (03/09/2010)