

Testimony of Patrick T. Tourville

House Bill 5156 'AN ACT CONCERNING THE DISMISSAL OF LOCAL FIRE MARSHALS', to clarify that a municipality may dismiss a fire marshal employed or appointed on an at will basis in accordance with such municipality's charter or home rule ordinance.

Chairs, Representative Dargan and Senator Stillman

Members of the Public Safety and Security committee

My name is Patrick Tourville and I currently serve as the Deputy Fire Marshal for the Simsbury Fire District and have done so for the past 11 years. I also have the pleasure of serving as the President for the Connecticut Fire Marshals Association. Thank you for the opportunity to speak, on behalf of myself and the Connecticut Fire Marshals Association, in opposition to **House Bill 5156 'AN ACT CONCERNING THE DISMISSAL OF LOCAL FIRE MARSHALS'**

In my view and in the view of the association, this bill should not be considered for the following reasons.

1. CGS. § 29-299 already exists and is spelled out clearly to the removal of the local Fire Marshal with CGS § 29-298b supporting the process in where a local Fire Marshal has performed the duties of his office in an incompetent or negligent manner must go through a hearing process.
2. The State Fire Marshal provides the training and ability to achieve a certificate to become certified. A municipality appoints the local fire marshal. The local Marshal is required to maintain 90 hours of training over a three year period to insure the fire marshal stays current with changing statues, codes and new technologies to maintain his or her certification. The state fire marshal has the ability to review a local fire marshal upon receipt of a complaint as described in CGS 29-298b. This keeps the Fire Marshal Certification and removal **standardized** across the state without having each municipality with their own rules on how Fire Marshals may be dismissed.
3. The Fire Marshals position within the community is a difficult one. When the local marshal finds violations of the Connecticut Fire Safety Code during his or her annual inspection some building owners react in many ways to try and stall or bypass having to make repairs to the property. The local fire marshal utilizes the Connecticut Fire Safety Code to reference these said violations to insure the property is fire safe for both the occupants and patrons that may occupy the building. The local community's political influence is often strong as many of the business owners and elected officials interact. This has an impact on the local marshal as the town/city official may put pressure to try and limit the

impact on the building owner. The political pressure that faces the local marshal is that he or she has done their job following all the proper channels but could be subjected to dismissal on the simple fact that the elected official's direction was to leave it alone. There is no process to protect all parties involved.

Again thank you for the opportunity to address our concerns with this bill with you today.

Upon receipt of a written complaint from any person alleging that a local fire marshal, deputy fire marshal or fire inspector has performed the duties of his office in an incompetent or negligent manner, the State Fire Marshal shall investigate such complaint and if he determines that probable cause exists, shall hold a hearing on the complaint. The State Fire Marshal shall provide such local fire official with written notice of the date, time and place of a public hearing on the complaint to be held before the State Fire Marshal or the deputy fire marshal not less than ten nor more than twenty days after such notice, the specific grounds for revocation of such local fire official's certificate and a copy of the written complaint or complaints concerning him. Such local fire official shall have the opportunity to be heard in his own defense, personally or by counsel, at such public hearing. Following such hearing, the State Fire Marshal shall make a finding as to whether or not the certificate of such local fire official should be revoked. If the State Fire Marshal finds that such local official's certificate should be revoked, he shall revoke the certification and immediately notify the appointing authority of the municipality in which the local fire official serves that such certification has been revoked. Any local fire official whose certification is revoked may appeal in accordance with the provisions of section 4-183.

If a local fire marshal fails to faithfully perform the duties of his office, the appointing authority of the municipality in which he is serving shall, after proper inquiry, dismiss him and appoint another in his place. The State Fire Marshal shall be promptly notified of the removal from office of any local fire marshal and of the appointment of his successor.