



# House of Representatives

General Assembly

**File No. 391**

January Session, 2019

Substitute House Bill No. 5455

*House of Representatives, April 4, 2019*

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

## ***AN ACT CONCERNING QUALIFIED FOREST FIRE FIGHTERS.***

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

1 Section 1. Section 23-37 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) State forest fire control personnel and district and deputy fire  
4 wardens shall, under the supervision of the State Forest Fire Warden,  
5 use all necessary means to prevent and extinguish forest fires.

6 (b) Such state forest fire control personnel shall assist the fire chief  
7 or the fire officer-in-charge in the control and direction of all persons  
8 and apparatus while engaged in extinguishing forest fires in their  
9 respective districts, or in other districts under the instructions of the  
10 State Forest Fire Warden.

11 (c) Such state forest fire control personnel and fire wardens may  
12 destroy fences, plow land or, in an emergency, close roads, with or

13 without detours, and set backfires to hasten the control of any fire.

14 [(d) Such state forest fire control personnel may summon any  
15 resident of the state between the ages of eighteen and fifty years to  
16 assist in extinguishing fires, and may also require the use of  
17 equipment, motor vehicles and other property needed for such  
18 purposes. Any person so summoned, who is physically able, who  
19 refuses or neglects to assist or to allow the use of equipment, motor  
20 vehicles or other material or property, or wilfully interferes with or  
21 hinders any warden or other person having authority under this  
22 section, shall be fined not more than two hundred dollars.]

23 (d) If the state forest fire warden determines that additional state  
24 forest fire control personnel are required to assist in extinguishing a  
25 forest fire in this state, the state forest fire warden may temporarily  
26 supplement state forest fire control personnel with temporary  
27 emergency workers who meet the training and qualification  
28 requirements of the National Incident Management System: Wildland  
29 Fire Qualification System Guide published by the National Wildfire  
30 Coordinating Group, as amended from time to time. The Department  
31 of Administrative Services shall assist the state fire warden in  
32 developing appropriate classifications for such temporary emergency  
33 workers.

34 (e) No action for trespass shall lie against any person crossing or  
35 working upon lands of another to extinguish fire or for investigation  
36 thereof.

37 Sec. 2. Subsection (f) of section 7-314a of the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective July*  
39 *1, 2019*):

40 (f) Any member of a volunteer fire company or department and any  
41 [person summoned by the State Forest Fire Warden or by any state  
42 forest fire personnel or district or deputy fire warden under the  
43 supervision of the State Forest Fire Warden pursuant to] temporary  
44 emergency worker utilized under subsection (d) of section 23-37, as

45 amended by this act, who performs fire duties under the direction of  
46 [such] the State Forest Fire Warden, state forest fire personnel or  
47 district or deputy fire warden under the supervision of the State Forest  
48 Fire Warden pursuant to section 23-37, as amended by this act, shall be  
49 construed to be an employee of the state for the purpose of receiving  
50 compensation in accordance with the provisions of chapter 568 for  
51 death, disability or injury incurred while performing such fire duties  
52 under such direction.

53 Sec. 3. Section 23-40 of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective July 1, 2019*):

55 The State Forest Fire Warden may appoint patrol personnel, who  
56 shall receive compensation for the time actually employed, and may  
57 establish and equip fire lookout stations and furnish necessary  
58 equipment for such patrol personnel. Any patrol personnel so  
59 appointed for such purpose shall have authority [to summon  
60 assistance as provided in section 23-37 and] to render bills for such  
61 expenses as provided in section 23-39.

62 Sec. 4. Subsection (b) of section 51-164n of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective July*  
64 *1, 2019*):

65 (b) Notwithstanding any provision of the general statutes, any  
66 person who is alleged to have committed (1) a violation under the  
67 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
68 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
69 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,  
70 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
71 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
72 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
73 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
74 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
75 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
76 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
77 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,

78 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-  
79 67a, subsection (g) of section 14-80, subsection (f) of section 14-80h,  
80 section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-  
81 153 or 14-163b, a first violation as specified in subsection (f) of section  
82 14-164i, section 14-219 as specified in subsection (e) of said section,  
83 subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a,  
84 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-  
85 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section  
86 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-  
87 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)  
88 of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-  
89 97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or  
90 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
91 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33,  
92 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-  
93 105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-  
94 287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-  
95 340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-  
96 265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39,  
97 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2,  
98 subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of  
99 subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a)  
100 of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection  
101 (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of  
102 subsection (a) of section 21a-159, subsection (a) of section 21a-279a,  
103 section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-  
104 36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54,  
105 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-  
106 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326  
107 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-  
108 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
109 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or  
110 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,  
111 22a-461, [23-37,] 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)  
112 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a)

113 of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40,  
 114 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1)  
 115 of subsection (d) of section 26-61, section 26-64, subdivision (1) of  
 116 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-  
 117 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,  
 118 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-  
 119 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,  
 120 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,  
 121 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e)  
 122 or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of  
 123 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section  
 124 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-  
 125 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-  
 126 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,  
 127 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,  
 128 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,  
 129 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-  
 130 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
 131 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-  
 132 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,  
 133 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of  
 134 section 53-344b, or section 53-450, or (2) a violation under the  
 135 provisions of chapter 268, or (3) a violation of any regulation adopted  
 136 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
 137 or (4) a violation of any ordinance, regulation or bylaw of any town,  
 138 city or borough, except violations of building codes and the health  
 139 code, for which the penalty exceeds ninety dollars but does not exceed  
 140 two hundred fifty dollars, unless such town, city or borough has  
 141 established a payment and hearing procedure for such violation  
 142 pursuant to section 7-152c, shall follow the procedures set forth in this  
 143 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	23-37

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Sec. 2	<i>July 1, 2019</i>	7-314a(f)
Sec. 3	<i>July 1, 2019</i>	23-40
Sec. 4	<i>July 1, 2019</i>	51-164n(b)

**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.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

This bill designates the state forest fire warden as the sole authority regarding who can add assistants for extinguishing a forest fire. Currently, state forest fire control personnel and state forest fire warden-appointed patrol personnel may summon assistance.

The bill makes several other changes regarding forest fire staff, and other confirming changes, none of which result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 5455**

***AN ACT CONCERNING QUALIFIED FOREST FIRE FIGHTERS.***

**SUMMARY**

This bill designates the state forest fire warden as the sole authority who may add assistants to the state forest fire control personnel for extinguishing a forest fire in the state. Under current law, state forest fire control personnel and state forest fire warden-appointed patrol personnel may summon assistance.

The bill specifically allows for qualified, temporary emergency workers to be added to the state forest fire control personnel and eliminates the option of summoning any resident of certain ages to assist with extinguishing forest fires. It also eliminates provisions that allow such personnel to requisition private property for fire-fighting purposes.

The bill makes several conforming changes relating to summoned residents, including removing (1) state workers' compensation benefits for those who assist and (2) fines for those who refuse or neglect to assist or to allow use of their property. It also extends the same workers' compensation benefits to the temporary emergency workers and requires the Department of Administrative Services to assist the state forest fire warden in developing appropriate classifications for these workers.

The bill also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

**ASSISTANTS FOR FIGHTING FOREST FIRES**

Current law authorizes state forest fire control personnel and state forest fire warden-appointed patrol personnel to (1) summon any



resident aged 18 to 50 years to assist in extinguishing forest fires and (2) requisition equipment, motor vehicles, and other property for the same purpose. Summoned persons must be fined up to \$200 if they are physically able but (1) refuse or neglect to assist or to allow use of their property or (2) willfully interfere with or hinder certain persons of authority. The bill eliminates all of these provisions.

Under the bill, if the state forest fire warden determines that additional assistants are required to extinguish a forest fire in the state, he or she may add “temporary emergency workers” who meet specified training and qualification requirements to the state forest fire control personnel. These workers must specifically be trained and qualified under the National Incident Management System: Wildland Fire Qualification System Guide published by the National Wildfire Coordinating Group.

**BACKGROUND**

***State Forest Fire Warden***

By law, the Department of Energy and Environmental Protection commissioner is the state forest fire warden (CGS § 23-33). The warden’s powers include, among other things, the authority to enter into agreements with federal agencies, cities, boroughs, fire districts, and forest protective associations to prevent and control forest fires. The warden may also employ volunteer fire companies for assisting in fighting forest fires and establish compensation rates for equipment usage, fire-fighting materials and supplies, and volunteer company firefighter and laborer time (CGS § 23-36).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/19/2019)