

House of Representatives, April 9, 1998. The Committee on Appropriations reported through REP. DYSON, 94th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE BUILDING CODE.

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

1 Section 1. (NEW) (a) As used in this section,  
2 "prior approval of the code training and education  
3 board of control" means approval by the board of a  
4 fiscal year budget prepared by the Commissioner of  
5 Public Safety. There is established the "code  
6 training and education account" which shall be a  
7 separate nonlapsing account within the General  
8 Fund. The account shall be used solely (1) to  
9 sponsor (A) training and educational programs in  
10 the mechanics and application of the State  
11 Building Code and the State Fire Safety Code  
12 conducted for any municipal or state code  
13 official, or any candidate for said positions, and  
14 (B) continuing educational programs in the  
15 mechanics and application of the State Building  
16 Code and the State Fire Safety Code for any  
17 architect, engineer, landscape architect, interior  
18 designer, builder, contractor or superintendent of  
19 construction doing business in this state, and (2)  
20 for the purchase of equipment necessary to sponsor  
21 such training and educational programs.  
22 (b) There is established the code training  
23 and education board of control which shall promote

24 code training and education. No funds from the  
25 code training and education account shall be used  
26 for the purposes listed in subsection (a) of this  
27 section without prior approval of the code  
28 training and education board of control. The board  
29 shall consist of five members; two members from  
30 the membership of the Building Code Training  
31 Council, one of whom shall be selected by the  
32 house chairperson and one of whom shall be  
33 selected by the house ranking member of the joint  
34 standing committee of the General Assembly having  
35 cognizance of matters relating to finance, revenue  
36 and bonding; two members from the membership of  
37 the Fire Marshal Training Council, one of whom  
38 shall be selected by the senate chairperson and  
39 one of whom shall be selected by the senate  
40 ranking member of the joint standing committee of  
41 the General Assembly having cognizance of matters  
42 relating to finance, revenue and bonding from the  
43 membership of the Fire Marshal Training Council;  
44 and one member who shall be an architect,  
45 engineer, landscape architect, interior designer,  
46 builder, contractor or superintendent of  
47 construction doing business in this state  
48 appointed by the Commissioner of Public Safety.  
49 The members of the board shall continue in office  
50 for the term of three years from the first day of  
51 July next succeeding their appointment. Vacancies  
52 on the board shall be filled by the original  
53 appointing authority for the balance of the  
54 unexpired term. The Commissioner of Public Safety  
55 shall annually submit a report of the amount of  
56 funds from the code training and education account  
57 used for said purposes to the cochairpersons and  
58 ranking members of the joint standing committee of  
59 the General Assembly having cognizance of matters  
60 relating to finance, revenue and bonding. All  
61 direct expenses incurred in the conduct of the  
62 training and educational programs shall be  
63 charged, and any payments of principal and  
64 interest of bonds or any sums transferable to any  
65 fund for the payment of principal and interest of  
66 bonds and any cost of equipment for such  
67 operations may be charged, against the account on  
68 order of the State Comptroller. Any balance of  
69 receipts above expenditures shall remain in the  
70 account to be used for the training and  
71 educational programs and for the acquisition, as

72 provided in section 4b-21 of the general statutes,  
73 as amended, alteration and repairs of real  
74 property for educational facilities, except such  
75 sums as may be required to be transferred from  
76 time to time to any fund for the redemption of  
77 bonds and payment of interest on bonds, provided  
78 repairs, alterations or additions to educational  
79 facilities costing fifty thousand dollars or less  
80 shall require the approval of the Commissioner of  
81 Public Works and capital projects costing over  
82 fifty thousand dollars shall require the approval  
83 of the General Assembly, or when the General  
84 Assembly is not in session, of the Finance  
85 Advisory Committee.

86 (c) There is established the "code training  
87 and education auxiliary services account" which  
88 shall be a separate nonlapsing account within the  
89 General Fund. The account shall be used solely for  
90 (1) (A) the operation, maintenance and repair of  
91 auxiliary services facilities, and (B) any other  
92 activities related to training and educational  
93 programs in the mechanics and application of the  
94 State Building Code and the State Fire Safety Code  
95 conducted for any municipal or state code  
96 official, or any candidate for said positions, and  
97 (2) continuing educational programs in the  
98 mechanics and application of the State Building  
99 Code and the State Fire Safety Code for any  
100 architect, engineer, landscape architect, interior  
101 designer, builder, contractor or superintendent of  
102 construction doing business in this state. No  
103 funds from such account shall be used for said  
104 purposes without prior approval of the code  
105 training and education board of control,  
106 established pursuant to subsection (b) of this  
107 section. All direct expenses of operation,  
108 maintenance and repair of facilities, food  
109 services and other auxiliary services incurred in  
110 the conduct of the training and educational  
111 programs shall be charged, and any payments of  
112 principal and interest of bonds or any sums  
113 transferable to any fund for the payment of  
114 interest and principal of bonds and any cost of  
115 equipment for such operations may be charged,  
116 against the account on order of the State  
117 Comptroller. Any balance of receipts above  
118 expenditures shall remain in the account to be  
119 used for such training and educational programs,

120 and for the acquisition, as provided in section  
121 4b-21 of the general statutes, as amended,  
122 alteration and repairs of real property for  
123 educational facilities, except such sums as may be  
124 required to be transferred from time to time to  
125 any fund for the redemption of bonds and payment  
126 of interest on bonds, provided repairs,  
127 alterations or additions to educational facilities  
128 costing fifty thousand dollars or less shall  
129 require the approval of the Commissioner of Public  
130 Works and capital projects costing over fifty  
131 thousand dollars shall require the approval of the  
132 General Assembly or, when the General Assembly is  
133 not in session, of the Finance Advisory Committee.  
134 The Commissioner of Public Safety, with the  
135 approval of the Finance Advisory Committee, may  
136 borrow from the resources of the General Fund at  
137 any time such sum or sums as he deems advisable to  
138 establish or continue auxiliary services  
139 activities and such sum or sums shall be repaid in  
140 accordance with a schedule established by the  
141 Secretary of the Office of Policy and Management.

142 Sec. 2. (NEW) The Commissioner of Public  
143 Safety may apply for, receive and deposit in the  
144 code training and education account or the code  
145 training and education auxiliary services account  
146 established by section 1 of this act any federal  
147 or private funds or contributions available for  
148 training and education of code officials or other  
149 persons eligible to receive training under section  
150 1 of this act. Not later than July 1, 1999, the  
151 Commissioner of Public Safety, with the approval  
152 of the Building Code Training Council and the Fire  
153 Marshal Training Council, shall adopt regulations  
154 in accordance with chapter 54 of the general  
155 statutes to establish an administrative process to  
156 adjust as necessary (1) the amount of the  
157 education fee to be assessed by the State Building  
158 Inspector pursuant to section 29-252a of the  
159 general statutes, as amended by section 4 of this  
160 act, and each municipal building official pursuant  
161 to section 29-263 of the general statutes, as  
162 amended by section 5 of this act, (2) the  
163 percentage of the fees collected which may be  
164 retained by each municipal building department for  
165 administrative costs, (3) the percentage of the  
166 fees which shall be deposited in the code training  
167 and education account established by subsection

168 (a) of section 1 of this act, and (4) the  
169 percentage of the fees which shall be deposited in  
170 the code training and education auxiliary services  
171 account established by subsection (b) of section 1  
172 of this act. The education fee shall be adjusted  
173 downward or upward, as the case may be, when  
174 necessary, but not more than annually to reflect  
175 the actual cost of the training and educational  
176 programs and the continuing educational programs  
177 established in section 1 of this act, except that  
178 no such fee may be increased by more than four per  
179 cent in any one year. The percentage of fees which  
180 may be retained for administrative costs shall be  
181 adjusted downward or upward, as the case may be,  
182 when necessary, but not more than annually, to  
183 reflect the actual costs incurred in collecting  
184 such fees except that no such percentage of fees  
185 to be retained for administrative costs may be  
186 less than one per cent or greater than three per  
187 cent.

188 Sec. 3. Subsection (b) of section 1-19 of the  
189 general statutes, as amended by section 4 of  
190 public act 97-47 and section 14 of public act  
191 97-293, is repealed and the following is  
192 substituted in lieu thereof:

193 (b) Nothing in the Freedom of Information Act  
194 shall be construed to require disclosure of (1)  
195 preliminary drafts or notes provided the public  
196 agency has determined that the public interest in  
197 withholding such documents clearly outweighs the  
198 public interest in disclosure; (2) personnel or  
199 medical files and similar files the disclosure of  
200 which would constitute an invasion of personal  
201 privacy; (3) records of law enforcement agencies  
202 not otherwise available to the public which  
203 records were compiled in connection with the  
204 detection or investigation of crime, if the  
205 disclosure of said records would not be in the  
206 public interest because it would result in the  
207 disclosure of (A) the identity of informants not  
208 otherwise known or the identity of witnesses not  
209 otherwise known whose safety would be endangered  
210 or who would be subject to threat or intimidation  
211 if their identity was made known, (B) signed  
212 statements of witnesses, (C) information to be  
213 used in a prospective law enforcement action if  
214 prejudicial to such action, (D) investigatory  
215 techniques not otherwise known to the general

216 public, (E) arrest records of a juvenile, which  
217 shall also include any investigatory files,  
218 concerning the arrest of such juvenile, compiled  
219 for law enforcement purposes, (F) the name and  
220 address of the victim of a sexual assault under  
221 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b  
222 or 53a-73a, or injury or risk of injury, or  
223 impairing of morals under section 53-21, AS  
224 AMENDED, or of an attempt thereof, or (G)  
225 uncorroborated allegations subject to destruction  
226 pursuant to section 1-20c; (4) records pertaining  
227 to strategy and negotiations with respect to  
228 pending claims or pending litigation to which the  
229 public agency is a party until such litigation or  
230 claim has been finally adjudicated or otherwise  
231 settled; (5) trade secrets, which for purposes of  
232 the Freedom of Information Act, are defined as  
233 unpatented, secret, commercially valuable plans,  
234 appliances, formulas or processes, which are used  
235 for the making, preparing, compounding, treating  
236 or processing of articles or materials which are  
237 trade commodities obtained from a person and which  
238 are recognized by law as confidential, and  
239 commercial or financial information given in  
240 confidence, not required by statute; (6) test  
241 questions, scoring keys and other examination data  
242 used to administer a licensing examination,  
243 examination for employment or academic  
244 examinations; (7) the contents of real estate  
245 appraisals, engineering or feasibility estimates  
246 and evaluations made for or by an agency relative  
247 to the acquisition of property or to prospective  
248 public supply and construction contracts, until  
249 such time as all of the property has been acquired  
250 or all proceedings or transactions have been  
251 terminated or abandoned, provided the law of  
252 eminent domain shall not be affected by this  
253 provision; (8) statements of personal worth or  
254 personal financial data required by a licensing  
255 agency and filed by an applicant with such  
256 licensing agency to establish his personal  
257 qualification for the license, certificate or  
258 permit applied for; (9) records, reports and  
259 statements of strategy or negotiations with  
260 respect to collective bargaining; (10) records,  
261 tax returns, reports and statements exempted by  
262 federal law or state statutes or communications  
263 privileged by the attorney-client relationship;

264 (11) names or addresses of students enrolled in  
265 any public school or college without the consent  
266 of each student whose name or address is to be  
267 disclosed who is eighteen years of age or older  
268 and a parent or guardian of each such student who  
269 is younger than eighteen years of age, provided  
270 this subdivision shall not be construed as  
271 prohibiting the disclosure of the names or  
272 addresses of students enrolled in any public  
273 school in a regional school district to the board  
274 of selectmen or town board of finance, as the case  
275 may be, of the town wherein the student resides  
276 for the purpose of verifying tuition payments made  
277 to such school; (12) any information obtained by  
278 the use of illegal means; (13) records of an  
279 investigation or the name of an employee providing  
280 information under the provisions of section  
281 4-61dd, AS AMENDED; (14) adoption records and  
282 information provided for in sections 45a-746,  
283 45a-750 and 45a-751; (15) any page of a primary  
284 petition, nominating petition, referendum petition  
285 or petition for a town meeting submitted under any  
286 provision of the general statutes or of any  
287 special act, municipal charter or ordinance, until  
288 the required processing and certification of such  
289 page has been completed by the official or  
290 officials charged with such duty after which time  
291 disclosure of such page shall be required; (16)  
292 records of complaints, including information  
293 compiled in the investigation thereof, brought to  
294 a municipal health authority pursuant to chapter  
295 368e, AS AMENDED, or a district department of  
296 health pursuant to chapter 368f, AS AMENDED, until  
297 such time as the investigation is concluded or  
298 thirty days from the date of receipt of the  
299 complaint, whichever occurs first; (17)  
300 educational records which are not subject to  
301 disclosure under the Family Educational Rights and  
302 Privacy Act, 20 USC 1232g; (18) INTERIOR PLANS OF  
303 ANY PRIVATE DWELLING OCCUPIED BY ONE OR TWO  
304 FAMILIES MAINTAINED BY A BUILDING DEPARTMENT,  
305 PROVIDED THIS SUBDIVISION SHALL NOT BE CONSTRUED  
306 AS PROHIBITING THE DISCLOSURE OF ANY SUCH PLANS TO  
307 THE OWNER OF ANY SUCH DWELLING OR HIS AUTHORIZED  
308 AGENT.

309 Sec. 4. Subsection (b) of section 29-252a of  
310 the general statutes, as amended by section 1 of  
311 public act 97-273 and section 29 of public act

312 97-11 of the June 18 special session, is repealed  
313 and the following is substituted in lieu thereof:  
314 (b) No state building or structure or  
315 addition to a state building or structure, that  
316 exceeds the threshold limits contained in section  
317 29-276b and requires an independent structural  
318 review under said section, shall be constructed  
319 until an application has been filed by the  
320 commissioner of an agency authorized to contract  
321 for the construction of buildings under the  
322 provisions of section 4b-1, AS AMENDED, or 4b-51,  
323 AS AMENDED, with the State Building Inspector and  
324 a building permit issued by the State Building  
325 Inspector. On and after July 1, 1999, no state  
326 building or structure or addition to a state  
327 building or structure shall be constructed or  
328 altered until an application has been filed by the  
329 commissioner of an agency authorized to contract  
330 for the construction of buildings or the  
331 alteration of existing buildings under the  
332 provisions of section 4b-1, AS AMENDED, or 4b-51,  
333 AS AMENDED, with the State Building Inspector and  
334 a building permit issued by the State Building  
335 Inspector. Two copies of the plans and  
336 specifications for the building or structure to be  
337 constructed or altered shall accompany the  
338 application. The commissioner of any such agency  
339 shall certify that such plans and specifications  
340 are in substantial compliance with the provisions  
341 of the State Building Code and, where applicable,  
342 with the provisions of the State Fire Safety Code.  
343 The State Building Inspector shall review the  
344 plans and specifications for the building or  
345 structure to be constructed or altered to verify  
346 their compliance with the requirements of the  
347 State Building Code and, within thirty days of the  
348 date of application, shall issue or refuse to  
349 issue the building permit, in whole or in part. ON  
350 AND AFTER JULY 1, 1998, THE STATE BUILDING  
351 INSPECTOR SHALL ASSESS AN EDUCATION FEE ON EACH  
352 BUILDING PERMIT APPLICATION. DURING THE FISCAL  
353 YEAR COMMENCING JULY 1, 1998, THE AMOUNT OF SUCH  
354 FEE SHALL BE SIXTEEN CENTS PER ONE THOUSAND  
355 DOLLARS OF CONSTRUCTION VALUE AS DECLARED ON THE  
356 BUILDING PERMIT APPLICATION, AND THE STATE  
357 BUILDING INSPECTOR SHALL REMIT SUCH FEES,  
358 QUARTERLY, TO THE DEPARTMENT OF PUBLIC SAFETY, FOR  
359 DEPOSIT IN THE CODE TRAINING AND EDUCATION ACCOUNT

360 ESTABLISHED BY SUBSECTION (a) OF SECTION 1 OF THIS  
361 ACT. ON AND AFTER JULY 1, 1999, THE ASSESSMENT  
362 SHALL BE MADE IN ACCORDANCE WITH REGULATIONS  
363 ADOPTED PURSUANT TO SECTION 2 OF THIS ACT. The  
364 State Building Inspector may request that the  
365 State Fire Marshal review such plans to verify  
366 their compliance with the State Fire Safety Code.

367 Sec. 5. Section 29-263 of the general  
368 statutes is repealed and the following is  
369 substituted in lieu thereof:

370 (a) Except as provided in subsection (h) of  
371 section 29-252a, AS AMENDED BY THIS ACT, AND THE  
372 STATE BUILDING CODE ADOPTED PURSUANT TO SUBSECTION  
373 (a) OF SECTION 29-252, AS AMENDED, after October  
374 1, 1970, no building or structure shall be  
375 constructed or altered until an application has  
376 been filed with the building official and a permit  
377 issued. Such permit shall be issued or refused, in  
378 whole or in part, within thirty days after the  
379 date of an application. No permit shall be issued  
380 except upon application of the owner of the  
381 premises affected or his authorized agent. Prior  
382 to the issuance of a permit and within said  
383 thirty-day period, the building official shall  
384 review the plans of buildings or structures to be  
385 constructed or altered, including, but not limited  
386 to, plans prepared by an architect licensed  
387 pursuant to chapter 390, a professional engineer  
388 licensed pursuant to chapter 391 or an interior  
389 designer registered pursuant to chapter 396a  
390 acting within the scope of his practice, to  
391 determine their compliance with the requirements  
392 of the State Building Code and, where applicable,  
393 the local fire marshal shall review such plans to  
394 determine their compliance with the State Fire  
395 Safety Code. Such plans submitted for review shall  
396 be in substantial compliance with the provisions  
397 of the State Building Code and, where applicable,  
398 with the provisions of the State Fire Safety Code.

399 (b) ON AND AFTER JULY 1, 1998, THE BUILDING  
400 OFFICIAL SHALL ASSESS AN EDUCATION FEE ON EACH  
401 BUILDING PERMIT APPLICATION. DURING THE FISCAL  
402 YEAR COMMENCING JULY 1, 1998, THE AMOUNT OF SUCH  
403 FEE SHALL BE SIXTEEN CENTS PER ONE THOUSAND  
404 DOLLARS OF CONSTRUCTION VALUE AS DECLARED ON THE  
405 BUILDING PERMIT APPLICATION AND THE BUILDING  
406 OFFICIAL SHALL REMIT SUCH FEES QUARTERLY TO THE  
407 DEPARTMENT OF PUBLIC SAFETY, FOR DEPOSIT IN THE

408 CODE TRAINING AND EDUCATION ACCOUNT ESTABLISHED BY  
409 SUBSECTION (a) OF SECTION 1 OF THIS ACT. ON AND  
410 AFTER JULY 1, 1999, THE ASSESSMENT SHALL BE MADE  
411 IN ACCORDANCE WITH REGULATIONS ADOPTED PURSUANT TO  
412 SECTION 2 OF THIS ACT. ALL FEES COLLECTED PURSUANT  
413 TO THIS SUBSECTION SHALL BE MAINTAINED IN A  
414 SEPARATE ACCOUNT BY THE LOCAL BUILDING DEPARTMENT.  
415 DURING THE FISCAL YEAR COMMENCING JULY 1, 1998,  
416 THE LOCAL BUILDING DEPARTMENT MAY RETAIN TWO PER  
417 CENT OF SUCH FEES FOR ADMINISTRATIVE COSTS  
418 INCURRED IN COLLECTING SUCH FEES AND MAINTAINING  
419 SUCH ACCOUNT. ON AND AFTER JULY 1, 1999, THE  
420 PERCENTAGE OF SUCH FEES WHICH MAY BE RETAINED BY A  
421 LOCAL BUILDING DEPARTMENT SHALL BE DETERMINED IN  
422 ACCORDANCE WITH REGULATIONS ADOPTED PURSUANT TO  
423 SECTION 2 OF THIS ACT.

424 Sec. 6. Subsection (a) of section 29-265 of  
425 the general statutes is repealed and the following  
426 is substituted in lieu thereof:

427 (a) Except as provided in subsection (h) of  
428 section 29-252a, AS AMENDED BY THIS ACT, no  
429 building or structure erected or altered in any  
430 municipality after October 1, 1970, shall be  
431 occupied or used, in whole or in part, until a  
432 certificate of occupancy, AS DEFINED IN THE  
433 REGULATIONS ADOPTED UNDER SECTION 29-252, AS  
434 AMENDED, has been issued by the building official,  
435 certifying that such building, [or] structure OR  
436 WORK PERFORMED PURSUANT TO THE BUILDING PERMIT  
437 substantially conforms to the provisions of the  
438 State Building Code and the regulations lawfully  
439 adopted [thereunder] UNDER SAID CODE. Nothing in  
440 the code or in this part shall require the  
441 removal, alteration or abandonment of, or prevent  
442 the continuance of the use and occupancy of, any  
443 single-family dwelling but within six years of the  
444 date of occupancy of such dwelling after  
445 substantial completion of construction of,  
446 alteration to or addition to such dwelling, or of  
447 a building lawfully existing on October 1, 1945,  
448 except as may be necessary for the safety of life  
449 or property. The use of a building or premises  
450 shall not be deemed to have changed because of a  
451 temporary vacancy or change of ownership or  
452 tenancy.

453 Sec. 7. Section 2 of public act 97-308 is  
454 repealed and the following is substituted in lieu  
455 thereof:

456 There is established, within the Department  
457 of Public Safety [,] a Building Code Training  
458 Council which shall advise the State Building  
459 Inspector and the Codes and Standards Committee on  
460 all matters pertaining to certification training  
461 programs, [and] continuing educational programs  
462 for building officials pursuant to section 29-262  
463 of the general statutes AND PROGRAMS FOR ALL OTHER  
464 PERSONS ELIGIBLE TO RECEIVE TRAINING PURSUANT TO  
465 SECTION 1 OF THIS ACT. The council shall be  
466 composed of seventeen members, who shall be  
467 residents of this state, appointed as follows: (1)  
468 The State Building Inspector, or his designee; (2)  
469 one by the Codes and Standards Committee, who  
470 shall be a member of said committee; (3) three by  
471 the Connecticut Building Officials Association,  
472 each of whom shall be a member of said  
473 association; (4) one by the Board of Governors of  
474 Higher Education; (5) one by the Board of Trustees  
475 of the Community-Technical Colleges; (6) one by  
476 the Governor, who shall be a chief elected  
477 official of a municipality; (7) seven by the  
478 Commissioner of Public Safety: (A) One of whom  
479 shall be an architect licensed pursuant to chapter  
480 390 of the general statutes, selected from a list  
481 of individuals submitted by the Connecticut  
482 Chapter of the American Institute of Architects;  
483 (B) one of whom shall be a professional engineer,  
484 licensed pursuant to chapter 391 of the general  
485 statutes, selected from a list of individuals  
486 submitted by the Connecticut Engineers in Private  
487 Practice; (C) one of whom shall be a landscape  
488 architect, licensed pursuant to chapter 396 of the  
489 general statutes, selected from a list of  
490 individuals submitted by the Connecticut Chapter  
491 of the American Society of Landscape Architects;  
492 (D) one of whom shall be an interior designer  
493 registered pursuant to chapter 396a of the general  
494 statutes, selected from a list of individuals  
495 submitted by the Connecticut Coalition of Interior  
496 Designers; (E) one of whom shall be a member of  
497 the Connecticut State Building Trades Council,  
498 selected from a list of individuals submitted by  
499 said organization; and (F) two of whom shall be  
500 builders, general contractors or superintendents  
501 of construction, one having expertise in  
502 residential building construction, selected from a  
503 list of individuals submitted by the Home Builders

504 Association of Connecticut, Inc., and one having  
505 expertise in nonresidential building construction,  
506 selected from a list of individuals submitted by  
507 the Associated General Contractors of Connecticut,  
508 Incorporated; (8) one by the Director of the  
509 Office of Protection and Advocacy for Persons with  
510 Disabilities; and (9) one by the president pro  
511 tempore of the Senate, who shall be a member of  
512 the public. The council shall elect a chairperson  
513 and vice-chairperson from among its members. Any  
514 member who fails to attend at least fifty per cent  
515 of all meetings held during any calendar year or  
516 fails to attend three consecutive meetings shall  
517 be deemed to have resigned from the council.  
518 Vacancies on the council shall be filled by the  
519 appointing authority. Members of the council shall  
520 serve without compensation but shall, within the  
521 limits of available funds as approved by the  
522 Commissioner of Public Safety, be reimbursed for  
523 necessary expenses incurred in the performance of  
524 their duties.

525 Sec. 8. Section 29-298a of the general  
526 statutes is repealed and the following is  
527 substituted in lieu thereof:

528 There shall be established within the  
529 Department of Public Safety a Fire Marshal  
530 Training Council which shall advise the State Fire  
531 Marshal and the Codes and Standards Committee on  
532 all matters pertaining to certification training  
533 programs, [and] in-service training for fire  
534 marshals in the state AND PROGRAMS FOR ALL OTHER  
535 PERSONS ELIGIBLE TO RECEIVE TRAINING PURSUANT TO  
536 SECTION 1 OF THIS ACT. The council shall be  
537 composed of twelve members as follows: The State  
538 Fire Marshal or his designee; a member of the  
539 Codes and Standards Committee to be elected by  
540 such committee; three members appointed by the  
541 Connecticut Fire Marshals' Association, one of  
542 whom shall be a volunteer, one of whom shall be a  
543 part-time paid, and one of whom shall be a  
544 full-time, local fire marshal, deputy fire marshal  
545 or fire inspector; one member appointed by the  
546 Board of Governors of Higher Education; two  
547 members appointed by the Board of Trustees for the  
548 Community-Technical Colleges; the chief elected  
549 official of a municipality having a population in  
550 excess of seventy thousand persons, appointed by  
551 the Governor; the chief elected official of a

552 municipality having a population of less than  
553 seventy thousand persons, appointed by the  
554 Governor; and two public members, appointed by the  
555 Governor. Members shall be residents of this state  
556 and shall not be compensated for their services  
557 but shall be reimbursed for necessary expenses  
558 incurred in the performance of their duties. The  
559 council may elect such officers as it deems  
560 necessary.

561 Sec. 9. This act shall take effect July 1,  
562 1998.

563 STATEMENT OF LEGISLATIVE COMMISSIONERS: In Section  
564 1(b), the listing of members on the code training  
565 and education board was rearranged for greater  
566 clarity. In section 7, the words "PROGRAMS FOR"  
567 were added to clarify the duties of the Building  
568 Code Training Council. The same addition was made  
569 in section 8 to clarify the duties of the Fire  
570 Marshal Training Council.

571 PS	COMMITTEE VOTE:	YEA 21	NAY 0	JFS	C/R	PD
572 PD	COMMITTEE VOTE:	YEA 19	NAY 0	JF	C/R	APP
573 APP	COMMITTEE VOTE:	YEA 33	NAY 10	JFS-LCO		

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5373**

STATE IMPACT	Cost and Revenue Gain, No Net Fiscal Impact, see explanation below
MUNICIPAL IMPACT	Minimal Cost and Minimal Revenue Gain, No Net Fiscal Impact, see explanation below
STATE AGENCY(S)	Department of Public Safety

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill would result in no net fiscal impact to the State or to municipalities. It would result in annual costs and an annual revenue gain to the State estimated at about \$800,000, and in minimal costs and a minimal revenue gain to municipalities. It implements the recommendations of the task force to review issues related to the State Building Code, established by Section 3 of PA 97-308.

The bill establishes two separate non-lapsing accounts in the General Fund, which are to be funded by an assessment on State and local building permits. The Code Training and Education Account would finance training for State and local building code officials and for design and construction professionals. The Code Training and Education Auxiliary Services Account would finance the operation, maintenance and repair of training facilities. For FY '99, the bill sets the fee at 16 cents per \$1,000 of construction value. Fees collected must be deposited in the Code Training and Education Account on a quarterly basis. Local officials may keep 2% of the collections for administrative

costs. This minimal revenue would offset minimal administrative costs.

It is estimated that annual training costs for the approximately 2,100 local and State building code enforcement officials would be about \$800,000. These costs would be paid from the Training Account, which would also receive monies from charges to private sector design and construction professionals for training. The Department of Public Safety would incur minimal, absorbable costs from the annual review of the fee schedule and from annual reporting to the Finance Committee on the balance in the Accounts.

\* \* \* \* \*

#### OLR BILL ANALYSIS

sHB 5373

#### AN ACT CONCERNING THE STATE BUILDING CODE

**SUMMARY:** This bill (1) establishes a code training and education account to "sponsor" and buy equipment for fire and building code training and educational programs for code officials; (2) establishes a training and education auxiliary services account for (a) operating, maintaining, and repairing "auxiliary services facilities" and (b) other activities related to the programs; (3) funds the accounts with a new assessment on state and local building permits; and (4) creates a five-member code training and education board of control to promote code training and education and give prior approval to spending from the accounts. The bill defines "prior approval" as approval of a fiscal year budget prepared by the Department of Public Safety commissioner (DPS). Both accounts are separate nonlapsing ones in the General Fund.

The bill requires the Building Code Training Council and the Fire Marshal Training Council to advise the state building inspector and state fire marshal on programs for people other than building and fire officials eligible for training under the bill. By law, the fire council already advises the fire marshal on programs for fire officials, and the building council advises the building inspector on programs for building officials.

The bill exempts from the Freedom of Information Act disclosure interior plans of private one-or two-family dwellings maintained by a building department. But they may be disclosed to the building owners or their agents.

The bill also makes miscellaneous minor and technical changes.

EFFECTIVE DATE: July 1, 1998

#### **FURTHER EXPLANATION**

##### **The Accounts**

The code training and education account is to (1) sponsor training and educational programs in the mechanics and application of the state building and fire safety codes for local and state code officials and candidates for such positions; (2) sponsor continuing educational programs in the mechanics and application of the codes for architects, engineers, landscape architects, interior designers, builders, contractors, and superintendents of construction doing business in the state; and (3) buy necessary program equipment. The DPS commissioner must annually submit a report on the amount spent for these purposes to the chairmen and ranking members of the Finance, Revenue and Bonding Committee.

The auxiliary services account is for (1) operating, maintaining, and repairing auxiliary services facilities; (2) other activities related to the training and educational programs in the mechanics and application of the codes for local or state officials or candidates; and (3) continuing educational programs in the mechanics and application of the codes for architects, engineers, landscape architects, interior designers, builders, contractors, or superintendents of construction doing business in the state. (The distinction between the accounts is not very clear since their purposes sometimes overlap.)

Operational proceeds become part of the appropriate fund and any expenses incurred, including bond payments and equipment costs, are charged against the fund. Each fund's balance after operating expenses are paid must be used for the training and educational programs and

for altering and repairing real property for educational facilities, except for amounts needed to pay interest on bonds.

The bill stipulates that capital projects costing up to \$50,000 must be approved by the public works commissioner and larger projects must receive prior legislative approval or, when the legislature is not in session, approval of the Finance Advisory Committee (FAC). The bill allows the DPS commissioner, with FAC approval, to borrow from the General Fund for auxiliary services activities. Repayment is in accordance with a schedule established by the Office of Policy and Management.

The bill allows the DPS commissioner to apply for and receive and deposit in both accounts federal and private funds or contributions available for training code officials or other eligible people.

### **Education Fees**

Beginning July 1, 1998, the state building inspector must levy an education fee on state building permit applications and local building officials must levy a fee on local ones. For FY 1998-99, the bill sets the fee at 16 cents per \$1,000 of the construction value declared on an application. The state building inspector must remit the fees quarterly to the DPS for deposit in the code training and education account. Local fees must be maintained in a separate local building department account and remitted quarterly to DPS for deposit in the code training and education account. For FY 1998-99, local departments may retain 2% of the fees for the administrative costs of collecting them and maintaining the account.

### **Regulations**

By July 1, 1999, the DPS commissioner, with the approval of the building code and fire marshal training councils, must adopt regulations to establish an administrative process to adjust, as necessary, (1) the education assessment fees, (2) the percent that local officials may retain for administrative costs, and (3) the percent that must be deposited in the code training and education account and the auxiliary services account. Fees can be adjusted once in any year to

reflect actual program costs. But they cannot be increased by more than 4% in any year. The percent retained for administrative costs can be adjusted, by 1 to 3%, once in any year to reflect actual administrative costs.

Beginning July 1, 1999, the fee assessments and percentage retained by towns must be made in accordance with DPS regulations.

#### **Code Training Board**

Appointments to the board are as follows: two members from the Building Code Training Council-one selected by the Finance Revenue and Bonding Committee House chairman and the other by its House ranking member; two members from the Fire Marshal Training Council-one selected by the Finance, Revenue and Bonding Committee Senate chairman and the other by its Senate ranking member; and one architect, landscape architect, interior designer, builder, contractor, or superintendent of construction doing business in the state-selected by the DPS commissioner.

Members serve three-year terms. Vacancies must be filled by original appointing authorities.

#### **Miscellaneous**

**Certificate of Occupancy.** By law, a building cannot be occupied until the building official issues a certificate of occupancy for it certifying that the building substantially conforms to the state building code. The bill specifies that the certificate be as defined in regulations and that it certify any work performed pursuant to a building permit.

#### **Permit Exemption**

Under current law, certain state buildings being built or constructed do not have to get a building permit. The bill adds buildings exempted in the State Building Code to existing statutory exemptions.

#### **COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Substitute Change of Reference  
Yea 21      Nay 0

Planning and Development Committee

Joint Favorable Change of Reference  
Yea 19      Nay 0

Appropriations Committee

Joint Favorable Report  
Yea 33      Nay 10