

Legislative History for Connecticut Act

HB 5562	PA 375	1983
House	960, 4102-4105, 5802-5810	(14)
Senate	628, 2929-2931, 3035-3037	(7)
Public Safety	57, 63, 77-78, 93, 95, 104, 114-115, 153	(10)
LAW/LEGISLATIVE HISTORY		
DO NOT REMOVE FROM LIBRARY		
		31

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library
Compiled 2016

H - 336

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 3
764 - 1226

kpp

960

House of Representatives

Thursday, March 24, 1983

on Public Safety on Substitute for House Bill 5162, AN ACT CONCERNING GUARDS WHO CARRY FIREARMS. The Committee feels the bill should pass but first be referred to the Committee on Judiciary.

SPEAKER STOLBERG:

So ordered.

CLERK:

Favorable Report of the Joint Standing Committee on Public Safety on House Bill 5562, AN ACT CONCERNING LIABILITY OF LOCAL FIRE MARSHALS, DEPUTY FIRE MARSHALS, AND FIRE INSPECTORS. The Committee feels that the bill should pass but first be referred to the Committee on Judiciary.

SPEAKER STOLBERG:

So ordered.

CLERK:

Favorable Report of the Joint Standing Committee on Public Safety on House Bill 7118, AN ACT CONCERNING REVOCATION OF LICENSURE OF PURCHASERS OF PRECIOUS METALS AND STONES. The Committee feels the bill should pass but first be referred to the Committee on General Law.

SPEAKER STOLBERG:

So ordered.

H-344

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 11
3847-4115

kbb

House of Representatives

Tuesday, May 10, 1983

REP. GROPPA: (63rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Groppo.

REP. GROPPA: (63rd)

May we pass this temporarily, please.

DEPUTY SPEAKER FRANKEL:

The request is to pass this item temporarily.

Is there objection? Hearing none, it is so ordered.

CLERK: please come

Calendar Page 11, Calendar No. 497, House Bill
No. 5562, AN ACT CONCERNING LIABILITY OF LOCAL FIRE
MARSHALS, DEPUTY FIRE MARSHALS AND FIRE INSPECTORS,
Favorable Report of the Committee on Judiciary.

REP. GIBSON: (40th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Betsey Gibson.

REP. GIBSON: (40th)

Yes, Mr. Speaker, I move acceptance of the Joint
Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage. Will
you remark?

kbb

257

House of Representatives

Tuesday, May 10, 1983

REP. GIBSON: (40th)

Yes, Mr. Speaker. This bill does no more than give local fire marshals the same protection that is already given to other local officials such as building inspectors and civil preparedness directors. Mr. Speaker, I urge acceptance of this piece of legislation.

DEPUTY SPEAKER FRANKEL:

Thank you, madam. Will you remark further on the passage of this bill? If not, would the staff and guests please come to the well of the House. Members please take their seats.

REP. KRAWIECKI: (78th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Edward Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker, in reviewing the bill, there was some concern as to whether or not we were instituting a new standard for the bad faith dealings of these kinds of individuals. And, through you, to Rep. Gibson, are we eliminating the wilfullness conduct provisions and standards that we have had for most other officials in this act for a specific reason?

kbb

House of Representatives

Tuesday, May 10, 1983

DEPUTY SPEAKER FRANKEL:

Rep. Gibson, will you respond?

REP. GIBSON: (40th)

Mr. Speaker, through you, it's my understanding that this doesn't.

DEPUTY SPEAKER FRANKEL:

Rep. Krawiecki, you have the floor, sir.

REP. KRAWIECKI: (78th)

I'm sorry, Mr. Speaker, I didn't hear.

DEPUTY SPEAKER FRANKEL:

Rep. Gibson.

REP. GIBSON: (40th)

Through you, Mr. Speaker, it's my understanding that it doesn't.

REP. KRAWIECKI: (78th)

It does not --

DEPUTY SPEAKER FRANKEL:

That is your answer, sir. Rep. Krawiecki, you have the floor.

REP. KRAWIECKI: (78th)

Thank you.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill? If not, would the staff and guests please come to the well of

kbb

259

House of Representatives

Tuesday, May 10, 1983

the House? Members please take their seats. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk will please take a tally. Would the Clerk please announce the tally?

CLERK:

House Bill No. 5562.

Total number Voting	144
---------------------	-----

Necessary for Passage	73
-----------------------	----

Those voting Yea	139
------------------	-----

Those voting Nay	5
------------------	---

Those absent and not Voting	7
-----------------------------	---

DEPUTY SPEAKER FRANKEL:

The bill is passed.

CLERK:

Returning to Calendar No. 487, Calendar Page No. 10,
House Bill No. 6939, AN ACT CONCERNING THE STATE TAX
APPLICABLE TO TOTAL WAGERS AT DOG RACING, Favorable

H-349

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 16
5491-5838

kbb

311

House of Representatives

Tuesday, May 24, 1983

DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Calendar No. 497, File No. 611, House Bill No. 5562.

AN ACT CONCERNING LIABILITY OF LOCAL FIRE MARSHALS, DEPUTY
FIRE MARSHALS, AND FIRE INSPECTORS, as amended by Senate
Amendment Schedule "A", Favorable Report of the Committee
on Judiciary.

REP. GIBSON: (40th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Betsy Gibson.

REP. GIBSON: (40th)

Yes, Mr. Speaker. I move acceptance of the Joint
Committee's Favorable Report and passage of the bill in
concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage. Will
you remark, madam?

REP. GIBSON: (40th)

Yes, Mr. Speaker. The Clerk has Senate Amendment
LCO No. 6542. Would he please call and may I be permitted
to summarize?

kbb

5812
5803

House of Representatives

Tuesday, May 24, 1983

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO No. 6542, designated Senate "A".
Would the Clerk please call?

CLERK:

LCO No. 6542, previously designated Senate Amendment
Schedule "A", offered by Sen. Schneller of the 20th District.

DEPUTY SPEAKER FRANKEL:

Rep. Gibson seeks permission to summarize. Is there
objection? Hearing none, you may proceed, madam.

REP. GIBSON: (40th)

Yes, Mr. Speaker. What this does, this adds
ambulance personnel to the Good Samaritan Law. I move
its adoption.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of Senate "A". Will
you remark on its adoption? Will you remark on the
adoption of Senate "A"?

REP. KEZER: (22nd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Pauline Kezer.

REP. KEZER: (22nd)

Yes, just one quick question. As I read this
amendment, we're talking about volunteer firemen and

kbb

313

House of Representatives

Tuesday, May 24, 1983

volunteer policemen. Are we also referring to volunteer ambulance personnel or are they paid ambulance personnel? Through you, to the proponent.

DEPUTY SPEAKER FRANKEL:

Rep. Gibson, will you respond?

REP. GIBSON: (40th)

Yes, Mr. Speaker. It is my understanding, as you probably know, Rep. Kezer, the policemen and the firemen are already in the legislation. This authorizes the ambulance personnel, be they paid or be they volunteers within the community.

DEPUTY SPEAKER FRANKEL:

Rep. Kezer, you have the floor, madam.

REP. KEZER: (22nd)

Just to make it clear. It's a little hard to hear. This would cover both volunteer and professional ambulance personnel?

DEPUTY SPEAKER FRANKEL:

Rep. Gibson.

REP. GIBSON: (40th)

Through you, Mr. Speaker, yes, that's correct. And it also states in the legislation that they are trained personnel.

kbb

314 5805

House of Representatives

Tuesday, May 24, 1983

REP. KEZER: (22nd)

Thank you.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of Senate
"A"?

REP. FUSSCAS: (55th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. A quick question,
through you, to Rep. Gibson.

DEPUTY SPEAKER FRANKEL:

Excuse me, sir. Would the House please come to
order? Rep. Fusscas, you have the floor, sir.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. Rep. Gibson, can you tell
me the distinction between ordinary negligence and gross,
willful or wanton negligence?

DEPUTY SPEAKER FRANKEL:

Rep. Gibson, will you respond?

REP. GIBSON: (40th)

Mr. Speaker, no, I can't at this time.

kbb

315

House of Representatives

Tuesday, May 24, 1983

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas, you have the floor, sir.

REP. FUSSCAS: (55th)

I'm not sure I know what to do with it.

DEPUTY SPEAKER FRANKEL:

Well, perhaps you might pose a question to someone else, sir.

REP. FUSSCAS: (55th)

Through you, to Rep. Tulisano. Perhaps he can answer that question.

DEPUTY SPEAKER FRANKEL:

Rep. Tulisano. Rep. Fusscas, would you be so kind as to repeat the question. The Chair expects Rep. Tulisano would prefer that.

REP. FUSSCAS: (55th)

Through you, Mr. Speaker, to Rep. Tulisano. Could you define for me the difference between ordinary negligence and gross, willful and wanton negligence?

DEPUTY SPEAKER FRANKEL:

Rep. Tulisano, will you respond, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker. In an attempt to define it, I won't define it; I think I'll try and explain it. Ordinary means simple negligence. You had a duty and you

kbb

316

House of Representatives

Tuesday, May 24, 1983

breached that duty to somebody without -- period. Gross or wanton negligence means you acted in such a manner in which one could have assumed from those acts that you would, in fact, injure somebody as a result of those acts. It has a little more malice, if you will, for want of a better word, involved in it. The other is no malice or no intent to cause any problem whatsoever.

In gross and wanton, there is intent read into it because of the actions which you could have perceived were results of the actions -- certain results.

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas, you still have the floor, sir.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. That clears it right up.

Mr. Speaker, I would like, if I may, through you to Rep. Tulisano, if he could give me an example of a situation in which --

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Tulisano.

REP. TULISANO: (29th)

Let's take the incident of criminal negligence which includes aspects of wantonness and recklessness as

kbb

317

House of Representatives

Tuesday, May 24, 1983

from simple negligence. You get into an automobile accident and you kill somebody. You heard a beep, you turned to the right when you should have looked to the left, and you hit somebody and you killed them. That's simple negligence. You're on a roof and you turn around quickly and you knock a brick off the top of the roof and accidentally and it falls down and hits somebody on the head and their dead. That's simple negligence. Okay?

You're on top of the roof and throw the brick down. You could expect that you might hit somebody. That's gross negligence or recklessness and it's wanton. (Applause)

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas.

REP. FUSSCAS: (55th)

That was very ample. Thank you, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of Senate "A"? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay.

kbb

318

House of Representatives

Tuesday, May 24, 1983

REPRESENTATIVES:

No.

DEPUTY SPEAKER FRANKEL:

The ayes have it. Senate "A" is adopted and it is ruled technical. Will you remark further on this bill as amended?

If not, would the staff and guests please come to the well of the House. Would the members please be seated. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? If so the machine will be locked. The Clerk will please take a tally.

REP. BENVENUTO: (151st)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Benvenuto.

REP. BENVENUTO: (151st)

In the affirmative, please.

DEPUTY SPEAKER FRANKEL:

Would the Clerk please note Rep. Benvenuto casts his vote in the affirmative.

kbb

319

House of Representatives

Tuesday, May 24, 1983

Would the Clerk please announce the tally?

CLERK:

House Bill No. 5562, as amended by Senate

Amendment Schedule "A".

Total number Voting	141
Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not Voting	10

DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Calendar No. 515, File No. 604, House Bill No. 6494,

AN ACT CONCERNING THE UNIFORM VOTING HOURS FOR PRIMARIES,
as amended by Senate Amendment Schedule "A", Favorable
Report of the Committee on Government Administration and
Elections.

REP. ATKIN: (140th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. John Atkin.

REP. ATKIN: (140th)

I move acceptance of the Joint Committee's
Favorable Report and passage of the bill in concurrence

S - 205

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART 2
368-722

1983 GENERAL ASSEMBLY

SENATE

TECHNICAL SESSION
FRIDAY, MARCH 25, 1983

6
roc

Public Safety. H.B. 5562. AN ACT CONCERNING
LIABILITY OF LOCAL FIRE MARSHALS, DEPUTY FIRE MARSHALS
AND FIRE INSPECTORS. Referred to Committee on Judiciary.

Public Safety. Sub. H.B. 5162. AN ACT CONCERNING
GUARDS WHO CARRY FIREARMS. Referred to Committee on
Judiciary.

Environment. H.B. 5036. AN ACT CONCERNING
NATIVE LUMBER. Referred to Committee on Public Safety.

Public Safety. H.B. 7113. AN ACT PERMITTING
THE STATE POLICE TO ESTABLISH A ROTATIONAL SYSTEM FOR
WRECKER SERVICE CALLS. Referred to Committee on
Transportation.

HOUSE JOINT RESOLUTION FAVORABLY REPORTED WITH A CHANGE
OF REFERENCE - To Be referred to Committee indicated.

Government Administration and Elections.

H.J.R. 62. RESOLUTION APPROVING AN AMENDMENT TO THE
CONSTITUTION PROVIDING LIMITATIONS ON THE ISSUANCE OF
BONDS AND NOTES FOR PURPOSES OF OPERATING EXPENSES OF THE
STATE. Referred to Committee on Finance, Revenue and
Bonding.

S-212

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART 9
2811-3195

1983 GENERAL ASSEMBLY

2929

SENATE

TUESDAY
MAY 17, 1983

119
roc

I would ask, if there is no objection, that
this be placed on Consent.

THE PRESIDENT:

Any objection to placing on Consent? Hearing
no objection, the matter will go on the Consent Calendar.

THE CLERK:

Cal. 614. File 611. House Bill No. 5562.
AN ACT CONCERNING LIABILITY OF LOCAL FIRE MARSHALS,
DEPUTY FIRE MARSHALS AND FIRE INSPECTORS. Favorable
report of the Committee on Judiciary. The Clerk has an
amendment.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

I move acceptance of the Joint Committee's
favorable report and passage of the bill.

THE PRESIDENT:

The Clerk will call the amendment.

THE CLERK:

Senate Amendment Schedule A. LCO No. 6542.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
MAY 17, 1983

120
roc

THE PRESIDENT:

Senator Owens.

SENATOR OWENS:

I move its adoption and waive its reading.

THE PRESIDENT:

Any objection to waiving the reading? Hearing none, proceed to remark on the amendment, Senator.

SENATOR OWENS:

Basically, what it would do is provide that the application of this statute would also apply to ambulance personnel. I move its adoption.

THE PRESIDENT:

Will you remark further on Senate Amendment Schedule A? If not, the issue is adoption. All those in favor will signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED.

Will you remark on the bill as amended, Senator?

SENATOR OWENS:

It would exempt local fire marshals or subordinate officers from personal liability for property

1983 GENERAL ASSEMBLY

2931

SENATE

TUESDAY
MAY 17, 1983

121
roc

or personal damage caused by any action or omission that occurs during the course of his official duty as long as the official was acting without malice and in good faith.

I move, if there is no objection, that this bill, as amended by Senate Amendment A, be placed on the Consent Calendar.

THE PRESIDENT:

Any objection to placing the bill as amended on the Consent Calendar. Hearing no objection, it will go on Consent.

THE CLERK:

Page 13, Cal. 616. File Nos. 683 and 853.
Substitute for House Bill No. 6444. AN ACT PROVIDING FOR A BOND ON AN APPEAL FROM A FINAL DECISION OF THE COMMISSIONER OF ENVIRONMENTAL PROTECTION, as amended by House Amendment Schedule A. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator Owens.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
MAY 17, 1983

225
roc

If there are no objections, Mr. President,
I ask that it be placed on the Consent Calendar.

THE PRESIDENT:

Is there any objection to placing this item
on Consent? Hearing none the matter will go on the
Consent Calendar.

The Clerk informs me that that is the Calendar
so we will proceed to have a roll call vote on the
Consent Calendar, which is quite lengthy. I will ask
the Clerk to make the announcement for a roll call,
and then proceed to list the items on the Consent Calendar
and we would appreciate your giving your attention
to the Clerk.

THE CLERK:

An immediate roll call has been called for
in the Senate. Will all senators please take their
seats. An immediate roll call has been called for in
the Senate. Will all senators please be seated.

Page 2 - Cal. 326. Page 3 - Cals. 487, 497,
505, 507. Page 4 - Cals. 526, 544. Page 5 - Cals. 546,
563 and 565. Page 6 - Cal. 569. Page 7 - Cals. 574,
575, 576 and 581.

SB944. HB6511.
HB7029. SB989.
SB223. SB737.
SB1146. SB1144.
HB7158. HB7014.
HB7155. HB6199.
HB6744. HB7225.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
MAY 17, 1983

226
roc

Page 9 - Cals. 592, 594, 595, 596 and 597. SB912, SB1155,
SB844, SB237,
HB7110, SB324,
Back to Page 8 - Cal. 591 on the bottom of the page. HB5192, HB5663,
HB5588, HB6097,
HB7020, HB6324,
Page 10 - Cals. 598, 600, 601 and 603. Page 11 - Cals. HB5345, HB5562,
HB6444, HB7110,
605 and 608. Page 12 - Cals. 613 and 614. Page 13 - HB7222, HB7235,
HB6462, HB6826,
Cals. 616, 617, 618 and 620. Page 14 - Cals. 623, and HB6845, SB1055,
SB243, SB513,
624. Page 22 - Cals. 116 and 218. Page 23 - Cals. SB664, HB6183,
SB378, SB382,
219, 281, 309 and 349. Page 26 - Cal. 150. Page 27 - HB6179, HB6925,
SB322, HB6927
Cal. 208. Page 28 - Cals. 334, 335, 412 and 431.

THE PRESIDENT:

Is there any questions or omissions? Senator
Serrani.

SENATOR SERRANI: (27th)

Yes, Mr. President, I would like to have on
Page 7, Cal. 581, House Bill 6151, File 563, taken off
so I can vote on the bill, and oppose it.

THE PRESIDENT:

We will take it off the Consent Calendar and
we will vote on it immediately after we do the Consent
Calendar. Are there any other questions or any other
requests in reference to the Consent Calendar?

If not, the machine is open. A reminder that

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
MAY 17, 1983

227
roc

we are going to vote again as soon as the Consent Calendar is voted on. Have all senators voted? The machine is closed.

THE VOTE IS 36 to 0. THE CONSENT CALENDAR IS ADOPTED unanimously.

The Clerk will call the item that Senator Serrani requested to be removed from the Consent Calendar.

THE CLERK:

Page 7, Cal. 581. File 563. House Bill 6151.
AN ACT CONCERNING THE ARTS CENTER PARKING GARAGE IN
THE CITY OF NEW HAVEN. Favorable report of the Committee
on Transportation.

THE PRESIDENT:

The bill has already been moved and discussed.
Do you care to remark? If not, the Clerk will make the
announcement for a roll call, to make sure all are here.

THE CLERK:

An immediate roll call has been called for in
the Senate. Will all senators please take their seats.
An immediate roll call in the Senate.

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC
SAFETY
1-446

1983
INDEX

57
kpt

PUBLIC SAFETY

February 24, 1983

57

MR. KNAPP: Bill 5145, An Act Concerning a Record of High Speed Pursuits.

SEN. AVALLONE: Thank you very much. The next speaker will be Mr. Edward Fennelly and, to be followed by retired Police Chief, George Sicaras. And if I destroy these names, please forgive me.

MR. EDWARD FENNELLY: No, Sen. Avallone, the Italian pronunciation is FenNELly the Irish is FENnelly. Sen. Avallone, members of the Public Safety Committee, my name is Ed Fennelly. I live in East Hartford and I'm here representing the Connecticut State Firemen's Association. I'd like to address comments to House Bill 5562, An Act addressing liability of fire marshalls.

We're here to speak in favor of this act concerning the liability of fire marshalls, deputy fire marshalls, and fire inspectors. This bill does no more than give local fire marshalls the same protection that is already given to other local officials, your building inspectors, your civil preparedness directors, school teachers, even the firefighters, but there's nowhere in the statutes, anything written that protects the local fire marshall from liability. As long as he is performing within the lawful discharge of his duties, and does not overstep the limits of his authority and a suit is brought against him, and the legal counsel for the municipality or the fire district would represent him. This is what the legislation is calling for. We feel that the importance of the responsibility of fire marshalls in protecting the lives of the general public in fire safety makes it imperative that they be protected when they are performing within the bounds of their responsibilities.

Belt 12

We seek your support in this very important piece of legislation. I would also just like to comment very briefly on House Bill 5146, the act that statutorily will establish the forensic laboratory. We in the fire service know of the good work that Dr. Lee does in the forensic lab and his staff and the State Fire Marshalls Association and the Connecticut State Firemens Association are fully behind this piece of legislation. It's something that should be established.

I'd just like to call to the committee's attention without getting into detail on the kerosene heater acts, there is currently a bill before the General Law Committee which calls

HB 5145
HB 5106
HB 5607

63
kpt

PUBLIC SAFETY

February 24, 1984

63

SEN. AVALONE: Yes, you are.

MR. ROTHAMER: It wasn't my intention to testify twice. Thank you very much, Senator.

SEN. AVALONE: Thank you. There being no questions, we'll go on to the next speaker, Mr. William Lanning.

MR. WILLIAM LANNING: Mr. Chairman, members of the committee. I'm Deputy Chief William Lanning, Fire Marshall of the Town of Windsor, and I'm here to represent the Capitol Region Fire Marshalls Association pertaining to Proposed Bill 5562. Rather than rephrase or repeat a statement that was previously made by Chief Ed Fennelly, he has stated our feelings exactly. We are strongly in favor of this piece of legislation and if, we request that the committee act favorably pertaining to 5562.

SEN. AVALONE: Thank you very much. Deputy Chief, your brevity will be noted.

MR. LANNING: Thank you.

SEN. AVALONE: The next speaker, Mr. William Kearney to be followed by Richard D'Onofrio.

MR. WILLIAM KEARNEY: Mr. Chairman, members of the committee, I would just like to thank you for listening to me right now. I would like to speak in favor of Senate Bill 223. It imposes that a plug be affixed to propane tanks so that the tragedy that happened to me would not happen to other people. I lost my two children because I didn't have a plug in the tank. I was not even aware that a plug was made available to me. I strongly urge that you pass this bill. Thank you. (applause)

SEN. AVALONE: Thank you. Mr. D'Onofrio, to be followed by Peter Curry, and then Fred Gross.

MR. RICHARD D'ONOFRIO: Thank you, Mr. Chairman. My name is Richard D'Onofrio. I am Chairman of the Board of the Milford Jaycees, and a District Director for the Connecticut Jaycees, and I've come to speak in favor of Senate Bill 223, dealing with propane safety on behalf of these organizations. In August, 1983, a tragic accident took place

77
kpt

PUBLIC SAFETY

February 24, 1983

77

REP. SWIESZKOWSKI: Thank you sir, any questions from the committee members? Okay. Now we'll proceed with Richard Morley from Newington Fire Department followed by Roy Driver for the Vietnam Veterans.

MR. RICHARD MORLEY: Thank you, Mr. Chairman. Members of the Committee. My name is Richard Morley, I'm Captain of the Fire Prevention Bureau of the Newington Fire Department. I'd like to first state my initial support for measure 5562, concerning the liability for the local fire marshalls. I personally think that these folks do a long, arduous and thankless job, and I think they richly deserve whatever kind of protection that they can be afforded by their municipalities.

I would also urge your support for the measure 6144, requiring exit inspections and verbal notifications prior to public gatherings because of its intent. Specifically, to provide our citizens with survival information they can to in an emergency situation. I feel the measure is justifiable not only on the basis of common sense, but also on the basis of some compelling research into human behavior.

in NFPA Journal, publication fire journal state "During a fire, people do what seem to them to be the best thing to do under the circumstances that they are aware of. People don't panic in the commonly construed sense of the word." Again quoting from the same article " Behavior in fires can be understood as a logical attempt to deal with a complex rapidly changing situation at which minimum information for action is available. The goal of any regulations should be reoriented to increasing the likelihood of informed decisions being made by people in a fire." This is a goal of the regulation, or the proposed regulation, to provide people with information.

Dr. John Keating in his Fire Journal article of May, 1982 writes "If we have proper information we will attempt to use it. This highlights the important role of vocal communications systems during fires in public buildings." When we do not have proper information, we will use any that we can obtain to make our evacuation as safe as possible Unfortunately, the information we pick up can be faulty.

The second goal, fire marshalls must inspect buildings at least once per year, or as often as they deem necessary.

MR. MORLEY: (continued)

I believe these men have an almost unsurmountable task here. Certainly, they cannot be present at any non-continuous event to assure viability of exists. I believe this regulation would shift the burden of exit maintenance even more squarely onto the shoulders of the event supervisors. They would now be required, by law, to check the exits more frequently, since they will have to provide verbal notification of their accessibility to the patrons.

The question might well arise as how it might be enforced. One possible suggestion that in fact the State of Tennessee has used is to require a log be written in, or initialed whenever inspections prior to any kind of an event are made. The log could be inspected by the fire marshall as part of his regular inspection. This becomes a legal document, the manager of the event might be susceptible to prosecution if such a log were incomplete, and/or falsified.

I believe there is a strong case for those regulations. One can kind of speculate how many people might still be alive today if basic notifications and information had been made available to the patrons of the Kentucky Supper Club. I urge your support of it. I think one benefit that accrues to it, it's kind of a minor point, it would cost nothing, and might well save some lives.

I might add as I noted previously, to my knowledge, or as of last research, the State of Tennessee has something analagous to this in effect and New York has something that they have been attempting to pass and have had some luck with voluntary compliance, even though it had not been regulated.

REP. SWIESZKOWSKI: Are there any questions? If not, thank you sir. Roy Driver. Followed by Michael Budlong.

MR. ROY DRIVER: Good afternoon. My name is Roy Driver. I'm Director of the Vietnam Veteran Center in Hartford, Connecticut. I'm here to speak in favor of Proposed Bill 367, An Act Concerning The Study of the Feasibility of Constructing a Memorial for Vietnam Veterans. Allow me to share a few comments of Captain Richard A. Stratton, who participated in the recent series of films and lectures presented at the Coast Guard Academy in New London on the

MR. RAFFA: (continued)
moratorium on unemployment and taxes. Thank you.

REP. SWIESZKOWSKI: Thank you sir.

MR. PETER PHELAN: My name is Peter Phelan. I'm the Fire Marshall and Assistant Chief in Milford's Fire Department. I'm here to speak on a couple bills. I will be brief, knowing the lateness of the day. One very close to me and Mr. Kiernan had to be very traumatic for him to speak on our propane. We have a bill, Senate Bill 223, supported by Senator Scott of Milford.

I happen to be the fire marshall who investigated that case where we are asking for the plugs for the tanks. If anybody wants to see a four year old child burned to a crisp just for a little dollar plug to save their life, I beg of you people to support this wholeheartedly.

Further, the intent of the bill is there and I'd like you to support the sub-language that Sen. Scott has proposed and we'll issue to you people. I further would like to support House Bill 5562 concerning the liability of fire marshalls. The state representative for the State Firemen's Association, Ed Kennelly spelled it out very good and I support his concept rather than in a long discussion.

Further, I support House Bill 5607 requiring a warning on Ker-O-Sun heaters. I would like you to refer House Bill 6016, 6145, the Senate Bill 576, which is in the General Law Department for Consumer Protection Study.

Further, I would like to strongly oppose Bill 3592, An Act Concerning the Employment of Building Inspectors to a Two Year Term. That would be a cancer within municipal services in the State of Connecticut that are charged with enforcing codes. Once you allow this to go through and a building inspector on a two year term, it would be very hard for the man to enforce the codes, various codes that are going to save your life, because he'd be fearful of his job for a two year period. So please oppose that bill so it doesn't eat away our public service enforcing codes. Thank you.

REP. SWIESZKOWSKI: Thank you sir. The next speaker will be Alfred Clark, Jr., John M. Bailey, followed by Henry Purczyk.

MR. PURCZYK: (continued)
the 2 mills in Preston. I am very concerned about the increase. To have the state program continue at the present reimbursement level is essential to many small towns which lack the resources to set up their own departments and cannot afford to pay the state the full costs. If budgets have to be cut on the local level, this is one item that would have to be considered seriously and possibly delete the resident trooper program from their budget.

The bottom line is the state would have to pay the 100%. I support and I am happy with the existing program. I have discussed this proposal to assess, for instance, 100% cost of the resident trooper with members of the board of finance and members of the community. The general reaction and feedback that I receive from the individuals I will share with you.

If the town is required to pay the 100% cost, then shouldn't we receive 100% resident trooper's coverage.

Number two, if our resident trooper is on vacation, then shouldn't he get a replacement for the time he is off?

Number three, should he have more control over the resident troopers assignments in working out?

Number four, shouldn't the town be covered 24 hours a day by the resident trooper if we are required to pay the 100%. I want to repeat that the Town of Preston is happy with the present system as it stands. I can only tell you that these questions should be answered before the 100% funding is considered. I thank you.

MR. JOHN SULLIVAN: John Sullivan, Town of Naugatuck Fire Marshall. Also, a representative for the Connecticut Fire Marshall's Association. First of all, I want to thank you for your concern and patience to be here all afternoon. It certainly proves how dedicated your people are to your position. Also, Ed Fennelly covered very well our support for House Bill 5562, for the protection of the fire marshalls. Also, support of the Bill for 5607 for labeling. Any other bills with Kerosene Heaters, we would like to see referred to the Senate Bill which is going to be a study on the kerosene heaters. Very much in favor of that.

SEN. SCOTT: (continued)
Also, Senate Bill 223, you heard some testimony earlier on this. It's an act requiring regulations concerning propane gas. I am prepared to offer some substitute language, and my intern is now handing it out to the committee and we spoke earlier on this. The bill is simply a vehicle. We have some specifics we'd like to offer.

The fire marshall from Milford testified favorably. The State Fire Marshall's Office was here, and I'd like to associate myself with the remarks that were presented to you by Lt. Col. Mulligan and his representatives.

What we're talking about is a typical barbecue grill type tank, it's a very small cylinder. Now we had an extremely unfortunate accident in Milford, where two young children, a girl of two years old, and a boy, four, were killed by virtue of an explosion which was the result of a leaking tank, and I know that the father, Bill Kearney was here today, and I think it took a great deal of courage to come before your committee, so briefly after the accident happened. It was last August, and he was injured severely as well, and I was delighted to see him here today, but it really points up the significance of this bill, and the strong feeling as he as one who experienced this has with that.

Now, we're talking about a plug, I'll hold up to the committee members a plastic plug which costs 70¢. We would simply require that those who actually fill the tank would not be allowed under law to fill the tank unless this plug as affixed, and the plug must be on the piping during transportation. The National Liquid Gasses Association also supports this, and they advise their members to do this now voluntarily. Many of them do, however, most do not and that's one of things we believe led to the accident. So as I said, we've submitted the substitute legislation, and I would request that the committee act favorably. Thank you.

SEN. AVALLONE: Any questions of Sen. Scott? If not, thank you Senator. Rep. Streeter. George Luther.

MR. GEORGE LUTHER: Good afternoon ladies and gentlemen of the Public Safety Committee. I'm here to speak very,

HB 5562

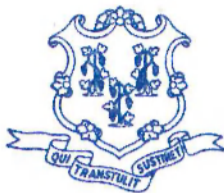
MR. LUTHER: (continued)
very briefly on Bill 5562, liability of local fire marshalls and deputy fire marshalls. First of all, my name is George Luther. I'm the state fire administrator and the agency head for the Commission on Fire Prevention and Control. 5562, the liability of fire marshalls is strongly supported by the Office of State Fire Administration. It simply because the fire marshalls deserve the same protection that their colleagues in other areas receive.

I'd like to move to Bill 6360, An Act Concerning Standards for Contracting Out Fire Services. This bill cites the Commission on Fire Prevention and Control as the agency that would apply the standards if this bill were to be passed. The Commission has asked me to tell you today that they are most willing to cooperate with the wishes of the General Assembly should you direct the Commission to perform this task. However, those standards as we understand the bill at the present time, do not as of today, exist, and it would take some time for the Commission to adopt those standards and have them in place, ready to be put into motion.

But as I said, the Commission is most willing to cooperate with your Committee and with the General Assembly to put those standards into effect, should they become necessary. Thank you.

SEN. AVALLONE: Are there any questions? Thank you very much. Mr. Eliot Dober. Fine. Andy Carey. Rep. from the 49th District, the Honorable Representative.

REP. CAREY: Senator, I would like to thank you very much, and Rep. Swieszkowski, it's certainly been a long day for all of you. There are two bills that I would like to comment on. One would be Bill 367, An Act Concerning the Study of the Feasibility of Constructing a Memorial for Vietnam Veterans. I think this is an excellent idea. It's long overdue, and I think a study committee would go a long way in determining a site in means of funding and involvement of various veterans groups. As a Vietnam veteran and as a member of the Vietnam Veterans Service I commission, the only concern I have is that a project such as this one not divert any funds from the goals of the Commission, as it identifies victims of Agent Orange and



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONN. 06106

REPRESENTATIVE JOSEPH A. ADAMO
HUNDRED AND SIXTEENTH DISTRICT
88 WASHINGTON AVENUE
WEST HAVEN, CONNECTICUT 06516

MEMBER
FINANCE, REVENUE AND BONDING COMMITTEE
LABOR AND PUBLIC EMPLOYEES COMMITTEE

February 24, 1983

Testimony to the Committee on Public Safety

I would appreciate the record indicating my support of the following legislation which is being heard by your Committee on this date.

Proposed Bill 5396, An Act Requiring "Just Cause" For the Dismissal of Police Chiefs. It would seem that this legislation is simply going to extend to Chiefs of Police their legal right under the law as we know it in our land today. That all men are innocent until proven guilty beyond a reasonable doubt. If a Chief of Police is going to be an effective leader, he should not be exposed to the Political pressures that abound in Municipal Government.

Proposed Bill 5562, An Act Concerning Liability of Local Fire Marshals, Deputy Fire Marshals and Fire Inspectors. It is important that individuals holding the above positions be given the protection necessary for them to make the very important life saving judgements that they must make on a daily basis.

Proposed Bill 6360, An Act concerning Standards for Contracting Out Fire Services. This legislature in its wisdom, created the Commission on Fire Prevention and Control for Fire Suppression and Prevention. This Commission has very professionally set standards in each of the important fields of fire suppression and prevention and at the present time, our Fire Departments, paid and volunteer, must meet those standards. It is therefore only proper that any private organization that is brought in to contract out their private service in the field of fire suppression be obligated to meet those same standards, especially if the private company is being brought in as a method to destroy a local paid fire department or its Union.

Joseph A. Adamo

Testimony
153