

**Legislation Affecting the  
Department of Construction Services  
2012 Regular & Special Session**

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This report summarizes the bills passed during the 2012 Regular and Special Sessions that affect DCS.

Clicking on the Public Act number will link to the language of the Act itself. In this shortened Session, there were a few legislative priorities identified in the fall of 2011 for the Department of Construction Services:

- ✓ Fire Prevention Code Regulations-- Date Change
- ✓ Fire Official Certification—streamlining, administrative clean up
- ✓ Crane Operations—implementing on behalf of the Crane Examining Board the OSHA standards “Final Rule” governing crane and derrick operations

**All Agency Impact**

**Budget** -- [House Bill 5557](#) “*AA Making Adjustments to State Expenditures for the Fiscal Year Ending June 30, 2013*.” Revised FY 13--Personal Service increased appropriation of \$2,051, 517, Other Expenses decreased funding by \$1,600,971.

**Bond Bill**--[Public Act 12-189](#) “*AA Authorizing and Adjusting Bonds for the State for Capital Improvements, Transportation and Other Purposes*”

Section 2 (b) includes:

- \$5 million for encapsulation of asbestos in state-owned buildings
- \$28.2 million for capital construction, improvements, repairs, renovations, and land acquisition at fire training schools

Section 22

- Minimal (\$180.00) reduction to ADA repair and infrastructure line item

**Repeal of FY 13 authorizations**

- \$5 million for the removal of asbestos in state buildings
- \$2.5 million for infrastructure repairs and improvements to state owned buildings and grounds
- \$2 million for land acquisition, construction, improvements, repairs at the fire training schools

Two agency submissions were approved by the Legislature on behalf of DCS **Bureau of Regulatory and Technical Compliance**

1 ) [Public Act 12-60](#) “*An Act Concerning Sunset of Statutes for Fire Prevention Code Regulations*” was submitted on behalf of the Office of the State Fire Marshal, his staff, and the State Building Inspector to extend the time-frame to revise the recent statutory sunset provisions for certain statutes (C.G.S. 29-316, 29-321, 29-325 -328, 29-232-335, 29-336,29-338-341, 29-358, and 29-368-370) that involve various hazardous chemicals and materials. These statutes promulgate codes which regulate the installation and operation of such things as natural gas piping and equipment, and flammable and combustible liquid storage.

[Public Act 10-54](#) extended the adoption deadline to January 1, 2013. The new regulations will not be developed and incorporated by the January 1, 2013 deadline due, in part, to the recent reorganization of various state agencies. The existing independent statutory authority for the regulations needed to remain in place until the regulations are developed, the multi-stage approval process required for regulation adoption occurs, and the new regulations legally incorporated into the State Fire Prevention Code.

This approved extension of the effective date to 2015 will allow the Commissioner of Construction Services together with the State Fire Marshal and in conjunction with the volunteer Advisory Committee for the State Fire Prevention Code to revise the State Fire Prevention code and present the revised code through the legislative regulatory approval process before the current statutory authority sunsets.

2) [Public Act 12-99](#) “*AAC Crane Operations*” was approved in concurrence. Consent in both Chambers. LCO 4473 which became the bill reflects the final changes to a proposal offered by the Department of Construction Services on behalf of the Crane Operators Examining Board as established by C.G.S. 29-222.

This proposal is Connecticut’s implementation of the revised OSHA standards governing “cranes and derrick operations” which are the product of twelve (12) years of industry experts receiving public comment and developing these recommended changes. This legislation incorporates OSHA standard 1926 subpart CC for licensing and testing of crane operators.

#### Highlights of major changes

“The Final Rule” provides for (4) options for operator certification and licensing and this proposal was offered on behalf of one of the options---a license by a government entity.

Other options—

Industries operating equipment in the 2,000-10,000 lb range except “tower cranes” rare allowed the

#### ✓ “4 options”

- Certification by an accredited crane operator testing organization (acceptable by OSHA)
- Qualification by an audited employer program (acceptable to OSHA)
- Qualification by the U.S. Military
- or by a government entity ---Crane Board

- ✓ All other additional sections reflect DCS and the Crane Board's request to have various effective dates. Due to the different effective dates LCO had to create "double sections" to accurately reflect sections effective 10/1/12 and those effective 10/1/14 while incorporating the previous changes that were effective 10/1/12.

#### **Take effect in October 1, 2014:**

- development of examinations and testing
- requirement for licensing under OSHA Final Rule
- the "new" definition of cranes
- exemptions and exclusions

#### **Effective October 1, 2012**

- Definition of apprentice changes
- Technical changes to Board membership
- Roll out of examinations and testing in advance of the OSHA requirement
- And other general operational guidelines

#### **Agency Submission Not Approved**

[Raised Senate Bill 327](#) "*AAC Fire Official Certification*" will be resubmitted during the 2013 Session on behalf of the Office of the State Fire Marshal's (OSFM) staff.

During the 2012 Session, local fire marshals expressed concerns with the proposal [N:CFMA Testimony \(3\).pdf](#).

With OSFM staff assistance we refuted every claim made in that testimony and the OLR analyst understands and agrees with our legislative intent moving forward.

- Any additional merger related legislation regarding positions, the relocation of some functions, and other consolidation matters were tabled by OPM late in the Session.

#### **Bureau of Building Design and Construction**

[Public Act 12-205](#) "*AA Revising Statutes Concerning the Department of Administrative Services*" eliminates and revises numerous DAS reporting requirements. Section 25 contains language to repeal DCS annual C.G.S. 4b-101(a) reporting of "projects over \$500,000" based on the rationale that the Legislature will receive future project data under the State Properties Review Board annual report C.G.S. 4b-2. \*DCS assured policymakers that the next SRPB reporting would cover 16-18 months of state construction activity.

#### **Other Public Acts with DCS impacts**

##### **Bureau of Regulatory and Technical Compliance**

[Public Act 12-164](#) House Bill 5248 "*AAC Foamed-In-Place Insulating Material*" <http://www.cga.ct.gov/2012/ACT/Pa/pdf/2012PA-00164-R00HB-05248-PA.pdf> was approved unanimously in both Chambers, and vetoed by the Governor [HB 5248 Veto Message](#). DCS was

comfortable with [House Bill 5248](#) “*AAC Foamed-In- Placed Insulating Material*” [Original File Copy #42](#); however the Department of Public Health expressed some late session concerns with urea-formaldehyde and LCO 4636 reflects the compromise between the industry and DPH.

The bill requires the manufacturer or supplier of any foam-in-place insulation material that is sold or installed in the State to provide certification to the Commissioner of Construction Services that the cured insulating material meets one of the testing requirements outlined in the bill, i.e. DCS approved laboratory testing, CAN/ULC-S774-09, or other environmental standards testing.

The life and safety codes staff of DCS will be reviewing this proposal in the interim in the hopes of clarifying the intent of this vetoed Act. There appears to be a potential new business opportunities for companies previously unable to provide their services in Connecticut, as well as potential energy efficiency in the construction industry tied to the allowance of these products in the CT marketplace with no increased public safety/health risks.

[Public Act 12-184](#) “*AAC Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings*”

This proposal was intended to address last year’s tragic Stamford fire. While there were many filed amendments that concerned the OSFM and the State Building Inspector, the approved document in Section 1 requires the homeowner to install temporary battery operated smoke and CO detectors when interior alterations or additions that require a building permit takes place in one or two family dwellings. DCS supports this change. Section 2 requires the Commissioner of DCS “within available appropriations” to initiate a PSA campaign to educate the public on the dangers of not having smoke detection equipment in their homes.

[Public Act 12-179](#) “*AAC Authorizations of State Grant Commitments For School Building Projects and Concerning Changes to the Statues Concerning School Building Projects*”

This act authorizes \$344. 5 million in grant commitments for 20 local school construction, vocational agriculture (vo-ag), and interdistrict magnet school projects. It also reauthorizes and changes grant commitments for three previously authorized projects with significant changes in cost and scope. Of the three reauthorizations, two are reauthorized at reduced, and one at increased, cost. The total net increase in grant commitments for the reauthorizations is \$8.82 million.

Furthermore, the act approves various exemptions, waivers, and changes for either new authorizations or changes to previous authorizations for an additional state cost of \$141.3 million. It also makes changes to the diversity school construction grant program.

List of “new authorizations”, “reauthorizations” and “notwithstanding provisions” local school projects attached [here](#).

[Public Act 12-120](#) “*AAC Minor Revisions to Education Statutes*” has provisions that impact the school construction process.

PA 11-51(Merger Bill) transferred responsibility for state school construction grants and certain matters relating to school facilities from SDE to the Department of Construction Services (DCS). This act requires school districts to submit required reports on the condition of their school facilities, actions to implement their long-term school building programs, and their implementation of required school indoor

air quality and green cleaning programs to the DCS, rather than the education commissioner. The reports are due every three years by July 1.

The act also requires (1) the DCS commissioner, rather than the education commissioner, to file the required triennial school facilities report with the legislature and (2) school districts to advise the DCS commissioner, rather than the education commissioner, about the relationship between an individual school project and the district's long-term school building program.

By law, a school project qualifies for a higher state grant as a renovation if, among other things, it costs less than building a new facility. The act requires the DCS commissioner, rather than the education commissioner, to make that cost determination. This change also conforms to PA 11-51.

PA 11-51 reduced the state reimbursement for interdistrict magnet school and agricultural science and technology center (vo-ag) capital projects from 95% to 80% of their eligible costs. This act makes the same reduction in state reimbursements for regional special education facility projects. It also reduces the reimbursement for vo-ag equipment projects from 100% to 80% of their eligible costs.

### **Bureau of Building Design and Construction**

[Public Act 12-70](#) “*AAC Department of Transportation Project Delivery and Project Labor Agreements for Certain Public Works Projects*”.

The act authorizes that the state or political subdivisions may require a “project labor agreement” (PLA) for public works projects *when they determine it is in the public's interest to do so*. A public entity must determine if a PLA is in the public's interest before entering into a design-build contract of at least \$10 million to (1) build a new public school or (2) renovate or reconstruct an existing public school.

### **Special Session**

#### **Bureau of Grants Management**

[E-Cert Public Act 12-2](#) “*AA Implementing Certain Provisions Concerning Government Administration*”.

The bill delays the deadlines for the initial payments of the per-student grants. It requires the state to make the first payment to the towns by July 15, rather than July 1, and requires towns to pay the charter schools by July 20 rather than July 15. The first payment is 25% of the grant based on the charter school's estimated enrollment on May 1. The payment deadline changes apply to annual per-student grants for (1) state charter schools of \$ 10,500 for FY 13, \$ 11,000 for FY 14, and \$ 11,500 for FY 15 and thereafter and (2) qualifying local charter schools of up to \$ 3,000 starting in FY 14.

The bill also removes a requirement in PA 12-116 that startup grants for new state charter schools that help the state meet the desegregation goals of the 2008 *Sheff* settlement agreement (“*Sheff* charters”) be paid through ECS grants to the towns where they are located. Instead, it maintains the existing requirement that the state pay this grant directly to the *Sheff* charter school's governing authority.