



# House of Representatives

General Assembly

**File No. 581**

January Session, 2003

Substitute House Bill No. 6575

*House of Representatives, April 29, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE STATE'S CIVIL PREPAREDNESS FORCES AND REQUIRING AN EMERGENCY PREPAREDNESS PLAN.**

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

1 Section 1. Section 28-1 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this chapter:

4 (a) "Attack" means any attack or series of attacks by an enemy of the  
5 United States causing, or which may cause, substantial damage or  
6 injury to civilian property or persons in the United States in any  
7 manner by sabotage or by the use of bombs, shellfire or atomic,  
8 radiological, chemical, bacteriological or biological means or other  
9 weapons or processes.

10 (b) "Major disaster" means any hurricane, storm, flood, high water,  
11 wind-driven water, tidal wave, tsunami, earthquake, volcanic  
12 eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or

13 other catastrophe in any part of this state which, in the determination  
14 of the President, causes damage of sufficient severity and magnitude  
15 to warrant major disaster assistance under the Federal Disaster Relief  
16 Act of 1974, above and beyond emergency services by the federal  
17 government, to supplement the efforts and available resources of this  
18 state, local governments thereof, and disaster relief organizations in  
19 alleviating the damage, loss, hardship, or suffering caused thereby.

20 (c) "Emergency" means any hurricane, tornado, storm, flood, high  
21 water, wind-driven water, tidal wave, tsunami, earthquake, volcanic  
22 eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or  
23 other catastrophe in any part of this state which requires federal  
24 emergency assistance to supplement state and local efforts to save lives  
25 and protect property, public health and safety or to avert or lessen the  
26 threat of a disaster.

27 (d) "Civil preparedness" means all those activities and measures  
28 designed or undertaken (1) to minimize or control the effects upon the  
29 civilian population of major disaster, (2) to minimize the effects upon  
30 the civilian population caused or which would be caused by an attack  
31 upon the United States, (3) to deal with the immediate emergency  
32 conditions which would be created by any such attack, major disaster  
33 or emergency, and (4) to effectuate emergency repairs to, or the  
34 emergency restoration of, vital utilities and facilities destroyed or  
35 damaged by any such attack, major disaster or emergency. Such term  
36 shall include, but shall not be limited to, (A) measures to be taken in  
37 preparation for anticipated attack, major disaster or emergency,  
38 including the establishment of appropriate organizations, operational  
39 plans and supporting agreements; the recruitment and training of  
40 personnel; the conduct of research; the procurement and stockpiling of  
41 necessary materials and supplies; the provision of suitable warning  
42 systems; the construction and preparation of shelters, shelter areas and  
43 control centers; and, when appropriate, the nonmilitary evacuation of  
44 the civilian population; (B) measures to be taken during attack, major  
45 disaster or emergency, including the enforcement of passive defense  
46 regulations prescribed by duly established military or civil authorities;

47 the evacuation of personnel to shelter areas; the control of traffic and  
48 panic; and the control and use of lighting and civil communication;  
49 and (C) measures to be taken following attack, major disaster or  
50 emergency, including activities for fire fighting; rescue, emergency  
51 medical, health and sanitation services; monitoring for specific hazards  
52 of special weapons; unexploded bomb reconnaissance; essential debris  
53 clearance; emergency welfare measures; and immediately essential  
54 emergency repair or restoration of damaged vital facilities.

55 (e) "Civil preparedness forces" means any organized personnel  
56 engaged in carrying out civil preparedness functions in accordance  
57 with the provisions of this chapter or any regulation or order  
58 thereunder. All the police and fire forces of the state or any political  
59 subdivision of the state, or any part of any political subdivision,  
60 including all the auxiliaries of these forces, shall be construed to be a  
61 part of the civil preparedness forces. The Connecticut Disaster Medical  
62 Assistance Team and the Medical Reserve Corps, under the auspices of  
63 the Department of Public Health, the Connecticut Urban Search and  
64 Rescue Team, under the auspices of the Department of Public Safety,  
65 and the Connecticut Behavioral Health Regional Crisis Response  
66 Teams, under the auspices of the Department of Mental Health and  
67 Addiction Services and the Department of Children and Families, and  
68 their members, shall be construed to be a part of the civil preparedness  
69 forces while engaging in authorized civil preparedness duty or while  
70 assisting or engaging in authorized training for the purpose of  
71 eligibility for immunity from liability as provided in section 28-13 and  
72 for death, disability and injury benefits as provided in section 28-14.  
73 Any member of the civil preparedness forces who is called upon either  
74 by civil preparedness personnel or state or municipal police personnel  
75 to assist in any emergency shall be deemed to be engaging in civil  
76 preparedness duty while assisting in such emergency or while  
77 engaging in training under the auspices of the Office of Emergency  
78 Management or the state or municipal police department, for the  
79 purpose of eligibility for death, disability and injury benefits as  
80 provided in section 28-14.



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Public Safety, Dept.	GF - Cost	Potential Significant	Potential Significant
Mental Health & Addiction Serv., Dept.; Children & Families, Dept.	GF - Cost	Potential Significant	Potential Significant
Military Dept.	GF - Cost	Potential Significant	Potential Significant
Public Health, Dept.	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill affords workers’ compensation benefits and other liability protections to volunteers recruited and organized by state agencies in support of their civil preparedness efforts. The protections include immunity from liability, and death, disability and injury benefits while active at times of disaster/crisis or during authorized training.<sup>1</sup> Passage of the bill would result in potential significant costs for various agencies.

The bill explicitly includes the following entities in the definition of civil preparedness forces: the Department of Public Health’s Connecticut Disaster Medical Assistance Team and Medical Resources Corps; the Department of Public Safety’s Urban Search and Rescue Team; and the Departments of Mental Health And Addiction Services’ and Children and Families’ Behavioral Health Regional Crisis

<sup>1</sup> These protections are described in Sections 28-13 and 28-14 of the Connecticut General Statutes. When acting as a federal resource, these teams receive similar benefits to those proposed in the bill.

Response Team. The teams include volunteers; individuals from state agencies and private non-profit organizations; local practitioners and municipal officials. The table below reflects an estimated number of people who would potentially be carrying out civil preparedness functions as members of the teams described above.

<b>Civil Preparedness Forces</b>	<b><i>Participants</i></b>
Disaster Medical Assistance Team	160
Medical Resources Corps <sup>2</sup>	300
Urban Search and Rescue Team	100
Behavioral Health Regional Crisis Response Team	300
<b><i>Total</i></b>	860

---

<sup>2</sup> Anticipated to grow to 1,000 by 2006.

**OLR Bill Analysis**

sHB 6575

**AN ACT CONCERNING THE STATE'S CIVIL PREPAREDNESS FORCES AND REQUIRING AN EMERGENCY PREPAREDNESS PLAN**

**SUMMARY:**

This bill defines civil preparedness forces to include entities engaged in authorized civil preparedness duties or assisting or engaging in authorized training under the auspices of specified state agencies. Under these circumstances, the bill gives the entities workers' compensation benefits and immunity from liability, which existing law gives to members of civil preparedness forces and authorized people complying or attempting to comply with civil preparedness laws.

The bill requires the Office of Emergency Management to prepare and submit a state emergency preparedness plan to the legislature by January 1, 2004. The plan must identify responses for national, regional, or statewide emergencies. It is unclear how this plan differs from the state emergency management plan required by existing law.

EFFECTIVE DATE: Upon passage

**CIVIL PREPAREDNESS FORCES**

The law defines "civil preparedness forces" as any organized personnel carrying out civil preparedness functions, including police and firemen and auxiliary police officers. (Civil preparedness is now commonly referred to as emergency management.) The bill adds the following entities and their members for purposes of workers' compensation benefits and immunity from liability: Connecticut Disaster Medical Assistance Team and Medical Corps, under the auspices of the Public Health Department; Connecticut Urban Search and Rescue Team, under the Department of Public Safety; and the Connecticut Behavioral Health Regional Crisis Response teams, under the departments of Mental Health and Addiction Services and Children and Families.

**BACKGROUND*****Immunity from Liability***

Under CGS § 28-13, municipalities, state or municipal agents, and members of the civil preparedness forces complying or attempting to comply with laws, orders, or other measures dealing with civil preparedness are immune from liability for death, injury, or property damages. The immunity does not apply to willful misconduct.

***Workers' Compensation Benefits***

Auxiliary police and fire department members and members of other civil preparedness forces killed or injured while training for or on emergency management duty are eligible for workers' compensation benefits. State and municipal employees killed or injured under these circumstances are considered to have been acting within the scope of their employment (CGS § 28-14).

***State Civil Preparedness Plan***

The Office of Emergency Management director must prepare a comprehensive emergency management plan and program, which he must integrate and coordinate with the emergency management activities of Connecticut towns and plans of the federal government and other states. 'Emergency management' means activities and measures designed or undertaken to (1) minimize or control the effects of a major disaster on civilians; (2) minimize the effects that an attack on the United States would have on civilians; (3) deal with any emergency created by any such attack or disaster; and (4) carry out emergency repairs to, or emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack, disaster, or emergency (CGS § 28-1(d)).

**COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Change of Reference

Yea 22      Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 36      Nay 0