



Senate

General Assembly

File No. 357

February Session, 2004

Substitute Senate Bill No. 478

Senate, March 31, 2004

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING NOMINATIONS FOR THE POSITION OF
HOMELAND SECURITY DIRECTOR AND THE DEPARTMENT OF
HOMELAND SECURITY.***

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

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 Section 28-1a of the general statutes is repealed and the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

3 (a) The Office of Emergency Management established under this
4 chapter shall be in the Military Department and shall be the designated
5 civil defense organization for the state.

6 (b) The Department of Homeland Security established under this
7 chapter shall be in the Military Department and shall be the designated
8 homeland security agency for the state. Said department shall
9 constitute a successor department to the Division of Homeland
10 Security within the Department of Public Safety, in accordance with
11 the provisions of sections 4-38d and 4-39.

12 Sec. 2. Section 28-2 of the general statutes is amended by adding
13 subsections (d) to (f), inclusive, as follows (*Effective from passage*):

14 (NEW) (d) The Department of Homeland Security shall be under
15 the direction and supervision of a director of homeland security
16 appointed and approved in accordance with the provisions of
17 subsection (e) of this section, and shall be responsible for the homeland
18 security protection of the state. The Director of Homeland Security
19 shall devote full time to the duties of the office.

20 (NEW) (e) The Department of Homeland Security shall be headed
21 by a director who is appointed by the Governor and approved by the
22 General Assembly, in accordance with the provisions of chapter 46.
23 Such director shall possess professional emergency response
24 qualifications and extensive professional training and knowledge
25 consisting of not less than ten years of high-level managerial
26 experience in matters relating to public safety, security and emergency
27 services including, but not limited to, the identification, development
28 and implementation of strategic preventative and reactionary plans to
29 meet public safety concerns in the areas of state-wide security,
30 domestic terrorism, executive protection and citizen corps. No person
31 possessing a record of any criminal, unlawful or unethical conduct
32 shall be eligible for or hold such position. Any person with any present
33 or past political activities or financial interests that may substantially
34 conflict with the duties of such directorship or expose such person to
35 potential undue influence or compromise such person's ability to be
36 entrusted with necessary state or federal security clearances or
37 information shall be deemed unqualified for such position and shall
38 not be eligible to hold such position.

39 (NEW) (f) The Director of Homeland Security shall be responsible
40 for working through the Office of Emergency Management to: (1)
41 Coordinate with state and local government personnel, agencies and
42 authorities and the private sector to ensure adequate planning,
43 equipment, training and exercise activities by such personnel,
44 agencies, authorities and persons with regard to homeland security; (2)

45 coordinate, and as may be necessary, consolidate homeland security
46 communications and communications systems of the state government
47 with state and local government personnel, agencies, authorities, the
48 general public and the private sector; (3) distribute and, as may be
49 appropriate, coordinate the distribution of information and security
50 warnings to state and local government personnel, agencies,
51 authorities and the general public; and (4) establish standards and
52 security protocols for the "Matrix" and other private intelligence
53 database systems maintained by the state.

54 Sec. 3. Subsection (g) of section 28-7 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective from*
56 *passage*):

57 (g) The state shall reimburse any town or city rendering aid under
58 this section for the compensation paid and actual and necessary travel,
59 subsistence and maintenance expenses of employees of such town or
60 city while rendering such aid, and for all payments for death, disability
61 or injury of such employees in the course of rendering such aid and for
62 all losses of or damage to supplies or equipment of such town or city
63 incurred in the course of rendering such aid. The Director of
64 Homeland Security shall develop a formula for the reimbursement to
65 local and joint organizations for nonstate homeland security funding.

66 Sec. 4. Section 28-29a of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective from passage*):

68 (a) There is established an E 9-1-1 Commission to advise the office in
69 the planning, design, implementation and coordination of the
70 state-wide emergency 9-1-1 telephone system to be created pursuant to
71 sections 28-25, 28-25a, 28-25b, 28-26, 28-27, 28-27a, 28-28, 28-28a,
72 28-28b, 28-29 and 28-29b. The commission shall be appointed by the
73 Governor on or before October 1, 1984, and shall consist of the
74 following members: (1) One representative of the technical support
75 services unit of the Division of State Police within the Department of
76 Public Safety; (2) the State Fire Administrator; (3) one representative
77 from the Office of Emergency Medical Services; (4) one representative

78 from the Office of Emergency Management; (5) one municipal police
79 chief; (6) one municipal fire chief; (7) one volunteer fireman; (8) one
80 representative of the Connecticut Conference of Municipalities; (9) one
81 representative of the Council of Small Towns; (10) one manager or
82 coordinator of 9-1-1 public safety answering points serving areas of
83 differing population concentration; and (11) one representative of
84 providers of commercial mobile radio services, as defined in 47 Code
85 of Federal Regulations 20.3, as amended. Each member shall serve for
86 a term of three years from July 1, 1984, or until a successor has been
87 appointed and qualified. No member of the commission shall receive
88 compensation for such member's services.

89 (b) There is established a state-wide Homeland Security and
90 Emergency Preparedness Coordinating Council to advise the
91 Department of Homeland Security in the planning, design,
92 implementation and coordination of homeland security systems. The
93 commission shall be appointed by the Governor on or before July 1,
94 2004, and shall consist of the following members: (1) The Secretary of
95 the Office of Policy and Management, or the secretary's designee; (2)
96 the Commissioner of Administrative Services, or the commissioner's
97 designee; (3) the Commissioner of Transportation, or the
98 commissioner's designee; (4) the Commissioner of Public Safety, or the
99 commissioner's designee; (5) the Adjutant General of the Military
100 Department, or the Adjutant General's designee; (6) one representative
101 of the technical support services unit of the Division of State Police
102 within the Department of Public Safety; (7) the State Fire
103 Administrator; (8) one representative from the Office of Emergency
104 Medical Services; (9) one representative from the Office of Emergency
105 Management; (10) one municipal police chief; (11) one municipal fire
106 chief; (12) one volunteer firefighter; (13) one representative of the
107 Connecticut Conference of Municipalities; (14) one representative of
108 the Council of Small Towns; (15) one manager or coordinator of 9-1-1
109 public safety answering points serving areas of differing population
110 concentrations; and (16) one representative of providers of commercial
111 mobile radio services, as defined in 47 CFR 20.3, as amended from time
112 to time. Each member shall serve for a term of three years from July 1,

113 2004, or until a qualified successor has been appointed to replace such
114 member. No member of the council shall receive any compensation for
115 such member's service on the council.

116 Sec. 5. Section 29-1b of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2004*):

118 (a) There shall be a Department of Public Safety. The department
119 head shall be the Commissioner of Public Safety, who shall be
120 appointed by the Governor in accordance with the provisions of
121 sections 4-5, as amended, 4-6, 4-7 and 4-8 with the powers and duties
122 therein prescribed. The commissioner shall be the chief administrative
123 officer of the department and shall have the responsibility for
124 providing a coordinated, integrated program for the protection of life
125 and property. The commissioner may appoint not more than three
126 deputy commissioners of public safety, who shall, under the direction
127 of the commissioner, assist in the administration of the department.

128 (b) There shall be within the Department of Public Safety a Division
129 of State Police. The Commissioner of Public Safety shall serve as
130 administrative head and commanding officer of the State Police
131 Division. In his capacity as administrative head said commanding
132 officer of the Division of State Police may delegate his jurisdiction of
133 the affairs of the Division of State Police to a deputy commissioner
134 who shall have the powers and privileges conferred by statute upon a
135 state policeman.

136 (c) Said department shall constitute a successor department to the
137 Department of State Police in accordance with the provisions of
138 sections 4-38d and 4-39.

139 (d) The Division of Homeland Security within the Department of
140 Public Safety shall be transferred to the Department of Homeland
141 Security, established pursuant to section 28-2, as amended by this act,
142 and said department shall constitute a successor department to the
143 Division of Homeland Security within the Department of Public
144 Safety, in accordance with the provisions of sections 4-38d and 4-39.

145 Sec. 6. (*Effective from passage*) The joint standing committees of the
146 General Assembly having cognizance of matters relating to program
147 review and investigations, government administration and elections,
148 public safety, judiciary, public health and the Auditor of Public
149 Accounts shall jointly conduct a study of the operations of the Division
150 of Homeland Security within the Department of Public Safety and
151 shall report such findings to the General Assembly on or before
152 November 1, 2004.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>from passage</i>

GAE *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Military Dept.; Public Safety, Dept.	GF - See Below	See Below	See Below
Admin. Serv., Dept; Policy & Mgmt., Off.; Transportation, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which would result in potential significant costs to the Military Department, establishes a "Department of Homeland Security" within the agency.¹ In addition, the bill (1) establishes minimum qualifications for the new department's director, (2) creates a statewide advisory council, and (3) requires a study of the operations of the current Division of Homeland Security that is within the Department of Public Safety (DPS).

The Division of Homeland Security within DPS was created without the use of additional state funds but rather positions and resources that existed in DPS were transferred to carry out the responsibilities of the division. In FY 03, the division included 39 staff and had expenditures of about \$3.4 million. The current division consists of the following sections: Domestic Terrorism, Statewide Security, Executive Protection, Homeland Security Education Center and Grants Administration. The Executive Protection Unit, which consists of about 12 sworn officers, existed prior to the creation of the division. It is assumed that DPS

¹ According to the bill, the transfer of homeland security responsibilities would be effective on October 1, 2004. It should be noted that the Office of Emergency

staff, particularly those involved in law enforcement activities, would be redistributed within DPS. While the bill is specific as to the transfer of homeland security functions and responsibilities, it is unclear as to the status of personnel associated with non-law enforcement activities.

It is estimated that approximately 20 - 25 positions and \$1.5 million - \$1.7 million would be needed in order to establish an Office of Homeland Security (OHS) within the Military Department. The office would consist of the following: Critical Infrastructure and Communication, Citizens Corp, Domestic Preparedness Grants and Planning, Education/Training and Urban Search and Rescue.² The OHS staff would work closely with existing area coordinators in the Office of Emergency Management (OEM), which is also in the Military Department.³

Management (OEM) within the Military Department performed the homeland security mission prior to the formation of the division within DPS.

² This funding includes costs related to personnel, operation and facilities. Existing resources within the Military Department would support human resources, purchasing, contracting and accounting.

³ OEM's primary responsibility is coordinating the state's response to disasters. The hi-tech *Emergency Operations Center* has seating, communications equipment, computer network, and visual display system for state agencies, public utilities, and charitable organizations to work together to resolve emergencies.

OLR Bill Analysis

sSB 478

**AN ACT CONCERNING NOMINATIONS FOR THE POSITION OF
HOMELAND SECURITY DIRECTOR AND THE DEPARTMENT OF
HOMELAND SECURITY****SUMMARY:**

This bill establishes the Department of Homeland Security in the Military Department as a successor agency to the Division of Homeland Security within the Department of Public Safety. It makes the new department responsible for the homeland security protection of the state, transfers the Division of Homeland Security to it, and establishes a 16-member statewide advisory council to work with it.

The bill establishes minimum qualification for the new department head, called the Director of Homeland Security. It specifies the director's duties and requires him to serve in that capacity full time. The governor appoints him with the legislature's advice and consent.

Lastly, it requires several legislative committees and the state auditors to jointly study the operations of the Division of Homeland Security within the Department of Public Safety and report their findings to the legislature by November 1, 2004.

EFFECTIVE DATE: Upon passage, except for the transfer of the Division of Homeland Security to the Department of Homeland Security, which is effective on October 1, 2004.

DIRECTOR OF THE DEPARTMENT OF HOMELAND SECURITY***Qualifications***

The bill requires the director to possess professional emergency response qualifications and at least 10 years of high-level managerial experience in matters relating to public safety, security, and emergency services. He must be experienced at identifying, developing, and implementing strategic preventative and reactionary plans necessary

to secure the entire state, provide executive protection, man a citizen corps, and guard against domestic terrorism.

The bill prohibits anyone from serving as director (1) who has a criminal record; (2) who has a record of unlawful or unethical conduct; or (3) whose past or present political activities or financial interests might substantially conflict with the duties of a director, expose him to undue influence, or compromise his ability to be entrusted with necessary state or federal security clearances or information.

Duties

The bill requires the director to develop a formula for the state to reimburse local civil preparedness organizations in the event the governor authorizes the temporary use of their forces to assist with a serious disaster or sudden emergency, including enemy attack or sabotage. Additionally, the director must work through the Office of Emergency Management to:

1. coordinate with state and local government agencies and public-sector groups to ensure that they receive adequate planning, equipment, training, and exercises regarding homeland security;
2. coordinate, and where necessary consolidate, all homeland security communications and communication systems in the state, including those in the local government and the private sector;
3. distribute or coordinate the distribution of information and security warnings throughout the state; and
4. establish standards and security protocols for the "Matrix" and other state private intelligence database systems.

HOMELAND SECURITY ADVISORY COUNCIL

The bill establishes a 16-member statewide Homeland Security and Emergency Preparedness Coordinating Council to advise the Department of Homeland Security in the planning, design, implementation, and coordination of homeland security systems. The governor must appoint the council by July 1, 2004. The members must

consist of:

1. the Office of Policy and Management secretary, adjutant general, and commissioners of administrative services, transportation, public safety, or their designees;
2. a representative of commercial mobile radio service providers (i.e., people who sell radio communication services between mobile and land stations or between mobile stations);
3. one representative each from the State Police's technical support services unit, Office of Emergency Medical Services, Office of Emergency Management, Connecticut Conference of Municipalities, and Council of Small Towns;
4. the State Fire Administrator;
5. a municipal police chief and fire chief;
6. a volunteer firefighter; and
7. a manager or coordinator of 9-1-1 public safety answering points serving areas of differing population concentrations.

Each member serves uncompensated for three years, beginning July 1, 2004, or until the governor appoints a qualified successor.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 5