



General Assembly

January Session, 2007

Raised Bill No. 1073

LCO No. 3588

03588 _____ PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING EMERGENCY-RELATED INFORMATION
FROM PRIVATE SOURCES.**

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 Section 28-1a of the general statutes is repealed and the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 October 1, 2007*):

3 (a) There is established a Department of Emergency Management
4 and Homeland Security. Said department shall be the designated
5 emergency management and homeland security agency for the state.
6 The department head shall be the commissioner, who shall be
7 appointed by the Governor in accordance with the provisions of
8 sections 4-5, 4-6, 4-7 and 4-8 with the powers and duties prescribed in
9 said sections. The commissioner shall possess professional training and
10 knowledge consisting of not less than five years of managerial or
11 strategic planning experience in matters relating to public safety,
12 security, emergency services and emergency response. No person
13 possessing a record of any criminal, unlawful or unethical conduct
14 shall be eligible for or hold such position. Any person with any present
15 or past political activities or financial interests that may substantially
16 conflict with the duties of the commissioner or expose such person to

17 potential undue influence or compromise such person's ability to be
18 entrusted with necessary state or federal security clearances or
19 information shall be deemed unqualified for such position and shall
20 not be eligible to hold such position. The commissioner shall be the
21 chief administrative officer of the department and shall have the
22 responsibility for providing a coordinated, integrated program for
23 state-wide emergency management and homeland security. The
24 commissioner may do all things necessary to apply for, qualify for and
25 accept any federal funds made available or allotted under any federal
26 act relative to emergency management or homeland security.

27 (b) With reasonable conformance to applicable federal statutes and
28 administrative regulations of the Federal Emergency Management
29 Agency and the requirements of the Connecticut emergency
30 operations plan, the commissioner shall organize the department and
31 the personnel of the department as may be necessary for the effective
32 discharge of the authorized emergency management, civil
33 preparedness and homeland security missions, including, but not
34 limited to, the provisions of the Connecticut emergency operations
35 plan and the national plan for civil preparedness. Any department
36 personnel may be removed by the commissioner for security reasons
37 or for incompetence, subject to reinstatement by the Employees'
38 Review Board. The commissioner may enter into contracts for the
39 furnishing by any person or agency, public or private, of services
40 necessary for the proper execution of the duties of the department.
41 Any such contract that has a cost of three thousand dollars or more
42 shall be subject to the approval of the Attorney General.

43 (c) The commissioner shall be responsible for: (1) Coordinating with
44 state and local government personnel, agencies and authorities and the
45 private sector to ensure adequate planning, equipment, training and
46 exercise activities by such personnel, agencies and authorities and the
47 private sector with regard to homeland security; (2) coordinating, and
48 as may be necessary, consolidating homeland security
49 communications and communications systems of the state government

50 with state and local government personnel, agencies and authorities,
51 the general public and the private sector; (3) distributing and, as may
52 be appropriate, coordinating the distribution of information and
53 security warnings to state and local government personnel, agencies
54 and authorities and the general public; and (4) establishing standards
55 and security protocols for the use of any intelligence information.

56 (d) The commissioner may adopt such regulations, in accordance
57 with the provisions of chapter 54, as necessary to implement the duties
58 of the department.

59 (e) The commissioner shall, in consultation with the bargaining unit
60 representing state police, enter into an interagency memorandum of
61 understanding with the Department of Public Safety and the Military
62 Department to provide for (1) the temporary assignment and
63 retrenchment rights of state police and employees of the Military
64 Department to work in the department, and (2) interagency
65 information sharing. Any such personnel temporarily assigned shall
66 act under the direction of the commissioner. The Department of Public
67 Safety and the Military Department, respectively, shall retain
68 administrative control over such personnel.

69 (f) The commissioner may request and may receive from any
70 federal, state or local agency, cooperation and assistance in the
71 performance of the duties of the department, including the temporary
72 assignment of personnel necessary to perform the functions of the
73 department. Any such personnel temporarily assigned shall act under
74 the direction of the commissioner. The federal, state or local agency
75 shall retain administrative control over such personnel. For purposes
76 of section 5-141d, such personnel temporarily assigned shall be
77 deemed to be acting as state employees while assigned to, and
78 performing the duties of, the department.

79 (g) The functions, powers, duties and, as determined to be necessary
80 by the commissioner, personnel of the Division of Homeland Security
81 within the Department of Public Safety and the Office of Emergency

82 Management within the Military Department shall be transferred to
83 the Department of Emergency Management and Homeland Security in
84 accordance with the provisions of sections 4-38d, 4-38e and 4-39.

85 (h) Notwithstanding any provision of chapter 14 of the general
86 statutes, the commissioner or any local emergency management
87 association or official shall not be required to disclose any information
88 provided by a private source to the department or to the local
89 emergency management association or official for the purpose of
90 emergency planning, preparedness response, recovery or mitigation
91 that the commissioner or local emergency management association or
92 official has reasonable grounds to believe may create a health or safety
93 risk to one or more citizens of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	28-1a

Statement of Purpose:

To make certain emergency-related information from private sources exempt from FOI disclosure.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]