



Senate

General Assembly

File No. 8

January Session, 2009

Senate Bill No. 762

Senate, February 24, 2009

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MUTUAL AID OR MOBILE SUPPORT UNITS AND NUCLEAR SAFETY EMERGENCY PREPAREDNESS PROGRAM PLANS.

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

1 Section 1. Section 28-6 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) All civil preparedness units, forces, facilities, supplies and
4 equipment in the state are deemed to be available for employment as
5 mutual aid or mobile support. They may be ordered to duty by the
6 Governor or the commissioner only under the conditions defined in
7 subsection (f) of section 28-7 or section 28-9, except that such civil
8 preparedness units, forces, facilities, supplies and equipment may be
9 employed in another state under the conditions specified in subsection
10 (e) of this section.

11 (b) Personnel of such civil preparedness units or forces, while
12 engaged in officially authorized civil preparedness duty under this

13 section, shall: (1) If they are employees of the state, have the powers,
14 duties, rights, privileges and immunities and receive the compensation
15 incident to their employment; (2) if they are employees of a political
16 subdivision of the state, and whether serving within or without such
17 political subdivision, have the powers, duties, rights, privileges and
18 immunities and receive the compensation incident to their
19 employment; and (3) if they are not employees of the state or a political
20 subdivision thereof, be entitled to such compensation from the state as
21 is determined by the Commissioner of Administrative Services under
22 the provisions of section 4-40 and to the same rights and immunities as
23 are provided by law for the employees of this state, provided in no
24 instance shall such compensation be determined at a rate less than the
25 minimum wage as determined by the Labor Commissioner. All
26 personnel of mobile support units shall, while on duty, be subject to
27 the operational control of the authority in charge of civil preparedness
28 activities in the area in which they are serving.

29 (c) The state shall reimburse a political subdivision for the
30 compensation paid and actual and necessary travel, subsistence and
31 maintenance expenses of employees of the political subdivision while
32 [in training or on call by the Governor for emergency duty] ordered to
33 duty under this section as members of a mobile support unit, and for
34 all payments for death, disability or injury of such employees incurred
35 in the course of such [training or] duty, and for all losses of or damage
36 to supplies and equipment of such political subdivisions used by such
37 mobile support units.

38 (d) Whenever the mobile support unit of another state renders aid
39 pursuant to the orders of the Governor of its home state and upon the
40 request of the Governor of this state, this state shall reimburse such
41 other state for the compensation paid and actual and necessary travel,
42 subsistence and maintenance expenses of the personnel of such mobile
43 support units incurred in rendering such aid, and for all payments for
44 death, disability or injury of such personnel incurred in rendering such
45 aid, and for all losses of or damage to supplies and equipment of such
46 other state or a political subdivision thereof resulting from rendering

47 such aid, provided the laws of such other state shall contain provisions
48 substantially similar to those of this section.

49 (e) No personnel of mobile support units of this state shall be
50 ordered by the Governor to operate in any other state unless the laws
51 of such other state contain provisions substantially similar to those of
52 this section or unless such state is a signatory to the Emergency
53 Management Assistance Compact established in section 28-23a.

54 Sec. 2. Section 28-31 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2009*):

56 (a) The Department of Public Utility Control shall establish a
57 nuclear safety emergency preparedness account, which shall be a
58 separate, nonlapsing account within the General Fund, and which
59 shall be financed through assessments of all Nuclear Regulatory
60 Commission licensees that own or operate nuclear power generating
61 facilities in the state. The department shall initially assess the licensees
62 for a total of two million dollars. The department may assess licensees
63 for such amounts as necessary for the purposes of the account,
64 provided the balance in the account at the end of the fiscal year may
65 not exceed three hundred thousand dollars. The department shall
66 annually assess the licensees, upon the request of the Commissioner of
67 Emergency Management and Homeland Security, for funding to
68 support annual expenses of five staff positions in the Department of
69 Environmental Protection and three staff positions in the Department
70 of Emergency Management and Homeland Security. Personnel shall be
71 assigned to said staff positions solely for the purposes of the program
72 established pursuant to subsection (b) of this section. Federal
73 reimbursements and grants obtained in support of the nuclear safety
74 emergency preparedness program shall be paid into the General Fund
75 and credited to the account. The department shall develop an equitable
76 method of assessing the licensees for their reasonable pro-rata share of
77 such assessments. All such assessments shall be included as operating
78 expenses of the licensees for purposes of rate-making. All moneys
79 within the account shall be invested by the State Treasurer in

80 accordance with established investment practices and all interest
81 earned by such investments shall be returned to the account.

82 (b) Moneys in the account shall be expended by the Commissioner
83 of Emergency Management and Homeland Security, in conjunction
84 with the Commissioner of Environmental Protection, only to support
85 the activities of a nuclear safety emergency preparedness program and
86 only in accordance with the plan approved by the Secretary of the
87 Office of Policy and Management under subsection (c) of this section.
88 The program shall include, but not necessarily be limited to: (1)
89 Development of a detailed fixed facility nuclear emergency response
90 plan for areas surrounding each nuclear electrical generation facility
91 and each away-from-reactor spent fuel storage facility, (2) annual
92 training of state and local emergency response personnel, (3)
93 development of accident scenarios and exercising of fixed facility
94 nuclear emergency response plans, (4) provision of specialized
95 response equipment necessary to accomplish this task, (5) support for
96 the operations and personal services costs of the radiological
97 instrument maintenance and calibration facility, as necessary to
98 replace any reduction in current federal funding, and (6) any other
99 measures as may be required by the Nuclear Regulatory Commission
100 and the Federal Emergency Management Agency of the United States
101 Department of Homeland Security. Moneys in the account shall be
102 distributed as follows to carry out the purposes of the program: The
103 Commissioner of Emergency Management and Homeland Security
104 may expend not more than twenty-five per cent of the proceeds of the
105 maximum annual assessment for administrative functions incident to
106 the program. The Commissioner of Emergency Management and
107 Homeland Security may expend such additional funds as are
108 necessary to assure and maintain emergency operations center
109 capabilities and specialized response equipment necessary to
110 implement the fixed facility nuclear emergency response plans. The
111 remaining moneys in the account may be allocated to other state
112 agencies and used to reimburse municipalities for costs incurred in the
113 purchase and maintenance of equipment and for services rendered in
114 carrying out the purposes of the program.

115 (c) Not later than [November] May first, annually, the
 116 Commissioner of Emergency Management and Homeland Security, in
 117 consultation with the Commissioner of Environmental Protection, shall
 118 submit to the Secretary of the Office of Policy and Management a plan
 119 for carrying out the purposes of the nuclear safety emergency
 120 preparedness program during the next state fiscal year. The plan shall
 121 include proposed itemized expenditures and measures for the
 122 program. The secretary shall review the plan and, not later than
 123 [December] June first, annually, approve the plan if it conforms to the
 124 provisions of this section.

125 (d) All moneys within the nuclear safety emergency preparedness
 126 account may be expended only in accordance with the provisions of
 127 this section.

128 (e) Notwithstanding the provisions of subsection (a) of this section,
 129 the Department of Public Utility Control may allow an additional
 130 assessment of the licensees to supplement the initial assessment of
 131 such licensees if either the Nuclear Regulatory Commission or the
 132 Federal Emergency Management Agency of the United States
 133 Department of Homeland Security disapproves or informs, in writing,
 134 the Commissioner of Emergency Management and Homeland Security
 135 that it is likely to disapprove the nuclear safety emergency
 136 preparedness plan and additional funds are or would be needed to
 137 conform the plan to acceptable standards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	28-6
Sec. 2	<i>October 1, 2009</i>	28-31

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which exempts the state from having to compensate municipal employees of mobile support units for enumerated expenses associated with civil preparedness training, conforms Connecticut statute to current practice. The bill also alters dates on which annual nuclear safety emergency preparedness plans must be submitted and approved. The bill does not result in any fiscal impact to the state or municipalities.

Section 1 of the bill eliminates the current statutory requirement that municipal employees be compensated by the state for wages, travel, subsistence, maintenance expenses, and payments for death, disability, or injury resulting from emergency training as members of a mobile support unit. State compensation for these expenses remains in cases of actual duty.

It is the current practice of the Department of Emergency Management and Homeland Security (DEMHS) to compensate municipalities in cases of actual duty only. Therefore, there is no impact to the state or municipalities as the bill does not alter current practice.

Section 2 changes from November 1 to May 1 and December 1 to June 1 annually the date by which nuclear safety emergency preparedness plans must be submitted and approved, respectively. This does not result in any fiscal impact to the state or municipalities.

The Out Years

None

Source: Department of Emergency Management and Homeland Security

OLR Bill Analysis**SB 762*****AN ACT CONCERNING MUTUAL AID OR MOBILE SUPPORT UNITS AND NUCLEAR SAFETY EMERGENCY PREPAREDNESS PROGRAM PLANS.*****SUMMARY:**

This bill eliminates the state's duty to reimburse towns for (1) compensation and actual and necessary travel, subsistence, and maintenance expenses paid to members of a civil preparedness force while in training as members of a mobile support unit and (2) extends state reimbursements to members of any unit that the Department of Emergency Management and Homeland Security (DEMHS) commissioner orders to emergency duty. These changes apparently conform the law to current practice.

The bill also eliminates the state's duty to reimburse towns for payments for employee death, disability and injury incurred in the course of such training.

The bill specifies that the reimbursements and certain rights, immunities, and powers afforded to first responders apply only when they are ordered to emergency duty by the governor or commissioner. By law, state or municipal employees engaged in officially authorized civil preparedness duties as members of civil preparedness units have the powers, duties, rights, privileges, and immunities and receive compensation incident to their employment. Other civil preparedness personnel have the same rights and immunities as state employees and are entitled to state compensation for their services.

The bill also changes (1) from November 1 to May 1 annually, the deadline by which DEMHS must submit the nuclear safety emergency preparedness program plan to the Office of Policy and Management

and (2) from December 1 to June 1 annually the deadline by which the office must approve the plan.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 22 Nay 0 (02/10/2009)