



General Assembly

January Session, 2009

**Raised Bill No. 762**

LCO No. 2634

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Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

**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 Section 28-6 of the general statutes is repealed and the  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

**Statement of Purpose:**

To delete the requirement for state reimbursement for certain municipal emergency duty training costs, to clarify that compensation

for emergency personnel only applies when such personnel are engaged in officially authorized civil preparedness duty under this section, and to change the submittal and approval dates for nuclear safety emergency preparedness program plans for consistency with the municipal budgetary cycle.

*[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.]*