



Substitute Senate Bill No. 149

Public Act No. 10-50

AN ACT CONCERNING THE GOVERNOR'S POWER TO MODIFY OR SUSPEND STATUTES, REGULATIONS OR OTHER REQUIREMENTS DURING A PUBLIC HEALTH EMERGENCY.

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

Section 1. Section 28-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) In the event of serious disaster, enemy attack, sabotage or other hostile action or in the event of the imminence thereof, the Governor may proclaim that a state of civil preparedness emergency exists, in which event [he] the Governor may personally take direct operational control of any or all parts of the civil preparedness forces and functions in the state. Any such proclamation shall be effective upon filing with the Secretary of the State. Any such proclamation, or order issued pursuant thereto, issued by the Governor because of a disaster resulting from man-made cause may be disapproved by majority vote of a joint legislative committee consisting of the president pro tempore of the Senate, the speaker of the House of Representatives and the majority and minority leaders of both houses of the General Assembly, provided at least one of the minority leaders votes for such disapproval. Such disapproval shall not be effective unless filed with the Secretary of the State [within] not later than seventy-two hours [of]

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after the filing of the Governor's proclamation with the Secretary of the State. As soon as possible after such proclamation, if the General Assembly is not then in session, the Governor shall meet with the president pro tempore of the Senate, the speaker of the House of Representatives, and the majority and minority leaders of both houses of the General Assembly and shall confer with them on the advisability of calling a special session of the General Assembly.

(b) Upon such proclamation, the following provisions of this section and the provisions of section 28-11 shall immediately become effective and shall continue in effect until the Governor proclaims the end of the civil preparedness emergency:

[(a) The] (1) Following the Governor's proclamation of a civil preparedness emergency pursuant to subsection (a) of this section or declaration of a public health emergency pursuant to section 19a-131a, the Governor [is authorized and empowered to] may modify or suspend in whole or in part, by order as hereinafter provided, any statute, regulation or requirement or part thereof whenever [in his opinion it] the Governor finds such statute, regulation or requirement, or part thereof, is in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health. The Governor shall specify in such order the reason or reasons therefor and any statute, regulation or requirement or part thereof to be modified or suspended and the period, not exceeding six months unless sooner revoked, during which such order [, modification or suspension] shall be enforced. Any such order shall have the full force and effect of law upon the filing of the full text [thereof] of such order in the office of the Secretary of the State. The Secretary of the State shall, [within] not later than four days after receipt of the order, cause such order to be printed and published in full in at least one issue of a newspaper published in each county and having general circulation therein, but failure to publish shall not

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impair the validity of such order. Any statute, regulation or requirement, or part thereof, inconsistent [therewith] with such order shall be inoperative for the effective period of such order. [or suspension.] Any such order shall be communicated by the Governor at the earliest date to both houses of the General Assembly.

[(b)] (2) The Governor may order into action all or any part of the department or local or joint organizations for civil preparedness mobile support units or any other civil preparedness forces.

[(c)] (3) The Governor shall order and enforce such blackouts and radio silences as are authorized by the United States Army or its duly designated agency and may take any other precautionary measures reasonably necessary in the light of the emergency.

[(d)] (4) The Governor may designate such vehicles and persons as shall be permitted to move and the routes which they shall follow.

[(e)] (5) The Governor shall take appropriate measures for protecting the health and safety of inmates of state institutions and children in schools.

[(f)] (6) The Governor may order the evacuation of all or part of the population of stricken or threatened areas and may take such steps as are necessary for the receipt and care of such evacuees.

[(g)] (7) The Governor may take such other steps as are reasonably necessary in the light of the emergency to protect the health, safety and welfare of the people of the state, to prevent or minimize loss or destruction of property and to minimize the effects of hostile action.

[(h)] (8) In order to insure the automatic and effective operation of civil preparedness in the event of enemy attack, sabotage or other hostile action, or in the event of the imminence thereof, the Governor may, at [his] the Governor's discretion, at any time prior to actual

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development of such conditions, issue such proclamations and executive orders as [he] the Governor deems necessary, such proclamations and orders to become effective only under such conditions.

Approved May 18, 2010