



Senate

General Assembly

File No. 29

February Session, 2010

Senate Bill No. 148

Senate, March 11, 2010

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 THE TERM "EMERGENCY MANAGEMENT DIRECTOR" AND REDEFINING "MAJOR DISASTER" AND "EMERGENCY".

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

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 Section 28-1 of the general statutes is repealed and the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

3 As used in this chapter:

4 (1) "Attack" means any attack or series of attacks by an enemy of the
5 United States causing, or which may cause, substantial damage or
6 injury to civilian property or persons in the United States in any
7 manner by sabotage or by the use of bombs, shellfire or atomic,
8 radiological, chemical, bacteriological or biological means or other
9 weapons or processes.

10 (2) "Major disaster" means any catastrophe including, but not
11 limited to, any hurricane, tornado, storm, high water, wind-driven
12 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,

13 mudslide, snowstorm or drought, or, regardless of cause, any fire,
14 flood, explosion, or manmade disaster in any part of this state that, (A)
15 in the determination of the President, causes damage of sufficient
16 severity and magnitude to warrant major disaster assistance under the
17 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42
18 USC 5121 et seq., as amended from time to time, to supplement the
19 efforts and available resources of this state, local governments thereof,
20 and disaster relief organizations in alleviating the damage, loss,
21 hardship, or suffering caused thereby, or (B) in the determination of
22 the Governor, requires the declaration of a civil preparedness
23 emergency pursuant to section 28-9.

24 (3) "Emergency" means any occasion or instance for which, in the
25 determination of the Governor or the President, state or federal
26 assistance is needed to supplement state [and] or local efforts and
27 capabilities to save lives and protect property, public health and safety
28 or to avert or lessen the threat of a disaster or catastrophe in any part
29 of this state.

30 (4) "Civil preparedness" means all those activities and measures
31 designed or undertaken (A) to minimize or control the effects upon the
32 civilian population of major disaster or emergency, (B) to minimize the
33 effects upon the civilian population caused or which would be caused
34 by an attack upon the United States, (C) to deal with the immediate
35 emergency conditions which would be created by any such attack,
36 major disaster or emergency, and (D) to effectuate emergency repairs
37 to, or the emergency restoration of, vital utilities and facilities
38 destroyed or damaged by any such attack, major disaster or
39 emergency. Such term shall include, but shall not be limited to, (i)
40 measures to be taken in preparation for anticipated attack, major
41 disaster or emergency, including the establishment of appropriate
42 organizations, operational plans and supporting agreements; the
43 recruitment and training of personnel; the conduct of research; the
44 procurement and stockpiling of necessary materials and supplies; the
45 provision of suitable warning systems; the construction and
46 preparation of shelters, shelter areas and control centers; and, when

47 appropriate, the nonmilitary evacuation of the civilian population, pets
48 and service animals; (ii) measures to be taken during attack, major
49 disaster or emergency, including the enforcement of passive defense
50 regulations prescribed by duly established military or civil authorities;
51 the evacuation of personnel to shelter areas; the control of traffic and
52 panic; and the control and use of lighting and civil communication;
53 and (iii) measures to be taken following attack, major disaster or
54 emergency, including activities for fire fighting; rescue, emergency
55 medical, health and sanitation services; monitoring for specific hazards
56 of special weapons; unexploded bomb reconnaissance; essential debris
57 clearance; emergency welfare measures; and immediately essential
58 emergency repair or restoration of damaged vital facilities.

59 (5) "Civil preparedness forces" means any organized personnel
60 engaged in carrying out civil preparedness functions in accordance
61 with the provisions of this chapter or any regulation or order adopted
62 pursuant to this chapter. All the police and fire forces of the state or
63 any political subdivision of the state, or any part of any political
64 subdivision, including all the auxiliaries of these forces and emergency
65 medical service personnel licensed or certified pursuant to section 19a-
66 179, shall be construed to be a part of the civil preparedness forces. The
67 Connecticut Disaster Medical Assistance Team and the Medical
68 Reserve Corps, under the auspices of the Department of Public Health,
69 the Connecticut Urban Search and Rescue Team, under the auspices of
70 the Department of Emergency Management and Homeland Security,
71 and the Connecticut behavioral health regional crisis response teams,
72 under the auspices of the Department of Mental Health and Addiction
73 Services and the Department of Children and Families, and their
74 members, shall be construed to be a part of the civil preparedness
75 forces while engaging in authorized civil preparedness duty or while
76 assisting or engaging in authorized training for the purpose of
77 eligibility for immunity from liability as provided in section 28-13 and
78 for death, disability and injury benefits as provided in section 28-14.
79 Any member of the civil preparedness forces who is called upon either
80 by civil preparedness personnel or state or municipal police personnel
81 to assist in any emergency shall be deemed to be engaging in civil

82 preparedness duty while assisting in such emergency or while
83 engaging in training under the auspices of the Department of
84 Emergency Management and Homeland Security, the Department of
85 Public Safety, the Division of State Police within the Department of
86 Public Safety or a municipal police department, for the purpose of
87 eligibility for death, disability and injury benefits as provided in
88 section 28-14.

89 (6) "Mobile support unit" means an organization of civil
90 preparedness forces created in accordance with the provisions of this
91 chapter to be dispatched by the Governor or Commissioner of
92 Emergency Management and Homeland Security to supplement civil
93 preparedness forces in a stricken or threatened area.

94 (7) "Civil preparedness emergency" or "disaster emergency" means
95 an emergency declared by the Governor under the provisions of this
96 chapter in the event of serious disaster or of enemy attack, sabotage or
97 other hostile action within the state or a neighboring state, or in the
98 event of the imminence thereof.

99 (8) "Local civil preparedness emergency" or "disaster emergency"
100 means an emergency declared by the chief executive officer of any
101 town or city in the event of serious disaster affecting such town or city.

102 (9) "Governor" means the Governor or anyone legally administering
103 the office of Governor.

104 (10) "Commissioner" means the Commissioner of Emergency
105 Management and Homeland Security.

106 (11) "Department" means the Department of Emergency
107 Management and Homeland Security.

108 (12) "Political subdivision" means any city, town, municipality,
109 borough or other unit of local government.

110 Sec. 2. Section 28-7 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2010*):

112 (a) Each town or city of the state shall establish a local organization
113 for civil preparedness in accordance with the state civil preparedness
114 plan and program, provided any two or more towns or cities may,
115 with the approval of the commissioner, establish a joint organization
116 for civil preparedness. The authority of such local or joint organization
117 for civil preparedness shall not supersede that of any regularly
118 organized police or fire department. In order to be eligible for any state
119 or federal benefits under this chapter, not later than January 1, 2008,
120 and annually thereafter, each town or city of the state shall have a
121 current emergency plan of operations that has been approved by the
122 commissioner. The plan shall be submitted to the commissioner after it
123 has been approved by the local emergency management director [of
124 civil preparedness] and the local chief executive. Such plan may be
125 submitted with a notice stating that the plan remains unchanged from
126 the previous year's version. The emergency plan of operations of every
127 town or city situated on the shoreline of the state shall contain
128 provisions addressing an emergency caused by any existing liquefied
129 natural gas terminal located on the Long Island Sound and every town
130 or city situated on the shoreline of the state shall submit such plan to
131 the joint standing committee of the General Assembly having
132 cognizance of matters relating to public safety, in accordance with the
133 provisions of section 11-4a, and the commissioner to obtain approval.
134 The committee shall hold a public hearing regarding such plan not
135 later than thirty days after receiving the plan. Not later than five days
136 after the hearing, the committee shall (1) hold a roll-call vote to
137 approve or reject the plan, and (2) forward the plan and a record of the
138 committee's vote to the General Assembly. Such emergency plan of
139 operations shall not be approved by the commissioner unless the
140 commissioner determines that the plan proposes strategies that
141 address all the activities and measures of civil preparedness identified
142 in subdivision (4) of section 28-1, as amended by this act. Each town or
143 city of the state shall consider whether to provide for the nonmilitary
144 evacuation of livestock and horses in such plan.

145 (b) Each local organization for civil preparedness shall consist of an
146 advisory council and [a] an emergency management director

147 appointed by the chief executive officer. The advisory council shall
148 contain representatives of city or town agencies concerned with civil
149 preparedness and representatives of interests, including business,
150 labor, agriculture, veterans, women's groups and others, which are
151 important to the civil preparedness program in the particular
152 community. The emergency management director shall be responsible
153 for the organization, administration and operation of such local
154 organization, subject to the direction and control of the commissioner.
155 The chief executive officer may remove any local emergency
156 management director for cause.

157 (c) Each local or joint organization shall perform such civil
158 preparedness functions in the territorial limits within which it is
159 organized as the commissioner prescribes. In addition, such local or
160 joint organization shall conduct such functions outside such territorial
161 limits as are prescribed by the state civil preparedness plan and
162 program or by the terms of any mutual aid agreements to which the
163 town is a party.

164 (d) The emergency management director of each local or joint
165 organization may, with the approval of the commissioner, collaborate
166 with other public and private agencies within the state and develop or
167 cause to be developed mutual aid agreements for civil preparedness
168 aid and assistance in case of disaster too great to be dealt with
169 unassisted. The emergency management director of such joint or local
170 organization may, with the approval of the commissioner, enter into
171 such mutual aid agreements with civil preparedness agencies or
172 organizations in other states. Such agreements shall be consistent with
173 the state civil preparedness plan and program and, in time of
174 emergency, each local or joint organization shall render assistance in
175 accordance with the provisions of such agreements to which it is a
176 party unless otherwise ordered by the commissioner.

177 (e) Each town or city shall have the power to make appropriations
178 for the payment of salaries and expenses of its local or joint
179 organization or any other civil preparedness agencies or

180 instrumentalities.

181 (f) In the event of a serious disaster or of a sudden emergency, when
182 such action is deemed necessary for the protection of the health and
183 safety of the people, and upon request of the local chief executive
184 authority, the Governor or the commissioner, without regard to the
185 provisions of section 22a-148, may authorize the temporary use of such
186 civil preparedness forces, including civil preparedness auxiliary police
187 and firemen, as [he] the Governor deems necessary. Personnel of such
188 civil preparedness forces shall be so employed only with their consent.
189 The provisions of section 28-14 shall apply to personnel so employed.

190 (g) The state shall reimburse any town or city rendering aid under
191 this section for the compensation paid and actual and necessary travel,
192 subsistence and maintenance expenses of employees of such town or
193 city while rendering such aid, and for all payments for death, disability
194 or injury of such employees in the course of rendering such aid and for
195 all losses of or damage to supplies or equipment of such town or city
196 incurred in the course of rendering such aid.

197 (h) Whenever, in the judgment of a local [civil preparedness]
198 emergency management director, with prior approval of the
199 commissioner, it is deemed essential to authorize the temporary
200 assignment, with their consent, of any members of civil preparedness
201 forces who are not paid employees of the state or any political
202 subdivision thereof, for a temporary civil preparedness mission, the
203 provisions of section 28-14 shall apply. A complete written record of
204 the conditions and dates of such assignment shall be maintained by the
205 local director concerned and such record shall be available for
206 examination by the commissioner and the Attorney General. The
207 commissioner shall establish the necessary procedures to administer
208 this section.

209 Sec. 3. Section 12-81w of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2010*):

211 The legislative body of any municipality may establish, by

212 ordinance, a program to provide property tax relief for the nonsalaried
213 local emergency management director [of civil preparedness] and for
214 individuals who volunteer their services as a firefighter, emergency
215 medical technician, paramedic, civil preparedness staff, an active
216 member of a volunteer canine search and rescue team, as defined in
217 section 5-249, or ambulance driver in the municipality. Such tax relief
218 may provide either (1) an abatement of up to one thousand dollars in
219 property taxes due for any fiscal year, or (2) an exemption applicable
220 to the assessed value of real or personal property up to an amount
221 equal to the quotient of one million dollars divided by the mill rate, in
222 effect at the time of assessment, expressed as a whole number of
223 dollars per one thousand dollars of assessed value. Any ordinance may
224 authorize interlocal agreements for the purpose of providing property
225 tax relief to such volunteers who live in one municipality but volunteer
226 their services in another municipality.

227 Sec. 4. Section 28-9d of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective October 1, 2010*):

229 (a) Whenever the President, at the request of the Governor, has
230 declared a major disaster to exist in this state, the Governor is
231 authorized: (1) Upon the Governor's determination that financial
232 assistance is essential to meet disaster-related necessary expenses or
233 serious needs of individuals or families adversely affected by such
234 disaster that cannot be otherwise adequately met from other means of
235 assistance, to accept a grant by the federal government to fund such
236 financial assistance, subject to such terms and conditions as may be
237 imposed upon the grant; (2) to enter into an agreement with the federal
238 government, or any officer or agency thereof, pledging the state to
239 participate in the funding of the financial assistance authorized in
240 subdivision (1) of this subsection, in an amount not to exceed twenty-
241 five per cent thereof and, if state funds are not otherwise available to
242 the Governor, to accept an advance of the state share from the federal
243 government to be repaid when the state is able to do so.

244 (b) Notwithstanding any other provision of law or regulation, the

245 Governor is authorized to make financial grants to meet disaster-
 246 related necessary expenses or serious needs of individuals or families
 247 adversely affected by a major disaster [which] that cannot otherwise
 248 adequately be met from other means of assistance, which shall not
 249 exceed in the aggregate the maximum payment established by the
 250 Federal Emergency Management Agency, to an individual or family in
 251 any single disaster declared by the President.

252 (c) The Governor shall make such regulations as are necessary for
 253 carrying out the purposes of this section, including, but not limited to,
 254 standards of eligibility for persons applying for benefits; procedures
 255 for application and administration; methods of investigation, filing
 256 and approving applications; and formation of local or state-wide
 257 boards to pass upon applications and procedures for appeals.

258 (d) Any person who fraudulently or wilfully makes a misstatement
 259 of fact in connection with an application for financial assistance under
 260 this section shall, upon conviction of each offense, be subject to a fine
 261 of not more than five thousand dollars, or imprisonment for not more
 262 than one year, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	28-1
Sec. 2	<i>October 1, 2010</i>	28-7
Sec. 3	<i>October 1, 2010</i>	12-81w
Sec. 4	<i>October 1, 2010</i>	28-9d

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***

This bill clarifies the authority of the Governor's office in the event of certain emergencies and codifies current practices. There is no associated fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 148*****AN ACT CONCERNING THE TERM "EMERGENCY MANAGEMENT DIRECTOR" AND REDEFINING "MAJOR DISASTER" AND "EMERGENCY".*****SUMMARY:**

This bill conforms the definitions of “major disaster” and “emergency” to Department of Emergency Management and Homeland Security usage, for purposes of the civil preparedness and emergency management statutes.

Under current law, these definitions mirror the federal Stafford Act definitions and apply only in cases where the president makes a declaration. The bill includes in the definition of “major disaster” catastrophes the governor determines are severe enough to warrant declaring a civil preparedness emergency, instead of just those that the president determines warrant Stafford Act disaster relief. It also includes in the definition of “emergency” situations in which the governor determines that state or federal assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe. Under current law, “emergency” means situations in which the president determines that federal assistance is needed to supplement state and local efforts.

The bill updates the statutes by substituting “emergency management director” for the term “director of civil preparedness” to reflect the term currently used to describe this official. It also makes technical and conforming changes.

Stafford Act

This act constitutes the statutory authority for most federal disaster

response activities especially as they pertain to Federal Emergency Management Assistance programs.

EFFECTIVE DATE: October 1, 2010

CIVIL PREPAREDNESS EMERGENCIES

By law, the governor may declare a civil preparedness emergency in the event, or imminent threat, of serious disaster, enemy attack, sabotage, or hostile action. In such cases, the governor may personally take direct operational control of any or all parts of the civil preparedness forces and functions in the state.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 22 Nay 0 (02/25/2010)