



General Assembly

February Session, 2012

***Raised Bill No. 338***

LCO No. 1742

\*01742\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING PUBLIC SAFETY.***

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

1 Section 1. Section 28-1 of the 2012 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2012*):

4 As used in this chapter:

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

11 (2) "Major disaster" means any catastrophe including, but not  
12 limited to, any hurricane, tornado, storm, high water, wind-driven  
13 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,  
14 mudslide, snowstorm or drought, or, regardless of cause, any fire,  
15 flood, explosion, or manmade disaster in any part of this state that, (A)

16 in the determination of the President of the United States, causes  
17 damage of sufficient severity and magnitude to warrant major disaster  
18 assistance under the Robert T. Stafford Disaster Relief and Emergency  
19 Assistance Act, 42 USC 5121 et seq., as amended from time to time, to  
20 supplement the efforts and available resources of this state, local  
21 governments within the state, and disaster relief organizations in  
22 alleviating the damage, loss, hardship [,] or suffering caused by such  
23 catastrophe, or (B) in the determination of the Governor, requires the  
24 declaration of a civil preparedness emergency pursuant to section 28-9.

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

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

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

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

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

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

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

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

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

105 (10) "Commissioner" means the Commissioner of Emergency  
106 Services and Public Protection.

107 (11) "Department" means the Department of Emergency Services  
108 and Public Protection.

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

111 Sec. 2. Section 28-9a of the general statutes is repealed and the

112 following is substituted in lieu thereof (*Effective October 1, 2012*):

113 (a) Whenever the Governor proclaims a disaster emergency under  
114 the laws of this state, or the President of the United States declares an  
115 emergency or a major disaster to exist in this state, the Governor is  
116 authorized: (1) To enter into purchase, lease, or other arrangements  
117 with any agency of the United States for temporary housing units to be  
118 occupied by disaster victims and to make such units available to any  
119 political subdivision of the state; (2) to assist any political subdivision  
120 of this state which is the locus of such housing to acquire sites  
121 necessary for such housing and to do all things required to prepare  
122 such sites to receive and utilize such housing units by: (A) Advancing  
123 or lending funds available to the Governor from any appropriation  
124 made by the legislature, the contingency fund established by section 4-  
125 84, or from any other source, (B) "passing through" funds made  
126 available by any agency, public or private, or (C) becoming a copartner  
127 with the political subdivision for the execution and performance of any  
128 temporary housing for disaster victims' project and for such purposes  
129 to pledge the credit of the state on such terms as he deems appropriate,  
130 having due regard for current debt transactions of the state; (3) under  
131 such regulations as he shall prescribe, to temporarily suspend or  
132 modify for not to exceed sixty days any public health, safety, zoning,  
133 transportation or other requirement of law or regulation within this  
134 state when by proclamation he deems such suspension or modification  
135 essential to provide temporary housing for disaster victims.

136 (b) Any political subdivision of this state is expressly authorized to  
137 acquire, temporarily or permanently, by purchase, lease, or otherwise,  
138 sites required for installation of temporary housing units for disaster  
139 victims, and to enter into whatever arrangements, including purchase  
140 of temporary housing units and payment of transportation charges,  
141 which are necessary to prepare or equip such sites to utilize such  
142 housing units.

143 (c) Nothing contained in this section shall be construed to limit the

144 Governor's authority to apply for, administer, and expend any grant,  
145 gifts, or payments in aid of disaster prevention, preparedness,  
146 response or recovery.

147 (d) "Major disaster", "emergency", and "temporary housing" as used  
148 in this section shall have the same meaning as the terms are defined, or  
149 used, in the Disaster Relief Act of 1974 (P.L. 93-288, 88 Stat. 143).

150 Sec. 3. Section 28-9b of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective October 1, 2012*):

152 Whenever, at the request of the Governor, the President of the  
153 United States has declared a "major disaster" to exist in this state, the  
154 Governor is authorized: [(a)] (1) Upon his determination that a political  
155 subdivision of the state will suffer a substantial loss of tax and other  
156 revenues from a disaster and has demonstrated a need for financial  
157 assistance to perform its governmental functions, to apply to the  
158 federal government, on behalf of such political subdivision, for a loan;  
159 and to receive and disburse the proceeds of any approved loan to such  
160 political subdivision; [(b)] (2) to determine the amount needed by any  
161 such political subdivision to restore or resume its governmental  
162 functions, and to certify the same to the federal government, provided,  
163 however no application amount shall exceed twenty-five per cent of  
164 the annual operating budget of such political subdivision for the fiscal  
165 year in which such disaster occurs; and [(c)] (3) to recommend to the  
166 federal government, based upon his review, the cancellation of all or  
167 any part of repayment when, in the first three full fiscal year period  
168 following such disaster, the revenues of such political subdivision are  
169 insufficient to meet its operating expenses, including additional  
170 disaster-related expenses of a political subdivision character.

171 Sec. 4. Section 28-9c of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective October 1, 2012*):

173 (a) Whenever the Governor has declared a disaster emergency to  
174 exist under the laws of this state, or the President of the United States,

175 at the request of the Governor, has declared a major disaster or  
176 emergency to exist in this state, the Governor is authorized: (1)  
177 Notwithstanding any other provision of law, through the use of state  
178 departments or agencies, or the use of any of the state's  
179 instrumentalities, to clear or remove from publicly or privately owned  
180 land or water, debris and wreckage which may threaten public health  
181 or safety, or public or private property; (2) to accept funds from the  
182 federal government and utilize such funds to make grants to any  
183 political subdivision for the purpose of removing debris or wreckage  
184 from publicly or privately owned land or water.

185 (b) (1) Authority under this section shall not be exercised unless the  
186 affected political subdivision, corporation, organization or individual  
187 owning such property shall first present an unconditional  
188 authorization for removal of such debris or wreckage from public and  
189 private property and, in the case of removal of debris or wreckage  
190 from private property, shall first agree to indemnify the state against  
191 any claim arising from such removal. (2) Whenever the Governor  
192 provides for clearance of debris or wreckage pursuant to subsection (a)  
193 of this section, employees of the designated state agencies or  
194 individuals appointed by the state are authorized to enter upon private  
195 land or waters and perform any tasks necessary to the removal or  
196 clearance operation.

197 Sec. 5. Section 28-9d of the 2012 supplement to the general statutes is  
198 repealed and the following is substituted in lieu thereof (*Effective*  
199 *October 1, 2012*):

200 (a) Whenever the President of the United States, at the request of the  
201 Governor, has declared a major disaster to exist in this state, the  
202 Governor is authorized: (1) Upon the Governor's determination that  
203 financial assistance is essential to meet disaster-related necessary  
204 expenses or serious needs of individuals or families adversely affected  
205 by such disaster that cannot be otherwise adequately met from other  
206 means of assistance, to accept a grant by the federal government to

207 fund such financial assistance, subject to such terms and conditions as  
208 may be imposed upon the grant; (2) to enter into an agreement with  
209 the federal government, or any officer or agency of the federal  
210 government, pledging the state to participate in the funding of the  
211 financial assistance authorized in subdivision (1) of this subsection, in  
212 an amount not to exceed twenty-five per cent of such financial  
213 assistance and, if state funds are not otherwise available to the  
214 Governor, to accept an advance of the state share from the federal  
215 government to be repaid when the state is able to do so.

216 (b) Notwithstanding any other provision of law or regulation, the  
217 Governor is authorized to make financial grants to meet major  
218 disaster-related necessary expenses or serious needs of individuals or  
219 families adversely affected by a disaster that cannot otherwise  
220 adequately be met from other means of assistance, that shall not  
221 exceed in the aggregate the maximum payment established by the  
222 Federal Emergency Management Agency, to an individual or family in  
223 any single disaster declared by the President of the United States.

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

230 (d) Any person who fraudulently or wilfully makes a misstatement  
231 of fact in connection with an application for financial assistance under  
232 this section shall, upon conviction of each offense, be [subject to a fine  
233 of] fined not more than five thousand dollars [, or imprisonment for]  
234 or imprisoned not more than one year, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	28-1

Sec. 2	<i>October 1, 2012</i>	28-9a
Sec. 3	<i>October 1, 2012</i>	28-9b
Sec. 4	<i>October 1, 2012</i>	28-9c
Sec. 5	<i>October 1, 2012</i>	28-9d

***Statement of Purpose:***

To make certain changes to statutes concerning civil preparedness and emergency services.

*[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.]*