



General Assembly

January Session, 2013

Raised Bill No. 431

LCO No. 2042

02042_____GAE

Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING THE SECRETARY OF THE STATE,
PROCLAMATIONS OF A CIVIL PREPAREDNESS EMERGENCY AND
NOTICE OF LEGISLATIVE SESSIONS.**

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

1 Section 1. (NEW) (*Effective October 1, 2013*) Whenever the Governor
2 has proclaimed a civil preparedness emergency under section 28-9 or
3 28-9a of the general statutes or the President of the United States has
4 declared an emergency or a major disaster to exist in the state, the
5 Secretary of the State shall, upon the request of both registrars of
6 voters of a municipality holding an election following such
7 proclamation or declaration, have legal standing to seek court
8 intervention on behalf of such municipality in the superior court for
9 the judicial district of Hartford. Such intervention may include, but not
10 be limited to, the postponement, the relocation, or any other action
11 required for the orderly execution of such election. Any such
12 intervention shall be brought by the Attorney General in the superior
13 court for the judicial district of Hartford. For purposes of this section,
14 "emergency" and "major disaster" have the same meanings as provided

15 in section 28-1 of the general statutes.

16 Sec. 2. Section 28-9 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 (a) In the event of serious disaster, enemy attack, sabotage or other
19 hostile action or in the event of the imminence thereof, the Governor
20 may proclaim that a state of civil preparedness emergency exists, in
21 which event the Governor may personally take direct operational
22 control of any or all parts of the civil preparedness forces and functions
23 in the state. Any such proclamation shall be effective upon filing with
24 the Secretary of the State. Any such proclamation, or order issued
25 pursuant thereto, issued by the Governor because of a disaster
26 resulting from man-made cause may be disapproved by majority vote
27 of a joint legislative committee consisting of the president pro tempore
28 of the Senate, the speaker of the House of Representatives and the
29 majority and minority leaders of both houses of the General Assembly,
30 provided at least one of the minority leaders votes for such
31 disapproval. Such disapproval shall not be effective unless filed with
32 the Secretary of the State not later than seventy-two hours after the
33 filing of the Governor's proclamation with the Secretary of the State.
34 As soon as possible after such proclamation, if the General Assembly is
35 not then in session, the Governor shall meet with the president pro
36 tempore of the Senate, the speaker of the House of Representatives,
37 and the majority and minority leaders of both houses of the General
38 Assembly and shall confer with them on the advisability of calling a
39 special session of the General Assembly.

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

44 (1) Following the Governor's proclamation of a civil preparedness
45 emergency pursuant to subsection (a) of this section or declaration of a

46 public health emergency pursuant to section 19a-131a, the Governor
47 may modify or suspend in whole or in part, by order as hereinafter
48 provided, any statute, regulation or requirement or part thereof
49 whenever the Governor finds such statute, regulation or requirement,
50 or part thereof, is in conflict with the efficient and expeditious
51 execution of civil preparedness functions or the protection of the
52 public health. The Governor shall specify in such order the reason or
53 reasons therefor and any statute, regulation or requirement or part
54 thereof to be modified or suspended and the period, not exceeding six
55 months unless sooner revoked, during which such order shall be
56 enforced. Any such order shall have the full force and effect of law
57 upon the filing of the full text of such order in the office of the
58 Secretary of the State. The Secretary of the State shall [, not later than
59 four days after receipt of the order,] cause such order to be [printed
60 and published in full in at least one issue of a newspaper published in
61 each county and having general circulation therein,] forthwith posted
62 electronically on the secretary's Internet web site and printed in the
63 Connecticut Law Journal, but failure to [publish] post or print such
64 order shall not impair the validity of such order. Any statute,
65 regulation or requirement, or part thereof, inconsistent with such order
66 shall be inoperative for the effective period of such order. Any such
67 order shall be communicated by the Governor at the earliest date to
68 both houses of the General Assembly.

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

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

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

78 (5) The Governor shall take appropriate measures for protecting the
79 health and safety of inmates of state institutions and children in
80 schools.

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

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

88 (8) In order to insure the automatic and effective operation of civil
89 preparedness in the event of enemy attack, sabotage or other hostile
90 action, or in the event of the imminence thereof, the Governor may, at
91 the Governor's discretion, at any time prior to actual development of
92 such conditions, issue such proclamations and executive orders as the
93 Governor deems necessary, such proclamations and orders to become
94 effective only under such conditions.

95 Sec. 3. Section 2-7 of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective from passage*):

97 (a) Whenever the Governor, the members of the General Assembly
98 or the president pro tempore of the Senate and the speaker of the
99 House of Representatives call a special session of the General
100 Assembly, the Secretary of the State shall give notice thereof by
101 [mailing] delivering a true copy of the call of such special session [, by
102 first class mail, evidenced by a certificate of mailing,] to each member
103 of the House of Representatives and of the Senate at his or her address
104 [as it appears upon the records of said secretary] at the State Capitol or
105 Legislative Office Building not less than ten nor more than fifteen days
106 prior to the date of convening of such special session. [or by causing a
107 true copy of the call to be delivered to each member by a state marshal,
108 constable, state policeman or indifferent person at least twenty-four

109 hours prior to the time of convening of such special session.]

110 (b) Whenever the Secretary of the State is required to reconvene the
111 General Assembly pursuant to article third of the amendments to the
112 Constitution of Connecticut, said secretary shall give notice thereof by
113 [mailing] delivering a true copy of the call of such reconvened session
114 [, by first class mail, evidenced by a certificate of mailing,] to each
115 member of the House of Representatives and of the Senate at his or her
116 address [as it appears upon the records of said secretary] at the State
117 Capitol or Legislative Office Building not less than five days prior to
118 the date of convening of such reconvened session. [or by causing a true
119 copy of the call to be delivered to each member by a state marshal,
120 constable, state policeman or indifferent person at least twenty-four
121 hours prior to the time of convening of such reconvened session.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>from passage</i>	28-9
Sec. 3	<i>from passage</i>	2-7

Statement of Purpose:

To permit the Secretary of the State to seek court intervention at the request of a municipality holding an election following the declaration of an emergency or major disaster in the state by the President or Governor, to permit the secretary to post executive orders concerning the Governor's proclamation of certain emergencies on the secretary's Internet web site and publish such orders in the Connecticut Law Journal rather than publish them in a newspaper and to permit the secretary to notify legislators of special or reconvened sessions by means other than by first class mail.

[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.]