



General Assembly

**Substitute Bill No. 431**

January Session, 2013



**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 all registrars of voters  
6 of a municipality holding an election, primary or referendum  
7 following such proclamation or declaration, have legal standing to  
8 apply on behalf of such municipality to the superior court for the  
9 judicial district of Hartford for an order postponing or relocating such  
10 election, primary or referendum, or granting such other relief as  
11 appropriate to ensure the orderly execution of such election, primary  
12 or referendum. Any such application shall be brought by the Attorney  
13 General. For purposes of this section, "emergency" and "major disaster"  
14 have the same meanings as provided in section 28-1 of the general  
15 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 Section 28-9 of the general statutes is repealed and the  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 Legislative Commissioners:**

The provisions of section 1 were rephrased for accuracy and statutory consistency.

**GAE**      *Joint Favorable Subst.*