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CIVIL EMERGENCY PREPAREDNESS

By: Veronica Rose, Chief Analyst

You asked several questions about civil emergency preparedness. The specific questions and answers follow.

Which state official is authorized to declare a state of emergency?

The governor is the state official authorized by law to declare a state of civil preparedness emergency (state of emergency) in Connecticut. This authority is outlined in [CGS § 28-9](#) and related statutes. The governor may invoke these statutes only if an emergency or imminent threat of an emergency exists and he takes the steps outlined in the statutes.

The law defines an “emergency” as any occasion or instance for which, in the determination of the governor or President, state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health, and safety or to avert or lessen the threat of a disaster or catastrophe in any part of the state ([CGS § 28-1\(3\)](#)).

When can the governor proclaim a state of emergency and what is the procedure for doing so?

The governor may proclaim a state of emergency in case of a serious disaster, an enemy attack, sabotage, or other hostile action or imminent threat of such ([CGS § 28-9](#)). The proclamation is effective upon filing with the secretary of the state.

In the case of a manmade disaster, the proclamation, or any related order, may be disapproved by majority vote of a joint legislative committee consisting of the Senate president pro tempore, House speaker, and House and Senate majority and minority leaders, as long as at least one of the minority leaders votes for such disapproval. Such disapproval may not take effect unless filed with the secretary of the state not later than 72 hours after the governor files the proclamation.

As soon as possible after such proclamation, if the legislature is not in session, the governor must meet with the legislative leaders identified above and confer with them on the advisability of calling a special legislative session ([CGS § 28-9\(a\)](#)).

What laws are suspended during a state of emergency?

When the governor declares a state of emergency, he may, by order, modify or suspend any statute, regulation, or requirement if such actions are necessary to efficiently and expeditiously execute civil preparedness functions or protect public health. The order must specify the reasons for the suspension or modification and how long it will remain in effect, which can be no more than six months ([CGS § 28-9\(b\)\(1\)](#)).

Any such order has the full force and effect of law once it is filed with the secretary of the state. Not later than four days after receiving the order, the secretary must cause it to be published in at least one issue of a newspaper published in each county and having general circulation there. But failure to publish it does not impair its validity. Any statute, regulation, or requirement, or part thereof, inconsistent with the order is inoperative while the order is in effect. The governor must communicate the order to the legislature at the earliest date ([CGS § 28-9\(b\)\(1\)](#)).

What are some of the specific actions that the governor may take during a state of emergency?

The law authorizes the governor to exercise a broad range of emergency management powers, taking such actions as are reasonably necessary to protect the health, safety, and welfare of the people of the state, prevent or minimize property loss or destruction, and minimize the effects of hostile actions ([CGS § 28-9\(b\)\(7\)](#)).

The governor is specifically authorized to:

1. take direct operational control of the state's civil preparedness forces and functions ([CGS § 28-9\(a\)](#));

2. mobilize state or local emergency management offices to carry out his order ([CGS § 28-9\(b\)\(2\)](#));
3. temporarily authorize the use of municipal emergency response and emergency management personnel if the state needs them ([CGS § 28-7\(f\)](#));
4. evacuate people from affected or threatened areas and take any steps necessary to care for them ([CGS § 28-9\(b\)\(6\)](#));
5. enter purchase or lease agreements or other arrangements with appropriate federal agencies to provide temporary housing for disaster victims ([CGS § 28-9a\(a\)\(1\)](#));
6. help municipalities acquire sites for temporary housing for such victims ([CGS § 28-9a\(a\)\(2\)](#));
7. under such regulations as he prescribes, temporarily suspend or modify, for up to 60 days, any public health, safety, zoning, transportation, or other law or regulation when, by proclamation, he deems such actions essential to provide temporary housing for disaster victims ([CGS § 28-9a\(a\)\(3\)](#));
8. clear or remove from public or private land or water, debris and wreckage that may threaten public health or safety or public or private property ([CGS § 28-9c](#));
9. designate vehicles and persons that may move and the routes they will take ([CGS § 28-9\(b\)\(4\)](#));
10. order and enforce blackouts ([CGS § 28-9\(b\)\(3\)](#));
11. take appropriate measures to protect the health and safety of inmates of state institutions and children in schools ([CGS § 28-9\(b\)\(5\)](#));
12. take land, real property, vehicles or other specified property necessary to protect the public (see below) ([CGS § 28-11](#)); and
13. advance or lend money from the state's emergency contingency fund or any other source ([CGS § 28-9a\(a\)\(2\)\(A\)](#)).

Can people be forcibly evacuated during a state of emergency?

The law authorizes the governor to order the evacuation of people from areas stricken or threatened by an emergency. It does not explicitly authorize him to compel such evacuations. But other parts of the law give the governor broad powers to take steps “reasonably necessary in the light of the emergency to protect the health, safety and welfare of the people of the state.” Forcibly evacuating people from danger zones could conceivably be construed as a reasonable step to protect life.

Can guns or other legally owned items be confiscated from homes ordered evacuated during a state of emergency?

The statutes do not address the specific issue of firearms and we found no case addressing the issue in Connecticut.

With regard to other items, the law specifically authorizes the governor in the event of shortage or disaster during a declared emergency, when necessary for the protection of the public, to take possession of:

1. land, buildings, machinery, or equipment;
2. horses, vehicles, motor vehicles, aircraft, ships, boats, rolling stock of steam, diesel or electric railroads or other means of conveyance;
3. antitoxins, pharmaceutical products, vaccines or other biological products;
4. cattle, poultry, and other provisions; and
5. fuel, gasoline, or other means of propulsion necessary or convenient for use by the military or naval forces of the state or United States or for the protection of the welfare of the state or its inhabitants ([CGS § 28-11](#)).

The statute authorizes him to use and employ all property taken as above for such times and in such manner as he deems in the best interest of the state or its inhabitants. When in his opinion the public exigency so requires, he may lease, sell, or, when conditions warrant, distribute the property as authorized by law.

The law outlines a process for returning property to, or compensating, owners whose property is seized during a state of emergency.

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