



General Assembly

January Session, 2019

***Raised Bill No. 1016***

LCO No. 5278



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING EMERGENCY PREPAREDNESS.***

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

1 Section 1. Section 28-8a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The chief executive officer of the municipality in which a major  
4 disaster or emergency occurs, or his or her designee, may take such  
5 action as he or she deems necessary to mitigate the major disaster or  
6 emergency and to secure and preserve any documents and evidence  
7 pertinent to and necessary for a future investigation.

8 (b) Any person who is not a member of a civil preparedness force  
9 and who is requested by the chief executive officer of a municipality or  
10 his or her designee to render aid in any major disaster, emergency,  
11 disaster emergency or attack shall register, as soon as practicable, with  
12 the local chief executive authority of the municipality requesting such  
13 aid, or his or her designee. Any such person for whom workers'  
14 compensation benefits are not otherwise provided shall be  
15 compensated for death, disability or injury resulting from the

16 rendering of such aid pursuant to the provisions of chapter 568, except  
17 that (1) such person shall be construed to be an employee of the  
18 municipality where the aid was rendered and (2) the person's average  
19 weekly wage, as said term is used in chapter 568, shall be ascertained  
20 pursuant to the provisions of subdivision (2) of subsection (a) of  
21 section 28-14. All claims under this subsection shall be determined  
22 according to the procedures specified in chapter 568.

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 Section 28-9a of the general statutes is repealed and the  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

25 (a) Whenever the Governor proclaims a disaster emergency under  
26 the laws of this state, or the President declares an emergency or a  
27 major disaster to exist in this state, the Governor is authorized: (1) To  
28 enter into purchase, lease, or other arrangements with any agency of  
29 the United States for temporary housing units to be occupied by  
30 disaster victims and to make such units available to any political  
31 subdivision of the state; (2) to assist any political subdivision of this  
32 state which is the locus of such housing to acquire sites necessary for  
33 such housing and to do all things required to prepare such sites to  
34 receive and utilize such housing units by: (A) Advancing or lending  
35 funds available to the Governor from any appropriation made by the  
36 legislature, or from any other source, (B) "passing through" funds  
37 made available by any agency, public or private, or (C) becoming a  
38 copartner with the political subdivision for the execution and  
39 performance of any temporary housing for disaster victims' project  
40 and for such purposes to pledge the credit of the state on such terms as  
41 [he] the Governor deems appropriate, having due regard for current  
42 debt transactions of the state; (3) under such regulations as [he] the  
43 Governor shall prescribe, to temporarily suspend or modify for not to  
44 exceed sixty days any public health, safety, zoning, transportation or  
45 other requirement of law or regulation within this state when by  
46 proclamation [he] the Governor deems such suspension or  
47 modification essential to provide temporary housing for disaster  
48 victims.

49 (b) Any political subdivision of this state is expressly authorized to  
50 acquire, temporarily or permanently, by purchase, lease, or otherwise,  
51 sites required for installation of temporary housing units for disaster  
52 victims, and to enter into whatever arrangements, including purchase  
53 of temporary housing units and payment of transportation charges,  
54 which are necessary to prepare or equip such sites to utilize such  
55 housing units.

56 (c) Nothing contained in this section shall be construed to limit the  
57 Governor's authority to apply for, administer, and expend any grant,  
58 gifts, or payments in aid of disaster prevention, preparedness,  
59 response or recovery.

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

63 Sec. 3. Section 28-11 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective from passage*):

65 (a) During the existence of a civil preparedness or public health  
66 emergency, as defined in section 19a-131, the Governor may, in the  
67 event of shortage or disaster making such action necessary for the  
68 protection of the public, take possession (1) of any land or buildings,  
69 machinery or equipment; (2) of any horses, vehicles, motor vehicles,  
70 aircraft, ships, boats, rolling stock of steam, diesel or electric railroads  
71 or any other means of conveyance whatsoever; (3) of any antitoxins,  
72 pharmaceutical products, vaccines or other biological products; and (4)  
73 of any cattle, poultry or any provisions for persons or beast, and any  
74 fuel, gasoline or other means of propulsion necessary or convenient for  
75 the use of the military or naval forces of the state or of the United  
76 States, or for the better protection of the welfare of the state or its  
77 inhabitants according to the purposes of this chapter.

78 (b) [He] The Governor may use and employ all property of which  
79 possession is taken, for such times and in such manner as [he] the  
80 Governor deems for the best interests of the state or its inhabitants,

81 and may, in particular, when in [his] the Governor's opinion the public  
82 exigency so requires, lease, sell or, when conditions warrant, distribute  
83 gratuitously to or among any or all of the persons within the state  
84 anything taken under this section.

85 (c) If real estate is seized under this section, a declaration of the  
86 property seized, containing a full and complete description, shall  
87 within a reasonable time be filed with the Secretary of the State and  
88 with the town clerk of the town in which the property is located, and a  
89 copy of the declaration shall be furnished the owner. If personal  
90 property is seized under this section, the civil preparedness authorities  
91 by whom it is seized shall maintain a docket containing a permanent  
92 record of such personal property and its condition when seized, and  
93 shall furnish a true copy of the docket recording to the owner of the  
94 seized property.

95 (d) The owner of any property taken under this section shall receive  
96 just compensation therefor as follows: (1) If property is taken for  
97 temporary use, the Governor shall, as soon as possible after the taking,  
98 fix the amount of compensation to be paid therefor. If such property is  
99 returned to the owner in a damaged condition or is not returned to the  
100 owner, the Governor shall fix forthwith the amount of compensation to  
101 be paid for such damages or failure to return. Whenever the Governor  
102 deems it advisable for the state to become the owner of property taken  
103 under this section, [he] the Governor shall forthwith cause the owner  
104 of the property to be notified in writing by registered or certified mail,  
105 postage prepaid, and shall file a copy of the notice with the Secretary  
106 of the State. (2) If the owner of property taken under this section  
107 refuses to accept the amount of compensation fixed in accordance with  
108 subdivision (1) of this subsection, [he] the owner may prefer a petition  
109 to the superior court for the judicial district in which the property was  
110 taken or to a judge of said court if the court is not in session, praying  
111 that just compensation may be determined, which petition shall be  
112 accompanied by a summons signed by competent authority, to serve  
113 as process in civil actions before said court, notifying the Governor and  
114 all persons interested in such property to appear before the court or

115 judge. The court or judge shall refer the determination of the amount  
116 of damages to a state referee as provided in section 48-10. The state  
117 referee, after giving reasonable notice to the parties, shall, if possible,  
118 view the property in question, hear the evidence, ascertain the value,  
119 assess just damages to the owner or parties interested in the property  
120 taken and report [his] the referee's doings to the court or judge. The  
121 court or judge may accept the report or may reject it for irregular or  
122 improper conduct by the state referee in the course of [his] the referee's  
123 duties. If the report is rejected, the court or judge shall appoint another  
124 state referee, who shall proceed in the same manner as the first referee  
125 was required to proceed. If the report is accepted, such acceptance  
126 shall have the effect of a judgment in favor of the owner of the  
127 property against the state for the amount of the assessment made by  
128 the referee, and, except as otherwise provided by law, execution may  
129 issue therefor. The court or judge shall make any order necessary to  
130 protect the rights of all parties interested, but in no event shall the  
131 Governor be prevented from taking immediate possession and use of  
132 the property in question. The expenses and costs of such hearings shall  
133 be taxed against the petitioner except in cases where the assessment of  
134 damages made by the referee is larger than the amount fixed by the  
135 Governor under subdivision (1) of this subsection, in which case they  
136 shall be taxed against the state, audited and allowed by the  
137 Comptroller and paid by the state upon [his] the Comptroller's order.

138 (e) Whenever the Governor determines that any real property  
139 acquired and retained under the provisions of this chapter is no longer  
140 needed for the preparedness of the state or for purposes under this  
141 chapter, [he] the Governor shall so notify the original owner of such  
142 property and, upon the request of such owner and upon payment of  
143 the fair value thereof, the Governor shall return such property to such  
144 owner. If the Governor and the original owner do not agree as to the  
145 fair value of the property, such value shall be determined by three  
146 appraisers, one of whom shall be chosen by the Governor, one by the  
147 original owner and the third by the first two appraisers. The expenses  
148 of such determination shall be paid in equal shares by the state and the

149 original owner.

150 (f) Whenever the need for any personal property requisitioned  
 151 under this chapter for the preparedness of the state terminates, the  
 152 Governor may dispose of such property on such terms and conditions  
 153 as [he] the Governor deems appropriate, but to the extent feasible and  
 154 practicable [he] the Governor shall give the former owner of such  
 155 property an opportunity to reacquire it (1) at its then fair value as  
 156 determined by the Governor or (2) if it is to be disposed of at less than  
 157 such value, otherwise than at a public sale of which such owner is  
 158 given notice, at the highest price any other person is willing to pay  
 159 therefor; provided the provisions of this subsection shall not apply in  
 160 the case of fungibles or items having a fair value of less than one  
 161 thousand dollars.

162 Sec. 4. Section 28-17 of the general statutes is repealed and the  
 163 following is substituted in lieu thereof (*Effective from passage*):

164 No employee shall be discharged because [he] the employee is a  
 165 member of any organization engaged in civil preparedness or because  
 166 he is eligible for induction into the armed forces of the United States.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	28-8a
Sec. 2	<i>from passage</i>	28-9a
Sec. 3	<i>from passage</i>	28-11
Sec. 4	<i>from passage</i>	28-17

**Statement of Purpose:**

To make technical corrections in the emergency preparedness statutes.

*[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.]*