



General Assembly

February Session, 2020

***Raised Bill No. 430***

LCO No. 2677



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT MAKING TECHNICAL CHANGES TO THE EMERGENCY  
PREPAREDNESS STATUTES.***

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 Section 28-8a of the general statutes is repealed and the  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 and  
9 who is requested by the chief executive officer of a municipality or his  
10 or her designee to render aid in any major disaster, emergency, disaster  
11 emergency or attack shall register, as soon as practicable, with the local  
12 chief executive authority of the municipality requesting such aid, or his  
13 or her designee. Any such person for whom workers' compensation  
14 benefits are not otherwise provided shall be compensated for death,  
15 disability or injury resulting from the rendering of such aid pursuant to

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

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 24 repealed and the following is substituted in lieu thereof (*Effective from*  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

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

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

51 (a) During the existence of a civil preparedness or public health  
52 emergency, as defined in section 19a-131, the Governor may, in the  
53 event of shortage or disaster making such action necessary for the  
54 protection of the public, take possession (1) of any land or buildings,  
55 machinery or equipment; (2) of any horses, vehicles, motor vehicles,  
56 aircraft, ships, boats, rolling stock of steam, diesel or electric railroads or  
57 any other means of conveyance whatsoever; (3) of any antitoxins,  
58 pharmaceutical products, vaccines or other biological products; and (4)  
59 of any cattle, poultry or any provisions for persons or beast, and any  
60 fuel, gasoline or other means of propulsion necessary or convenient for  
61 the use of the military or naval forces of the state or of the United States,  
62 or for the better protection of the welfare of the state or its inhabitants  
63 according to the purposes of this chapter.

64 (b) [He] The Governor may use and employ all property of which  
65 possession is taken, for such times and in such manner as [he] the  
66 Governor deems for the best interests of the state or its inhabitants, and  
67 may, in particular, when in [his] the Governor's opinion the public  
68 exigency so requires, lease, sell or, when conditions warrant, distribute  
69 gratuitously to or among any or all of the persons within the state  
70 anything taken under this section.

71 (c) If real estate is seized under this section, a declaration of the  
72 property seized, containing a full and complete description, shall within  
73 a reasonable time be filed with the Secretary of the State and with the  
74 town clerk of the town in which the property is located, and a copy of  
75 the declaration shall be furnished the owner. If personal property is  
76 seized under this section, the civil preparedness authorities by whom it  
77 is seized shall maintain a docket containing a permanent record of such  
78 personal property and its condition when seized, and shall furnish a  
79 true copy of the docket recording to the owner of the seized property.

80 (d) The owner of any property taken under this section shall receive

81 just compensation therefor as follows: (1) If property is taken for  
 82 temporary use, the Governor shall, as soon as possible after the taking,  
 83 fix the amount of compensation to be paid therefor. If such property is  
 84 returned to the owner in a damaged condition or is not returned to the  
 85 owner, the Governor shall fix forthwith the amount of compensation to  
 86 be paid for such damages or failure to return. Whenever the Governor  
 87 deems it advisable for the state to become the owner of property taken  
 88 under this section, [he] the Governor shall forthwith cause the owner of  
 89 the property to be notified in writing by registered or certified mail,  
 90 postage prepaid, and shall file a copy of the notice with the Secretary of  
 91 the State. (2) If the owner of property taken under this section refuses to  
 92 accept the amount of compensation fixed in accordance with  
 93 subdivision (1) of this subsection, [he] the owner may prefer a petition  
 94 to the superior court for the judicial district in which the property was  
 95 taken or to a judge of said court if the court is not in session, praying  
 96 that just compensation may be determined, which petition shall be  
 97 accompanied by a summons signed by competent authority, to serve as  
 98 process in civil actions before said court, notifying the Governor and all  
 99 persons interested in such property to appear before the court or judge.  
 100 The court or judge shall refer the determination of the amount of  
 101 damages to a state referee as provided in section 48-10. The state referee,  
 102 after giving reasonable notice to the parties, shall, if possible, view the  
 103 property in question, hear the evidence, ascertain the value, assess just  
 104 damages to the owner or parties interested in the property taken and  
 105 report [his] the referee's doings to the court or judge. The court or judge  
 106 may accept the report or may reject it for irregular or improper conduct  
 107 by the state referee in the course of [his] the referee's duties. If the report  
 108 is rejected, the court or judge shall appoint another state referee, who  
 109 shall proceed in the same manner as the first referee was required to  
 110 proceed. If the report is accepted, such acceptance shall have the effect  
 111 of a judgment in favor of the owner of the property against the state for  
 112 the amount of the assessment made by the referee, and, except as  
 113 otherwise provided by law, execution may issue therefor. The court or  
 114 judge shall make any order necessary to protect the rights of all parties  
 115 interested, but in no event shall the Governor be prevented from taking

116 immediate possession and use of the property in question. The expenses  
 117 and costs of such hearings shall be taxed against the petitioner except in  
 118 cases where the assessment of damages made by the referee is larger  
 119 than the amount fixed by the Governor under subdivision (1) of this  
 120 subsection, in which case they shall be taxed against the state, audited  
 121 and allowed by the Comptroller and paid by the state upon [his] the  
 122 Comptroller's order.

123 (e) Whenever the Governor determines that any real property  
 124 acquired and retained under the provisions of this chapter is no longer  
 125 needed for the preparedness of the state or for purposes under this  
 126 chapter, [he] the Governor shall so notify the original owner of such  
 127 property and, upon the request of such owner and upon payment of the  
 128 fair value thereof, the Governor shall return such property to such  
 129 owner. If the Governor and the original owner do not agree as to the fair  
 130 value of the property, such value shall be determined by three  
 131 appraisers, one of whom shall be chosen by the Governor, one by the  
 132 original owner and the third by the first two appraisers. The expenses  
 133 of such determination shall be paid in equal shares by the state and the  
 134 original owner.

135 (f) Whenever the need for any personal property requisitioned under  
 136 this chapter for the preparedness of the state terminates, the Governor  
 137 may dispose of such property on such terms and conditions as [he] the  
 138 Governor deems appropriate, but to the extent feasible and practicable  
 139 [he] the Governor shall give the former owner of such property an  
 140 opportunity to reacquire it (1) at its then fair value as determined by the  
 141 Governor, or (2) if it is to be disposed of at less than such value,  
 142 otherwise than at a public sale of which such owner is given notice, at  
 143 the highest price any other person is willing to pay therefor; provided  
 144 the provisions of this subsection shall not apply in the case of fungibles  
 145 or items having a fair value of less than one thousand dollars.

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

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

152 Sec. 5. Subsection (c) of section 28-30 of the general statutes is  
 153 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
 154 *2020*):

155 (c) On and after January 1, 1990, no person may be employed as a  
 156 telecommunicator by any public safety agency or private safety agency  
 157 for a period exceeding one year unless such person has been certified by  
 158 the division upon (1) successfully completing a telecommunicator  
 159 training program and demonstrating proficiency in the performance of  
 160 telecommunicator training program standards, or (2) successfully  
 161 completing a written or oral examination developed by the division.

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(a)
Sec. 3	<i>from passage</i>	28-11
Sec. 4	<i>from passage</i>	28-17
Sec. 5	<i>July 1, 2020</i>	28-30(c)

**Statement of Purpose:**

To make technical changes to 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.]*