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Connecticut Emergency Management and Homeland Security Statutory Authorities Summarized

Keith Bea
Specialist in American National Government
Government and Finance Division

L. Cheryl Runyon and Kae M. Warnock
Consultants
Government and Finance Division

Summary

Connecticut's primary emergency management statute is chapter 517, Civil Preparedness, which delegates powers to the governor, emergency management office and local civil preparedness organizations, and provides for mutual aid agreements. Assistance and funding come primarily from federal aid with some aid to municipalities coming from a local emergency relief account within the state's general fund. Connecticut is a member of the Emergency Management Assistance Compact and may participate in interstate compacts for mutual military aid or reciprocal mutual aid.

This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor may modify or suspend provisions of any statute or order for up to six months he or she determines it is in conflict with the efficient and expeditious execution of civil preparedness functions. The governor may utilize state resources, order blackouts, commandeer private property, compel evacuation, or control movement of population in a stricken or threatened area (Conn. Gen. Stat. §28-9). Also, the governor may issue a "supply emergency" proclamation due to shortage of products or services as a result of a disaster or war. The General Assembly may disapprove such proclamations by majority vote (Conn. Gen. Stat. §42-231).

Office of Emergency Management: The Office of Emergency Management has been established within the state military department as the designated civil defense organization for the state (Conn. Gen. Stat. §28-1a). The adjutant general is in charge of the Office of Emergency Management (Conn. Gen. Stat. §27-20).

Emergency Management Director: The statute authorizes the governor to appoint the director of the office of emergency management and sets out certain staffing requirements (Conn. Gen. Stat. §28-2). The director is empowered, in anticipation of war, attack, sabotage or other hostile action or any disaster, to purchase and maintain a stockpile of medical supplies, blankets, food, fuel, equipment and any other supplies necessary for an emergency (Conn. Gen. Stat. §28-16).

Emergency Response Commission: The statute established the state emergency response commission and outlines the membership and term of office. The commission implements provisions of the Emergency Planning and Community Right-to-Know Act, designates local planning districts, conducts state emergency planning activities, enters into interagency agreements, and provides information on the release of extremely hazardous substances (Conn. Gen. Stat. §22a-600-611).

Political Subdivisions: The statute directs towns and cities to establish local organizations for civil preparedness and authorizes the creation of joint organizations subject to the approval of director of the Office of Emergency Management. Localities may appropriate funds for salaries and expenses of civil preparedness. The statute also provides for the temporary reassignment of preparedness forces. Municipal chief executives have authority to mitigate and to secure and preserve any documents or evidence necessary for future investigation (Conn. Gen. Stat. §28-7-8a).

Also related to political subdivisions, the statute established a Local Emergency Relief Advisory Committee and identified membership of state elected and appointed officials. Municipalities may apply to the committee for an emergency relief grant to reimburse them for documented expenses related to any emergency. The committee recommends approval or disapproval and the Finance Advisory Committee gives final approval to such applications (Conn. Gen. Stat. §7-521-522).

Preparedness

The emergency management director is authorized to prepare a comprehensive plan and program for civil preparedness; study manpower, resources and facilities; and may

subpoena witnesses or records necessary to civil preparedness. Actions must be taken consistent with the plan including training; dissemination of information; the partial or full mobilization of forces; practice of blackouts and radio silences; and the use of personnel, equipment, and facilities of existing agencies. Orders issued by the director of emergency management and regulations issued by the adjutant general may result in the suspension of conflicting provisions with approval of the governor and the Joint Committee on Legislative Management (Conn. Gen. Stat. §Sec.28-5(b)).

Declaration Procedures

The governor is authorized to declare a state of civil preparedness emergency; the proclamation of such an even activates state and local operational plans. A joint legislative committee consisting of legislative leaders may terminate such a declaration within seventy-two hours of its proclamation. The use of any forces, supplies and equipment is authorized (Conn. Gen. Stat. §28-9).

Types of Assistance

The governor is authorized to make provision for temporary housing for disaster victims and advance or lend funds from a contingency fund, or may pass through funds made available by any agency, and may suspend or modify requirements of law when essential to provide temporary housing (Conn. Gen. Stat. §28-9a). During a declared disaster, the governor is authorized to apply to the federal government for aid on behalf of a local government. The governor may recommend the cancellation of all or any part of a repayment when a local government is unable to meet operating expenses (Conn. Gen. Stat. §28-9b). The governor may use state resources to clear debris. Political subdivisions must give unconditional authorization and indemnify the state against claims arising from debris and wreckage removal. (Conn. Gen. Stat. §28-9c) The governor is authorized to accept federal funds for individual or family expenses or serious needs that cannot be adequately met by other means of assistance. The statute limits the amount of a grant to be provided and identifies standards of eligibility for benefits (Conn. Gen. Stat. §28-9d).

The statute established a "local emergency relief account" within the general fund to provide for payment of grants to municipalities to provide relief or assist in situations certified to be unusual and serious conditions endangering public health and welfare. Any balance remaining at the end of any fiscal year is to be carried forward to next fiscal year (Conn. Gen. Stat. §7-520-522).

The statute authorizes acceptance of grants from the federal government or others for services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil preparedness (Conn. Gen. Stat. §28-15).

Mutual Aid

The Emergency Management Assistance Compact is codified (Conn. Gen. Stat. §28-23a).

The statute authorizes the governor to enter into interstate compacts for mutual military aid (Conn. Gen. Stat. §27-37).

The statute outlines the form of an interstate compact for mutual military aid in an emergency (Conn. Gen. Stat. §27-38).

The director of emergency management, with the approval of the governor, may represent the state on regional or interstate civil preparedness organizations and may enter into reciprocal mutual aid arrangements with other states (Conn. Gen. Stat. §28-4).

All civil preparedness units, forces, facilities, supplies and equipment in the state are deemed available for mutual aid or mobile support. Personnel on official civil preparedness duty have powers, duties, rights, privileges and immunities and compensation incident to their employment (Conn. Gen. Stat. §28-6). Local government chief executives may, with the approval of the emergency management director, make available public safety employees for duty outside their local jurisdiction (Conn. Gen. Stat. §28-8).

Funding

Disaster assistance funds received by the Office of Policy and Management from FEMA may be maintained in a separate fund or account within the general fund and may be used for any administrative functions. The balance of funds remaining at the end of each fiscal year shall be carried forward to the next fiscal year (Conn. Gen. Stat. §4-66f).

Hazard Mitigation

No specific provision.

Continuity of Government Operations

The state constitution authorizes the General Assembly, under conditions caused by enemy attack, to provide for succession to powers of all state and local government public offices (Conn. Constitution, Article 11, Section 3).

The person administering the office of the governor may convene the General Assembly at any alternate location in the state in cases of special emergency (Conn. Constitution, Article 3, Section 2).

The state constitution provides a line of succession to office of governor. The Council on Gubernatorial Incapacity may make a written declaration that the governor is unable to exercise the powers and perform the duties of his office (Conn. Constitution, Article 4, Sections 18-19).

Other

A state employee who is certified as a disaster service volunteer may be granted leave up to 14 days in each year to participate in specialized disaster relief services for the American Red Cross, without loss of pay, vacation time, sick leave or earned overtime accumulation (Conn. Gen. Stat. §5-249).

A municipal employee who is a certified disaster service volunteer, may be granted leave up to 14 days in each year to participate in specialized disaster relief services for the American Red Cross, without loss of pay, vacation time, sick leave or earned overtime accumulation (Conn. Gen. Stat. §7-461a).

Property tax relief is authorized for nonsalaried local directors of civil preparedness, and for individuals who volunteer their services as public safety officials in the municipality (Conn. Gen. Stat. §12-81w).

The governor may take possession of any land or buildings, machinery or equipment, vehicles, cattle, poultry or any provisions, and any fuel for the use of inhabitants, the state, or the U.S. military (Conn. Gen. Stat. §28-11).

Compensation is authorized for the death, disability or injury of members of any auxiliary police, fire or other civil preparedness force while in training for or on civil preparedness duty (Conn. Gen. Stat. §28-14).

The secretary of the Office of Policy and Management must report to the General Assembly on planning and activities for children as part of homeland preparedness and emergency response planning to terrorism. The report must include provisions for the discrete health needs of children in bio-terrorism preparedness, public education, and training in safety and security measures for child care workers and school personnel (Conn. Special Act No. 02-8, 2002).

Gas or electric public service companies may recover the reasonable costs of security of assets, facilities and equipment, both existing and foreseeable, if incurred solely for the purpose of responding to security needs associated with the terrorist attacks on September 11, 2001, and the continuing war on terrorism (Conn. Public Act No. 02-94, 2002).

Security manuals and reports, training manuals, logs or other documents that describe security procedures, emergency plans, security equipment or movement or assignment of security personnel at state government-owned or leased institutions or facilities are exempt from disclosure requirements of the state's Freedom of Information Act (Conn. Public Act No. 02-133, 2002).

The act "Concerning Acts of Terrorism" identifies acts of terrorism and prohibits price gouging of goods that are the subject of any disaster emergency declaration (Conn. Public Act No. 02-97, 2002).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Connecticut Statutes, with Citations

Terms	Citations
Attack	Conn. Gen. Stat. §28-1(a)
Major disaster	Conn. Gen. Stat. §28-1 (b)
Emergency	Conn. Gen. Stat. §28-1 (c)
Civil preparedness	Conn. Gen. Stat. §28-1 (d)
Civil preparedness forces	Conn. Gen. Stat. §28-1 (e)
Mobile support unit	Conn. Gen. Stat. §28-1 (f)
Civil preparedness emergency or disaster emergency	Conn. Gen. Stat. §28-1 (g)
Local civil preparedness emergency or disaster emergency	Conn. Gen. Stat. §28-1 (h)

For Further Research

The citations noted above and other elements of the state code for Connecticut may be searched at: [<http://www.cga.state.ct.us/asp/menu/Statutes.asp>].