

PA10-050

SB149

House	3843-3849	7
Public Safety	9, 10-11, 121-122	5
Senate	1432-1434, 1497-1498	5
		17

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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announce the tally.

THE CLERK:

Senate Bill 132 in concurrence with the
Senate.

Total number Voting	148
Necessary for Passage	75
Those voting Yea	147
Those voting Nay	1
Those absent and not voting	3

DEPUTY SPEAKER ORANGE:

The bill passes in concurrence with the
Senate.

Will the Clerk please call Calendar Number
429.

THE CLERK:

On Page 23, Calendar 429, Substitute for
Senate Bill Number 149, AN ACT CONCERNING THE
GOVERNOR'S POWER TO MODIFY OR SUSPEND STATUTES,
REGULATIONS OR OTHER REGULATIONS DURING A PUBLIC
HEALTH EMERGENCY, favorable report of the Committee
on Public Health.

DEPUTY SPEAKER ORANGE:

Representative Stevie Dargan of the 115th.
You have the floor, sir.

REP. DARGAN (115th):

Thank you, Madam Speaker. Madam Speaker, I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark? Representative Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker. Under the current law, the Governor has authority to modify or suspend certain statutes, which is confined to a civil preparedness emergency.

This Bill extends the Governor's authority to include public health emergencies such as a deadly pandemic outbreak, a bioterrorist attack or a nuclear accident and I wish everybody would vote in favor of this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Dargan. Will you care to remark further on the bill? Will you care

to remark further? Representative Jason Perillo.

You have the floor, sir.

REP. PERILLO (113th):

Madam Speaker, thank you very much. If I could, just a few questions, through you, to the proponent.

DEPUTY SPEAKER ORANGE:

Certainly. Please proceed.

REP. PERILLO (113th):

Through you, Madam Speaker, I understand there would be a suspension of certain statutes and that makes sense.

My question is simply, what types of statutes would be suspended? What sort of changes would we see in the operation of the public health system?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker. Through you, in some instances underneath public health emergencies, the system could be somewhat overwhelmed. Existing, underneath existing medical responses right now, and this will hopefully modify

the laws in order to provide a better system of care to the greatest number of citizens within our state under a public health emergency condition.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker. Oftentimes, as the Representative said, the system is overwhelmed and we don't have enough providers to actually provide the care that's needed in the time of crisis.

So I was just wondering, would there be any relaxation, the ability, rather, of the Governor to relax licensure and certification requirements such that practitioners who perhaps aren't licensed or certified would be able to provide care either in a hospital setting or a pre-hospital setting?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker, that's a very good question from my Ranking Member, that this bill will, in a collaborative effort do just what you're

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trying to do, to work with a number of state and federal agencies to better equip our first responders and protect our citizens within our state. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much. I thank the gentleman for his question. One last question.

Does this have anything to do with statutes governing insurance coverage? Oftentimes we mandate that insurance companies cover certain things. We voted on those in the past, and I'm wondering if this has any overlap into that, or is this just very specific to the delivery of care?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

To the first part of the question, Madam Speaker, it does not impact the insurance.

And to the second part, it does deliver a better system for us within the state.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much. I thank the gentleman for his answers to my questions.

This is a Bill that makes sense.

As you know, in times of crisis the system can be overwhelmed, and in this situation it will allow the pre-hospital community, the hospital community, all providers, to give the care that's needed to individuals who are involved, unfortunately, and perhaps a critical incident, a mass casualty incident.

So I thank you for your time. I thank the gentleman for his answers.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill? Will you care to remark further on the bill?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll

call. Members to the chamber.

The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all Members voted? Have all Members voted? Please check the board to determine if your vote has been properly cast.

And if all Members have voted, the machine will be locked and the Clerk will take a tally, please. And will the Clerk please announce the tally.

THE CLERK:

Senate Bill 149 in concurrence with the Senate.

Total number Voting	147
Necessary for Passage	74
Those voting Yea	145
Those voting Nay	2
Those absent and not voting	4

DEPUTY SPEAKER ORANGE:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 424.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATE

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item on Consent. Seeing no objection, so ordered.

Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the Clerk would please call
as the next item calendar page 5, Calendar 151,
Senate Bill 149.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 5, Calendar Number 151, File
Number 191, Substitute for Senate Bill 149, AN ACT
CONCERNING THE GOVERNOR'S POWER TO MODIFY OR
SUSPEND STATUTES, REGULATIONS OR OTHER REQUIREMENTS
DURING A PUBLIC HEALTH EMERGENCY, favorable report
of the Committee on Public Safety and Human -- and
Public Health.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

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April 27, 2010

Thank you, Mr. President.

I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, ma'am, would you like to remark further?

SENATOR STILLMAN:

Yes, thank you, sir.

This bill was requested by the -- our Department of Homeland Security and Emergency Management. This bill allows the Governor, when she declares a civil preparedness emergency, to modify or suspend statutes, regulations and other requirements that could conflict with the protection of the public health and I urge its adoption.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Bill 149?

Will you remark further?

Senator Stillman.

SENATOR STILLMAN:

Thank you, sir.

If there aren't any questions, I'd like to ask

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SENATE

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that it be moved to the consent calendar.

THE CHAIR:

There's a motion on the floor to place this
item on consent. Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

For a couple of changes in -- in markings back
on calendar page 4, Calendar 116 should be marked
pass retaining its place on the Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Calendar page 6, Calendar 168, Senate Bill 361
should also be marked passed retaining its place on
the calendar.

And, Mr. President, a change from a couple of
markings made -- made earlier. On calendar page
16, Calendar 428, Senate Bill 313 that had
previously been marked to be placed on the foot
instead would want to mark that item passed
retaining its place on the calendar.

THE CHAIR:

ch/gbr
SENATE

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April 27, 2010

has been ordered in the Senate on the consent calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed Consent Calendar Number 1 begin on calendar page 1, Calendar 435, House Joint Resolution Number 102; calendar page 2, Calendar 436, House Joint Resolution Number 103; Calendar 437, House Joint Resolution Number 104; Calendar 438, House Joint Resolution Number 105; calendar page 3, Calendar Number 53, Substitute for Senate Bill 141; Calendar 61, Senate Bill 131; Calendar Number 69, Senate Bill 62; calendar page 5, Calendar 139, Substitute for Senate Bill 173; Calendar 151, Substitute for Senate Bill 149; calendar page 8, Calendar 221, Senate Bill 156; calendar page 11, Calendar 332, Substitute for Senate Bill 153, calendar page 12, Calendar 339, Senate Bill 443; calendar page 26, Calendar Number 54, Senate Bill 190; calendar page 29, Calendar 129, Substitute for Senate Bill 50 and calendar page 32, Calendar Number 191, Substitute for Senate Bill 407.

Mr. President, that completes those items placed on the first consent calendar.

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THE CHAIR:

Thank you, sir.

Please call the consent. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of consent calendar
Number 1.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent calendar passes.

Senator Looney.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY**

**PART 1
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can't find a seat, you'll have to wait outside." So most important, though, is please don't block the doorways. So anyone who's standing near a doorway, if you could find another corner. If you're not blocking it that's fine. We got a corner back there -- four corners in this room so feel free to take a seat when one opens up for you. With that, we will begin our first hour, which are legislators, agency heads and municipal officials. And the first one is Commissioner Peter Boynton. Good morning, Commissioner.

COMMISSIONER PETER BOYNTON: Good morning, Senator Stillman, Representative Dargan and members of the Public Safety and Security committee. Thanks for the opportunity to comment on two bills before you today.

SB149

The first bill I'd like to comment on is Senate Bill 148, AN ACT CONCERNING THE TERM "EMERGENCY MANAGEMENT DIRECTOR" AND REDEFINING "MAJOR DISASTER" AND "EMERGENCY". This bill makes the definitions of "major disaster" and "emergency" clearer and easier to apply during an emergency situation by redefining "major disaster" to include catastrophes for which the Governor has declared a civil preparedness emergency, and by redefining "emergency" to include state declared emergencies.

Currently, the definitions mirror the federal Stafford Act language to be used only when a disaster or an emergency rises to the level of a presidential declaration. This change reflects the actual usage of these terms on the state level.

The bill also changes the term "local civil preparedness director" to "local emergency management director." Although we view the two terms as interchangeable, these individuals who

serve as critical links between local response disciplines, local government and our agency, DEMHS, are most often now referred to as emergency management rather than civil preparedness directors.

The second bill I'd like to comment on is Senate Bill 149, AN ACT CONCERNING THE GOVERNOR'S POWER TO MODIFY OR SUSPEND STATUTES, REGULATIONS OR OTHER REQUIREMENTS DURING A PUBLIC HEALTH EMERGENCY. This bill would extend the Governor's authority to temporarily modify or suspend any statute, regulation or requirement, not just during a civil preparedness emergency, which she currently has the authority to do, but also during a public health emergency as well. This proposal is the result of a collaborative effort between our agency, DEMHS and the Department of Public Health. Working together during this most recent H1N1 outbreak, we realized that by making this change we could clarify the state's ability to mitigate the effect of a public health emergency. This is an example of preparedness in advance of an emergency so that if and when the state faces another H1N1 outbreak or other public health incident, we're fully prepared to manage the crisis.

We understand there was a drafting error with regard to lines ten and eleven. We look forward to seeing a revised version at the JFS stage. Again, thanks for the opportunity to comment in support of these two pieces of legislation.

SENATOR STILLMAN: Thank you, Commissioner. A drafting error in 149 or 148?

COMMISSIONER PETER BOYNTON: I'm sorry, 149, lines ten and eleven.

SENATOR STILLMAN: And the drafting error is, sir?

COMMISSIONER PETER BOYNTON: One moment. We believe it was incorrect inserting of brackets that should not be there.

SENATOR STILLMAN: Okay. I thought that's what it might be. Thank you, sir. Any questions from any members?

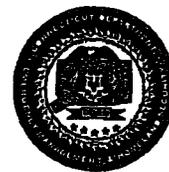
REP. DARGAN: Good morning, Commissioner. On raised bill 148 I have a question that might be related in referencing discussions that I've had with local responders from many police, fire and EMS personnel that were responding and coordinating through your agency recently with the issue in Middletown. So I'm wondering if you could give us some examples of the program, more specifically, on the emergency management side of DEMHS, and what your response was to that incident in Middletown.

COMMISSIONER PETER BOYNTON: Thanks for the question, Representative. With respect to the Middletown incident, DEMHS has worked very closely with municipalities to train in the National Incident Management System, NIMS, and the related ICS, Incident Command System. And that system was put to very good use in that tragic event in Middletown. The event response revolved around the local incident commander, the South District fire chief. And using that Incident Command System, the incident commander requested support from the state through our agency, DEMHS, and the state Emergency Operations Center. The Governor directed a partial stand up of the emergency operations center.

It was clear from the very start that this was a significant event and that EOC is how we communicate with an incident commander and



**STATE OF CONNECTICUT
DEPARTMENT OF
EMERGENCY MANAGEMENT AND HOMELAND SECURITY**



p. 1, Line 2

**Public Hearing – February 18, 2010
Public Safety and Security Committee**

**Testimony Submitted by:
Commissioner Peter J. Boynton
Department of Emergency Management and Homeland Security**

Good Morning Senator Stillman, Representative Dargan and members of the Public Safety and Security Committee. Thank you for this opportunity to comment on two bills before you today.

The first bill I would like to comment on is Senate Bill 148-An Act Concerning The Term "Emergency Management Director" and Redefining "Major Disaster" and "Emergency".

This bill makes the definitions of "major disaster" and "emergency" clearer and easier to apply during an emergency situation by redefining "major disaster" to include catastrophes for which the Governor has declared a civil preparedness emergency and by redefining "emergency" to include state-declared emergencies. Currently, the definitions mirror the federal Stafford Act language, to be used only when a disaster or emergency rises to the level of a Presidential declaration. This change reflects the actual usage of these terms on the state level.

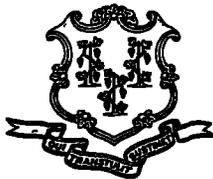
The bill also changes the term "local civil preparedness director" to local emergency management director. Although we view the two terms as interchangeable, these individuals—who serve as critical links between local response disciplines, local government, and DEMHS—are most often now referred to as "emergency management" rather than "civil preparedness" directors.

The second bill I would like to comment on is Senate Bill 149- An Act Concerning The Governor's Power to Modify or Suspend Statutes, Regulations or Other Requirements During a Public Health Emergency.

This bill would extend the Governor's authority to temporarily modify or suspend any statute, regulation or requirement, not just during a civil preparedness emergency—which she currently has the authority to do—but during a public health emergency as well. This proposal is the result of a collaborative effort between DEMHS and the Department of Public Health. Working together during this most recent H1N1 outbreak, we realized that, by making this change, we could clarify the State's ability to mitigate the effect of a public health emergency. This is an example of preparedness in advance of an emergency, so that if and when the state faces another H1N1 outbreak, or other public health incident, we are fully prepared to manage the crisis.

We understand there was a drafting error with regard to lines 10 and 11 and we look forward to seeing a revised version at the JFS stage.

Again, thank you for the opportunity to comment in support of these two pieces of legislation.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE PUBLIC SAFETY and SECURITY
COMMITTEE
February 18, 2010**

Marianne Horn, Office of Research and Development 860. 509.7405

***Senate Bill 149 - An Act Concerning the Governor's Power to Modify or Suspend
Statutes, Regulations or Other Requirements During a Public Health Emergency***

The Department of Public Health supports Senate Bill 149

Senate Bill 149 authorizes the Governor to modify or suspend statutes, regulations or requirements, in whole or in part, in the event that a public health emergency is declared. The Governor already has this authority in the event that a civil preparedness emergency is declared. A civil preparedness emergency is defined as, "a serious disaster, enemy attack, sabotage or other hostile action or in the event of the imminence thereof..." However, under current law, in the event that a public health emergency is declared and management of the emergency requires the modification or suspension of existing law, the Governor would need to declare a civil preparedness emergency in order to effectively manage the public health emergency.

The authority to modify or suspend existing legal provisions in a public health emergency is necessary to allow for a flexible response to emergencies such as a deadly pandemic outbreak, a bioterrorist attack or a nuclear accident. Public health emergencies have the potential to overwhelm the existing medical response system and to quickly deplete resources such as treatment space, medical staff and medical equipment and supplies. Existing laws designed to provide the best care for each individual patient under non-emergency conditions could impede the expeditious management of the emergency and unnecessarily limit the provision of the best care to the greatest number of citizens under the emergency conditions. Examples of the types of modifications or suspensions range from minimum staffing ratios to medical record documentation to transporting patients to alternate care facilities instead of a hospital.

The Department respectfully requests an amendment to the language to include:

(b)(1) after the language "whenever the Governor finds such statute, regulation or requirement, or part thereof, is in conflict with the efficient and expeditious execution of civil preparedness functions" there be added "or the protection of the public health."

The language would read: (b)(1)whenever the Governor finds such statute, regulation or requirement, or part thereof, is in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health.

Thank you for your consideration of the Department's views on this bill.

Phone:



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