

Civil Defense Bill Is Signed

Civil defense forces were made available for all emergencies under a legislative bill Governor Driscoll signed yesterday. In the past their activities have been largely restricted to war disasters. State Civil Defense Director Leonard Dreyfuss, Thomas S. Dignan, deputy, and Colonel Russell A. Snook, State Police superintendent, attended a brief ceremony in which the act was translated into law.

It gives the Governor authority to assume command of all disaster control operations without formal declaration of a state of emergency.

Dreyfuss is assigned the additional title of state disaster control director.

Freeholder boards are required to appoint county coordinators and deputies.

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Civil Defense Expansion
Extension of the civil defense act to include other than war disasters received a unanimous House vote. It eliminates the necessity of the Governor declaring an emergency in such cases before civil defense forces are called to assist.

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[OFFICIAL COPY REPRINT]
FIRST SPECIAL SESSION
ASSEMBLY, No. 5

STATE OF NEW JERSEY

INTRODUCED DECEMBER, 4, 1953

By Messrs. BARNES and SAIBER

(Without Reference)

AN ACT to amend the title of "An act concerning civilian defense during emergency," approved May twenty-third, one thousand nine hundred and forty-two (P. L. 1942, c. 251), as said title was amended by chapter eighty-six of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act concerning civilian defense and disaster control during emergency"; to amend and supplement the body of said act; and to repeal sections seven and ten of chapter two hundred fifty-one of the laws of one thousand nine hundred and forty-two.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. The title of "An act concerning civilian defense during emergency,"
2 approved May twenty-third, one thousand nine hundred and forty-two (P. L.
3 1942, c. 251), as said title was amended by chapter eighty-six of the laws of
4 one thousand nine hundred and forty-nine, is amended to read "An act con-
5 cerning civilian defense and disaster control during emergency."

1 2. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. The purpose of this act is to provide for the health, safety and wel-
4 fare of the people of the State of New Jersey and to aid in the prevention
5 of damage to and the destruction of property during any emergency as herein
6 defined by prescribing a course of conduct for the civilian population of this

7 State during such emergency and by centralizing control of all civilian ac-
8 tivities having to do with such emergency under the Governor and for that
9 purpose to give to the Governor control over such resources of the State Gov-
10 ernment and of each and every political subdivision thereof as may be neces-
11 sary to cope with any condition that shall arise out of such emergency and to
12 invest the Governor with all other power convenient or necessary to effectu-
13 ate such purpose.

1 3. The following words and phrases as used in this act shall have the fol-
2 lowing meanings:

3 (1) "Disaster" shall mean any unusual incident resulting from na-
4 tural or unnatural causes which endangers the health, safety or re-
5 sources of the residents of one or more municipalities of the State, and
6 which is or may become too large in scope or unusual in type to be
7 handled in its entirety by regular municipal operating services.

8 (2) "Local disaster emergency" shall mean and include any disas-
9 ter, or the imminence thereof, resulting from natural or unnatural causes
10 other than enemy attack and limited to the extent that action by the
11 Governor under this act is not required.

12 (3) "War emergency" shall mean and include any disaster occurring
13 anywhere within the State as the result of enemy attack or the immi-
14 nent danger thereof.

15 (4) "Emergency" shall mean and include "disaster" and "war
16 emergency" as above in this section defined.

1 4. Section two of the act of which this act is amendatory is amended to
2 read as follows:

3 2. The Governor is authorized to utilize and employ all the available re-
4 sources of the State Government and of each and every political subdivision
5 of this State, whether of men, properties or instrumentalities, and to com-
6 mandeer and utilize any personal services and any privately owned prop-
7 erty necessary to avoid or protect against any emergency subject to the fu-

8 ture payment of the reasonable value of such services and privately owned
9 property as hereinafter in this act provided.

1 5. Section five of the act of which this act is amendatory is amended to
2 read as follows:

3 5. There is hereby created in the State Department of Defense, the office
4 of civilian defense director. The civilian defense director shall be appointed
5 by the Governor and shall hold office at the will and pleasure of the Governor
6 with or without compensation in the discretion of the Governor. He shall as-
7 sist the Governor in effectuating the purposes of this act and, to that end, the
8 Governor is empowered to delegate to the said civilian defense director any
9 of the powers conferred by this act upon the Governor to the extent that such
10 delegation of power is, in the judgment of the Governor, necessary; *provided*,
11 *however*, that all such powers shall be exercised in the name of the Governor.
12 The Governor is authorized to establish an adequate organization to assist
13 in supervising and co-ordinating the civilian defense activities of the State
14 Government and of all the political subdivisions of this State and for that
15 purpose the said Governor is authorized and empowered, within the limits of
16 appropriations, to establish and operate such subordinate offices as may be
17 necessary. Nothing contained herein shall be construed to empower the Gov-
18 ernor to delegate to the civilian defense director any of the powers hereto-
19 fore conferred upon the established State Departments.

1 6. Under the supervision of the Chief of Staff, Department of Defense,
2 the civilian defense director is hereby concurrently assigned the duties of
3 State Disaster Control Director.

1 7. Section eight of the act of which this act is amendatory is amended to
2 read as follows:

3 8. It shall be the duty of the members of the governing body and of
4 each and every officer, agent and employee of every political subdivision of
5 this State and of each member of all other governmental bodies, agencies
6 and authorities of any nature whatsoever fully to co-operate with the Gov-
7 ernor and the civilian defense director in all matters affecting any emer-

8 gency as defined by this act. The Governor is authorized to make, amend
9 and rescind orders, rules and regulations as in this act provided, and it
10 shall be unlawful for any municipality or other subdivision or any
11 other governmental agency of this State to adopt any rule or regula-
12 tion or to enforce any such rule or regulation that may be at variance with
13 any such order, rule or regulation established by the Governor. In the event
14 of a dispute on the question of whether or not any such rule or regulation is
15 at variance with an order, rule or regulation established by the Governor
16 under this act, the determination of the Governor shall control.

17 8. In every municipality of this State the mayor shall appoint a municipi-
18 pal disaster control director from among the residents of the municipality.
19 The municipal disaster control director shall serve at the pleasure of the
20 mayor.

21 9. Each municipal disaster control director shall appoint a deputy municipi-
22 pal disaster control director with the approval of the mayor. Wherever pos-
23 sible, such deputy shall be appointed from among the salaried officers or em-
24 ployees of the municipality.

25 10. Each municipal disaster control director shall be responsible for the
26 planning, activating, co-ordinating, and the conduct of disaster control oper-
27 ations within his municipality.

1 11. Section nine of the act of which this act is amendatory is amended to
2 read as follows:

3 9. Every municipality of this State, other than counties, shall create a
4 local defense council. Each local defense council shall be composed of not
5 more than fifteen members who shall be appointed by the mayor or chief ex-
6 ecutive officer of the municipality and shall hold office at the will and pleasure
7 of the appointing authority. The municipal disaster control director shall be a
8 member and shall serve as chairman of the local defense council. The local de-
9 fense council shall assist the municipality in establishing the various local
10 volunteer agencies needed to meet the requirements of all local civilian defense
11-14 and disaster control activities in accordance with rules and regulations estab-

15 lished by the Governor in pursuance of the provisions of this act. The local
16 defense council is authorized, within the limits of appropriations, to estab-
17 lish an adequate organization to assist in supervising and co-ordinating the
18 civilian defense and disaster control activities of the local municipality. It
19 shall be lawful for the members of the local defense council also to be mem-
20 bers of other agencies created because of any emergency. Upon the
21 effective date of this act, the local defense councils heretofore appointed
22 shall become the respective local defense councils provided for in this act and
23 shall thereafter continue to function as such local defense councils, subject
24 to the provisions of this act.

25 12. In every county of this State the board of chosen freeholders shall
26 appoint a county disaster control co-ordinator and a deputy county disaster
27 control co-ordinator, which appointments shall be subject to the approval of
28 the State Civilian Defense Director and thereafter shall be subject to his
29 orders. The State Civilian Defense Director shall exercise supervision and
30 control of all such appointees, who may be removed by said State Civilian De-
31 fense Director for cause.

32 13. The county disaster control co-ordinator shall be responsible for the
33 development, co-ordination, and activation of county-wide mutual aid civilian
34 defense and disaster control plans; and for the activation of such disaster
35 control and civilian defense facilities and services as are available from the
36 resources of the county government.

1 14. Section eleven of the act of which this act is amendatory is amended
2 to read as follows:

3 11. Every political subdivision of this State is authorized to create by
4 resolution any other agencies or instrumentalities that may be needed in order
5 to meet the problems presented by any emergency as defined by this act, not
6 at variance with such rules and regulations as shall be established by the
7 Governor. Any such agencies heretofore or hereafter established shall im-
8 mediately conform to the rules and regulations that may be adopted and
9 promulgated by the Governor.

1 15. Section twelve of the act of which this act is amendatory is amended
2 to read as follows:

3 12. No private civilian agency of any nature whatsoever, carrying on any
4 activities connected with any emergency, shall operate within the State of
5 New Jersey without the approval of the Governor. Any person who shall be
6 an officer, employee, agent or member of or who shall knowingly perform any
7 work or activities connected with any such agency, which has not received the
8 approval of the Governor, shall be guilty of a violation of this act.

1 16. Section thirteen of the act of which this act is amendatory is amended
2 to read as follows:

3 13. In order to accomplish the purposes of this act, the Governor is
4 empowered to make such orders, rules and regulations as may be necessary
5 adequately to meet the various problems presented by any emergency and
6 from time to time to amend or rescind such orders, rules and regulations, in-
7 cluding among others the following subjects:

8 a. On matters pertaining to the method of conducting black-outs,
9 partial black-outs, and modifying and controlling illumination, and per-
10 taining to the conduct of the civilian population of this State during such
11 black-outs, partial black-outs, and periods during which illumination is
12 modified.

13 b. On matters pertaining to air raid warnings and air raids and the
14 conduct of the civilian population during the alert period of an air raid
15 or of a threatened or impending air raid and during and following any
16 air raid.

17 c. Concerning the organization, recruiting, training, conduct, duties
18 and powers of volunteer agencies, including air raid wardens, auxiliary
19 police and firemen, demolition and clearance crews, fire watchers, road
20 repair crews, rescue squads, medical corps, nurses' aides corps, decon-
21 tamination squads, drivers' corps, messengers' corps, emergency food
22 and housing corps, utility repair squads, and all other civilian protection
23 forces exercising or performing any functions or duties in connection

24 with the problems of local civilian defense or disaster control.

25 d. The designation of vehicles and persons permitted to move dur-
26 ing air raids or any emergency.

27 e. The conduct of the civilian population during the threat of and
28 imminence of danger or any emergency.

29 f. The method of meeting threatened air raid danger insofar as
30 it affects the children in our schools.

31 g. Concerning the meeting or counteracting of threatened and actual
32 sabotage, subversive activities, and other dangers incident to any emer-
33 gency.

34 h. Concerning the method of evacuating residents of threatened
35 districts and the course of conduct of the civilian population during
36 any necessary evacuation.

37 i. On any matter that may be necessary to protect the health, safety
38 and welfare of the people or that will aid in the prevention of loss to
39 and destruction of property.

40 j. Such other matters whatsoever as are or may become necessary in
41 the fair, impartial, stringent and comprehensive administration of this
42 act.

43 All such orders, rules and regulations when established shall be forthwith
44 promulgated by proclamation of the Governor, which promulgation shall be
45 deemed to be sufficient notice to the public. All such orders, rules and regula-
46 tions when promulgated shall be binding upon all political subdivisions,
47 public agencies, public officials and public employees of this State. All such
48 orders, rules and regulations having to do with the conduct of persons which
49 shall be adopted by the Governor and promulgated as provided herein shall
50 be binding upon each and every person within this State. Upon the adoption
51 and promulgation of orders, rules and regulations as provided above, the
52 civilian defense director shall send a copy to the municipal disaster control
53 director and to the clerk of each municipality of this State in which such
54 order, rule or regulation will take effect. The said municipal clerk shall

55 forthwith post any such order, rule or regulation in a public place in the mu-
56 nicipal building.

1 17. An officer of a municipality or county who is charged with duties
2 pertaining to civilian defense or disaster control planning shall perform his
3 duties in accordance with rules and regulations promulgated by the Governor.

1 18. The Governor may remove any municipal disaster control director at
2 any time for cause. In such event the mayor of the municipality shall
3 appoint a new municipal disaster control director with the approval of the
4 Governor. If the mayor shall not appoint a municipal disaster control direc-
5 tor within ten days after such office shall become vacant, the Governor may
6 appoint a temporary municipal disaster control director who shall serve and
7 perform all of the duties of that office until such time as a new municipal
8 disaster control director shall be appointed by the mayor with the approval
9 of the Governor.

1 19. Section fifteen of the act of which this act is amendatory is amended
2 to read as follows:

3 15. The Governor is authorized to provide by his rules and regulations
4 that any motor vehicle regulation or traffic act provision or any other regu-
5 latory provision of law, the enforcement of which will be detrimental to the
6 public welfare during any black-out, air raid, threatened air raid, prepara-
7 tions for emergencies or during the threat or imminence of danger in emer-
8 gency, shall be suspended during such black-out, air raid, threatened air raid,
9 preparations for emergencies or during the threat or imminence of danger.
10 The judgment of the Governor on all such matters shall be conclusive.

1 20. Section sixteen of the act of which this act is amendatory is amended
2 to read as follows:

3 16. The Governor shall be in command in the event of any actual or im-
4 minent or threatened disaster or catastrophe in anywise connected with
5 any emergency, and the Governor is authorized to designate the person
6 to take command anywhere within this State of all civilian defense and dis-
7 aster control activities in the event of such actual or imminent or threatened

8 disaster or catastrophe, and is further authorized to delegate to such emer-
9 gency commander any and all powers which in the judgment of the Governor
10 it is deemed necessary to delegate. The judgment of the Governor in such
11 matters shall be conclusive. Nothing contained in this section shall be con-
12 trued to apply to any case where the Federal Government has assumed
13 jurisdiction pursuant to the war powers of said government.

1 21. Section seventeen of the act of which this act is amendatory is
2 amended to read as follows:

3 17. Any person who shall:

4 a. Commit any unauthorized or otherwise unlawful act during the
5 threat or imminence of danger in any emergency that jeopardizes the
6 health, welfare and safety of the people; or

7 b. Commit any unauthorized or otherwise unlawful act during the
8 threat or imminence of danger during any emergency that contributes to
9 the loss of or destruction to property; or

10 c. Hamper, impede, or in any way interfere with any person who is
11 performing any function authorized under this act; or

12 d. Drive any motor vehicle in a prohibited area during a black-out
13 or while an air raid alert is in progress or in any other manner contrary to
14 the rules and regulations covering any period of danger or any emer-
15 gency; or

16 e. Go within a prohibited area contrary to rules and regulations; or

17 f. Refuse to obey the lawful orders of any air raid warden, civilian
18 protection worker, or other person who is duly authorized to perform
19 any act or function during the threat or imminence of danger or any
20 emergency; or

21 g. Refuse to co-operate with any air raid warden, civilian protection
22 worker, or other person who is duly authorized to perform any act or
23 function in connection with activities during the threat or imminence of
24 danger or any emergency; or

25 h. Violate any order, rule or regulation adopted by the Governor
26 and promulgated as provided by this act; or

27 i. Violate any other provision of this act declared herein to be un-
28 lawful—

29 shall be adjudged a disorderly person and shall be punished by imprisonment
30 in the workhouse, penitentiary or county jail for a term not exceeding one
31 year or by a fine not exceeding one hundred seventy-five dollars (\$175.00), or
32 by both such fine and imprisonment, in the discretion of the court.

1 22. Whenever, in his opinion, a disaster has occurred or is imminent in
2 any municipality, the municipal disaster control director of that municipality
3 shall proclaim a state of local disaster emergency within the municipality.
4 The municipal disaster control director, in accordance with regulations pro-
5 mulgated by the State Civilian Defense Director, shall be empowered to issue
6 and enforce such orders as may be necessary to implement and carry out dis-
7 aster control operations and to protect the health, safety, and resources of the
8 residents of the municipality.

1 23. No representative of any municipality shall request aid in time of dis-
2 aster directly from noncontiguous municipalities nor shall any municipality
3 or public or semipublic agency send personnel or equipment into a disaster-
4 stricken municipality unless and until such aid has been directed by the county
5 disaster control co-ordinator or his deputy. Specific exemptions from the ac-
6 tion of this section may be granted only by authority of the State Disaster
7 Control Director.

1 24. Section nineteen of the act of which this act is amendatory is amended
2 to read as follows:

3-7 19. a. Whenever, in his opinion, the control of any disaster is beyond the
8 capabilities of local authorities, the Governor is authorized:

9 (1) To assume control of all civilian defense and disaster control
10 operations.

11-12 (2) To proclaim an emergency if he deems the same necessary.

13 (3) Temporarily to employ, take or use the personal services, or
14 real or personal property, of any citizen or resident of this State, or of
15 any firm, partnership or unincorporated association doing business or
16 domiciled in this State, or of any corporation incorporated in or doing
17 business in this State, or the real property of a nonresident located in this
18 State, for the purpose of securing the defense of the State or of protect-
19 ing or promoting the public health, safety or welfare; *provided*, that such
20 personal services or property shall not be employed or used beyond the
21 borders of this State unless otherwise authorized by law.

22 b. Compensation for any personal services required of any natural per-
23 son under the provisions of subsection "a" of this section shall be paid at
24-25 the prevailing established rate for services of a like or similar nature.

26 c. There is hereby established an emergency compensation board in and
27 for each county of the State, to be composed of three persons appointed by
28 the Governor who shall serve at the will and pleasure of the Governor and
29 without compensation. Wherever the volume of work makes it necessary, the
30 Governor may appoint one or more additional emergency compensation
31 boards in any county of this State. The emergency compensation board shall
32 award reasonable compensation to the party entitled thereto for any property
33 employed, taken or used under the provisions of this subsection and for any
34 injury caused by such employment, taking or using. Any party who deems
35 himself entitled to such compensation as is provided for in this section may
36 file a petition for an award with the board, naming the State as defendant.
37 Such petition shall be filed with an emergency compensation board in the
38 county in which the property was located at the time it was employed, taken
39 or used. A copy of said petition shall be served on the Attorney-General.
40 The board shall thereupon after reasonable and proper notice to the peti-
41 tioner and the Attorney-General, grant a hearing upon such petition and ren-
42 der a decision fixing the amount of the award. This award shall be paid
43 within one year after the decision is rendered from any funds appropriated
44 by the State for such purpose.

45 d. Any party who deems himself aggrieved by the decision of an emer-
46 gency compensation board of any county shall have the right to bring an
47 action for such compensation against the State as defendant in the Superior
48 Court, according to the practice and procedure covering condemnation pro-
49 ceedings in such court. Either the State or the petitioner shall have a right
50 to trial by jury in such court.

51 e. When, in the opinion of the Governor, the period of emergency
52 under which action has been taken by him as provided under subsec-
53 tion "a" of this section has passed, he shall issue a proclamation declar-
54 ing its end and suspending the powers granted to him under subsection "a"
55 of this section and no petition for an award as provided for in subsection
56 "c" shall be filed after one year from the date of the Governor's proclama-
57 tion declaring the end of the emergency; *provided*, that any member of the
58 Armed Forces of the United States whose property was employed, taken or
59 used as provided in said subsection "a" of this section may file such petition
60 within two years after the Governor's proclamation.

1 25. The provisions of chapter twelve of the laws of one thousand nine
2 hundred and fifty-two, supplemental to the act of which this act is amenda-
3 tory and supplementary, providing disability, death and medical and hospital
4 benefits, in certain cases, to civil defense volunteers and their dependents,
5 shall apply in the same manner to such volunteers and their dependents
6 under the provisions of this amendatory and supplementary act.

1 26. Sections seven and ten of chapter two hundred fifty-one of the laws
2 of one thousand nine hundred and forty-two are repealed.

1 27. This act shall take effect immediately.

FIRST SPECIAL SESSION
ASSEMBLY, No. 5

STATE OF NEW JERSEY

INTRODUCED DECEMBER, 4, 1953

By Messrs. BARNES and SAIBER

(Without Reference)

AN ACT to amend the title of "An act concerning civilian defense during emergency," approved May twenty-third, one thousand nine hundred and forty-two (P. L. 1942, c. 251), as said title was amended by chapter eighty-six of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act concerning civilian defense and disaster control during emergency"; to amend and supplement the body of said act; and to repeal sections seven and ten of chapter two hundred fifty-one of the laws of one thousand nine hundred and forty-two.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. The title of "An act concerning civilian defense during emergency,"
2 approved May twenty-third, one thousand nine hundred and forty-two (P. L.
3 1942, c. 251), as said title was amended by chapter eighty-six of the laws of
4 one thousand nine hundred and forty-nine, is amended to read "An act con-
5 cerning civilian defense and disaster control during emergency."

1 2. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. The purpose of this act is to provide for the health, safety and wel-
4 fare of the people of the State of New Jersey and to aid in the prevention
5 of damage to and the destruction of property during any emergency as herein
6 defined by prescribing a course of conduct for the civilian population of this

7 State during such emergency and by centralizing control of all civilian ac-
8 tivities having to do with such emergency under the Governor and for that
9 purpose to give to the Governor control over such resources of the State Gov-
10 ernment and of each and every political subdivision thereof as may be neces-
11 sary to cope with any condition that shall arise out of such emergency and to
12 invest the Governor with all other power convenient or necessary to effectu-
13 ate such purpose.

14 [As used in this act the terms "emergency," "war emergency," "pres-
15 ent war emergency," and "extraordinary emergency" shall mean and in-
16 clude any disaster resulting from enemy attack, sabotage or other hostile ac-
17 tion, or from fire, flood, earthquake or other natural causes.]

1 3. The following words and phrases as used in this act shall have the fol-
2 lowing meanings:

3 (1) "Disaster" shall mean any unusual incident resulting from na-
4 tural or unnatural causes which endangers the health, safety or re-
5 sources of the residents of one or more municipalities of the State, and
6 which is or may become too large in scope or unusual in type to be
7 handled in its entirety by regular municipal operating services.

8 (2) "Local disaster emergency" shall mean and include any disas-
9 ter, or the imminence thereof, resulting from natural or unnatural causes
10 other than enemy attack and limited to the extent that action by the
11 Governor under this act is not required.

12 (3) "War emergency" shall mean and include any disaster occurring
13 anywhere within the State as the result of enemy attack or the immi-
14 nent danger thereof.

15 (4) "Emergency" shall mean and include "disaster" and "war
16 emergency" as above in this section defined.

1 4. Section two of the act of which this act is amendatory is amended to
2 read as follows:

3 2. [In case of disaster arising out of the war emergency or of threatened
4 or imminent disaster arising therefrom, the] The Governor is authorized to

5 utilize and employ all the available resources of the State Government and
6 of each and every political subdivision of this State, whether of men, prop-
7 erties or instrumentalities, and to commandeer and utilize any personal serv-
8 ices and any privately owned property necessary to avoid or protect against
9 [such disaster or threatened disaster] any emergency subject to the future
10 payment of the reasonable value of such services and privately owned prop-
11 erty as hereinafter in this act provided.

1 5. Section five of the act of which this act is amendatory is amended to
2 read as follows:

3 5. There is hereby created in the State Department of Defense, the office
4 of civilian defense director. The civilian defense director shall be appointed
5 by the Governor and shall hold office at the will and pleasure of the Governor
6 with or without compensation in the discretion of the Governor. He shall as-
7 sist the Governor in effectuating the purposes of this act and, to that end, the
8 Governor is empowered to delegate to the said civilian defense director any
9 of the powers conferred by this act upon the Governor to the extent that such
10 delegation of power is, in the judgment of the Governor, necessary; *provided,*
11 *however,* that all such powers shall be exercised in the name of the Governor.
12 The Governor is authorized to establish an adequate organization to assist
13 in supervising and co-ordinating the civilian defense activities of the State
14 Government and of all the political subdivisions of this State and for that
15 purpose the said Governor is authorized and empowered, within the limits of
16 appropriations, to establish and operate such [district and regional] sub-
17 ordinate offices as may be necessary. Nothing contained herein shall be con-
18 strued to empower the Governor to delegate to the civilian defense director
19 any of the powers heretofore conferred upon the [Division of State Police
20 in the Department of Law and Public Safety or the State Department of
21 Defense] established State Departments.

22 6. Under the supervision of the Chief of Staff, Department of Defense,
23 the civilian defense director is hereby concurrently assigned the duties of
24 State Disaster Control Director.

1 7. Section eight of the act of which this act is amendatory is amended to
2 read as follows:

3 8. It shall be the duty of the members of the governing body and of
4 each and every officer, agent and employee of every political subdivision of
5 this State and of each member of all other governmental bodies, agencies
6 and authorities of any nature whatsoever fully to co-operate with the Gov-
7 ernor and the civilian defense director in all matters affecting [the war
8 emergency] any emergency as defined by this act. The Governor is author-
9 ized to make, amend and rescind orders, rules and regulations as in this act
10 provided, and it shall be unlawful for any municipality or other subdivision
11 or any other governmental agency of this State to adopt any rule or regula-
12 tion or to enforce any such rule or regulation that may be at variance with
13 any such order, rule or regulation established by the Governor. In the event
14 of a dispute on the question of whether or not any such rule or regulation is
15 at variance with an order, rule or regulation established by the Governor
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17 8. In every municipality of this State the mayor shall appoint a munici-
18 pal disaster control director from among the residents of the municipality.
19 The municipal disaster control director shall serve at the pleasure of the
20 mayor.

21 9. Each municipal disaster control director shall appoint a deputy munici-
22 pal disaster control director with the approval of the mayor. Wherever pos-
23 sible, such deputy shall be appointed from among the salaried officers or em-
24 ployees of the municipality.

25 10. Each municipal disaster control director shall be responsible for the
26 planning, activating, co-ordinating, and the conduct of disaster control oper-
27 ations within his municipality.

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2 read as follows:

3 9. Every municipality of this State, other than counties, shall create a
4 local defense council. Each local defense council shall be composed of not

5 more than fifteen members who shall be appointed by the mayor or chief ex-
6 ecutive officer of the municipality and shall hold office at the will and pleasure
7 of the appointing authority. [The local defense council shall elect a chair-
8 man who shall be known as the local chairman. The mayor or chief execu-
9 tive officer of the municipality shall be ex officio a member of the local defense
10 council.] The municipal disaster control director shall be a member and
11 shall serve as chairman of the local defense council. The local defense coun-
12 cil shall assist the municipality in establishing the various local volunteer
13 agencies needed to meet the requirements of all local civilian defense and
14 disaster control activities in accordance with rules and regulations estab-
15 lished by the Governor in pursuance of the provisions of this act. The local
16 defense council is authorized, within the limits of appropriations, to estab-
17 lish an adequate organization to assist in supervising and co-ordinating the
18 civilian defense and disaster control activities of the local municipality. It
19 shall be lawful for the members of the local defense council also to be mem-
20 bers of other agencies created because of any [the war] emergency. Upon
21 the effective date of this act, the local defense councils heretofore appointed
22 shall become the respective local defense councils provided for in this act and
23 shall thereafter continue to function as such local defense councils, subject
24 to the provisions of this act.

25 12. In every county of this State the board of chosen freeholders shall
26 appoint a county disaster control co-ordinator and a deputy county disaster
27 control co-ordinator, which appointments shall be subject to the approval of
28 the State Civilian Defense Director and thereafter shall be subject to his
29 orders. The State Civilian Defense Director shall exercise supervision and
30 control of all such appointees, who may be removed by said State Civilian De-
31 fense Director for cause.

32 13. The county disaster control co-ordinator shall be responsible for the
33 development, co-ordination, and activation of county-wide mutual aid civilian
34 defense and disaster control plans; and for the activation of such disaster
35 control and civilian defense facilities and services as are available from the
36 resources of the county government.

1 14. Section eleven of the act of which this act is amendatory is amended
2 to read as follows:

3 11. Every political subdivision of this State is authorized to create by
4 resolution any other agencies or instrumentalities that may be needed in order
5 to meet the problems presented by **【the present war emergency】** any emer-
6 gency as defined by this act, not at variance with such rules and regulations
7 as shall be established by the Governor. Any such agencies heretofore or
8 hereafter established shall immediately conform to the rules and regulations
9 that may be adopted and promulgated by the Governor.

1 15. Section twelve of the act of which this act is amendatory is amended
2 to read as follows:

3 12. No private civilian agency of any nature whatsoever, carrying on any
4 activities connected with **【the war emergency】** any emergency, shall operate
5 within the State of New Jersey without the approval of the Governor. Any
6 person who shall be an officer, employee, agent or member of or who shall
7 knowingly perform any work or activities connected with any such agency,
8 which has not received the approval of the Governor, shall be guilty of a
9 violation of this act.

1 16. Section thirteen of the act of which this act is amendatory is amended
2 to read as follows:

3 13. In order to accomplish the purposes of this act, the Governor is
4 empowered to make such orders, rules and regulations as may be necessary
5 adequately to meet the various problems presented by **【the said war**
6 **emergency】** any emergency and from time to time to amend or rescind such
7 orders, rules and regulations, including among others the following subjects:

8 a. On matters pertaining to the method of conducting black-outs,
9 partial black-outs, and modifying and controlling illumination, and per-
10 taining to the conduct of the civilian population of this State during such
11 black-outs, partial black-outs, and periods during which illumination is
12 modified.

13 b. On matters pertaining to air raid warnings and air raids and the
14 conduct of the civilian population during the alert period of an air raid
15 or of a threatened or impending air raid and during and following any
16 air raid.

17 c. Concerning the organization, recruiting, training, conduct, duties
18 and powers of volunteer agencies, including air raid wardens, auxiliary
19 police and firemen, demolition and clearance crews, fire watchers, road
20 repair crews, rescue squads, medical corps, nurses' aides corps, decon-
21 tamination squads, drivers' corps, messengers' corps, emergency food
22 and housing corps, utility repair squads, and all other civilian protection
23 forces exercising or performing any functions or duties in connection
24 with the problems of local civilian defense or disaster control.

25 d. The designation of vehicles and persons permitted to move dur-
26 ing [an] air [raid] raids or any emergency.

27 e. The conduct of the civilian population during the threat of and
28 imminence of danger or any emergency.

29 f. The method of meeting threatened air raid danger insofar as
30 it affects the children in our schools.

31 g. Concerning the meeting or counteracting of threatened and actual
32 sabotage, subversive activities, and other dangers incident to [the war
33 emergency] any emergency.

34 h. Concerning the method of evacuating residents of threatened
35 districts and the course of conduct of the civilian population during
36 any necessary evacuation.

37 i. On any matter that may be necessary to protect the health, safety
38 and welfare of the people or that will aid in the prevention of loss to
39 and destruction of property.

40 j. Such other matters whatsoever as are or may become necessary in
41 the fair, impartial, stringent and comprehensive administration of this
42 act.

43 All such orders, rules and regulations when established shall be forthwith
44 promulgated by proclamation of the Governor, which promulgation shall be
45 deemed to be sufficient notice to the public. All such orders, rules and regula-
46 tions when promulgated shall be binding upon all political subdivisions,
47 public agencies, public officials and public employees of this State. All such
48 orders, rules and regulations having to do with the conduct of persons which
49 shall be adopted by the Governor and promulgated as provided herein shall
50 be binding upon each and every person within this State. Upon the adoption
51 and promulgation of orders, rules and regulations as provided above, the
52 civilian defense director shall send a copy to the [local chairman] municipal
53 disaster control director and to the clerk of each municipality of this State
54 in which such order, rule or regulation will take effect. The said municipal
55 clerk shall forthwith post any such order, rule or regulation in a public place
56 in the municipal building.

1 17. An officer of a municipality or county who is charged with duties
2 pertaining to civilian defense or disaster control planning shall perform his
3 duties in accordance with rules and regulations promulgated by the Governor.

1 18. The Governor may remove any municipal disaster control director at
2 any time for cause. In such event the mayor of the municipality shall
3 appoint a new municipal disaster control director with the approval of the
4 Governor. If the mayor shall not appoint a municipal disaster control direc-
5 tor within ten days after such office shall become vacant, the Governor may
6 appoint a temporary municipal disaster control director who shall serve and
7 perform all of the duties of that office until such time as a new municipal
8 disaster control director shall be appointed by the mayor with the approval
9 of the Governor.

1 19. Section fifteen of the act of which this act is amendatory is amended
2 to read as follows:

3 15. The Governor is authorized to provide by his rules and regulations
4 that any motor vehicle regulation or traffic act provision or any other regu-
5 latory provision of law, the enforcement of which will be detrimental to the

6 public welfare during any black-out, air raid, threatened air raid, prepara-
7 tions for emergencies or during the threat or imminence of danger in [this
8 war] emergency, shall be suspended during such black-out, air raid, threat-
9 ened air raid, preparations for emergencies or during the threat or immi-
10 nence of danger. The judgment of the Governor on all such matters shall be
11 conclusive.

1 20. Section sixteen of the act of which this act is amendatory is amended
2 to read as follows:

3 16. The Governor shall be in command in the event of any actual or im-
4 minent or threatened disaster or catastrophe in anywise connected with
5 [the war emergency] any emergency, and the Governor is authorized to
6 designate the person to take command anywhere within this State of all
7 civilian defense and disaster control activities in the event of such actual or
8 imminent or threatened disaster or catastrophe, and is further authorized to
9 delegate to such emergency commander any and all powers which in the judg-
10 ment of the Governor it is deemed necessary to delegate. The judgment of the
11 Governor in such matters shall be conclusive. Nothing contained in this sec-
12 tion shall be construed to apply to any case where the Federal Government
13 has assumed jurisdiction pursuant to the war powers of said government.

1 21. Section seventeen of the act of which this act is amendatory is
2 amended to read as follows:

3 17. Any person who shall:

4 a. Commit any unauthorized or otherwise unlawful act during the
5 threat or imminence of danger in [this war emergency] any emergency
6 that jeopardizes the health, welfare and safety of the people; or

7 b. Commit any unauthorized or otherwise unlawful act during the
8 threat or imminence of danger during [this war emergency] any emer-
9 gency that contributes to the loss of or destruction to property; or

10 c. Hamper, impede, or in any way interfere with any person who is
11 performing any function authorized under this act; or

12 d. Drive any motor vehicle in a prohibited area during a black-out
 13 or while an air raid alert is in progress or in any other manner contrary to
 14 the rules and regulations covering any period of danger or any emer-
 15 gency; or

16 e. Go within a prohibited area contrary to rules and regulations; or

17 f. Refuse to obey the lawful orders of any air raid warden, civilian
 18 protection worker, or other person who is duly authorized to perform
 19 any act or function during the threat or imminence of danger or any
 20 emergency; or

21 g. Refuse to co-operate with any air raid warden, civilian protection
 22 worker, or other person who is duly authorized to perform any act or
 23 function in connection with [war] activities during the threat or immi-
 24 nence of danger or any emergency; or

25 h. Violate any order, rule or regulation adopted by the Governor
 26 and promulgated as provided by this act; or

27 i. Violate any other provision of this act declared herein to be un-
 28 lawful—

29 shall be adjudged a disorderly person and shall be punished by imprisonment
 30 in the workhouse, penitentiary or county jail for a term not exceeding one
 31 year or by a fine not exceeding one hundred seventy-five dollars (\$175.00), or
 32 by both such fine and imprisonment, in the discretion of the court.

1 22. Whenever, in his opinion, a disaster has occurred or is imminent in
 2 any municipality, the municipal disaster control director of that municipality
 3 shall proclaim a state of local disaster emergency within the municipality.
 4 The municipal disaster control director, in accordance with regulations pro-
 5 mulgated by the State Civilian Defense Director, shall be empowered to issue
 6 and enforce such orders as may be necessary to implement and carry out dis-
 7 aster control operations and to protect the health, safety, and resources of the
 8 residents of the municipality.

1 23. No representative of any municipality shall request aid in time of dis-
 2 aster directly from noncontiguous municipalities nor shall any municipality

3 or public or semipublic agency send personnel or equipment into a disaster-
 4 stricken municipality unless and until such aid has been directed by the county
 5 disaster control co-ordinator or his deputy. Specific exemptions from the ac-
 6 tion of this section may be granted only by authority of the State Disaster
 7 Control Director.

1 24. Section nineteen of the act of which this act is amendatory is amended
 2 to read as follows:

3 19. [a. At any time during the war emergency when conditions within
 4 or without the borders of the State have become such that in the opinion of
 5 the Governor the lives and property of the people of the State are in immi-
 6 nent danger, the Governor is authorized:]

7 a. Whenever, in his opinion, the control of any disaster is beyond the
 8 capabilities of local authorities, the Governor is authorized:

9 (1) To assume control of all civilian defense and disaster control
 10 operations.

11 [(1)] (2) To proclaim an [extraordinary] emergency [, and after
 12 such proclamation] if he deems the same necessary.

13 [(2)] (3) Temporarily to employ, take or use the personal services, or
 14 real or personal property, of any citizen or resident of this State, or of
 15 any firm, partnership or unincorporated association doing business or
 16 domiciled in this State, or of any corporation incorporated in or doing
 17 business in this State, or the real property of a nonresident located in this
 18 State, for the purpose of securing the defense of the State or of protect-
 19 ing or promoting the public health, safety or welfare; *provided*, that such
 20 personal services or property shall not be employed or used beyond the
 21 borders of this State unless otherwise authorized by law.

22 b. Compensation for any personal services required of any natural per-
 23 son under the provisions of subsection "a" of this section shall be paid at
 24 the [same rate as then being paid to privates in the State Guard] prevailing
 25 established rate for services of a like or similar nature.

26 c. There is hereby established an emergency compensation board in and
27 for each county of the State, to be composed of three persons appointed by
28 the Governor who shall serve at the will and pleasure of the Governor and
29 without compensation. Wherever the volume of work makes it necessary, the
30 Governor may appoint one or more additional emergency compensation
31 boards in any county of this State. The emergency compensation board shall
32 award reasonable compensation to the party entitled thereto for any property
33 employed, taken or used under the provisions of this subsection and for any
34 injury caused by such employment, taking or using. Any party who deems
35 himself entitled to such compensation as is provided for in this section may
36 file a petition for an award with the board, naming the State as defendant.
37 Such petition shall be filed with an emergency compensation board in the
38 county in which the property was located at the time it was employed, taken
39 or used. A copy of said petition shall be served on the Attorney-General.
40 The board shall thereupon after reasonable and proper notice to the peti-
41 tioner and the Attorney-General, grant a hearing upon such petition and ren-
42 der a decision fixing the amount of the award. This award shall be paid
43 within one year after the decision is rendered from any funds appropriated
44 by the State for such purpose.

45 d. Any party who deems himself aggrieved by the decision of an emer-
46 gency compensation board of any county shall have the right to bring an
47 action for such compensation against the State as defendant in the [Circuit]
48 Superior Court [of such county], according to the practice and procedure
49 covering condemnation proceedings in such court. Either the State or the
50 petitioner shall have a right to trial by jury in such court.

51 e. When, in the opinion of the Governor, the period of [extraordinary]
52 emergency under which action has been taken by him as provided under sub-
53 section "a" of this section has passed, he shall issue a proclamation declar-
54 ing its end and suspending the powers granted to him under subsection "a"
55 of this section and no petition for an award as provided for in subsection
56 "c" shall be filed after one year from the date of the Governor's proclama-

57 tion declaring the end of the [extraordinary] emergency; *provided*, that
58 any member of the Armed Forces of the United States whose property was
59 employed, taken or used as provided in said subsection "a" of this section
60 may file such petition within two years after the Governor's proclamation.

1 25. The provisions of chapter twelve of the laws of one thousand nine
2 hundred and fifty-two, supplemental to the act of which this act is amenda-
3 tory and supplementary, providing disability, death and medical and hospital
4 benefits, in certain cases, to civil defense volunteers and their dependents,
5 shall apply in the same manner to such volunteers and their dependents
6 under the provisions of this amendatory and supplementary act.

1 26. Sections seven and ten of chapter two hundred fifty-one of the laws
2 of one thousand nine hundred and forty-two are repealed.

1 27. This act shall take effect immediately.

SPONSOR'S STATEMENT

The object of this bill is to amend and supplement the State Civil Defense Law to provide for further strengthening of already existing disaster relief plans.