

App A. 9-40.1
LEGISLATIVE HISTORY CHECKLIST

NJSA: App. A. 9-40.1 et seq.

(Emergency
operations plans)

LAWS OF: 1989

CHAPTER: 222

Bill No: A1459

Sponsor(s): Kline

Date Introduced: Pre-filed

Committee: Assembly: State Government

Senate: State Government

Amended during passage: No

Date of Passage: Assembly: September 1, 1988

Senate: November 20, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

Guidelines mentioned in statements: not available as of 4-90.

P.L.1989, CHAPTER 222, approved December 29, 1989
1988 Assembly No. 1459

1 AN ACT concerning emergency management and requiring the
2 preparation of an emergency operation plan for the State and
3 each county and municipality, amending the title of P.L. 1942,
4 c. 251, amending various sections of statutory law and
5 supplementing chapter 9 of Appendix A.

6
7 BE IT ENACTED by the Senate and General Assembly of the
8 State of New Jersey:

9 1. The title of "An act concerning civilian defense and disaster
10 control during emergency," approved May 23, 1942 (P.L. 1942, c.
11 251), as said title was amended by P.L. 1953, c. 438, is amended
12 to read "An act concerning [civilian defense and disaster control
13 during emergency] emergency management."

14 (cf: P.L. 1953, c. 438, s. 1)

15 2. Section 8 of P.L. 1953, c. 438 (C. App. A:9-40.1) is amended
16 to read as follows:

17 8. In every municipality of this State the mayor or, in the case
18 of a municipality which has adopted the commission form of
19 government pursuant to the provisions of the "commission form
20 of government law" (R.S. 40:70-1 et seq.), the commissioner
21 serving as director of the department to which the responsibility
22 for [local disaster control] emergency management has been
23 assigned, shall appoint a municipal [disaster control director]
24 emergency management coordinator from among the residents of
25 the municipality. The municipal [disaster control director]
26 emergency management coordinator, subject to fulfilling the
27 requirements of this section, shall serve for a term of three
28 years. As a condition of his appointment and his right to continue
29 for the full term of his appointment, each municipal [disaster
30 control director] emergency management coordinator shall have
31 successfully completed at the time of his appointment or within
32 one year immediately following his appointment or the effective
33 date of this act, whichever is later, the current approved

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 [Civil Defense Director-Coordinator Course] Home Study Course
2 and the basic Emergency Management workshop. The failure of
3 any municipal [disaster control director] emergency management
4 coordinator to fulfill such requirement within the period
5 prescribed shall disqualify the [director] coordinator from
6 continuing in the office of [director] coordinator and thereupon a
7 vacancy in said office shall be deemed to have been created.

8 (cf: P.L. 1984, c. 246, s. 1)

9 3. Section 18 of P.L. 1953, c. 438 (C. App. A:9-40.2) is
10 amended to read as follows:

11 18. The Governor may remove any municipal [disaster control
12 director] emergency management coordinator at any time for
13 cause. In such event the mayor of the municipality or, in the
14 case of a municipality which has adopted the commission form of
15 government pursuant to the provisions of the "commission form
16 of government law" (R.S. 40:70-1 et seq.), the commissioner
17 serving as director of the department to which the responsibility
18 for [local disaster control] emergency management has been
19 assigned, shall appoint a new municipal [disaster control director]
20 emergency management coordinator with the approval of the
21 Governor. If the mayor or commissioner, as appropriate, shall
22 not appoint a municipal [disaster control director] emergency
23 management coordinator within 10 days after such office shall
24 become vacant, the Governor may appoint a temporary municipal
25 [disaster control director] emergency management coordinator,
26 who shall serve and perform all of the duties of that office until
27 such time as a new municipal [disaster control director]
28 emergency management coordinator shall be appointed by the
29 mayor or commissioner, as appropriate, with the approval of the
30 Governor.

31 (cf: P.L. 1984, c. 246, s. 2)

32 4. Section 10 of P.L. 1953, c. 438 (C. App. A:9-40.4) is
33 amended to read as follows:

34 10. Each municipal [disaster control director] emergency
35 management coordinator shall be responsible for the planning,
36 activating, coordinating, and the conduct of [disaster control]
37 emergency management operations within his municipality.

38 (cf: P.L. 1953, c. 438, s. 10)

39 5. Section 22 of P.L. 1953, c. 438 (C. App. A:9-40.5) is
40 amended to read as follows:

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

13 (cf: P.L. 1953, c. 438, s. 22)

14 6. Section 23 of P.L. 1953, c. 438 (C. App. A:9-40.6) is
15 amended to read as follows:

16 23. No representative of any municipality shall request aid in
17 time of disaster or emergency directly from noncontiguous
18 municipalities nor shall any municipality or public or semipublic
19 agency send personnel or equipment into a disaster-stricken
20 municipality unless and until such aid has been directed by the
21 county [disaster control co-ordinator] emergency management
22 coordinator or his [deputy] deputies. Specific exemptions from
23 the action of this section may be granted only by authority of
24 the State [Disaster Control Director] Director of Emergency
25 Management.

26 (cf: P.L. 1953, c. 438, s. 23)

27 7. Section 9 of P.L. 1942, c. 251 (C. App. A:9-41) is amended
28 to read as follows:

29 9. Every municipality of this State, other than counties, shall
30 create a local [defense] emergency management council. Each
31 local [defense] emergency management council shall be
32 composed of not more than fifteen members who shall be
33 appointed by the mayor or chief executive officer of the
34 municipality and shall hold office at the will and pleasure of the
35 appointing authority. The municipal [disaster control director]
36 emergency management coordinator shall be a member and shall
37 serve as chairman of the local [defense] emergency management
38 council. The local [defense] emergency management council
39 shall assist the municipality in establishing the various local
40 volunteer agencies needed to meet the requirements of all local

1 [civilian defense and disaster control] emergency management
2 activities in accordance with rules and regulations established
3 by the Governor in pursuance of the provisions of this act. The
4 local [defense] emergency management council is authorized,
5 within the limits of appropriations, to establish an adequate
6 organization to assist in supervising and coordinating the
7 [civilian defense and disaster control] emergency management
8 activities of the local municipality. It shall be lawful for the
9 members of the local [defense] emergency management council
10 also to be members of other agencies created because of any
11 emergency. Upon the effective date of this act, the local
12 [defense] emergency management councils heretofore appointed
13 shall become the respective local [defense] emergency
14 management councils provided for in this act and shall
15 thereafter continue to function as such local [defense]
16 emergency management councils, subject to the provisions of
17 this act.

18 (cf: P.L. 1953, c. 438, s. 11)

19 8. Section 12 of P.L. 1953, c. 438 (C. App. A:9-42.1) is
20 amended to read as follows:

21 12. In every county of this State the governing body shall
22 appoint a county [disaster control] emergency management
23 coordinator [and a deputy county disaster control coordinator],
24 which [appointments] appointment shall be for [terms] a term of
25 three years. The appointments shall be subject to the approval
26 of the State [Civilian Defense Director] Director of Emergency
27 Management and thereafter shall be subject to his orders. The
28 State [Civilian Defense Director] Director of Emergency
29 Management shall exercise supervision and control of all such
30 appointees, who may be removed by said State [Civilian Defense
31 Director] Director of Emergency Management for cause.

32 (cf: P.L. 1985, c. 504, s. 1)

33 9. Section 2 of P.L. 1985, c. 504 (C. App. A:9-42.1a) is
34 amended to read as follows:

35 2. [(New section)] Any county [disaster control] emergency
36 management coordinator [or deputy county disaster control
37 coordinator] appointed prior to the effective date of [this
38 amendatory and supplementary act] P.L. 1985, c. 504 (C. App.
39 A:9-42.1a) shall serve for the length of the term to which the
40 coordinator was appointed unless removed for just cause, ~~except~~

1 that any coordinator not appointed for a specific term shall
2 begin the new term on the effective date of this act.
3 Thereafter, the provision of section 12 of P.L. 1953, c. 438 (C.
4 App. A:9-42.1) relating to the length of a term shall take effect.
5 (cf: P.L. 1985, c. 504, s. 2)

6 10. (New section) The deputy emergency management
7 coordinator position shall be filled by the governing body in each
8 county by: (a.) the appointment of a qualified individual; (b.) the
9 selection of a qualified volunteer; or, if appropriate, (c.) the
10 selection of an individual pursuant to the rules and regulations
11 of the Department of Personnel of the State of New Jersey.

12 11. Section 13 of P.L. 1953, c. 438 (C. App. A:9-42.2) is
13 amended to read as follows:

14 13. The county [disaster control co-ordinator] emergency
15 management coordinator shall be responsible for the
16 development, [co-ordination] coordination, and activation of
17 countywide mutual aid [civilian defense and disaster control]
18 emergency management plans; and for the activation of such
19 [disaster control and civilian defense] emergency management
20 facilities and services as are available from the resources of the
21 county government.

22 (cf: P.L. 1953, c. 438, s. 13)

23 12. Section 13 of P.L. 1942, c. 251 (C. App. A:9-45) is
24 amended to read as follows:

25 13. In order to accomplish the purposes of this act, the
26 Governor is empowered to make such orders, rules and
27 regulations as may be necessary adequately to meet the various
28 problems presented by any emergency and from time to time to
29 amend or rescind such orders, rules and regulations, including
30 among others the following subjects:

31 a. On matters pertaining to the method of conducting
32 black-outs, partial black-outs, and modifying and controlling
33 illumination, and pertaining to the conduct of the civilian
34 population of this State during such black-outs, partial
35 black-outs, and periods during which illumination is modified.

36 b. On matters pertaining to air raid warnings and air raids
37 and the conduct of the civilian population during the alert period
38 of an air raid or of a threatened or impending air raid and during
39 and following any air raid.

40 c. Concerning the organization, recruiting, training, conduct,

1 duties and powers of volunteer agencies, including air raid
2 wardens, auxiliary police and firemen, demolition and clearance
3 crews, fire watchers, road repair crews, rescue squads, medical
4 corps, nurses' aides corps, decontamination squads, drivers'
5 corps, messengers' corps, emergency food and housing corps,
6 utility repair squads, and all other civilian protection forces
7 exercising or performing any functions or duties in connection
8 with the problems of local civilian defense or [disaster control]
9 emergency management.

10 d. The designation of vehicles and persons permitted to move
11 during air raids or any emergency.

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

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

16 g. Concerning the meeting or counteracting of threatened
17 and actual sabotage, subversive activities, and other dangers
18 incident to any emergency.

19 h. Concerning the method of evacuating residents of
20 threatened districts and the course of conduct of the civilian
21 population during any necessary evacuation.

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

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

28 All such orders, rules and regulations when established shall
29 be forthwith promulgated by proclamation of the Governor,
30 which promulgation shall be deemed to be sufficient notice to
31 the public. All such orders, rules and regulations when
32 promulgated shall be binding upon all political subdivisions,
33 public agencies, public officials and public employees of this
34 State. All such orders, rules and regulations having to do with
35 the conduct of persons which shall be adopted by the Governor
36 and promulgated as provided herein shall be binding upon each
37 and every person within this State. Upon the adoption and
38 promulgation of orders, rules and regulations as provided above,
39 the civilian defense director shall send a copy to the municipal
40 [disaster control director] emergency management coordinator

1 and to the clerk of each municipality of this State in which such
2 order, rule or regulation will take effect. The said municipal
3 clerk shall forthwith post any such order, rule or regulation in a
4 public place in the municipal building.

5 (cf: P.L. 1953, c. 438, s. 16)

6 13. Section 17 of P.L. 1953, c. 438 (C. App. A:9-45.1) is
7 amended to read as follows:

8 17. An officer of a municipality or county who is charged
9 with duties pertaining to [civilian defense or disaster control]
10 emergency management planning shall perform his duties in
11 accordance with rules and regulations promulgated by the
12 Governor.

13 (cf: P.L. 1953, c. 438, s. 17)

14 14. Section 16 of P.L. 1942, c. 251 (C. App. A:9-48) is
15 amended to read as follows:

16 16. The Governor shall be in command in the event of any
17 actual or imminent or threatened disaster or catastrophe in
18 anywise connected with any emergency, and the Governor is
19 authorized to designate the person to take command anywhere
20 within this State of all [civilian defense and disaster control]
21 emergency management activities in the event of such actual or
22 imminent or threatened disaster o. catastrophe, and is further
23 authorized to delegate to such emergency commander any and
24 all powers which in the judgment of the Governor it is deemed
25 necessary to delegate. The judgment of the Governor in such
26 matters shall be conclusive. Nothing contained in this section
27 shall be construed to apply to any case where the federal
28 government has assumed jurisdiction pursuant to the war powers
29 of said government.

30 (cf: P.L. 1953, c. 438, s. 20)

31 15. Section 19 of P.L. 1942, c. 251 (C. App. A:9-51) is
32 amended to read as follows:

33 19. a. Whenever, in his opinion, the control of any disaster is
34 beyond the capabilities of local authorities, the Governor is
35 authorized:

36 (1) To assume control of all [civilian defense and disaster
37 control] emergency management operations.

38 (2) To proclaim an emergency if he deems the same necessary.

39 (3) Temporarily to employ, take or use the personal services,
40 or real or personal property, of any citizen or resident of this

1 State, or of any firm, partnership or unincorporated association
2 doing business or domiciled in this State, or of any corporation
3 incorporated in or doing business in this State, or the real
4 property of a nonresident located in this State, for the purpose
5 of securing the defense of the State or of protecting or
6 promoting the public health, safety or welfare; provided, that
7 such personal services or property shall not be employed or used
8 beyond the borders of this State unless otherwise authorized by
9 law.

10 b. Compensation for any personal services required of any
11 natural person under the provisions of subsection "a" of this
12 section shall be paid at the prevailing established rate for
13 services of a like or similar nature.

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

37 d. Any party who deems himself aggrieved by the decision of
38 an emergency compensation board of any county shall have the
39 right to bring an action for such compensation against the State
40 as defendant in the Superior Court, according to the practice

1 and procedure covering condemnation proceedings in such
2 court. Either the State or the petitioner shall have a right to
3 trial by jury in such court.

4 e. When, in the opinion of the Governor, the period of
5 emergency under which action has been taken by him as
6 provided under subsection "a" of this section has passed, he shall
7 issue a proclamation declaring its end and suspending the powers
8 granted to him under subsection "a" of this section and no
9 petition for an award as provided for in subsection "c" shall be
10 filed after one year from the date of the Governor's
11 proclamation declaring the end of the emergency; provided, that
12 any member of the Armed Forces of the United States whose
13 property was employed, taken or used as provided in said
14 subsection "a" of this section may file such petition within two
15 years after the Governor's proclamation.

16 (cf: P.L. 1953, c. 438, s. 24)

17 16. Section 25 of P.L. 1953, c. 438 (C. App. A:9-57.26) is
18 amended to read as follows:

19 25. The provisions of chapter twelve of the laws of one
20 thousand nine hundred and fifty-two, supplemental to the act of
21 which this act is amendatory and supplementary, providing
22 disability, death and medical and hospital benefits, in certain
23 cases, to [civil defense] emergency management volunteers and
24 their dependents, shall apply in the same manner to such
25 volunteers and their dependents under the provisions of this
26 amendatory and supplementary act.

27 (cf: P.L. 1953, c. 438, s. 25)

28 17. Section 4 of P.L. 1976, c. 45 (C. 40A:14-156.4) is
29 amended to read as follows:

30 4. The county [disaster control] emergency management
31 coordinator for the county in which emergency assistance is
32 rendered pursuant to this act or N.J.S. 40A:14-26 or N.J.S.
33 40A:14-156, may by express order suspend operation of the
34 provisions of any of said acts as to any municipality or
35 municipalities in said county, upon declaration of an emergency
36 pursuant to P.L. 1942, c. 251 (C. App. A:9-33 et seq.), as
37 amended and supplemented by P.L. 1953, c. 438, or any
38 regulation promulgated thereunder.

39 (cf: P.L. 1977, c. 400, s. 3)

40 18. (New section) The State Office of Emergency

1 Management shall adopt, no later than 12 months following the
2 effective date of this act, a State Emergency Operations Plan,
3 including rules, regulations, and guidelines, that shall be
4 reviewed and updated at least every two years.

5 19. (New section) Each county and municipality in the State
6 shall prepare a written Emergency Operations Plan with all
7 appropriate annexes necessary to implement the plan. Each
8 Emergency Operations Plan shall be adopted no later than one
9 year after the State Emergency Planning Guidelines have been
10 adopted by the State Office of Emergency Management and
11 shall be evaluated at such subsequent scheduled review of the
12 State Emergency Operations Plan.

13 20. (New section) Each county and municipal Emergency
14 Operations Plan shall conform to all relevant federal and State
15 statutes, rules and regulations concerning emergency operations
16 and shall include the identification of significant hazards
17 affecting the jurisdiction. Each county and municipal
18 Emergency Operations Plan shall be based upon planning
19 criteria, objectives, requirements, responsibilities and concepts
20 of operation for the implementation of all necessary and
21 appropriate protective or remedial measures to be taken in
22 response to an actual or threatened emergency as determined by
23 the State Director of Emergency Management. Each county and
24 municipal Emergency Operations Plan shall be reviewed and
25 updated at least every two years.

26 21. (New section) Each county and municipality shall submit
27 an Emergency Operations Plan to the State Office of Emergency
28 Management. No Emergency Operations Plan shall take effect
29 without approval by the State Office of Emergency
30 Management. The State Office of Emergency Management shall
31 review the plans and determine their compatibility with the
32 State Emergency Operations Plan Guidelines and shall either
33 approve, conditionally approve, or disapprove the plan. The
34 State Office of Emergency Management shall set forth in
35 writing its reasons for disapproval of any plan or, in the case of
36 the issuance of a conditional approval, shall specify the
37 necessary amendments to the plan. If the State Office of
38 Emergency Management fails to approve, conditionally approve,
39 or disapprove an Emergency Operations Plan within 90 days of
40 receipt of the plan, it shall be considered approved by the State

1 **Office of Emergency Management.**

2 **22. (New section) The State Office of Emergency**
3 **Management, subject to available appropriations and grants**
4 **from other sources, is authorized to award grants to any**
5 **municipality or county to assist in the development of an**
6 **Emergency Operations Plan. The State Office of Emergency**
7 **Management shall prescribe and promulgate, pursuant to law,**
8 **procedures for applying for the grant and terms and conditions**
9 **for receiving the grant.**

10 **23. (New section) The State and counties shall be authorized**
11 **to provide technical assistance and planning grants to**
12 **municipalities to assist in the preparation and revision of**
13 **municipal Emergency Operations Plans pursuant to section 19 of**
14 **this amendatory and supplementary act.**

15 **24. This act shall take effect immediately.**

16

17

18

STATE GOVERNMENT

19

Public Safety

20

21 **Requires the State, counties and municipalities to develop an**
22 **Emergency Operations Plan.**

ASSEMBLY, No. 1459
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1968 SESSION

By Assemblyman KLINE

1 **AN ACT** concerning emergency management and requiring the
2 preparation of an emergency operation plan for the State, and
3 each county and municipality, amending the title, and
4 amending various sections of statutory law and supplementing
5 chapter 7 of Appendix A.

7 **BE IT ENACTED** by the Senate and General Assembly of the
8 State of New Jersey:

9 1. The title of "An act concerning civilian defense and
10 disaster control during emergency," approved May 23, 1942 (P.L.
11 1942, c. 251), as said title was amended by P.L. 1953, c. 438, is
12 amended to read "An act concerning [civilian defense]
13 emergency management [and disaster control] [during
14 emergency]."

15 2. Section 8 of P.L. 1953, c. 438 (C. App. A:9-40.1) is
16 amended to read as follows:

17 8. In every municipality of this State the mayor, or in the
18 case of a municipality which has adopted the commission form
19 of government pursuant to the provisions of the "commission
20 form of government law" (R.S. 40:70-1 et seq.), the
21 commissioner service as director of the department to which the
22 responsibility for [local disaster control] emergency
23 management has been assigned, shall appoint a municipal
24 [disaster control director] emergency management coordinator
25 from among the residents of the municipality. The municipal
26 [disaster control director] emergency management coordinator,
27 subject to fulfilling the requirements of this section, shall serve
28 for a term of three years. As a condition of his appointment and
29 his right to continue for the full term of his appointment, each
30 municipal [disaster control director] emergency management
31 coordinator shall have successfully completed at the time of his

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 appointment within one year immediately following his
2 appointment [or within one year immediately following his
3 appointment or within one year immediately following his
4 appointment] or the effective date of this act, whichever is
5 later, the current, approved, [Civil Defense
6 Director-Coordinator Course] Home Study Course and the basic
7 Emergency Management workshop. The failure of any municipal
8 [disaster control director] emergency management coordinator
9 to fulfill such requirements within the period prescribed shall
10 disqualify the [director] coordinator from continuing in the
11 office of [director], coordinator and thereupon a vacancy in said
12 office shall be deemed to have been created.

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21 commissioner serving as director of the department to which the
22 responsibility for [local disaster control] emergency
23 management has been assigned, shall appoint a new municipal
24 [disaster control director] emergency management coordinator
25 with the approval of the Governor. If the mayor or
26 commissioner, as appropriate, shall not appoint a municipal
27 [disaster control director] emergency management coordinator
28 within 10 days after such office shall become vacant, the
29 Governor may appoint a temporary municipal [disaster control
30 director] emergency management coordinator who shall serve
31 and perform all of the duties of that office until such time as a
32 new municipal [disaster control director] emergency
33 management coordinator shall be appointed by the mayor or
34 commissioner, as appropriate, with the approval of the Governor.

35 4. Section 10 of P.L. 1953, c. 438 (C. App. A:9-40.4) is
36 amended to read as follows:

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1 5. Section 22 of P.L. 1953, c. 438 (C. App. A:9-40.5) is
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imminent in any municipality, the municipal [disaster control
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7 within the municipality. The municipal [disaster control
director] emergency management coordinator, in accordance
9 with regulations promulgated by the State [Civilian Defense
Director] Director of Emergency Management, shall be
11 empowered to issue and enforce such orders as may be necessary
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13 management operations and to protect the health, safety, and
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15 6. Section 23 of P.L. 1953, c. 438 (C. App. A:9-40.6) is
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21 municipality unless and until such aid has been directed by the
county [disaster control] emergency management coordinator or
23 his [deputy] deputies. Specific exemptions from the action of
this section may be granted only by authority of the State
25 [Disaster Control Director] Director of Emergency Management.

27 7. Section 9 of P.L. 1942, c. 251 (C. App. A:9-41) is amended
to read as follows:

29 9. Every municipality of this State, other than counties, shall
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33 municipality and shall hold office at the will and pleasure of the
appointing authority. The municipal [disaster control director]
35 emergency management coordinator shall be a member and shall
serve as chairman of the local [defense] emergency management
37 council. The local [defense] emergency management council
shall assist the municipality in establishing the various local
39 volunteer agencies needed to meet the requirements of all local
[civilian defense and disaster control] emergency

1 management activities in accordance with rules and regulations
established by the Governor in pursuance of the provisions of
3 this act. The local [defense] emergency management council is
authorized, within the limits of appropriations, to establish an
5 adequate organization to assist in supervising and coordinating
the [civilian defense and disaster control] emergency
7 management activities of the local municipality. It shall be
lawful for the members of the local [defense] emergency
9 management council also to be members of other agencies
created because of any emergency. Upon the effective date of
11 this act, the local [defense] emergency management councils
heretofore appointed shall become the respective local [defense]
13 emergency management councils provided for in this act and
shall thereafter continue to function as such local [defense]
15 emergency management councils, subject to the provisions of
this act.

17 8. Section 12 of P.L. 1963, c. 438 (C. App. A:9-42.1) is
amended to read as follows:

19 12. In every county of this State the governing body shall
appoint a county [disaster control] emergency management
21 coordinator [and a deputy county disaster control coordinator],
which [appointments] appointment shall be for [terms] a term of
23 three years. The appointments shall be subject to the approval
of the State [Civilian Defense Director] Director of Emergency
25 Management and thereafter shall be subject to his orders. The
State [Civilian Defense Director] Director of Emergency
27 Management shall exercise supervision and control of all such
appointees, who may be approved by said State [Civilian Defense
29 Director] Director of Emergency Management for cause.

31 9. Section 2 of P.L. 1985, c. 504 (C. App. A:9-42.1a) is
amended to read as follows:

33 2. [(New section)] Any county [disaster control] emergency
management coordinator [or deputy county disaster control
coordinator] appointed prior to the effective date of [this
35 amendatory and supplementary act] P.L. 1985, c. 504 (C. App.
A:9-42.1g) shall serve for the length of the term to which the
37 coordinator was appointed unless removed for just cause, except
that any coordinator not appointed for a specific term shall
39 begin the new term on the effective date of this act.

1 **Thereafter, the provision of section 12 of P.L. 1953, c. 438 (C.**
2 **App. A:9-42.1) relating to the length of a term shall take effect.**

3 **10. (New section) The deputy emergency management**
4 **coordinator position shall be filled by the governing body in each**
5 **county by: (1) the appointment of a qualified individual, (2) the**
6 **selection of a qualified volunteer; or, if appropriate, (3) the**
7 **selection of an individual pursuant to the rules and regulations**
8 **of the Department of Personnel of the State of New Jersey.**

9 **11. Section 13 of P.L. 1953, c. 438 (C. App. A:9-42.2) is**
10 **amended to read as follows:**

11 **13. The county [disaster control] emergency management**
12 **coordinator shall be responsible for the development,**
13 **coordination, and activation of countywide mutual aid [civilian**
14 **defense and disaster control] emergency management plans; and**
15 **for the activation of such [disaster control and civilian defense]**
16 **emergency management facilities and services as are available**
17 **from the resources of the county government.**

18 **12. Section 13 of P.L. 1942, c. 251 (C. App. A:9-45) is**
19 **amended to read as follows:**

20 **13. In order to accomplish the purposes of this act, the**
21 **Governor is empowered to make such orders, rules and**
22 **regulations as may be necessary adequately to meet the various**
23 **problems presented by any emergency and from time to time to**
24 **amend or rescind such orders, rules and regulations including**
25 **among others the following subjects:**

26 **a. On matters pertaining to the method of conducting**
27 **black-outs, partial black-outs, and modifying and controlling**
28 **illumination, and pertaining to the conduct of the civilian**
29 **populaiton of this State during such black-outs, partial**
30 **black-outs, and periods during which illumination is modified.**

31 **b. On matters pertaining to air raid warnings and air raids**
32 **and the conduct of the civilian population during the alert period**
33 **of an air raid or of a threatened or impending air raid and during**
34 **and following any air raid.**

35 **c. Concerning the organization, recruiting, training, conduct,**
36 **duties and powers of of volunteer agencies, including air raid**
37 **wardens, auxiliary police and firemen, demolition and clearance**
38 **crews, fire watchers, road repair crews, rescue squads, medical**
39 **corps, nurses' aides corps, decontamination squads, drivers'**

1 corps, messengers' corps, emergency food and housing corps,
utility repair squads, and all other civilian protection forces
3 exercising or performing any functions or duties in connection
with the problems of local civilian defense or [disaster control]
5 emergency management.

6 d. The designation of vehicles and persons permitted to move
7 during air raids or any emergency.

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

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

12 g. Concerning the meeting or counteracting of threatened
13 and actual sabotage, subversive activities, and other dangers
incident to any emergency.

14 h. Concerning the method of evacuating residents of
15 threatened districts and the course of conduct of the civilian
16 population during any necessary evacuation.

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

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

22 All such orders, rules and regulations when established shall
23 be forthwith promulgated by proclamation of the Governor,
24 which promulgation shall be deemed to be sufficient notice to
25 the public. All such orders, rules and regulations when
26 promulgated shall be binding upon all political subdivisions,
27 public agencies, public officials and public employees of this
28 State. All such orders, rules and regulations having to do with
29 the conduct of persons which shall be adopted by the Governor
30 and promulgated as provided herein shall be binding upon each
31 and every person within this State. Upon the adoption and
32 promulgation of orders, rules and regulations as provided above,
33 the civilian defense director shall send a copy to the municipal
34 [disaster control director] emergency management coordinator
35 and to the clerk of each municipality of this State in which such
36 order, rule or regulation will take effect. The said municipal
37 clerk shall forthwith post any such order, rule or regulation in a
38 public place in the municipal building.

1 13. Section 17 of P.L. 1953, c. 438 (C. App. A:9-48) is
amended to read as follows:

3 17. An officer of a municipality or county who is charged
with dut. pertaining to [civilian defense or disaster control]
5 emergency mangement planning shall perform his duties in
accordance with rules and regulations promulgated by the
7 Governor.

9 14. Section 16 of P.L. 1942, c. 251 (C. App. A:9-48) is
amended to read as follows:

11 16. The Governor shall be in command in the event of any
actual or imminent or threatened disaster or catastrophe in
anywise connected with any emergency, and the Governor is
13 authorized to designate the person to take command anywhere
within this State of all [civilian defense and disaster control]
15 emergency management activities in the event of such actual or
imminent or threatened disaster or catastrophe, and is further
17 authorized to delegate to such emergency commander any and
all powers which in the judgment of the Governor it is deemed
19 necessary to delegate. The judgment of the Governor in such
matters shall be conclusive. Nothing contained in this section
21 shall be construed to apply to any case where the federal
government has assumed jurisdiction pursuant to the war powers
23 of said government.

25 15. Section 19 of P.L. 1942, c. 251 (C. App. A:9-51) is
amended to read as follows:

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

29 (1) To assume control of all [civilian defense and disaster
control] emergency management operations.

31 (2) To proclaim an emergency if he deems the same necessary.

33 (3) Temporarily to employ, take or use the personal services,
or real or personal property, of any citizen or resident of this
State, or of any firm, partnership or unincorporated association
35 doing business or domiciled in this State, or of any corporation
incorporated in or doing business in this State, or the real
37 property of a nonresident located in this State, for the purpose
of securing the defense of the State or of protection or
39 promoting the the public health, safety or welfare; provided,
that such personal services or property shall not be employed or
41 used beyond the borders of this State unless otherwise
authorized by law.

1 **b. Compensation for any personal services required of any**
2 **natural person under the provisions of subsection "a" of this**
3 **section shall be paid at the prevailing established rate for**
4 **services of a like or similar nature.**

5 **c. There is hereby established an emergency compensation**
6 **board in and for each county of the State, to be composed of**
7 **three persons appointed by the Governor who shall serve at the**
8 **will and pleasure of the Governor and without compensation.**
9 **Whenever the volume of work makes it necessary, the Governor**
10 **may appoint one or more additional emergency compensation**
11 **boards in any county of this State. The emergency**
12 **compensation board shall award reasonable compensation to the**
13 **party entitled thereto for any property employed, taken or used**
14 **under the provisions of this subsection and for any injury caused**
15 **by such employment, taking or using. Any party who deems**
16 **himself entitled to such compensation as is provided for in this**
17 **section may file a petition for an award with the board, naming**
18 **the State as defendant. Such petition shall be filed with an**
19 **emergency compensation board in the county in which the**
20 **property was located at the time it was employed, taken or**
21 **used. A copy of said petition shall be served on the**
22 **Attorney-General. The board shall thereupon after reasonable**
23 **and proper notice to the petitioner and the Attorney-General,**
24 **grant a hearing upon such petition and render a decision fixing**
25 **the amount of the award. This award shall be paid within one**
26 **year after the decision is rendered from any funds appropriated**
27 **by the State for such purpose.**

28 **d. Any party who deems himself aggrieved by the decision of**
29 **an emergency compensation board of any county shall have the**
30 **right to bring an action for such compensation against the State**
31 **as defendant in the Superior Court, according to the practice**
32 **and procedure covering condemnation proceedings in such court.**
33 **Either the State or the petitioner shall have a right to trial by**
34 **jury in such court.**

35 **16. Section 25 of P.L. 1959, c. 438 (C. App. A:9-57.26) is**
36 **amended to read as follows:**

37 **25. The provisions of chapter twelve of the laws of one**
38 **thousand nine hundred and fifty-two, supplemental to the act of**
39 **which this act is amendatory and supplementary, providing**
40 **disability, death and medical and hospital benefits, in certain**

1 cases, to [civil defense] emergency management volunteers and
2 their dependents, shall apply in the same manner to such
3 volunteers and their dependents under the provisions of this
amendatory and supplementary act.

5 17. Section 4 of P.L. 1976, c. 45 (C. 40A:14-156.4) is
amended to read as follows:

7 4. The county [disaster control] emergency management
coordinator for the county in which emergency assistance is
9 rendered pursuant to this act on N.J.S. 40A:14-26 or N.J.S.
40A:14-156, may by express order suspend operation of the
11 provisions of any of said acts as to any municipality or
municipalities in said county, upon declaration of an emergency
13 pursuant to P.L. 1942, c. 251 (C. App. A:9-33 et seq.), as
amended and supplemented by P.L. 1953, c. 438, or any
15 regulation promulgated thereunder.

17 18. (New section) The State Office of Emergency
Management shall adopt, no later than 12 months following the
effective date of this act, a State Emergency Operations Plan
19 including rules, regulations, and guidelines, that shall be
reviewed and updated at least every two years .

21 19. (New section) Each county and municipality in the State
shall prepare a written Emergency Operations Plan with all
23 appropriate annexes necessary to implement the plan. Each
Emergency Operations Plan shall be adopted no later than one
25 year after the State Emergency Planning Guidelines have been
adopted by the State Office of Emergency Management and
27 shall be evaluated at such subsequent scheduled review of the
State Emergency Operations Plan.

29 20. (New section) Each county and municipal Emergency
Operations Plan shall conform to all relevant federal and State
31 statutes, rules and regulations concerning emergency operations
and shall include the identification of significant hazards
33 affecting the jurisdiction. Each county and municipal
Emergency Operations Plan shall be based upon planning
35 criteria, objectives, requirements, responsibilities and concepts
of operation for the implementation of all necessary and
37 appropriate protective or remedial measures to be taken in
response to an actual or threatened emergency as determined by
39 the State Director of Emergency Management. Each county

1 and municipal Emergency Operations Plan shall be reviewed and
updated at least every two years.

3 21. (New section) Each county and municipality shall submit
an Emergency Operations Plan to the State Office of Emergency
5 Management. No Emergency Operations Plan shall take effect
without approval by the State Office of Emergency
7 Management. The State Office of Emergency Management shall
review the plans and determine their compatibility with the
9 State Emergency Operations Plan Guidelines and shall either
approve, conditionally approve, or disapprove the plan. The State
11 Office of Emergency Management shall set forth in writing its
reasons for disapproval of any plan or, in the case of the
13 issuance of a conditional approval, shall specify the necessary
amendments to the plan. If the State Office of Emergency
15 Management fails to approve, conditionally approve, or
disapprove an Emergency Operations Plan within 60 days of
17 receipt of the plan, it shall be considered approved by the State
Office of Emergency Management.

19 22. (New section) The State Office of Emergency
Management, subject to available appropriations and grants
21 from other sources, is authorized to award grants to any
municipality or county to assist in the development of an,
23 Emergency Operations Plan. The State Office of Emergency
Management shall prescribe and promulgate, pursuant to law,
25 procedures for applying for the grant and terms and conditions
for receiving the grant.

27 23. (New section) The State and counties shall be authorized
to provide technical assistance and planning grants to
29 municipalities to assist in the preparation and revision of
municipal Emergency Operations Plans pursuant to section 19 of
31 this amendatory and supplementary act.

24. This act shall take effect immediately.

33

35

STATEMENT

37 This bill requires the State Office of Emergency Management
to adopt a Statewide Emergency Operations Plan (EOP), and
39 requires each county and municipality to adopt an EOP
consistent with the State plan.

1 Under current law (App. A:9-30 et seq.), the Governor is
 3 authorized to adopt emergency rules and regulations to deal
 5 with disaster situations. On the State level, these rules and
 7 regulations are implemented by the Civilian Defense Director in
 9 the Department of Law and Public Safety. The director's office
 11 is entitled the Office of Emergency Management.

13 Each county and municipality is currently required to appoint
 15 a disaster control coordinator, to facilitate cooperation with the
 17 State civilian defense director and to address local disaster
 19 situations.

21 This bill requires the Office of Emergency Management to
 23 adopt a State Emergency Operations Plan (EOP), and requires
 25 each county and municipality to develop an EOP consistent with
 27 the State EOP. The county and municipal plans are to specify
 29 the significant hazards that local governments must identify
 31 prior to the implementation of protective or remedial measures
 33 for handling any emergency. The protective or remedial
 35 measures are to be determined by the State Director of
 37 Emergency Management.

39 Each county and municipality must adopt a plan no later than
 41 one year after the State Office of Emergency Management has
 43 adopted State emergency planning guidelines. The Office of
 45 Emergency Management must either approve, conditionally
 47 approve or disapprove a local EOP within 60 days of receipt of
 49 the plan or the plan will be considered approved. Each plan
 51 must be reviewed and updated at least every two years and must
 53 conform to all relevant federal and State statutes and
 55 regulations concerning emergency operations.

57 Although no appropriation is provided, this bill authorizes the
 59 State Office of Emergency Management to award grants to
 61 municipalities and counties to assist in the development of an
 63 EOP.

33

35

COUNTIES
Municipalities

37

39 Requires the State, counties and municipalities to develop an
 41 Emergency Operations Plan.

ASSEMBLY, No. 1459

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman KLINE

1 AN ACT concerning emergency management and requiring the
preparation of an emergency operation plan for the State and
3 each county and municipality, amending the title of P.L. 1942,
c. 251, amending various sections of statutory law and
5 supplementing chapter 9 of Appendix A.

7 BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey:

9 1. The title of "An act concerning civilian defense and disaster
control during emergency," approved May 23, 1942 (P.L. 1942, c.
11 251), as said title was amended by P.L. 1953, c. 438, is amended
to read "An act concerning [civilian defense and disaster control
13 during emergency] emergency management."

(cf: P.L. 1953, c. 438, s. 1)

15 2. Section 8 of P.L. 1953, c. 438 (C. App. A:9-40.1) is amended
to read as follows:

17 8. In every municipality of this State the mayor or, in the case
of a municipality which has adopted the commission form of
19 government pursuant to the provisions of the "commission form
of government law" (R.S. 40:70-1 et seq.), the commissioner
21 serving as director of the department to which the responsibility
for [local disaster control] emergency management has been
23 assigned, shall appoint a municipal [disaster control director]
emergency management coordinator from among the residents of
25 the municipality. The municipal [disaster control director]
emergency management coordinator, subject to fulfilling the
27 requirements of this section, shall serve for a term of three
years. As a condition of his appointment and his right to continue
29 for the full term of his appointment, each municipal [disaster
control director] emergency management coordinator shall have
31 successfully completed at the time of his appointment or within
one year immediately following his appointment or the effective
33 date of this act, whichever is later, the current approved

EXPLANATION--Matter enclosed in bold-faced brackets [] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 [Civil Defense Director-Coordinator Course] Home Study Course
 2 and the basic Emergency Management workshop. The failure of
 3 any municipal [disaster control director] emergency management
 4 coordinator to fulfill such requirement within the period
 5 prescribed shall disqualify the [director] coordinator from
 6 continuing in the office of [director] coordinator and thereupon a
 7 vacancy in said office shall be deemed to have been created.

(cf: P.L. 1984, c. 246, s. 1)

9 3. Section 18 of P.L. 1953, c. 438 (C. App. A:9-40.2) is
 amended to read as follows:

11 18. The Governor may remove any municipal [disaster control
 12 director] emergency management coordinator at any time for
 13 cause. In such event the mayor of the municipality or, in the
 14 case of a municipality which has adopted the commission form of
 15 government pursuant to the provisions of the "commission form
 16 of government law" (R.S. 40:70-1 et seq.), the commissioner
 17 serving as director of the department to which the responsibility
 18 for [local disaster control] emergency management has been
 19 assigned, shall appoint a new municipal [disaster control director]
 20 emergency management coordinator with the approval of the
 21 Governor. If the mayor or commissioner, as appropriate, shall
 22 not appoint a municipal [disaster control director] emergency
 23 management coordinator within 10 days after such office shall
 24 become vacant, the Governor may appoint a temporary municipal
 25 [disaster control director] emergency management coordinator,
 26 who shall serve and perform all of the duties of that office until
 27 such time as a new municipal [disaster control director]
 28 emergency management coordinator shall be appointed by the
 29 mayor or commissioner, as appropriate, with the approval of the
 Governor.

31 (cf: P.L. 1984, c. 246, s. 2)

32 4. Section 10 of P.L. 1953, c. 438 (C. App. A:9-40.4) is
 amended to read as follows:

34 10. Each municipal [disaster control director] emergency
 35 management coordinator shall be responsible for the planning,
 36 activating, coordinating, and the conduct of [disaster control]
 37 emergency management operations within his municipality.

(cf: P.L. 1953, c. 438, s. 10)

39 5. Section 22 of P.L. 1953, c. 438 (C. App. A:9-40.6) is
 amended to read as follows:

1 22. Whenever, in his opinion, a disaster has occurred or is
imminent in any municipality, the municipal [disaster control
3 director] emergency management coordinator of that
municipality shall proclaim a state of local disaster emergency
5 within the municipality. The municipal [disaster control
director] emergency management coordinator, in accordance
7 with regulations promulgated by the State [Civilian Defense
Director] Director of Emergency Management, shall be
9 empowered to issue and enforce such orders as may be necessary
to implement and carry out [disaster control] emergency
11 management operations and to protect the health, safety, and
resources of the residents of the municipality.

13 (cf: P.L. 1953, c. 438, s. 22)

6. Section 23 of P.L. 1953, c. 438 (C. App. A:9-40.6) is
15 amended to read as follows:

23. No representative of any municipality shall request aid in
17 time of disaster or emergency directly from noncontiguous
municipalities nor shall any municipality or public or semipublic
19 agency send personnel or equipment into a disaster-stricken
municipality unless and until such aid has been directed by the
21 county [disaster control co-ordinator] emergency management
coordinator or his [deputy] deputies. Specific exemptions from
23 the action of this section may be granted only by authority of
the State [Disaster Control Director] Director of Emergency
25 Management.

(cf: P.L. 1953, c. 438, s. 23)

7. Section 9 of P.L. 1942, c. 251 (C. App. A:9-41) is amended
27 to read as follows:

9. Every municipality of this State, other than counties, shall
29 create a local [defense] emergency management council. Each
31 local [defense] emergency management council shall be
composed of not more than fifteen members who shall be
33 appointed by the mayor or chief executive officer of the
municipality and shall hold office at the will and pleasure of the
35 appointing authority. The municipal [disaster control director]
emergency management coordinator shall be a member and shall
37 serve as chairman of the local [defense] emergency management
council. The local [defense] emergency management council
39 shall assist the municipality in establishing the various local
volunteer agencies needed to meet the requirements of all local

1 [civilian defense and disaster control] emergency management
 activities in accordance with rules and regulations established
 3 by the Governor in pursuance of the provisions of this act. The
 local [defense] emergency management council is authorized,
 5 within the limits of appropriations, to establish an adequate
 organization to assist in supervising and coordinating the
 7 [civilian defense and disaster control] emergency management
 activities of the local municipality. It shall be lawful for the
 9 members of the local [defense] emergency management council
 also to be members of other agencies created because of any
 11 emergency. Upon the effective date of this act, the local
[defense] emergency management councils heretofore appointed
 13 shall become the respective local [defense] emergency
management councils provided for in this act and shall
 15 thereafter continue to function as such local [defense]
emergency management councils, subject to the provisions of
 17 this act.

(cf: P.L. 1953, c. 438, s. 11)

19 8. Section 12 of P.L. 1953, c. 438 (C. App. A:9-42.1) is
 amended to read as follows:

21 12. In every county of this State the governing body shall
 appoint a county [disaster control] emergency management
 23 coordinator [and a deputy county disaster control coordinator],
 which [appointments] appointment shall be for [terms] a term of
 25 three years. The appointments shall be subject to the approval
 of the State [Civilian Defense Director] Director of Emergency
 27 Management and thereafter shall be subject to his orders. The
 State [Civilian Defense Director] Director of Emergency
 29 Management shall exercise supervision and control of all such
 appointees, who may be removed by said State [Civilian Defense
 31 Director] Director of Emergency Management for cause.

(cf: P.L. 1985, c. 504, s. 1)

33 9. Section 2 of P.L. 1985, c. 504 (C. App. A:9-42.1a) is
 amended to read as follows:

35 2. [(New section)] Any county [disaster control] emergency
management coordinator, [or deputy county disaster control
 37 coordinator] appointed prior to the effective date of [this
amendatory and supplementary act] P.L. 1985, c. 504 [C. App.
 39 A:9-42.1a] shall serve for the length of the term to which the
 coordinator was appointed unless removed for just cause, except

1 that any coordinator not appointed for a specific term shall
2 begin the new term on the effective date of this act.
3 Thereafter, the provision of section 12 of P.L. 1953, c. 438 (C.
4 App. A:9-42.1) relating to the length of a term shall take effect.
5 (cf: P.L. 1985, c. 504, s. 2)

6 10. (New section) The deputy emergency management
7 coordinator position shall be filled by the governing body in each
8 county by: (a.) the appointment of a qualified individual; (b.) the
9 selection of a qualified volunteer; or, if appropriate, (c.) the
10 selection of an individual pursuant to the rules and regulations
11 of the Department of Personnel of the State of New Jersey.

12 11. Section 13 of P.L. 1953, c. 438 (C. App. A:9-42.2) is
13 amended to read as follows:

14 13. The county [disaster control co-ordinator] emergency
15 management coordinator shall be responsible for the
16 development, [co-ordination] coordination, and activation of
17 countywide mutual aid [civilian defense and disaster control]
18 emergency management plans; and for the activation of such
19 [disaster control and civilian defense] emergency management
20 facilities and services as are available from the resources of the
21 county government.

(cf: P.L. 1953, c. 438, s. 13)

22 12. Section 13 of P.L. 1942, c. 251 (C. App. A:9-45) is
23 amended to read as follows:

24 13. In order to accomplish the purposes of this act, the
25 Governor is empowered to make such orders, rules and
26 regulations as may be necessary adequately to meet the various
27 problems presented by any emergency and from time to time to
28 amend or rescind such orders, rules and regulations, including
29 among others the following subjects:

30 a. On matters pertaining to the method of conducting
31 black-outs, partial black-outs, and modifying and controlling
32 illumination, and pertaining to the conduct of the civilian
33 population of this State during such black-outs, partial
34 black-outs, and periods during which illumination is modified.

35 b. On matters pertaining to air raid warnings and air raids
36 and the conduct of the civilian population during the alert period
37 of an air raid or of a threatened or impending air raid and during
38 and following any air raid.

39 c. Concerning the organization, recruiting, training, conduct,

1 duties and powers of volunteer agencies, including air raid
2 wardens, auxiliary police and firemen, demolition and clearance
3 crews, fire watchers, road repair crews, rescue squads, medical
4 corps, nurses' aides corps, decontamination squads, drivers'
5 corps, messengers' corps, emergency food and housing corps,
6 utility repair squads, and all other civilian protection forces
7 exercising or performing any functions or duties in connection
8 with the problems of local civilian defense or [disaster control]
9 emergency management.

10 d. The designation of vehicles and persons permitted to move
11 during air raids or any emergency.

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

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

16 g. Concerning the meeting or counteracting of threatened
17 and actual sabotage, subversive activities, and other dangers
18 incident to any emergency.

19 h. Concerning the method of evacuating residents of
20 threatened districts and the course of conduct of the civilian
21 population during any necessary evacuation.

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

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

28 All such orders, rules and regulations when established shall
29 be forthwith promulgated by proclamation of the Governor,
30 which promulgation shall be deemed to be sufficient notice to
31 the public. All such orders, rules and regulations when
32 promulgated shall be binding upon all political subdivisions,
33 public agencies, public officials and public employees of this
34 State. All such orders, rules and regulations having to do with
35 the conduct of persons which shall be adopted by the Governor
36 and promulgated as provided herein shall be binding upon each
37 and every person within this State. Upon the adoption and
38 promulgation of orders, rules and regulations as provided above,
39 the civilian defense director shall send a copy to the municipal
[disaster control director] emergency management coordinator

1 and to the clerk of each municipality of this State in which such
 2 order, rule or regulation will take effect. The said municipal
 3 clerk shall forthwith post any such order, rule or regulation in a
 public place in the municipal building.

5 (cf: P.L. 1953, c. 438, s. 16)

7 13. Section 17 of P.L. 1953, c. 438 (C. App. A:9-45.1) is
 amended to read as follows:

9 17. An officer of a municipality or county who is charged
 with duties pertaining to [civilian defense or disaster control]
 10 emergency management planning shall perform his duties in
 11 accordance with rules and regulations promulgated by the
 Governor.

13 (cf: P.L. 1953, c. 438, s. 17)

15 14. Section 16 of P.L. 1942, c. 251 (C. App. A:9-48) is
 amended to read as follows:

17 16. The Governor shall be in command in the event of any
 actual or imminent or threatened disaster or catastrophe in
 18 anywise connected with any emergency, and the Governor is
 authorized to designate the person to take command anywhere
 19 within this State of all [civilian defense and disaster control]
 20 emergency management activities in the event of such actual or
 21 imminent or threatened disaster or catastrophe, and is further
 22 authorized to delegate to such emergency commander any and
 23 all powers which in the judgment of the Governor it is deemed
 24 necessary to delegate. The judgment of the Governor in such
 25 matters shall be conclusive. Nothing contained in this section
 26 shall be construed to apply to any case where the federal
 27 government has assumed jurisdiction pursuant to the war powers
 28 of said government.

(cf: P.L. 1953, c. 438, s. 20)

31 15. Section 19 of P.L. 1942, c. 251 (C. App. A:9-51) is
 amended to read as follows:

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

37 (1) To assume control of all [civilian defense and disaster
 control] emergency management operations.

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

39 (3) Temporarily to employ, take or use the personal services,
 or real or personal property, of any citizen or resident of this

1 State, or of any firm, partnership or unincorporated association
2 doing business or domiciled in this State, or of any corporation
3 incorporated in or doing business in this State, or the real
4 property of a nonresident located in this State, for the purpose
5 of securing the defense of the State or of protecting or
6 promoting the public health, safety or welfare; provided, that
7 such personal services or property shall not be employed or used
8 beyond the borders of this State unless otherwise authorized by
9 law.

10 b. Compensation for any personal services required of any
11 natural person under the provisions of subsection "a" of this
12 section shall be paid at the prevailing established rate for
13 services of a like or similar nature.

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

37 d. Any party who deems himself aggrieved by the decision of
38 an emergency compensation board of any county shall have the
39 right to bring an action for such compensation against the State
as defendant in the Superior Court, according to the practice

1 and procedure covering condemnation proceedings in such
 3 court. Either the State or the petitioner shall have a right to
 trial by jury in such court.

5 e. When, in the opinion of the Governor, the period of
 emergency under which action has been taken by him as
 7 provided under subsection "a" of this section has passed, he shall
 issue a proclamation declaring its end and suspending the powers
 granted to him under subsection "a" of this section and no
 9 petition for an award as provided for in subsection "c" shall be
 filed after one year from the date of the Governor's
 11 proclamation declaring the end of the emergency; provided, that
 any member of the Armed Forces of the United States whose
 13 property was employed, taken or used as provided in said
 subsection "a" of this section may file such petition within two
 15 years after the Governor's proclamation.

(cf: P.L. 1953, c. 438, s. 24)

17 16. Section 25 of P.L. 1953, c. 438 (C. App. A:9-57.26) is
 amended to read as follows:

19 25. The provisions of chapter twelve of the laws of one
 thousand nine hundred and fifty-two, supplemental to the act of
 21 which this act is amendatory and supplementary, providing
 disability, death and medical and hospital benefits, in certain
 23 cases, to [civil defense] emergency management volunteers and
 their dependents, shall apply in the same manner to such
 25 volunteers and their dependents under the provisions of this
 amendatory and supplementary act.

27 (cf: P.L. 1953, c. 438, s. 25)

29 17. Section 4 of P.L. 1976, c. 45 (C. 40A:14-156.4) is
 amended to read as follows:

31 4. The county [disaster control] emergency management
 coordinator for the county in which emergency assistance is
 rendered pursuant to this act or N.J.S. 40A:14-26 or N.J.S.
 33 40A:14-156, may by express order suspend operation of the
 provisions of any of said acts as to any municipality or
 35 municipalities in said county, upon declaration of an emergency
 pursuant to P.L. 1942, c. 251 (C. App. A:9-33 et seq.), as
 37 amended and supplemented by P.L. 1953, c. 438, or any
 regulation promulgated thereunder.

39 (cf: P.L. 1977, c. 400, s. 3)

18. (New section) The State Office of Emergency

1 Management shall adopt, no later than 12 months following the
effective date of this act, a State Emergency Operations Plan.
3 including rules, regulations, and guidelines, that shall be
reviewed and updated at least every two years.

5 19. (New section) Each county and municipality in the State
shall prepare a written Emergency Operations Plan with all
7 appropriate annexes necessary to implement the plan. Each
Emergency Operations Plan shall be adopted no later than one
9 year after the State Emergency Planning Guidelines have been
adopted by the State Office of Emergency Management and
11 shall be evaluated at such subsequent scheduled review of the
State Emergency Operations Plan.

13 20. (New section) Each county and municipal Emergency
Operations Plan shall conform to all relevant federal and State
15 statutes, rules and regulations concerning emergency operations
and shall include the identification of significant hazards
17 affecting the jurisdiction. Each county and municipal
Emergency Operations Plan shall be based upon planning
19 criteria, objectives, requirements, responsibilities and concepts
of operation for the implementation of all necessary and
21 appropriate protective or remedial measures to be taken in
response to an actual or threatened emergency as determined by
23 the State Director of Emergency Management. Each county and
municipal Emergency Operations Plan shall be reviewed and
25 updated at least every two years.

27 21. (New section) Each county and municipality shall submit
an Emergency Operations Plan to the State Office of Emergency
Management. No Emergency Operations Plan shall take effect
29 without approval by the State Office of Emergency
Management. The State Office of Emergency Management shall
31 review the plans and determine their compatibility with the
State Emergency Operations Plan Guidelines and shall either
33 approve, conditionally approve, or disapprove the plan. The
State Office of Emergency Management shall set forth in
35 writing its reasons for disapproval of any plan or, in the case of
the issuance of a conditional approval, shall specify the
37 necessary amendments to the plan. If the State Office of
Emergency Management fails to approve, conditionally approve,
39 or disapprove an Emergency Operations Plan within 60 days of
receipt of the plan, it shall be considered approved by the State

1 **Office of Emergency Management.**

22. (New section) The State Office of Emergency
3 Management, subject to available appropriations and grants
4 from other sources, is authorized to award grants to any
5 municipality or county to assist in the development of an
6 Emergency Operations Plan. The State Office of Emergency
7 Management shall prescribe and promulgate, pursuant to law,
8 procedures for applying for the grant and terms and conditions
9 for receiving the grant.

23. (New section) The State and counties shall be authorized
11 to provide technical assistance and planning grants to
12 municipalities to assist in the preparation and revision of
13 municipal Emergency Operations Plans pursuant to section 19 of
14 this amendatory and supplementary act.

15 24. This act shall take effect immediately.

17

STATE GOVERNMENT

19

Public Safety

21 **Requires the State, counties and municipalities to develop an
Emergency Operations Plan.**

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1459

STATE OF NEW JERSEY

DATED: MARCH 7, 1988

The Assembly State Government Committee reports favorably Assembly Bill No. 1459.

This bill revises the statutes governing emergency operations planning and procedures at the State and local level.

Under current law (App. A:9-33 et seq.), the Governor is authorized to adopt emergency rules and regulations to deal with disaster situations. On the State level, these rules and regulations are implemented by the Civilian Defense Director in the Department of Law and Public Safety. The director's office is entitled the Office of Emergency Management. Each county and municipality is currently required to appoint a disaster control coordinator to facilitate cooperation with the State civilian defense director and to address local disaster situations.

This bill requires the Office of Emergency Management to adopt a State Emergency Operations Plan (EOP), and requires each county and municipality to develop an EOP consistent with the State EOP. The county and municipal plans are to specify the significant hazards that local governments must identify prior to the implementation of protective or remedial measures for handling any emergency. The protective or remedial measures are to be determined by the State Director of Emergency Management.

Each county and municipality must adopt a plan no later than one year after the State Office of Emergency Management has adopted State emergency planning guidelines and submit the plan to the State Office of Emergency Management for review. That Office must either approve, conditionally approve or disapprove a local EOP within 60 days of receipt of the plan or the plan will be considered approved. Each plan must be reviewed and updated at least every two years and must conform to all relevant federal and State statutes and regulations concerning emergency operations. *statutes and*

The bill authorizes the State Office of Emergency Management to award grants to municipalities and counties to assist in the development of an EOP.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1459

STATE OF NEW JERSEY

DATED: JANUARY 12, 1989

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably Assembly Bill No. 1459.

This bill revises the statutes governing emergency operations planning and procedures at the State and local level.

Under current law, the Governor is authorized to adopt emergency rules and regulations to deal with disaster situations. On the State level, these rules and regulations are implemented by the Civilian Defense Director in the Department of Law and Public Safety. The director's office is entitled the Office of Emergency Management. Each county and municipality is currently required to appoint a disaster control coordinator to facilitate cooperation with the State civilian defense director and to address local disaster situations.

This bill requires the Office of Emergency Management to adopt a State Emergency Operations Plan (EOP), and requires each county and municipality to develop an EOP consistent with the State EOP. The county and municipal plans are to specify the significant hazards that local governments must identify prior to the implementation of protective or remedial measures for handling any emergency. The protective or remedial measures are to be determined by the State Director of Emergency Management.

Each county and municipality must adopt a plan no later than one year after the State Office of Emergency Management has adopted State emergency planning guidelines and submit the plan to the State Office of Emergency Management for review. That office must either approve, conditionally approve or disapprove a local EOP within 60 days of receipt of the plan or the plan will be considered approved. Each plan must be reviewed and updated at least every two years and must conform to all relevant federal and State statutes and regulations concerning emergency operations.

The bill authorizes the State Office of Emergency Management to award grants to municipalities and counties to assist in the development of an EOP. It also revises terminology to refer to emergency management instead of civilian defense or disaster control.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 1459

STATE OF NEW JERSEY

DATED: July 18, 1988

Assembly Bill 1459 of 1988 modifies current law governing emergency operations planning and procedures at the State and local levels by changing references to "disaster control" to "emergency management." The bill also formally requires counties and municipalities to prepare an Emergency Operations Plans (EOP) consistent with the State EOP. The Office of Emergency Management (OEM), in the Division of State Police, Department of Law and Public Safety, would be responsible for approving or disapproving the county and municipal plans. The OEM would also be responsible for assisting the counties and municipalities in the procurement of funds to assist in the development of emergency operations plans.

The OEM currently prepares the State emergency operations plan. As a condition of receiving federal funding, the OEM coordinates State and local emergency planning according to Federal Emergency Management Agency (FEMA) regulations. OEM states that, as a result, its guidelines already require counties and municipalities to develop EOPs. The OEM reviews these plans and also presently assists the counties and municipalities in applying for FEMA funds.

The Office of Legislative Services determines, therefore, that enactment of this bill will have no fiscal impact on the State or its local governments. The OEM, in accordance with federal regulations, is already fulfilling the requirements of this bill. Likewise, the OEM reports that in response to its directives, counties and municipalities are presently participating in the planning process mandated by this bill.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1986, c. 67.

A-21/S-3234, sponsored by Assemblyman Arthur Albohn, R-Morris, and Senator Francis McManimon, D-Mercer. The bill amends the definition of the system of plane coordinates for the official survey base for New Jersey.

A-327/S-1967, sponsored by Assemblyman Rodney Frelinghuysen, R-Morris, and Senators Richard Van Wagner, R-Middlesex, and John Dorsey, D-Middlesex. The bill eliminates this state's taxation of pension income received by non-residents from a public or private pension plan in New Jersey.

A-661, sponsored by Assemblymen Robert Smith, D-Middlesex, and Byron Baer, D-Bergen. The bill extends the "Conscientious Employee Protection Act" to those situations where an employee provides information regarding another employer with whom his employer has a business relationship.

A-934, sponsored by Assemblyman Walter Kern, R-Bergen, and Assemblywoman Joann Smith, R-Monmouth. The bill substitutes the term "council members" for "councilmen" in the Optional Municipal Charter Law.

A-1459, sponsored by Assemblyman J. Edward Kline, R-Atlantic. The bill requires the state to adopt an Emergency Operations Plan, and requires counties and municipalities to adopt emergency plans consistent with the state plan.

A-2104, sponsored by Assemblyman Jackie Mattison, D-Essex. The bill corrects an inaccurate reference to the "Bronze Shields Inc.," in the law providing leaves of absence for certain public employees.

A-3290/S-3796, sponsored by Assemblymen Robert Menendez and Bernard Kenny, both D-Hudson, and Senator John Lynch, D-Middlesex. The bill permits a county or municipality to amend its budget when it receives a special item of revenue from any public or private source.

A-3296, sponsored by Assemblyman Jimmy Zangari, D-Essex. The bill provides that chiropractic services shall be included as medical services covered by the Workers' Compensation Act.