

App.A 9-64

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 246
NJSA: App.A. 9-64 (“New Jersey Domestic Security Preparedness Act”)
BILL NO: S2575 (Substituted for A23)

SPONSOR(S): Collins and Lesniak

DATE INTRODUCED: October 3, 2001

COMMITTEE: **ASSEMBLY:** ----

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** October 3, 2001

SENATE: October 3, 2001

DATE OF APPROVAL: October 3, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

S2575

SPONSORS STATEMENT: (Begins on page 8 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A23

SPONSORS STATEMENT: (Begins on page 8 of original bill) Yes

Bill and Sponsors Statement identical to S2575

COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	No
FLOOR AMENDMENT STATEMENTS:		No
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

"N.J. acts against terror," 10-4-2001 The Press, p.A1

"Anti-terrorism push," 10-4-2001 The Record, p.A18

"Lawmakers backing plans on terrorism and licenses," 10-4-2001 New York Times, p.D5

"Legislature quickly Oks terror bills," 10-4-2001 Home News and Tribune, p.A3

"NJ acts on 8 anti-terror bills," 10-4-2001 Asbury Park Press, p.A3

"Lawmakers backing plans on terrorism and licenses," 10-4-2001 New York Times, p.CD

SENATE, No. 2575

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 3, 2001

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator RAYMOND J. LESNIAK

District 20 (Union)

Co-Sponsored by:

Senators Codey, Kenny, Girgenti, Sacco, Vitale, Furnari, Adler, Assemblymen Collins, Doria, Arnone, Asselta, Azzolina, Bagger, Barnes, Bateman, Biondi, Blee, Bodine, Assemblywoman Buono, Assemblymen Caraballo, Carroll, Charles, Chatzidakis, Cohen, Conaway, Connors, Connors, Corodemus, Cottrell, Assemblywomen Crecco, Cruz-Perez, Assemblymen DeCroce, DiGaetano, Assemblywoman Farragher, Assemblyman Felice, Assemblywoman Friscia, Assemblymen Garcia, Garrett, Geist, Gibson, Assemblywoman Gill, Assemblyman Green, Assemblywoman Greenstein, Assemblymen Greenwald, Gregg, Guear, Gusciora, Assemblywoman Heck, Assemblymen Holzapfel, Impreveduto, Jones, Kean, Kelly, Lance, LeFevre, Malone, Merkt, Moran, Munoz, Assemblywoman Myers, Assemblymen Payne, Pennacchio, Assemblywomen Pou, Previte, Quigley, Assemblymen Roberts, Rooney, Russo, Sires, B.Smith, R.Smith, T.Smith, Stanley, Steele, Stuhltrager, Suliga, Talarico, Thompson, Tucker, Assemblywomen Vandervalk, Watson Coleman, Weinberg, Assemblymen Weingarten, Wisniewski, Wolfe, Zecker and Zisa

SYNOPSIS

The "New Jersey Domestic Security Preparedness Act;" appropriates \$8.95 million.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 10/4/2001)

1 AN ACT concerning domestic security preparedness, establishing a
2 domestic security preparedness planning group and task force and
3 making an appropriation therefor.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the "New Jersey
9 Domestic Security Preparedness Act."

10

11 2. The Legislature finds and declares:

12 a. The events of September 11, 2001 have refocused attention on
13 the importance of domestic preparedness for any terrorist attack, and
14 the utility of maintaining a select task force, comprised of
15 representatives of State government, local emergency management and
16 law enforcement officials, the Federal Emergency Management
17 Agency, the Federal Bureau of Investigation, and relief organizations,
18 for developing a coordinated plan of action to prepare for, respond to,
19 and recover from, incidents of terrorism;

20 b. Because the targets of terrorist activities may not be limited to
21 the public sector, the State also must review the preparedness of the
22 private sector to ensure its readiness and to foster cooperation and
23 coordination between the public and private sectors in assessing risks
24 and developing and implementing preparedness, response and recovery
25 strategies; and

26 c. It is, therefore, altogether fitting and proper, and within the
27 public interest, to reinforce and expand the State's existing anti-
28 terrorism efforts by integrating and enhancing intelligence gathering
29 and preparedness efforts throughout State and local government and
30 the private sector in New Jersey by establishing a New Jersey
31 Domestic Security Preparedness Task Force in, but not of, the
32 Department of Law and Public Safety, in order to maximize, enhance
33 and effectuate coordination of the disaster preparedness and recovery
34 resources provided through the Office of Emergency Management in
35 the Division of State Police, the New Jersey National Guard and
36 county and local emergency management organizations.

37

38 3. For the purposes of this act:

39 "Planning group" means the Domestic Security Preparedness
40 Planning Group established pursuant to section 8 of this act.

41 "Task force" means the Domestic Security Preparedness Task Force
42 created pursuant to section 4 of this act.

43

44 4. a. There is established in, but not of, the Department of Law
45 and Public Safety the Domestic Security Preparedness Task Force,
46 which shall provide statewide coordination and supervision of all

1 activities related to domestic preparedness for a terrorist attack. The
2 task force shall be composed of nine members: the Superintendent of
3 State Police or his designee, the Attorney General or his designee, the
4 Adjutant General of Military and Veterans' Affairs or his designee, the
5 Commissioner of Transportation or his designee, the Commissioner of
6 Health and Senior Services or his designee, the Coordinator of the
7 Office of Recovery and Victim Assistance, all of whom shall serve ex
8 officio, and three public members appointed by the Governor, with the
9 advice and consent of the Senate. One of the public members shall
10 have, by education or expertise, experience in chemical or biological
11 agents that may be used in acts of terrorism. The public members shall
12 serve for terms of three years and shall be subject to such security
13 screening as may be necessary or appropriate. Of the public members
14 first appointed, one shall be appointed for a term of one year, one shall
15 be appointed for a term of two years, and one shall be appointed for
16 a term of three years. The Governor shall appoint a chairperson from
17 among the members of the task force, who shall serve in that position
18 at the pleasure of the Governor. The chairperson shall act as the
19 State's liaison with the federal Homeland Security Council. In the
20 event the Governor shall appoint a public member as chairperson, that
21 appointee shall be accorded cabinet status for the purposes of
22 effectuating the purposes of this act. The task force shall adopt a plan
23 of operation for the carrying out of its duties, which shall be approved
24 by the Governor in accordance with the provisions of section 5 of this
25 act.

26 b. The task force may appoint, in accordance with its plan of
27 operation, such personnel, including attorneys, professionals in the
28 field of terrorism and terrorism preparedness, disaster response,
29 mitigation and recovery, and such other special consultants and
30 experts as may be deemed necessary to carry out its duties under this
31 act, as well as such clerical and other personnel as may be appropriate
32 and necessary. All employees appointed pursuant to this section shall
33 be in the unclassified service of the civil service of the State and shall
34 be deemed confidential employees for the purposes of the "New Jersey
35 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et
36 seq.).

37
38 5. The primary duties of the task force shall include, but not be
39 limited to:

40 a. The development of proposals to preserve , protect and sustain
41 domestic security and to ensure a comprehensive program of domestic
42 preparedness. The task force shall formulate proposals for operational
43 plans relative to domestic security, using inter-agency expertise,
44 coordination and resource planning to meet and address the need to
45 prevent terrorist attacks, to mitigate their impact, and to prepare and
46 plan for the various responses required in the event of a terrorist

1 attack. In carrying out this function, the task force shall identify and
2 assess potential risks to the domestic security and well-being of New
3 Jersey's citizens , including risks to, and disruptions of, essential State
4 and local infrastructures, transportation networks, public and private
5 telecommunications and information networks, financial systems and
6 networks, the delivery and availability of essential health care services,
7 and the potential impact of terroristic chemical, biological and nuclear
8 attacks or sabotage.

9 b. The development, implementation and management of
10 comprehensive responses to any terrorist attack or any other
11 technological disaster and the effective administration, management
12 and coordination of remediation and recovery actions and responses
13 following any such attack or disaster. In this regard, the task force
14 shall be charged with managing responses in accordance with the State
15 Emergency Operations Plan and serve as an all-hazards response
16 center. The disaster remediation, recovery and response functions
17 performed by the task force shall supplement those disaster relief
18 functions currently performed by the Office of Emergency
19 Management in the Division of State Police, which shall continue in its
20 current capacity, subject to the direction and supervision of the
21 Superintendent of State Police. The task force and Office of
22 Emergency Management shall coordinate and consult with each other
23 on the performance of their respective remediation, recovery and relief
24 functions.

25

26 6. a. The task force shall adopt domestic security and
27 preparedness standards, guidelines and protocols, subject to applicable
28 constitutional and statutory limitations, to preserve, protect and
29 sustain the critical assets of the State's infrastructure, which may be
30 applicable to both public and private entities and facilities, as may be
31 appropriate and critical to the public interest and well-being. In
32 adopting such standards, guidelines and protocols, the task force shall
33 not be bound by the requirements of the "Administrative Procedure
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.); however, no adoption
35 shall take place without review by the Infrastructure Advisory
36 Committee established pursuant to section 7 of this act and approval
37 by the Governor. The task force may issue and implement orders to
38 effectuate those standards, guidelines and protocols for the purposes
39 of this act.

40 b. The task force may draw on the assistance of any State, county,
41 or municipal government, independent authority or other agency or
42 instrumentality of the State for the purposes of carrying out its duties
43 under this act.

44 c. Subject to applicable constitutional and statutory limitations, the
45 task force may seek or request and, if necessary, compel the
46 production of such information as it deems necessary to perform its

1 duties under this act; provided, however, that any such information
2 that is confidential in nature, including proprietary information, shall
3 be deemed privileged and shall not be publicly disclosed by the task
4 force unless directly relating to the security, public safety or well-
5 being of the citizens of this State.

6
7 7. The task force shall establish an Infrastructure Advisory
8 Committee to assist it in fulfilling its obligations under this act. The
9 advisory committee shall act as a liaison to private industry throughout
10 the State and establish ongoing communication between private
11 industry, and any other private entity, and State and local officials
12 regarding domestic preparedness and the respective roles and
13 responsibilities of the public and private sectors, and shall serve as a
14 resource to the task force and the Domestic Security Preparedness
15 Planning Group established in section 8 of this act with respect to
16 domestic preparedness issues facing private industry and other private
17 entities. The advisory committee shall include representatives of gas,
18 water, .electric and utilities, nuclear facilities, and the
19 telecommunications, transportation, health care, chemical, and
20 pharmaceutical industries situate in or otherwise serving the citizens
21 of this State, as well as such other industries or entities the task force
22 deems appropriate.

23
24 8. a. There is established in the Department of Law and Public
25 Safety the Domestic Security Preparedness Planning Group, which
26 shall assist the task force in performing its duties under this act. In
27 cooperation with the task force, the planning group shall develop and
28 provide to the task force, for consideration, a coordinated plan to be
29 included in the State Emergency Operations Plan to prepare for,
30 respond to, mitigate and recover from incidents of terrorism.

31 b. The members of the planning group shall include the Director of
32 the New Jersey Office of Emergency Management, the Adjutant
33 General of Military and Veterans' Affairs or his designee, the
34 Commissioner of Agriculture or his designee, the Commissioner of
35 Community Affairs or his designee, the Commissioner of Corrections
36 or his designee, the Commissioner of Environmental Protection or his
37 designee, the Commissioner of Health and Senior Services or his
38 designee, the Commissioner of Human Services, or his designee, the
39 Commissioner of Transportation or his designee, the Executive
40 Director of the New Jersey Transit Corporation or his designee, the
41 State Treasurer or his designee, the New Jersey State Medical
42 Examiner or his designee, a representative of the University of
43 Medicine and Dentistry of New Jersey, the President of the Board of
44 Public Utilities or his designee, a representative of the New Jersey
45 County Emergency Management Coordinators Association, a
46 representative of the New Jersey State Fire Chiefs Association, and a

1 representative of the New Jersey State Police Chiefs Association. The
2 planning group may include, to the extent such individuals may be
3 made available for such purpose, a representative of the Federal
4 Emergency Management Agency, a representative of the Federal
5 Bureau of Investigation, a representative of the American Red Cross,
6 and a representative of such other charitable groups as may be
7 appropriate. The chairperson of the task force shall appoint the chair
8 and vice chair of the planning group.

9
10 9. a. It shall be the duty of the planning group to identify needs
11 and resources; to explore and determine the availability of the
12 resources available to meet those needs; to develop, coordinate and
13 integrate proposals to afford guidance to the task force in carrying out
14 its duties; to formulate recommendations for the development of
15 necessary training programs; and to provide such technical assistance
16 as may be appropriate and necessary for the task force to fulfill its
17 duties under this act. To the extent that the planning group obtains
18 critical or sensitive intelligence information, such information shall be
19 confidential. The planning group, in consultation with the task force,
20 shall obtain and maintain data on the security needs of State and local
21 governments and shall serve as the central agency for submitting
22 applications to the federal government for terrorism planning and
23 equipment grants.

24 b. There shall be established within the planning group a Weapons
25 of Mass Destruction Advisory Committee. For the purposes of this
26 subsection, weapons of mass destruction shall include, but not be
27 limited to, nuclear weapons and biological or chemical agents. The
28 Adjutant General of Military and Veterans' Affairs, or his designee,
29 shall chair the advisory committee. The committee shall investigate
30 and assess the nature and extent of the risk associated with terroristic
31 attack or sabotage involving such weapons and shall assist the
32 planning group and task force in developing appropriate preparedness
33 plans. In performing its duties, the advisory committee may call upon
34 the expertise, special training, and technological skill and capability
35 of the New Jersey National Guard in the development, preparation,
36 coordination and integration of the plans.

37
38 10. Whenever it appears to the task force that a person knowingly
39 has refused or failed to comply with applicable domestic security
40 preparedness standards or furnish information required by this act, the
41 Attorney General may institute an action or proceeding in the Superior
42 Court for equitable and other relief, which the court shall order if
43 necessary to preserve, protect or sustain the public safety or well-
44 being. That relief may include assessment for the costs of any
45 investigation, inspection, or monitoring and for the reasonable costs
46 of preparing and litigating a case brought pursuant to this section.

1 Any assessments imposed pursuant to this provisions of this section
2 shall be deposited into the General Fund.

3

4 11. a. No record held, maintained or kept on file by the task force
5 or the planning group shall be deemed to be a public record under the
6 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law
7 concerning access to public records. The task force and the planning
8 group shall designate such records as may be available for public
9 inspection when, in the sole discretion of the entity possessing the
10 record, the inspection of those records shall not jeopardize the public
11 safety.

12 b. Cognizant of the public safety and well-being of the citizens of
13 this State and their domestic security, neither the task force nor the
14 planning group shall be subject to the provisions of the "Open Public
15 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

16

17 12. The Commissioner of Health and Senior Services shall establish
18 or cause to be established a program of laboratory services for the
19 prompt and accurate detection and analysis of biological and chemical
20 agents that may be or have been used in the commission of terroristic
21 acts or any other technological disaster. The program shall include the
22 capacity to detect, analyze and identify chemical agents so used during
23 and beyond the first 24 hours of a suspected event, and to support the
24 safe handling of potentially dangerous environmental and clinical
25 specimens so identified.

26

27 13. The task force shall issue a report annually to the Legislature,
28 as provided herein, as to its activities during the preceding year. The
29 report shall include, but not be limited to, an account of the general
30 security measures that have been implemented during the preceding
31 year, the public and private entities that are affected by the work of the
32 task force, and such other information as may be necessary or useful
33 to the Legislature with respect to the task force's operations. The
34 report shall be submitted to the President of the Senate, the Speaker
35 of the General Assembly, the Minority Leader of the Senate, and the
36 Minority Leader of the General Assembly, as well as the chairperson
37 of the Senate Legislative Oversight Committee, or its successor, and
38 the chairperson of the Assembly Regulatory Oversight Committee, or
39 its successor. Such information as is presented in the report shall be
40 deemed confidential.

41

42 14. a. There is appropriated from the General Fund to the Division
43 of State Police in the Department of Law and Public Safety the sum of
44 \$2,700,000 to support and expand the counter-terrorism unit
45 established in the Division of State Police. Of the amount so
46 appropriated, \$2,000,000 is allocated for operating costs, including

1 personnel, and \$700,000 is allocated to fund the acquisition of
2 equipment necessary for the purposes of this act.

3 b. There is appropriated from the General Fund to the Office of
4 Emergency Management in the Division of State Police in the
5 Department of Law and Public Safety the sum of \$1,000,000 to fund
6 enhancement of the services provided by that office pursuant to this
7 act.

8 c. There is appropriated from the General Fund to the Department
9 of Military and Veterans Affairs the sum of \$2,000,000 to support the
10 training and equipping of domestic emergency response teams. Of the
11 amount so appropriated, \$1,300,000 is allocated for operating costs
12 including personnel, and \$700,000 is allocated to fund the acquisition
13 of equipment necessary for the purposes of this act.

14 d. There is appropriated from the General Fund to the Department
15 of Health and Senior Services the sum of \$1,800,000 to fund the
16 program of laboratory services established in section 12 of P.L. ,
17 c. (C.) (now pending before the Legislature as this bill).

18 e. There is appropriated from the General Fund to the Department
19 of Health and Senior Services the sum of \$1,450,000 to fund a
20 program of disease surveillance and epidemiological investigation.

21

22 15. This act shall take effect immediately; provided, however, that
23 on the first day of the 65th month following enactment the Governor
24 shall give notice to the Legislature to review the conduct and
25 performance of the Domestic Security Preparedness Task Force. If
26 the Legislature fails to adopt, by a two-thirds majority of each House,
27 a joint resolution finding that the task force as formulated under this
28 act has either failed to adequately perform its duties pursuant to this
29 act or that the task force is no longer necessary to preserve, protect
30 and sustain the domestic security and preparedness and, therefore shall
31 be dissolved, the task force shall continue.

32

33

34

STATEMENT

35

36 This bill, the “New Jersey Domestic Security Preparedness Act,”
37 would reinforce and expand New Jersey’s existing anti-terrorism
38 efforts by enhancing and integrating security planning and
39 preparedness measures throughout the State. By establishing a
40 cooperative effort between government at all levels (State, local and
41 federal) and the private sector, the bill is designed to foster and
42 stimulate a greater unification and coordination of the State’s domestic
43 security preparedness and planning.

44 The bill establishes the Domestic Security Preparedness Task Force,
45 a nine member body, charged with two primary responsibilities:

46 (1) Developing proposals to preserve and sustain domestic security

1 and to ensure a comprehensive program of domestic preparedness,
2 particularly with regard to New Jersey's infrastructure, transportation
3 system, telecommunications and information systems, financial systems
4 and network, health services and the potential impact of terrorist
5 attacks or sabotage involving chemical or biological agents or nuclear
6 weapons; and

7 (2) Developing, implementing and managing comprehensive
8 responses to terroristic attacks or other technological disasters.

9 To assist the task force in fulfilling its responsibilities, the bill
10 authorizes the creation of an Infrastructure Advisory Committee to act
11 as a liaison between the public and private sectors.

12 The actual development of the plan is the responsibility of the
13 Domestic Security Preparedness Planning Group. Working in
14 conjunction with the task force, the planning group is to develop a
15 coordinated plan for consideration by the task force to prepare for,
16 respond to, mitigate and recover from incidents of terrorism. This
17 plan is to be incorporated in the current State Emergency Operations
18 Plan. The members of the planning group include representatives from
19 a wide range of State offices and agencies, charitable groups and, to
20 the extent available, federal officials. The bill also establishes a
21 Weapons of Mass Destruction Advisory Committee within the
22 planning group, under the direction of Adjutant General of Military
23 and Veterans' Affairs, to assess the nature and extent of the risk to
24 New Jersey's citizens from terrorist attacks or sabotage involving
25 nuclear weapons or biological or chemical agents and to assist the task
26 force in preparing appropriate security and preparedness plans.

27 Recognizing the central role these bodies will play in the security
28 and well-being of the citizens of New Jersey, the bill exempts these
29 entities from the public disclosure requirements imposed under
30 P.L.1963, c.73 (C.47:1A-1 et seq.) and the provisions of the "Open
31 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

32 The bill also requires the task force annually to report on its
33 activities to the Legislature. Recognizing the nature of the task
34 force's work, the report is to be deemed confidential and to be
35 submitted directly to the President of the Senate, the Speaker of the
36 General Assembly, the Minority Leader of the Senate, the Minority
37 Leader of the General Assembly and the chairs of the Senate
38 Legislative Oversight Committee and the Assembly Regulatory
39 Oversight Committee.

40 Finally, the bill appropriates \$8,950,000. Of that amount,
41 \$2,700,000 is appropriated to the Division of State Police to fund and
42 equip the counter-terrorism unit; \$1,000,000 is appropriated to fund
43 and enhance the services provided by the Office of Emergency
44 Management; \$2,000,000 is appropriated to fund, train and equip a
45 domestic emergency response team in the Department of Military and
46 Veterans Affairs; \$1,800,000 is appropriated to establish a program of

S2575 BENNETT, LESNIAK

10

1 laboratory services in the Department of Health and Senior Services
2 to provide for the prompt and accurate detection and analysis of
3 biological and chemical agents that may be used in terrorist acts and
4 \$1,450,000 is appropriated to the Department of Health and Senior
5 Services to fund a program of disease surveillance and epidemiological
6 investigation.

ASSEMBLY, No. 23

STATE OF NEW JERSEY

209th LEGISLATURE

INTRODUCED OCTOBER 3, 2001

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Co-Sponsored by:

Assemblymen Arnone, Asselta, Azzolina, Bagger, Barnes, Bateman, Biondi, Blee, Bodine, Assemblywoman Buono, Assemblymen Caraballo, Carroll, Charles, Chatzidakis, Cohen, Conaway, Conners, Connors, Corodemus, Cottrell, Assemblywomen Crecco, Cruz-Perez, Assemblymen DeCroce, DiGaetano, Assemblywoman Farragher, Assemblyman Felice, Assemblywoman Friscia, Assemblymen Garcia, Garrett, Geist, Gibson, Assemblywoman Gill, Assemblyman Green, Assemblywoman Greenstein, Assemblymen Greenwald, Gregg, Guear, Gusciora, Assemblywoman Heck, Assemblymen Holzapfel, Impreveduto, Jones, Kean, Kelly, Lance, LeFevre, Malone, Merkt, Moran, Munoz, Assemblywoman Myers, Assemblymen Payne, Pennacchio, Assemblywomen Pou, Previte, Quigley, Assemblymen Roberts, Rooney, Russo, Sires, B.Smith, R.Smith, T.Smith, Stanley, Steele, Stuhltrager, Suliga, Talarico, Thompson, Tucker, Assemblywomen Vandervalk, Watson Coleman, Weinberg, Assemblymen Weingarten, Wisniewski, Wolfe, Zecker and Zisa

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15 representatives of State government, local emergency management and
16 law enforcement officials, the Federal Emergency Management
17 Agency, the Federal Bureau of Investigation, and relief organizations,
18 for developing a coordinated plan of action to prepare for, respond to,
19 and recover from, incidents of terrorism;

20 b. Because the targets of terrorist activities may not be limited to
21 the public sector, the State also must review the preparedness of the
22 private sector to ensure its readiness and to foster cooperation and
23 coordination between the public and private sectors in assessing risks
24 and developing and implementing preparedness, response and recovery
25 strategies; and

26 c. It is, therefore, altogether fitting and proper, and within the
27 public interest, to reinforce and expand the State's existing anti-
28 terrorism efforts by integrating and enhancing intelligence gathering
29 and preparedness efforts throughout State and local government and
30 the private sector in New Jersey by establishing a New Jersey
31 Domestic Security Preparedness Task Force in, but not of, the
32 Department of Law and Public Safety, in order to maximize, enhance
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43 plans relative to domestic security, using inter-agency expertise,
44 coordination and resource planning to meet and address the need to
45 prevent terrorist attacks, to mitigate their impact, and to prepare and
46 plan for the various responses required in the event of a terrorist

1 attack. In carrying out this function, the task force shall identify and
2 assess potential risks to the domestic security and well-being of New
3 Jersey's citizens, including risks to, and disruptions of, essential State
4 and local infrastructures, transportation networks, public and private
5 telecommunications and information networks, financial systems and
6 networks, the delivery and availability of essential health care services,
7 and the potential impact of terroristic chemical, biological and nuclear
8 attacks or sabotage.

9 b. The development, implementation and management of
10 comprehensive responses to any terrorist attack or any other
11 technological disaster and the effective administration, management
12 and coordination of remediation and recovery actions and responses
13 following any such attack or disaster. In this regard, the task force
14 shall be charged with managing responses in accordance with the State
15 Emergency Operations Plan and serve as an all-hazards response
16 center. The disaster remediation, recovery and response functions
17 performed by the task force shall supplement those disaster relief
18 functions currently performed by the Office of Emergency
19 Management in the Division of State Police, which shall continue in its
20 current capacity, subject to the direction and supervision of the
21 Superintendent of State Police. The task force and Office of
22 Emergency Management shall coordinate and consult with each other
23 on the performance of their respective remediation, recovery and relief
24 functions.

25

26 6. a. The task force shall adopt domestic security and
27 preparedness standards, guidelines and protocols, subject to applicable
28 constitutional and statutory limitations, to preserve, protect and
29 sustain the critical assets of the State's infrastructure, which may be
30 applicable to both public and private entities and facilities, as may be
31 appropriate and critical to the public interest and well-being. In
32 adopting such standards, guidelines and protocols, the task force shall
33 not be bound by the requirements of the "Administrative Procedure
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.); however, no adoption
35 shall take place without review by the Infrastructure Advisory
36 Committee established pursuant to section 7 of this act and approval
37 by the Governor. The task force may issue and implement orders to
38 effectuate those standards, guidelines and protocols for the purposes
39 of this act.

40 b. The task force may draw on the assistance of any State, county,
41 or municipal government, independent authority or other agency or
42 instrumentality of the State for the purposes of carrying out its duties
43 under this act.

44 c. Subject to applicable constitutional and statutory limitations, the
45 task force may seek or request and, if necessary, compel the
46 production of such information as it deems necessary to perform its

1 duties under this act; provided, however, that any such information
2 that is confidential in nature, including proprietary information, shall
3 be deemed privileged and shall not be publicly disclosed by the task
4 force unless directly relating to the security, public safety or well-
5 being of the citizens of this State.

6
7 7. The task force shall establish an Infrastructure Advisory
8 Committee to assist it in fulfilling its obligations under this act. The
9 advisory committee shall act as a liaison to private industry throughout
10 the State, and establish ongoing communication between private
11 industry, and any other private entity, and State and local officials
12 regarding domestic preparedness and the respective roles and
13 responsibilities of the public and private sectors, and shall serve as a
14 resource to the task force and the Domestic Security Preparedness
15 Planning Group established in section 8 of this act with respect to
16 domestic preparedness issues facing private industry and other private
17 entities. The advisory committee shall include representatives of gas,
18 water, electric and utilities, nuclear facilities, and the
19 telecommunications, transportation, health care, chemical, and
20 pharmaceutical industries situate in or otherwise serving the citizens
21 of this State, as well as such other industries or entities the task force
22 deems appropriate.

23
24 8. a. There is established in the Department of Law and Public
25 Safety the Domestic Security Preparedness Planning Group, which
26 shall assist the task force in performing its duties under this act. In
27 cooperation with the task force, the planning group shall develop and
28 provide to the task force, for consideration, a coordinated plan to be
29 included in the State Emergency Operations Plan to prepare for,
30 respond to, mitigate and recover from incidents of terrorism.

31 b. The members of the planning group shall include the Director of
32 the New Jersey Office of Emergency Management, the Adjutant
33 General of Military and Veterans' Affairs or his designee, the
34 Commissioner of Agriculture or his designee, the Commissioner of
35 Community Affairs or his designee, the Commissioner of Corrections
36 or his designee, the Commissioner of Environmental Protection or his
37 designee, the Commissioner of Health and Senior Services or his
38 designee, the Commissioner of Human Services, or his designee, the
39 Commissioner of Transportation or his designee, the Executive
40 Director of the New Jersey Transit Corporation or his designee, the
41 State Treasurer or his designee, the New Jersey State Medical
42 Examiner or his designee, a representative of the University of
43 Medicine and Dentistry of New Jersey, the President of the Board of
44 Public Utilities or his designee, a representative of the New Jersey
45 County Emergency Management Coordinators Association, a
46 representative of the New Jersey State Fire Chiefs Association, and a

1 representative of the New Jersey State Police Chiefs Association. The
2 planning group may include, to the extent such individuals may be
3 made available for such purpose, a representative of the Federal
4 Emergency Management Agency, a representative of the Federal
5 Bureau of Investigation, a representative of the American Red Cross,
6 and a representative of such other charitable groups as may be
7 appropriate. The chairperson of the task force shall appoint the chair
8 and vice chair of the planning group.

9
10 9. a. It shall be the duty of the planning group to identify needs
11 and resources; to explore and determine the availability of the
12 resources available to meet those needs; to develop, coordinate and
13 integrate proposals to afford guidance to the task force in carrying out
14 its duties; to formulate recommendations for the development of
15 necessary training programs; and to provide such technical assistance
16 as may be appropriate and necessary for the task force to fulfill its
17 duties under this act. To the extent that the planning group obtains
18 critical or sensitive intelligence information, such information shall be
19 confidential. The planning group, in consultation with the task force,
20 shall obtain and maintain data on the security needs of State and local
21 governments and shall serve as the central agency for submitting
22 applications to the federal government for terrorism planning and
23 equipment grants.

24 b. There shall be established within the planning group a Weapons
25 of Mass Destruction Advisory Committee. For the purposes of this
26 subsection, weapons of mass destruction shall include, but not be
27 limited to, nuclear weapons and biological or chemical agents. The
28 Adjutant General of Military and Veterans' Affairs, or his designee,
29 shall chair the advisory committee. The committee shall investigate
30 and assess the nature and extent of the risk associated with terroristic
31 attack or sabotage involving such weapons and shall assist the
32 planning group and task force in developing appropriate preparedness
33 plans. In performing its duties, the advisory committee may call upon
34 the expertise, special training, and technological skill and capability
35 of the New Jersey National Guard in the development, preparation,
36 coordination and integration of the plans.

37
38 10. Whenever it appears to the task force that a person knowingly
39 has refused or failed to comply with applicable domestic security
40 preparedness standards or furnish information required by this act, the
41 Attorney General may institute an action or proceeding in the Superior
42 Court for equitable and other relief, which the court shall order if
43 necessary to preserve, protect or sustain the public safety or well-
44 being. That relief may include assessment for the costs of any
45 investigation, inspection, or monitoring and for the reasonable costs
46 of preparing and litigating a case brought pursuant to this section.

1 Any assessments imposed pursuant to this provisions of this section
2 shall be deposited into the General Fund.

3

4 11. a. No record held, maintained or kept on file by the task force
5 or the planning group shall be deemed to be a public record under the
6 provisions of P.L. 1963, c. 73 (C.47:1A-1 et seq.) or the common law
7 concerning access to public records. The task force and the planning
8 group shall designate such records as may be available for public
9 inspection when, in the sole discretion of the entity possessing the
10 record, the inspection of those records shall not jeopardize the public
11 safety.

12 b. Cognizant of the public safety and well-being of the citizens of
13 this State and their domestic security, neither the task force nor the
14 planning group shall be subject to the provisions of the "Open Public
15 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

16

17 12. The Commissioner of Health and Senior Services shall establish
18 or cause to be established a program of laboratory services for the
19 prompt and accurate detection and analysis of biological and chemical
20 agents that may be or have been used in the commission of terroristic
21 acts or any other technological disaster. The program shall include the
22 capacity to detect, analyze and identify chemical agents so used during
23 and beyond the first 24 hours of a suspected event, and to support the
24 safe handling of potentially dangerous environmental and clinical
25 specimens so identified.

26

27 13. The task force shall issue a report annually to the Legislature,
28 as provided herein, as to its activities during the preceding year. The
29 report shall include, but not be limited to, an account of the general
30 security measures that have been implemented during the preceding
31 year, the public and private entities that are affected by the work of the
32 task force, and such other information as may be necessary or useful
33 to the Legislature with respect to the task force's operations. The
34 report shall be submitted to the President of the Senate, the Speaker
35 of the General Assembly, the Minority Leader of the Senate, and the
36 Minority Leader of the General Assembly, as well as the chairperson
37 of the Senate Legislative Oversight Committee, or its successor, and
38 the chairperson of the Assembly Regulatory Oversight Committee, or
39 its successor. Such information as is presented in the report shall be
40 deemed confidential.

41

42 14. a. There is appropriated from the General Fund to the Division
43 of State Police in the Department of Law and Public Safety the sum of
44 \$2,700,000 to support and expand the counter-terrorism unit
45 established in the Division of State Police. Of the amount so
46 appropriated, \$2,000,000 is allocated for operating costs, including

1 personnel, and \$700,000 is allocated to fund the acquisition of
2 equipment necessary for the purposes of this act.

3 b. There is appropriated from the General Fund to the Office of
4 Emergency Management in the Division of State Police in the
5 Department of Law and Public Safety the sum of \$1,000,000 to fund
6 enhancement of the services provided by that office pursuant to this
7 act.

8 c. There is appropriated from the General Fund to the Department
9 of Military and Veterans Affairs the sum of \$2,000,000 to support the
10 training and equipping of domestic emergency response teams. Of the
11 amount so appropriated, \$1,300,000 is allocated for operating costs
12 including personnel, and \$700,000 is allocated to fund the acquisition
13 of equipment necessary for the purposes of this act.

14 d. There is appropriated from the General Fund to the Department
15 of Health and Senior Services the sum of \$1,800,000 to fund the
16 program of laboratory services established in section 12 of P.L. ,
17 c. (C.) (now pending before the Legislature as this bill).

18 e. There is appropriated from the General Fund to the Department
19 of Health and Senior Services the sum of \$1,450,000 to fund a
20 program of disease surveillance and epidemiological investigation.

21
22 15. This act shall take effect immediately; provided, however, that
23 on the first day of the 65th month following enactment the Governor
24 shall give notice to the Legislature to review the conduct and
25 performance of the Domestic Security Preparedness Task Force. If
26 the Legislature fails to adopt, by a two-thirds majority of each House,
27 a joint resolution finding that the task force as formulated under this
28 act has either failed to adequately perform its duties pursuant to this
29 act or that the task force is no longer necessary to preserve, protect
30 and sustain the domestic security and preparedness and, therefore shall
31 be dissolved, the task force shall continue.

32
33

34 STATEMENT

35
36 This bill, the “New Jersey Domestic Security Preparedness Act,”
37 would reinforce and expand New Jersey’s existing anti-terrorism
38 efforts by enhancing and integrating security planning and
39 preparedness measures throughout the State. By establishing a
40 cooperative effort between government at all levels (State, local and
41 federal) and the private sector, the bill is designed to foster and
42 stimulate a greater unification and coordination of the State’s domestic
43 security preparedness and planning.

44 The bill establishes the Domestic Security Preparedness Task Force,
45 a nine member body, charged with two primary responsibilities:

46 (1) Developing proposals to preserve and sustain domestic security

1 and to ensure a comprehensive program of domestic preparedness,
2 particularly with regard to New Jersey's infrastructure, transportation
3 system, telecommunications and information systems, financial systems
4 and network, health services and the potential impact of terrorist
5 attacks or sabotage involving chemical or biological agents or nuclear
6 weapons; and

7 (2) Developing, implementing and managing comprehensive
8 responses to terroristic attacks or other technological disasters.

9 To assist the task force in fulfilling its responsibilities, the bill
10 authorizes the creation of an Infrastructure Advisory Committee to act
11 as a liaison between the public and private sectors.

12 The actual development of the plan is the responsibility of the
13 Domestic Security Preparedness Planning Group. Working in
14 conjunction with the task force, the planning group is to develop a
15 coordinated plan for consideration by the task force to prepare for,
16 respond to, mitigate and recover from incidents of terrorism. This
17 plan is to be incorporated in the current State Emergency Operations
18 Plan. The members of the planning group include representatives from
19 a wide range of State offices and agencies, charitable groups and, to
20 the extent available, federal officials. The bill also establishes a
21 Weapons of Mass Destruction Advisory Committee within the
22 planning group, under the direction of Adjutant General of Military
23 and Veterans' Affairs, to assess the nature and extent of the risk to
24 New Jersey's citizens from terrorist attacks or sabotage involving
25 nuclear weapons or biological or chemical agents and to assist the task
26 force in preparing appropriate security and preparedness plans.

27 Recognizing the central role these bodies will play in the security
28 and well-being of the citizens of New Jersey, the bill exempts these
29 entities from the public disclosure requirements imposed under
30 P.L.1963, c.73 (C.47:1A-1 et seq.) and the provisions of the "Open
31 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

32 The bill also requires the task force annually to report on its
33 activities to the Legislature. Recognizing the nature of the task
34 force's work, the report is to be deemed confidential and to be
35 submitted directly to the President of the Senate, the Speaker of the
36 General Assembly, the Minority Leader of the Senate, the Minority
37 Leader of the General Assembly and the chairs of the Senate
38 Legislative Oversight Committee and the Assembly Regulatory
39 Oversight Committee.

40 Finally, the bill appropriates \$8,950,000. Of that amount,
41 \$2,700,000 is appropriated to the Division of State Police to fund and
42 equip the counter-terrorism unit; \$1,000,000 is appropriated to fund
43 and enhance the services provided by the Office of Emergency
44 Management; \$2,000,000 is appropriated to fund, train and equip a
45 domestic emergency response team in the Department of Military and
46 Veterans Affairs; \$1,800,000 is appropriated to establish a program of

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1 laboratory services in the Department of Health and Senior Services
2 to provide for the prompt and accurate detection and analysis of
3 biological and chemical agents that may be used in terrorist acts and
4 \$1,450,000 is appropriated to the Department of Health and Senior
5 Services to fund a program of disease surveillance and epidemiological
6 investigation.

P.L. 2001, CHAPTER 246, *approved October 4, 2001*
Senate, No. 2575

1 AN ACT concerning domestic security preparedness, establishing a
2 domestic security preparedness planning group and task force and
3 making an appropriation therefor.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the "New Jersey
9 Domestic Security Preparedness Act."
10

11 2. The Legislature finds and declares:

12 a. The events of September 11, 2001 have refocused attention on
13 the importance of domestic preparedness for any terrorist attack, and
14 the utility of maintaining a select task force, comprised of
15 representatives of State government, local emergency management and
16 law enforcement officials, the Federal Emergency Management
17 Agency, the Federal Bureau of Investigation, and relief organizations,
18 for developing a coordinated plan of action to prepare for, respond to,
19 and recover from, incidents of terrorism;

20 b. Because the targets of terrorist activities may not be limited to
21 the public sector, the State also must review the preparedness of the
22 private sector to ensure its readiness and to foster cooperation and
23 coordination between the public and private sectors in assessing risks
24 and developing and implementing preparedness, response and recovery
25 strategies; and

26 c. It is, therefore, altogether fitting and proper, and within the
27 public interest, to reinforce and expand the State's existing anti-
28 terrorism efforts by integrating and enhancing intelligence gathering
29 and preparedness efforts throughout State and local government and
30 the private sector in New Jersey by establishing a New Jersey
31 Domestic Security Preparedness Task Force in, but not of, the
32 Department of Law and Public Safety, in order to maximize, enhance
33 and effectuate coordination of the disaster preparedness and recovery
34 resources provided through the Office of Emergency Management in
35 the Division of State Police, the New Jersey National Guard and
36 county and local emergency management organizations.
37

38 3. For the purposes of this act:

1 "Planning group" means the Domestic Security Preparedness
2 Planning Group established pursuant to section 8 of this act.

3 "Task force" means the Domestic Security Preparedness Task Force
4 created pursuant to section 4 of this act.

5
6 4. a. There is established in, but not of, the Department of Law
7 and Public Safety the Domestic Security Preparedness Task Force,
8 which shall provide statewide coordination and supervision of all
9 activities related to domestic preparedness for a terrorist attack. The
10 task force shall be composed of nine members: the Superintendent of
11 State Police or his designee, the Attorney General or his designee, the
12 Adjutant General of Military and Veterans' Affairs or his designee, the
13 Commissioner of Transportation or his designee, the Commissioner of
14 Health and Senior Services or his designee, the Coordinator of the
15 Office of Recovery and Victim Assistance, all of whom shall serve ex
16 officio, and three public members appointed by the Governor, with the
17 advice and consent of the Senate. One of the public members shall
18 have, by education or expertise, experience in chemical or biological
19 agents that may be used in acts of terrorism. The public members shall
20 serve for terms of three years and shall be subject to such security
21 screening as may be necessary or appropriate. Of the public members
22 first appointed, one shall be appointed for a term of one year, one shall
23 be appointed for a term of two years, and one shall be appointed for
24 a term of three years. The Governor shall appoint a chairperson from
25 among the members of the task force, who shall serve in that position
26 at the pleasure of the Governor. The chairperson shall act as the
27 State's liaison with the federal Homeland Security Council. In the
28 event the Governor shall appoint a public member as chairperson, that
29 appointee shall be accorded cabinet status for the purposes of
30 effectuating the purposes of this act. The task force shall adopt a plan
31 of operation for the carrying out of its duties, which shall be approved
32 by the Governor in accordance with the provisions of section 5 of this
33 act.

34 b. The task force may appoint, in accordance with its plan of
35 operation, such personnel, including attorneys, professionals in the
36 field of terrorism and terrorism preparedness, disaster response,
37 mitigation and recovery, and such other special consultants and
38 experts as may be deemed necessary to carry out its duties under this
39 act, as well as such clerical and other personnel as may be appropriate
40 and necessary. All employees appointed pursuant to this section shall
41 be in the unclassified service of the civil service of the State and shall
42 be deemed confidential employees for the purposes of the "New Jersey
43 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et
44 seq.).

45
46 5. The primary duties of the task force shall include, but not be

1 limited to:

2 a. The development of proposals to preserve , protect and sustain
3 domestic security and to ensure a comprehensive program of domestic
4 preparedness. The task force shall formulate proposals for operational
5 plans relative to domestic security, using inter-agency expertise,
6 coordination and resource planning to meet and address the need to
7 prevent terrorist attacks, to mitigate their impact, and to prepare and
8 plan for the various responses required in the event of a terrorist
9 attack. In carrying out this function, the task force shall identify and
10 assess potential risks to the domestic security and well-being of New
11 Jersey's citizens , including risks to, and disruptions of, essential State
12 and local infrastructures, transportation networks, public and private
13 telecommunications and information networks, financial systems and
14 networks, the delivery and availability of essential health care services,
15 and the potential impact of terroristic chemical, biological and nuclear
16 attacks or sabotage.

17 b. The development, implementation and management of
18 comprehensive responses to any terrorist attack or any other
19 technological disaster and the effective administration, management
20 and coordination of remediation and recovery actions and responses
21 following any such attack or disaster. In this regard, the task force
22 shall be charged with managing responses in accordance with the State
23 Emergency Operations Plan and serve as an all-hazards response
24 center. The disaster remediation, recovery and response functions
25 performed by the task force shall supplement those disaster relief
26 functions currently performed by the Office of Emergency
27 Management in the Division of State Police, which shall continue in its
28 current capacity, subject to the direction and supervision of the
29 Superintendent of State Police. The task force and Office of
30 Emergency Management shall coordinate and consult with each other
31 on the performance of their respective remediation, recovery and relief
32 functions.

33

34 6. a. The task force shall adopt domestic security and
35 preparedness standards, guidelines and protocols, subject to applicable
36 constitutional and statutory limitations, to preserve, protect and
37 sustain the critical assets of the State's infrastructure, which may be
38 applicable to both public and private entities and facilities, as may be
39 appropriate and critical to the public interest and well-being. In
40 adopting such standards, guidelines and protocols, the task force shall
41 not be bound by the requirements of the "Administrative Procedure
42 Act," P.L.1968, c.410 (C.52:14B-1 et seq.); however, no adoption
43 shall take place without review by the Infrastructure Advisory
44 Committee established pursuant to section 7 of this act and approval
45 by the Governor. The task force may issue and implement orders to
46 effectuate those standards, guidelines and protocols for the purposes

1 of this act.

2 b. The task force may draw on the assistance of any State, county,
3 or municipal government, independent authority or other agency or
4 instrumentality of the State for the purposes of carrying out its duties
5 under this act.

6 c. Subject to applicable constitutional and statutory limitations, the
7 task force may seek or request and, if necessary, compel the
8 production of such information as it deems necessary to perform its
9 duties under this act; provided, however, that any such information
10 that is confidential in nature, including proprietary information, shall
11 be deemed privileged and shall not be publicly disclosed by the task
12 force unless directly relating to the security, public safety or well-
13 being of the citizens of this State.

14

15 7. The task force shall establish an Infrastructure Advisory
16 Committee to assist it in fulfilling its obligations under this act. The
17 advisory committee shall act as a liaison to private industry throughout
18 the State and establish ongoing communication between private
19 industry, and any other private entity, and State and local officials
20 regarding domestic preparedness and the respective roles and
21 responsibilities of the public and private sectors, and shall serve as a
22 resource to the task force and the Domestic Security Preparedness
23 Planning Group established in section 8 of this act with respect to
24 domestic preparedness issues facing private industry and other private
25 entities. The advisory committee shall include representatives of gas,
26 water, .electric and utilities, nuclear facilities, and the
27 telecommunications, transportation, health care, chemical, and
28 pharmaceutical industries situate in or otherwise serving the citizens
29 of this State, as well as such other industries or entities the task force
30 deems appropriate.

31

32 8. a. There is established in the Department of Law and Public
33 Safety the Domestic Security Preparedness Planning Group, which
34 shall assist the task force in performing its duties under this act. In
35 cooperation with the task force, the planning group shall develop and
36 provide to the task force, for consideration, a coordinated plan to be
37 included in the State Emergency Operations Plan to prepare for,
38 respond to, mitigate and recover from incidents of terrorism.

39 b. The members of the planning group shall include the Director of
40 the New Jersey Office of Emergency Management, the Adjutant
41 General of Military and Veterans' Affairs or his designee, the
42 Commissioner of Agriculture or his designee, the Commissioner of
43 Community Affairs or his designee, the Commissioner of Corrections
44 or his designee, the Commissioner of Environmental Protection or his
45 designee, the Commissioner of Health and Senior Services or his
46 designee, the Commissioner of Human Services, or his designee, the

1 Commissioner of Transportation or his designee, the Executive
2 Director of the New Jersey Transit Corporation or his designee, the
3 State Treasurer or his designee, the New Jersey State Medical
4 Examiner or his designee, a representative of the University of
5 Medicine and Dentistry of New Jersey, the President of the Board of
6 Public Utilities or his designee, a representative of the New Jersey
7 County Emergency Management Coordinators Association, a
8 representative of the New Jersey State Fire Chiefs Association, and a
9 representative of the New Jersey State Police Chiefs Association. The
10 planning group may include, to the extent such individuals may be
11 made available for such purpose, a representative of the Federal
12 Emergency Management Agency, a representative of the Federal
13 Bureau of Investigation, a representative of the American Red Cross,
14 and a representative of such other charitable groups as may be
15 appropriate. The chairperson of the task force shall appoint the chair
16 and vice chair of the planning group.

17

18 9. a. It shall be the duty of the planning group to identify needs
19 and resources; to explore and determine the availability of the
20 resources available to meet those needs; to develop, coordinate and
21 integrate proposals to afford guidance to the task force in carrying out
22 its duties; to formulate recommendations for the development of
23 necessary training programs; and to provide such technical assistance
24 as may be appropriate and necessary for the task force to fulfill its
25 duties under this act. To the extent that the planning group obtains
26 critical or sensitive intelligence information, such information shall be
27 confidential. The planning group, in consultation with the task force,
28 shall obtain and maintain data on the security needs of State and local
29 governments and shall serve as the central agency for submitting
30 applications to the federal government for terrorism planning and
31 equipment grants.

32 b. There shall be established within the planning group a Weapons
33 of Mass Destruction Advisory Committee. For the purposes of this
34 subsection, weapons of mass destruction shall include, but not be
35 limited to, nuclear weapons and biological or chemical agents. The
36 Adjutant General of Military and Veterans' Affairs, or his designee,
37 shall chair the advisory committee. The committee shall investigate
38 and assess the nature and extent of the risk associated with terroristic
39 attack or sabotage involving such weapons and shall assist the
40 planning group and task force in developing appropriate preparedness
41 plans. In performing its duties, the advisory committee may call upon
42 the expertise, special training, and technological skill and capability
43 of the New Jersey National Guard in the development, preparation,
44 coordination and integration of the plans.

45

46 10. Whenever it appears to the task force that a person knowingly

1 has refused or failed to comply with applicable domestic security
2 preparedness standards or furnish information required by this act, the
3 Attorney General may institute an action or proceeding in the Superior
4 Court for equitable and other relief, which the court shall order if
5 necessary to preserve, protect or sustain the public safety or well-
6 being. That relief may include assessment for the costs of any
7 investigation, inspection, or monitoring and for the reasonable costs
8 of preparing and litigating a case brought pursuant to this section.
9 Any assessments imposed pursuant to this provisions of this section
10 shall be deposited into the General Fund.

11

12 11. a. No record held, maintained or kept on file by the task force
13 or the planning group shall be deemed to be a public record under the
14 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law
15 concerning access to public records. The task force and the planning
16 group shall designate such records as may be available for public
17 inspection when, in the sole discretion of the entity possessing the
18 record, the inspection of those records shall not jeopardize the public
19 safety.

20 b. Cognizant of the public safety and well-being of the citizens of
21 this State and their domestic security, neither the task force nor the
22 planning group shall be subject to the provisions of the "Open Public
23 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

24

25 12. The Commissioner of Health and Senior Services shall establish
26 or cause to be established a program of laboratory services for the
27 prompt and accurate detection and analysis of biological and chemical
28 agents that may be or have been used in the commission of terroristic
29 acts or any other technological disaster. The program shall include the
30 capacity to detect, analyze and identify chemical agents so used during
31 and beyond the first 24 hours of a suspected event, and to support the
32 safe handling of potentially dangerous environmental and clinical
33 specimens so identified.

34

35 13. The task force shall issue a report annually to the Legislature,
36 as provided herein, as to its activities during the preceding year. The
37 report shall include, but not be limited to, an account of the general
38 security measures that have been implemented during the preceding
39 year, the public and private entities that are affected by the work of the
40 task force, and such other information as may be necessary or useful
41 to the Legislature with respect to the task force's operations. The
42 report shall be submitted to the President of the Senate, the Speaker
43 of the General Assembly, the Minority Leader of the Senate, and the
44 Minority Leader of the General Assembly, as well as the chairperson
45 of the Senate Legislative Oversight Committee, or its successor, and
46 the chairperson of the Assembly Regulatory Oversight Committee, or

1 its successor. Such information as is presented in the report shall be
2 deemed confidential.

3
4 14. a. There is appropriated from the General Fund to the Division
5 of State Police in the Department of Law and Public Safety the sum of
6 \$2,700,000 to support and expand the counter-terrorism unit
7 established in the Division of State Police. Of the amount so
8 appropriated, \$2,000,000 is allocated for operating costs, including
9 personnel, and \$700,000 is allocated to fund the acquisition of
10 equipment necessary for the purposes of this act.

11 b. There is appropriated from the General Fund to the Office of
12 Emergency Management in the Division of State Police in the
13 Department of Law and Public Safety the sum of \$1,000,000 to fund
14 enhancement of the services provided by that office pursuant to this
15 act.

16 c. There is appropriated from the General Fund to the Department
17 of Military and Veterans Affairs the sum of \$2,000,000 to support the
18 training and equipping of domestic emergency response teams. Of the
19 amount so appropriated, \$1,300,000 is allocated for operating costs
20 including personnel, and \$700,000 is allocated to fund the acquisition
21 of equipment necessary for the purposes of this act.

22 d. There is appropriated from the General Fund to the Department
23 of Health and Senior Services the sum of \$1,800,000 to fund the
24 program of laboratory services established in section 12 of P.L. ,
25 c. (C.) (now pending before the Legislature as this bill).

26 e. There is appropriated from the General Fund to the Department
27 of Health and Senior Services the sum of \$1,450,000 to fund a
28 program of disease surveillance and epidemiological investigation.

29
30 15. This act shall take effect immediately; provided, however, that
31 on the first day of the 65th month following enactment the Governor
32 shall give notice to the Legislature to review the conduct and
33 performance of the Domestic Security Preparedness Task Force. If
34 the Legislature fails to adopt, by a two-thirds majority of each House,
35 a joint resolution finding that the task force as formulated under this
36 act has either failed to adequately perform its duties pursuant to this
37 act or that the task force is no longer necessary to preserve, protect
38 and sustain the domestic security and preparedness and, therefore shall
39 be dissolved, the task force shall continue.

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STATEMENT

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44 This bill, the “New Jersey Domestic Security Preparedness Act,”
45 would reinforce and expand New Jersey’s existing anti-terrorism
46 efforts by enhancing and integrating security planning and

1 preparedness measures throughout the State. By establishing a
2 cooperative effort between government at all levels (State, local and
3 federal) and the private sector, the bill is designed to foster and
4 stimulate a greater unification and coordination of the State's domestic
5 security preparedness and planning.

6 The bill establishes the Domestic Security Preparedness Task Force,
7 a nine member body, charged with two primary responsibilities:

8 (1) Developing proposals to preserve and sustain domestic security
9 and to ensure a comprehensive program of domestic preparedness,
10 particularly with regard to New Jersey's infrastructure, transportation
11 system, telecommunications and information systems, financial systems
12 and network, health services and the potential impact of terrorist
13 attacks or sabotage involving chemical or biological agents or nuclear
14 weapons; and

15 (2) Developing, implementing and managing comprehensive
16 responses to terroristic attacks or other technological disasters.

17 To assist the task force in fulfilling its responsibilities, the bill
18 authorizes the creation of an Infrastructure Advisory Committee to act
19 as a liaison between the public and private sectors.

20 The actual development of the plan is the responsibility of the
21 Domestic Security Preparedness Planning Group. Working in
22 conjunction with the task force, the planning group is to develop a
23 coordinated plan for consideration by the task force to prepare for,
24 respond to, mitigate and recover from incidents of terrorism. This
25 plan is to be incorporated in the current State Emergency Operations
26 Plan. The members of the planning group include representatives from
27 a wide range of State offices and agencies, charitable groups and, to
28 the extent available, federal officials. The bill also establishes a
29 Weapons of Mass Destruction Advisory Committee within the
30 planning group, under the direction of Adjutant General of Military
31 and Veterans' Affairs, to assess the nature and extent of the risk to
32 New Jersey's citizens from terrorist attacks or sabotage involving
33 nuclear weapons or biological or chemical agents and to assist the task
34 force in preparing appropriate security and preparedness plans.

35 Recognizing the central role these bodies will play in the security
36 and well-being of the citizens of New Jersey, the bill exempts these
37 entities from the public disclosure requirements imposed under
38 P.L.1963, c.73 (C.47:1A-1 et seq.) and the provisions of the "Open
39 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

40 The bill also requires the task force annually to report on its
41 activities to the Legislature. Recognizing the nature of the task
42 force's work, the report is to be deemed confidential and to be
43 submitted directly to the President of the Senate, the Speaker of the
44 General Assembly, the Minority Leader of the Senate, the Minority
45 Leader of the General Assembly and the chairs of the Senate
46 Legislative Oversight Committee and the Assembly Regulatory

1 Oversight Committee.

2 Finally, the bill appropriates \$8,950,000. Of that amount,
3 \$2,700,000 is appropriated to the Division of State Police to fund and
4 equip the counter-terrorism unit; \$1,000,000 is appropriated to fund
5 and enhance the services provided by the Office of Emergency
6 Management; \$2,000,000 is appropriated to fund, train and equip a
7 domestic emergency response team in the Department of Military and
8 Veterans Affairs; \$1,800,000 is appropriated to establish a program of
9 laboratory services in the Department of Health and Senior Services
10 to provide for the prompt and accurate detection and analysis of
11 biological and chemical agents that may be used in terrorist acts and
12 \$1,450,000 is appropriated to the Department of Health and Senior
13 Services to fund a program of disease surveillance and epidemiological
14 investigation.

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19 The “New Jersey Domestic Security Preparedness Act;” appropriates
20 \$8.95 million.

CHAPTER 246

AN ACT concerning domestic security preparedness, establishing a domestic security preparedness planning group and task force and making an appropriation therefor.

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

C.App.A:9-64 Short title.

1. This act shall be known and may be cited as the "New Jersey Domestic Security Preparedness Act."

C.App.A:9-65 Findings, declarations relative to domestic security preparedness.

2. The Legislature finds and declares:

a. The events of September 11, 2001 have refocused attention on the importance of domestic preparedness for any terrorist attack, and the utility of maintaining a select task force, comprised of representatives of State government, local emergency management and law enforcement officials, the Federal Emergency Management Agency, the Federal Bureau of Investigation, and relief organizations, for developing a coordinated plan of action to prepare for, respond to, and recover from, incidents of terrorism;

b. Because the targets of terrorist activities may not be limited to the public sector, the State also must review the preparedness of the private sector to ensure its readiness and to foster cooperation and coordination between the public and private sectors in assessing risks and developing and implementing preparedness, response and recovery strategies; and

c. It is, therefore, altogether fitting and proper, and within the public interest, to reinforce and expand the State's existing anti-terrorism efforts by integrating and enhancing intelligence gathering and preparedness efforts throughout State and local government and the private sector in New Jersey by establishing a New Jersey Domestic Security Preparedness Task Force in, but not of, the Department of Law and Public Safety, in order to maximize, enhance and effectuate coordination of the disaster preparedness and recovery resources provided through the Office of Emergency Management in the Division of State Police, the New Jersey National Guard and county and local emergency management organizations.

C.App.A:9-66 Definitions relative to domestic security preparedness.

3. For the purposes of this act:

"Planning group" means the Domestic Security Preparedness Planning Group established pursuant to section 8 of this act.

"Task force" means the Domestic Security Preparedness Task Force created pursuant to section 4 of this act.

C.App.A:9-67 Domestic Security Preparedness Task Force.

4. a. There is established in, but not of, the Department of Law and Public Safety the Domestic Security Preparedness Task Force, which shall provide Statewide coordination and supervision of all activities related to domestic preparedness for a terrorist attack. The task force shall be composed of nine members: the Superintendent of State Police or his designee, the Attorney General or his designee, the Adjutant General of Military and Veterans' Affairs or his designee, the Commissioner of Transportation or his designee, the Commissioner of Health and Senior Services or his designee, the Coordinator of the Office of Recovery and Victim Assistance, all of whom shall serve *ex officio*, and three public members appointed by the Governor, with the advice and consent of the Senate. One of the public members shall have, by education or expertise, experience in chemical or biological agents that may be used in acts of terrorism. The public members shall serve for terms of three years and shall be subject to such security screening as may be necessary or appropriate. Of the public members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years. The Governor shall appoint a chairperson from among the members of the task force, who shall serve in that position at the pleasure of the Governor. The chairperson shall act as the State's liaison with the federal Homeland Security Council. In the event the Governor shall appoint a public member as chairperson, that appointee shall be accorded cabinet status for the purposes of effectuating the purposes of this act. The task force shall adopt a plan of operation for the carrying out of its duties, which shall be

approved by the Governor in accordance with the provisions of section 5 of this act.

b. The task force may appoint, in accordance with its plan of operation, such personnel, including attorneys, professionals in the field of terrorism and terrorism preparedness, disaster response, mitigation and recovery, and such other special consultants and experts as may be deemed necessary to carry out its duties under this act, as well as such clerical and other personnel as may be appropriate and necessary. All employees appointed pursuant to this section shall be in the unclassified service of the civil service of the State and shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

C.App.A:9-68 Duties of task force.

5. The primary duties of the task force shall include, but not be limited to:

a. The development of proposals to preserve, protect and sustain domestic security and to ensure a comprehensive program of domestic preparedness. The task force shall formulate proposals for operational plans relative to domestic security, using inter-agency expertise, coordination and resource planning to meet and address the need to prevent terrorist attacks, to mitigate their impact, and to prepare and plan for the various responses required in the event of a terrorist attack. In carrying out this function, the task force shall identify and assess potential risks to the domestic security and well-being of New Jersey's citizens, including risks to, and disruptions of, essential State and local infrastructures, transportation networks, public and private telecommunications and information networks, financial systems and networks, the delivery and availability of essential health care services, and the potential impact of terroristic chemical, biological and nuclear attacks or sabotage.

b. The development, implementation and management of comprehensive responses to any terrorist attack or any other technological disaster and the effective administration, management and coordination of remediation and recovery actions and responses following any such attack or disaster. In this regard, the task force shall be charged with managing responses in accordance with the State Emergency Operations Plan and serve as an all-hazards response center. The disaster remediation, recovery and response functions performed by the task force shall supplement those disaster relief functions currently performed by the Office of Emergency Management in the Division of State Police, which shall continue in its current capacity, subject to the direction and supervision of the Superintendent of State Police. The task force and Office of Emergency Management shall coordinate and consult with each other on the performance of their respective remediation, recovery and relief functions.

C.App.A:9-69 Adoption of standards, guidelines, protocols.

6. a. The task force shall adopt domestic security and preparedness standards, guidelines and protocols, subject to applicable constitutional and statutory limitations, to preserve, protect and sustain the critical assets of the State's infrastructure, which may be applicable to both public and private entities and facilities, as may be appropriate and critical to the public interest and well-being. In adopting such standards, guidelines and protocols, the task force shall not be bound by the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); however, no adoption shall take place without review by the Infrastructure Advisory Committee established pursuant to section 7 of this act and approval by the Governor. The task force may issue and implement orders to effectuate those standards, guidelines and protocols for the purposes of this act.

b. The task force may draw on the assistance of any State, county, or municipal government, independent authority or other agency or instrumentality of the State for the purposes of carrying out its duties under this act.

c. Subject to applicable constitutional and statutory limitations, the task force may seek or request and, if necessary, compel the production of such information as it deems necessary to perform its duties under this act; provided, however, that any such information that is confidential in nature, including proprietary information, shall be deemed privileged and shall not be publicly disclosed by the task force unless directly relating to the security, public safety or well-being of the citizens of this State.

C.App.A:9-70 Infrastructure Advisory Committee.

7. The task force shall establish an Infrastructure Advisory Committee to assist it in fulfilling its obligations under this act. The advisory committee shall act as a liaison to private industry throughout the State and establish ongoing communication between private industry, and any other private entity, and State and local officials regarding domestic preparedness and the respective roles and responsibilities of the public and private sectors, and shall serve as a resource to the task force and the Domestic Security Preparedness Planning Group established in section 8 of this act with respect to domestic preparedness issues facing private industry and other private entities. The advisory committee shall include representatives of gas, water, electric and utilities, nuclear facilities, and the telecommunications, transportation, health care, chemical, and pharmaceutical industries situate in or otherwise serving the citizens of this State, as well as such other industries or entities the task force deems appropriate.

C.App.A:9-71 Domestic Security Preparedness Planning Group.

8. a. There is established in the Department of Law and Public Safety the Domestic Security Preparedness Planning Group, which shall assist the task force in performing its duties under this act. In cooperation with the task force, the planning group shall develop and provide to the task force, for consideration, a coordinated plan to be included in the State Emergency Operations Plan to prepare for, respond to, mitigate and recover from incidents of terrorism.

b. The members of the planning group shall include the Director of the New Jersey Office of Emergency Management, the Adjutant General of Military and Veterans' Affairs or his designee, the Commissioner of Agriculture or his designee, the Commissioner of Community Affairs or his designee, the Commissioner of Corrections or his designee, the Commissioner of Environmental Protection or his designee, the Commissioner of Health and Senior Services or his designee, the Commissioner of Human Services, or his designee, the Commissioner of Transportation or his designee, the Executive Director of the New Jersey Transit Corporation or his designee, the State Treasurer or his designee, the New Jersey State Medical Examiner or his designee, a representative of the University of Medicine and Dentistry of New Jersey, the President of the Board of Public Utilities or his designee, a representative of the New Jersey County Emergency Management Coordinators Association, a representative of the New Jersey State Fire Chiefs Association, and a representative of the New Jersey State Police Chiefs Association. The planning group may include, to the extent such individuals may be made available for such purpose, a representative of the Federal Emergency Management Agency, a representative of the Federal Bureau of Investigation, a representative of the American Red Cross, and a representative of such other charitable groups as may be appropriate. The chairperson of the task force shall appoint the chair and vice chair of the planning group.

C.App.A:9-72 Duties of planning group.

9. a. It shall be the duty of the planning group to identify needs and resources; to explore and determine the availability of the resources available to meet those needs; to develop, coordinate and integrate proposals to afford guidance to the task force in carrying out its duties; to formulate recommendations for the development of necessary training programs; and to provide such technical assistance as may be appropriate and necessary for the task force to fulfill its duties under this act. To the extent that the planning group obtains critical or sensitive intelligence information, such information shall be confidential. The planning group, in consultation with the task force, shall obtain and maintain data on the security needs of State and local governments and shall serve as the central agency for submitting applications to the federal government for terrorism planning and equipment grants.

b. There shall be established within the planning group a Weapons of Mass Destruction Advisory Committee. For the purposes of this subsection, weapons of mass destruction shall include, but not be limited to, nuclear weapons and biological or chemical agents. The Adjutant General of Military and Veterans' Affairs, or his designee, shall chair the advisory committee. The committee shall investigate and assess the nature and extent of the risk associated with terroristic attack or sabotage involving such weapons and shall assist the planning group and task force in developing appropriate preparedness plans. In performing its duties, the advisory

committee may call upon the expertise, special training, and technological skill and capability of the New Jersey National Guard in the development, preparation, coordination and integration of the plans.

C.App.A:9-73 Noncompliance, action for relief.

10. Whenever it appears to the task force that a person knowingly has refused or failed to comply with applicable domestic security preparedness standards or furnish information required by this act, the Attorney General may institute an action or proceeding in the Superior Court for equitable and other relief, which the court shall order if necessary to preserve, protect or sustain the public safety or well-being. That relief may include assessment for the costs of any investigation, inspection, or monitoring and for the reasonable costs of preparing and litigating a case brought pursuant to this section. Any assessments imposed pursuant to this provisions of this section shall be deposited into the General Fund.

C.App.A:9-74 Records not deemed public; OPMA not applicable.

11. a. No record held, maintained or kept on file by the task force or the planning group shall be deemed to be a public record under the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning access to public records. The task force and the planning group shall designate such records as may be available for public inspection when, in the sole discretion of the entity possessing the record, the inspection of those records shall not jeopardize the public safety.

b. Cognizant of the public safety and well-being of the citizens of this State and their domestic security, neither the task force nor the planning group shall be subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

C.App.A:9-75 Program of laboratory services for detection, analysis of chemical, biological agents.

12. The Commissioner of Health and Senior Services shall establish or cause to be established a program of laboratory services for the prompt and accurate detection and analysis of biological and chemical agents that may be or have been used in the commission of terroristic acts or any other technological disaster. The program shall include the capacity to detect, analyze and identify chemical agents so used during and beyond the first 24 hours of a suspected event, and to support the safe handling of potentially dangerous environmental and clinical specimens so identified.

C.App.A:9-76 Annual report by task force to Legislature.

13. The task force shall issue a report annually to the Legislature, as provided herein, as to its activities during the preceding year. The report shall include, but not be limited to, an account of the general security measures that have been implemented during the preceding year, the public and private entities that are affected by the work of the task force, and such other information as may be necessary or useful to the Legislature with respect to the task force's operations. The report shall be submitted to the President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly, as well as the chairperson of the Senate Legislative Oversight Committee, or its successor, and the chairperson of the Assembly Regulatory Oversight Committee, or its successor. Such information as is presented in the report shall be deemed confidential.

14. a. There is appropriated from the General Fund to the Division of State Police in the Department of Law and Public Safety the sum of \$2,700,000 to support and expand the counter-terrorism unit established in the Division of State Police. Of the amount so appropriated, \$2,000,000 is allocated for operating costs, including personnel, and \$700,000 is allocated to fund the acquisition of equipment necessary for the purposes of this act.

b. There is appropriated from the General Fund to the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety the sum of \$1,000,000 to fund enhancement of the services provided by that office pursuant to this act.

c. There is appropriated from the General Fund to the Department of Military and Veterans' Affairs the sum of \$2,000,000 to support the training and equipping of domestic emergency response teams. Of the amount so appropriated, \$1,300,000 is allocated for operating costs including personnel, and \$700,000 is allocated to fund the acquisition of equipment necessary for the purposes of this act.

d. There is appropriated from the General Fund to the Department of Health and Senior Services the sum of \$1,800,000 to fund the program of laboratory services established in section 12 of P.L.2001, c.246 (C.App.A:9-75).

e. There is appropriated from the General Fund to the Department of Health and Senior Services the sum of \$1,450,000 to fund a program of disease surveillance and epidemiological investigation.

C.App.A:9-77 Effective date, continuance of task force.

15. This act shall take effect immediately; provided, however, that on the first day of the 65th month following enactment the Governor shall give notice to the Legislature to review the conduct and performance of the Domestic Security Preparedness Task Force. If the Legislature fails to adopt, by a two-thirds majority of each House, a joint resolution finding that the task force as formulated under this act has either failed to adequately perform its duties pursuant to this act or that the task force is no longer necessary to preserve, protect and sustain the domestic security and preparedness and, therefore shall be dissolved, the task force shall continue.

Approved October 4, 2001.

Office of the Governor
NEWS RELEASE

CONTACT: Tom Wilson/Rae Hutton
609-777-2600

RELEASE: October, 4 , 2001

DiFrancesco Signs Anti-Terrorism and Victims' Assistance Bills Following Unanimous, Bipartisan Support of Legislature Includes Domestic Security Preparedness Task Force

Acting Governor Donald T. DiFrancesco today signed into law four bills to increase anti-terrorism efforts and aid disaster victims and their families. The legislation was introduced yesterday and passed the same day with unanimous, bipartisan support following the acting Governor's address to a Joint Session of the Legislature.

"In less than 24 hours, the Legislature introduced, modified and passed these four bills that will support our response to terrorism and help us meet this threat for years to come. By any measure, their action was historic. Without a single 'no' vote, legislators came together in a bipartisan way to pass some of the most important legislation we may ever see in New Jersey," stated DiFrancesco.

DiFrancesco signed the following legislation today:

- S-2575, New Jersey Domestic Security Preparedness Act to create a New Jersey Domestic Security Preparedness Task Force, which will report directly to the Governor, and will improve response planning and crisis management capabilities, fight biological and chemical terrorism and provide statewide disease surveillance.
- A-22, New Jersey Victims Assistance Act of 2001 to allow state agencies the flexibility needed to address victims' needs by extending time requirements and filing deadlines for affected families.
- A-21, Declaration of Death Act to ease the restrictions concerning death certificates in a catastrophic event and waive all application fees for victims and their loved ones.
- S-3727, Emergency Management Assistance Compact to enter into a 41-state compact to provide mutual assistance and cooperation in emergency-related training and disaster response.

The New Jersey Domestic Security Preparedness Act of 2001 - the centerpiece of the acting Governor's anti-terrorism package - was sponsored by Speaker Jack Collins and Minority Leader Joe Doria in the Assembly and Senate Majority Leader John Bennett and Senator Ray Lesniak. It commits nearly \$9 million to enhancing existing anti-terrorism efforts and establishes the New Jersey Domestic Security Preparedness Task Force.

"Let me be clear at the outset: the work of this Task Force will not change the constitutional rights of any citizen in any way, shape, or form. The role of this Task Force is not to take away our civil rights, but to safeguard our liberties," DiFrancesco remarked.

The Task Force will also have an Infrastructure Advisory Committee that will serve as a liaison between the public and private sectors to ensure that the Task Force's work meets reasonable standards for change that do not create undue hardships for private industry or for government.

The nine-member Task Force board, which reports directly to the Governor, will be comprised of the Superintendent of the Division of State Police, Attorney General, Adjutant General of the Department of Military and Veterans' Affairs, Commissioner of the Department of Transportation, Commissioner of the Department of Health and Senior Services and Coordinator of the Office of Recovery and Victim Assistance or their designees. Additionally, three public members are to be appointed by the Governor with the consent of the Senate.

"I am confident that - with the help of our legislators and the support of our citizens - we will continue to do all that must be done to provide for all New Jerseyans and to protect our great state and nation. We can do no less - for the sake of our families, for the sake of our children, for the memories of those who gave their lives in this tragedy," concluded the acting Governor.

Bill descriptions are attached.

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New Jersey Domestic Security Preparedness Act S-2575

The ANew Jersey Domestic Security Preparedness Act,@ (NJDSPA) will reinforce and expand our existing anti-terrorism efforts by enhancing and integrating security planning and preparedness measures throughout the State. By establishing a cooperative effort between government at all levels, and the private sector, the NJDSPA is designed to foster and stimulate a greater unification and coordination of the State=s domestic security preparedness and planning.

Section 4 of the NJDSPA establishes the Domestic Security Preparedness Task Force as a nine member body comprised of cabinet level officials, the Superintendent of the State Police, the Coordinator of the Office of Recovery and Victim Assistance and three public members. The task force will adopt a plan of operation which must be approved by the Governor

Section 5 of the bill identifies the primary responsibilities of the task force to include but not be limited to: (1) developing proposals to preserve, protect and sustain domestic security and to ensure a comprehensive program of domestic preparedness, particularly with regard to New Jersey=s infrastructure, transportation system, telecommunications and information systems, financial systems and network, health services and the potential impact of terrorist attacks or sabotage involving chemical or biological agents or nuclear weapons; and (2) developing, implementing and managing comprehensive responses to terroristic attacks or other technological disasters. Section 5 also notes that disaster remediation, recovery and response functions performed by the task force will supplement, rather than replace, those disaster relief functions currently performed by the Office of Emergency Management.

Section 6 of the NJDSPA requires the task force to adopt domestic security and preparedness standards, guidelines and protocols to preserve, protect and sustain the critical assets of the State's infrastructure, which may be applicable to both public and private entities and facilities, as may be appropriate and critical to the public interest and well being. In adopting such standards, protocols and guidelines, the task force shall not be bound by the requirements of the Administrative Procedure Act, @ however, no adoption shall take place without review by the Infrastructure Advisory Committee (established in section 7) and approval by the Governor.

Section 6 also authorizes the task force, subject to applicable constitutional and statutory limitations, to seek or request and, if necessary compel, the production of such information as the task force deems necessary to carry out its duties under the NJDSPA; provided, however, that any such information that is confidential in nature, including proprietary information, shall be deemed privileged and shall not be publicly disclosed by the task force without cause directly relating to the security, public safety or well being of the citizens of this State.

Section 7 requires the task force to establish an Infrastructure Advisory Committee to assist it in the carrying out of its obligations. The advisory committee shall act as a liaison to private industry throughout the State, and will establish ongoing communication between private industry, and any other private entity, and State and local officials regarding domestic preparedness and the respective roles and responsibilities of the public and private sectors. The advisory committee will serve as a resource to the task force and the planning group (established in section 8) with respect to domestic preparedness issues facing private industry and other private entities. The advisory committee will include representatives of gas, water, electric utilities and nuclear facilities, and the telecommunications, transportation, health care, chemical, and pharmaceutical industries situate in, or otherwise serving the citizens of this State, as well as such other industries or entities the task force deems appropriate.

Section 8 establishes the New Jersey Domestic Security Preparedness Planning Group to assist the task force in performing its duties. In cooperation with the task force, the planning group shall develop and provide to the task force, for consideration, a coordinated plan, to be included in the State Emergency Operations Plan, to prepare for, respond to, mitigate and recover from incidents of terrorism. The membership of the planning group is set forth in this section.

Section 9 requires the planning group to identify New Jersey's needs and resources, to develop, coordinate and integrate proposals to afford guidance to the task force in carrying out its duties, to formulate recommendations for the development of necessary training programs, and to provide such technical assistance as may be appropriate and necessary for the task force to fulfill its duties under this act. To the extent that the planning group obtains critical or sensitive intelligence information, such information shall be confidential. The planning group, in consultation with the task force, will obtain and maintain data on the security needs of State and local governments and shall serve as the central agency for submitting applications to the federal government for terrorism planning and equipment grants.

Section 9 directs the task force to establish, within the planning group, a Weapons of Mass Destruction Advisory Committee. The committee will investigate and assess the nature and extent of the risk associated with terroristic attack or sabotage involving such weapons and shall assist the task force in developing appropriate preparedness plans.

Section 10 of the NJDSPA authorizes the Attorney General to institute an action or proceeding in the Superior Court for equitable and other relief if a person knowingly has refused or failed to comply with applicable domestic security preparedness standards or furnish information required by the NJDSPA.

Section 11 of the NJDSPA mandates that no record held, maintained or kept on file by the task force or the planning group shall be deemed to public record. The task force and the planning group shall designate such records as may be available for public inspection when, in the sole discretion of the entity possessing the record, the inspection of those records shall not jeopardize the public safety. In addition neither the task force nor the planning group shall be subject to the provisions of the AOpen Public Meetings Act."

Section 12 directs the Commissioner of Health and Senior Services to establish or cause to be established a program of laboratory services for the prompt and accurate detection and analysis of biological and chemical agents that may be or have been used in the commission of terroristic acts or any other technological disaster. The program shall include the capacity to detect, analyze and identify chemical agents so used during and beyond the first 24 hours of a suspected event, and to support the safe handling of potentially dangerous environmental and clinical specimens so identified.

Section 13 requires the task force to issue an annual report to the Legislature as to their activities during the preceding year. The report shall include, but not be limited to, an account of the general security measures that have been implemented during the preceding year, the public and private entities that are affected by the work of the task force, and such other information as may be necessary or useful to the Legislature.

Section 14 of the NJDSPA appropriates \$8,950,000. \$2.7M to the Division of State Police to fund a counter-terrorism unit; \$1M to fund and enhance the services provided by the Office of Emergency Management; \$2M to fund, train and equip a domestic emergency response team in the Department of Military and Veterans Affairs; \$1.8M to establish a program of laboratory services in the Department of Health and Senior Services to provide for the prompt and accurate detection and analysis of biological and chemical agents that may be used in terrorist acts and \$1.45M to the Department of Health and Senior Services to fund a program of disease surveillance and investigation.

Section 15 directs the Governor, 65 months following enactment, to give notice to the Legislature to review the conduct and performance of the task force. If the Legislature fails to find that the task force has adequately performed its duties, the task force will continue to operate.

New Jersey Terrorism Victims' Assistance Act of 2001

A-22/S-21

Collins/Doria and Bennett/Codey

- This bill authorizes the Governor to expedite the receipt of State benefits or assistance by the victims and families of victims of the September 11, 2001 terrorist attack on the United States. It provides that, upon recommendation of a State agency, the Governor, in regard to victims of the attack and their families, may waive certain administrative requirements and approve the payment of benefits or the provision of assistance under State programs, and extend deadlines for certain filings with, and payments (with interest and penalties forgiven) to, State agencies.
- The bill also authorizes the governing body of a municipality to adopt a resolution temporarily waiving interest on any property tax assessments due on or before December 31, 2001 in regard to victims of the attack and the families of such victims.
- The legislation sunsets on December 31 on the premise that if permanent program changes are needed, there will be time in December to effectuate them in the normal course of legislative business.
- Notice of waivers or extensions would be published in the New Jersey Register and on the State agency's website and a copy thereof transmitted to the presiding officers of each house of the Legislature and chairpersons of the budget committees of each house.

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

BILL NO:

Assembly Bill No. 3727 (2001)

Senate Bill No. 2490 (2001)

SPONSORS:

Assemblymembers Kelly and Zecker.

Senators Allen and Palaia.

PURPOSE:

The Emergency Management Assistance Compact (EMAC) is an interstate mutual assistance agreement that provides for sharing of resources by party jurisdictions, to manage any emergency or disaster that is duly declared by the Governor of any affected state, whether arising from technological hazard, natural or other disaster, civil emergency, resource shortage, community disorder, insurgency or enemy attack.

The Governor's Advisory Council on Emergency Services has recommended that the Emergency Management Assistance Compact (EMAC) be enacted in New Jersey. Forty-one

states, including New York (which became a member on September 17, 2001), Delaware and Pennsylvania, and two territories are current signatories to the compact.

Requests for EMAC assistance are legally binding contractual arrangements which make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States can rest assured that sending aid will not be a financial or legal burden for them. EMAC allows states to ask for whatever assistance they need for any emergency, from earthquakes to acts of terrorism.

While states are capable of managing most emergencies, there are times when disasters exceed state and local resources and therefore require outside assistance - this assistance usually comes from federal agencies. However, not all disasters are eligible for federal disaster assistance. EMAC provides another way for states to receive interstate aid in a disaster. EMAC assistance may supplement federal assistance when the latter is available or replace federal assistance when unavailable. Most important, EMAC allows for a quick response to disasters using the unique resources and expertise possessed by member states.

EMAC is supported by the National Governors' Conference and the Federal Emergency Management Agency. In 1996, that agency assured states that accepting interstate aid will not be a factor in the agency's review of disaster declaration requests.

DECLARATION OF DEATH

Bill Numbers: A-21 and S-20

Sponsors:

A-21 (Collins/Doria)

S-20 (Codey/Bennett)

Purpose: Provides for a presumption of death for persons exposed to a catastrophic event.

- Currently, N.J.S.A. 3B:27-1 allows for a person missing for five years to be presumed dead or at an earlier time in certain circumstances. Present common law recognizes a "special peril" doctrine to allow persons exposed to a peril to be presumed dead earlier than the five year statutory period. The Supreme Court and Administrative Office of the Courts have relaxed all applicable court rules to and established procedures to assist families in obtaining a declaration of death as expeditiously as possible.
- This bill codifies the special peril doctrine by creating a special subsection of N.J.S.A. 3B:27-1 to provide that a person exposed to a specific event certified by the Governor as a catastrophic event that has resulted in loss of life to persons known and unknown whose absence is not satisfactorily explained after diligent search and inquiry may be presumed to be dead as of the time of the catastrophic event.
- The bill also adds a section to provide that a State resident who has obtained a declaration of death pursuant to the above section may apply for and the court shall

order the State registrar of vital statistics to issue a death certificate at no cost to the applicant.

- The bill also provides the authority for the Attorney General to initiate and intervene in any proceedings to assist persons in seeking a declaration of death pursuant to this subsection.