

38A:3-6.1

LEGISLATIVE HISTORY CHECKLIST

HJSA 38A:3-6.1 (Civil emergencies - Disasters - National Guard can be ordered to active duty to assist)

LAWS OF 1979 CHAPTER 240

Bill No. A3182

Sponsor(s) Mays

Date Introduced February 26, 1979

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage ~~Yes~~ No

Date of Passage: Assembly June 21, 1979

Senate June 25, 1979

Date of approval December 12, 1979

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Note: Fiscal note (mentioned in Assembly Committee statement) was not issued.

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5/1/78

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ASSEMBLY, No. 3182

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1979

By Assemblyman MAYS

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the Department of Defense, its composition and the powers and duties of the Chief of Staff and supplementing chapter 3 of Title 38A of the New Jersey Statutes.

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

1 1. In addition to any other powers, the Chief of Staff under the  
2 direction of the Governor shall have the authority to order to  
3 active duty, with or without pay, in State service, such members  
4 of the New Jersey National Guard, that in his judgment are nec-  
5 essary to provide aid to localities in circumstances which threaten  
6 or are a danger to the public health, safety or welfare. He may  
7 authorize the employment of any supporting vehicles, equipment,  
8 communications or supplies as may be necessary to support the  
9 members so ordered. No member shall be ordered to active duty  
10 without pay unless the member has consented to such service.  
11 Members serving without pay shall have all of the obligations,  
12 rights, benefits, privileges, protections and immunities as if or-  
13 dered to active duty with pay.

1 2. This act shall take effect immediately.

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STATEMENT

The responses of State Government necessary to preserve the public health and safety in various municipalities during the severe snow storms of the past two winters and during the recent rain storms have demonstrated the need for specific statutory authority to provide a more flexible response capability by the National Guard at the local level.

During the snow storms, in the absence of formal mobilization, approximately 550 members of the National Guard volunteered their services throughout the State and without pay to provide aid to localities which required a measure of assistance which was less

than that which would have been provided by full unit personnel or equipment mobilization. Specifically, four-wheeled drive military vehicles were deployed and other military emergency equipment was utilized in various isolated instances throughout the State to transport medical personnel to hospitals, perform evacuations and provide other emergency services.

In each of the foregoing instances the Chief of Staff was required to exercise his judgment to take practical advantage of the volunteered services. However, the increasingly complex legal and other relationships which exist between the State Department of Defense and the Federal Government (especially with regard to the use of and liability for the use of military equipment and supplies and the deployment of volunteer Federal technicians), the legal status of volunteered services as being a recognized duty status and the Chief of Staff's discretion to effect limited call-ups (within the limits of the department's fiscal ability) should be established.

This bill would clarify that duty status and the authority of the Chief of Staff under the Governor's direction to order individuals and necessary supporting equipment to active State service either with or without pay. No member would be ordered to active duty unless he so consented. Further, any such member would have the rights, benefits, privileges, protections and immunities as if ordered to active duty with pay. In this manner the National Guard would be better able to promptly and cost effectively respond to what are essentially localized emergent needs to assist in the protection of the public health, safety and welfare.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3182

STATE OF NEW JERSEY

DATED: JUNE 11, 1979

The responses of State Government necessary to preserve the public health and safety in various municipalities during the severe snow storms of the past two winters and during the recent rain storms have demonstrated the need for specific statutory authority to provide a more flexible response capability by the National Guard at the local level.

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promptly and cost effectively respond to what are essentially localized emergent needs to assist in the protection of the public health, safety and welfare.

The fiscal note to the bill indicates that savings from using National Guard volunteers would be some \$14,370.00 per day during fiscal year 1978-1979, \$15,088.00 per day during fiscal year 1979-1980, and \$15,842.00 per day during fiscal year 1980-1981 based on the mobilization of 500 Guard members, and based on estimated guard salary increases of 5-7% annually.

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FROM OF THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 12, 1979

KATHRYN FORSYTH

Acting Governor Christopher J. Jackman today signed a bill which clarifies the duty status and authority of the Chief of Staff of the Department of Defense to order, under the Governor's direction, members of the New Jersey National Guard and necessary supporting equipment to active state service with or without pay in times of emergency.

The bill, A-3182, was sponsored by Assemblyman Charles Mays, Sr., (D-Hudson). Jackman signed the bill in his room in Riverside Hospital.

In the past, many national guardsmen have volunteered to provide assistance during snowstorms, flooding and other emergencies, and under prior law there were liability and other problems concerning the legal status of the guardsmen who volunteered to serve without pay during these times.

Under this bill, the Chief of Staff has the authority to activate these volunteers, giving them the same rights, benefits, privileges, protections and immunities that they would have if they were ordered to active duty with pay.

The bill will enable the National Guard to more promptly and effectively respond to emergency needs and assist in the protection of public health, safety and welfare. It will protect the volunteers and give the Chief of Staff more flexibility to deal with emergencies.

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