

# App.A:9-43.16 & App.A:9-43.17 et. al

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2017      **CHAPTER:** 63

**NJSA:** App.A:9-43.16 & App.A:9-43.17 et. al (Requires Office of Emergency Management to establish county storm preparedness funding program)

**BILL NO:** S2538 (Substituted for A4204)

**SPONSOR(S)** Sweeney and others

**DATE INTRODUCED:** 9/15/2016

**COMMITTEE:**      **ASSEMBLY:** Appropriations

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** 3/23/2017

**SENATE:** 2/13/2017

**DATE OF APPROVAL:** 5/8/2017

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Second Reprint enacted) Yes

#### S2538

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** Yes

#### A4204

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:** Yes      Homeland Security and State Preparedness Appropriations

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA

P.L.2017, CHAPTER 63, *approved May 8, 2017*  
Senate, No. 2538 (*Second Reprint*)

1 AN ACT concerning emergency preparedness, supplementing  
2 chapter 9 of Appendix A, and amending P.L.1989, c.222.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. (New section) The Legislature finds and declares that:

8 a. Severe weather conditions, such as hurricanes and nor'easters,  
9 are detrimental to the health, safety, and welfare of New Jersey  
10 residents <sup>2</sup>and businesses<sup>2</sup> because of their resulting loss of life,  
11 damage to property, and unsanitary conditions.

12 b. Protection of the State's infrastructure is a matter of utmost  
13 urgency and should be accomplished through comprehensive  
14 regional planning, regulation, and coordination between the State  
15 and county offices of emergency management to establish a storm  
16 preparedness program designed to protect the areas of the State  
17 which are most vulnerable to storm damage.

18 c. It is therefore in the public interest to take measures to  
19 prevent, or at least minimize, loss of life and property damage by  
20 ensuring that the counties most vulnerable to severe weather  
21 conditions are identified and that necessary precautions are taken by  
22 the State Office of Emergency Management <sup>2</sup>and each county and  
23 municipal emergency management agency<sup>2</sup> to protect the public  
24 from the potential dangers and losses attributable to storm damage.

25  
26 2. (New section) a. As used in this act:

27 "Risk assessment" means an assessment of expected future  
28 damage or losses to a county's infrastructure caused by severe  
29 weather conditions.

30 "Severe weather conditions" means weather related flood,  
31 hurricane, nor'easter, tornado, high water, wind-driven water, tidal  
32 wave<sup>1,1</sup> or other catastrophe which is of sufficient severity and  
33 magnitude to substantially endanger the health, safety<sup>1,1</sup> and  
34 property of the residents of this State.

35 b. The State Office of Emergency Management shall establish a  
36 county storm preparedness <sup>2</sup>funding<sup>2</sup> program. In implementing the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted January 23, 2017.

<sup>2</sup>Senate floor amendments adopted January 23, 2017.

1 program, the <sup>2</sup>State<sup>2</sup> Office of Emergency Management, in  
2 consultation with the Department of Environmental Protection <sup>2</sup>and  
3 the Board of Public Utilities<sup>2</sup>, shall biennially conduct a risk  
4 assessment to determine each county's degree of vulnerability to  
5 infrastructure damage caused by severe weather conditions. The  
6 formula for the risk assessment shall be based on the following  
7 criteria:

8 (1) the number of times that all or a portion of a county has been  
9 declared a federal disaster area due to a storm or flood occurring in  
10 the prior 10 years;

11 (2) the amount of property damage incurred within a county as a  
12 result of storms or floods occurring in the prior 10 years that caused  
13 all or a portion of the county to be declared a federal disaster area;

14 (3) the number of times that all or a portion of a county has been  
15 declared an agricultural disaster area by the United States Secretary  
16 of Agriculture due to a storm or flood occurring in the prior 10  
17 years, and the amount of damage incurred and acreage affected  
18 <sup>1</sup>**【thereby】**<sup>1</sup>;

19 (4) the estimated total assessed value of all real property in a  
20 county;

21 (5) the estimated number of persons in a county residing in a  
22 flood hazard area, as defined pursuant to the "Flood Hazard Area  
23 Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules  
24 or regulations adopted pursuant thereto;

25 (6) the number of times in the prior 10 years that at least 1,000  
26 households and businesses in a county have lost electric power for  
27 at least two days due to a storm or flood event <sup>2</sup>according to the  
28 Board of Public Utilities, which shall compile this information and  
29 make it available to each county upon request<sup>2</sup>;

30 (7) the number of permits issued by the Department of  
31 Environmental Protection pursuant to the "Flood Hazard Area  
32 Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), the waterfront  
33 development law<sup>1, 1</sup> R.S.12:5-3, and the "Coastal Area Facility  
34 Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) in a county in the  
35 prior five years;

36 (8) the estimated number of persons in a county residing within  
37 150 feet of the mean high water line of any tidal waters;

38 (9) the mileage of coastal shoreline in a county;

39 (10) the mileage of streams at least 10 feet wide that have  
40 flooded their banks in a county in the prior five years; and

41 (11) any other factors or parameters that the State Office of  
42 Emergency Management, in consultation with the Department of  
43 Environmental Protection, may determine to be useful and  
44 appropriate to furthering the purposes of this act, which shall be  
45 adopted as rules or regulations pursuant to the "Administrative  
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

47 c. The results of the risk assessment shall be incorporated into  
48 the State Emergency Operations Plan pursuant to subsection b. of

1 section 18 of P.L.1989, c.222 (C.App.A:9-43.1) <sup>2</sup>and shared with  
2 each county office of emergency management<sup>2</sup>.

3 d. The Director of the State Office of Emergency Management,  
4 subject to available State appropriations, federal grants, and any  
5 other funds that become available, is authorized to annually provide  
6 funding to the county offices of emergency management in amounts  
7 proportionate to each county's risk assessment as determined by the  
8 director. The director shall prescribe<sup>1,1</sup> pursuant to law<sup>1,1</sup>  
9 procedures and terms and conditions for receiving the funds. The  
10 funds shall be used by the county <sup>1</sup>offices of<sup>1</sup> emergency  
11 management <sup>1</sup>**[offices]**<sup>1</sup> exclusively for emergency preparedness  
12 purposes, which may include but shall not be limited to the  
13 purchase or modernization of emergency management facilities,  
14 emergency equipment, flood mitigation services, or emergency  
15 management vehicles.

16

17 3. Section 18 of P.L.1989, c.222 (C.App.A:9-43.1) is amended  
18 to read as follows:

19 18. The State Office of Emergency Management shall adopt **[**,  
20 no later than 12 months following the effective date of this act,**]** a  
21 State Emergency Operations Plan, including rules, regulations, and  
22 guidelines **[,]**<sup>1,1</sup> that shall be reviewed and updated at least every  
23 two years.

24 a. **[These plans]** The plan shall include, but not be limited to,  
25 provisions which shall be developed in consultation with:

26 (1) the Department of Agriculture, to support the needs of  
27 animals and individuals with an animal under their care, including  
28 domestic livestock, a domesticated animal, or a service animal, in a  
29 major disaster or emergency; and

30 (2) the Department of Health <sup>1</sup>**[and Senior Services]**<sup>1</sup>, to  
31 provide for a coordinated Statewide evacuation strategy for all  
32 hospitals and other health care facilities in the State, alternative  
33 sources of care for evacuated patients, and proposed sites of  
34 temporary shelter in the event of an emergency. The Statewide  
35 evacuation strategy shall be based on evacuation plans prepared  
36 pursuant to section 19 of P.L.1989, c.222 (C.App.A:9-43.2) and  
37 submitted to the State Office of Emergency Management by each  
38 county and municipality in the State pursuant to section 21 of  
39 P.L.1989, c.222 (C.App.A:9-43.4).

40 b. **[Each]** The plan shall:

41 (1) include provisions that specifically address the need for the  
42 safe and timely evacuation of the families and dependents of the  
43 emergency responders rendering major disaster or emergency  
44 services; and

45 (2) incorporate the <sup>2</sup>results of the<sup>2</sup> risk assessment <sup>2</sup>**[results**  
46 **from]** conducted in accordance with<sup>2</sup> the county storm

1 preparedness <sup>2</sup>funding<sup>2</sup> program established pursuant to <sup>2</sup>section 2  
2 of<sup>2</sup> P.L. , c. (C. ) (pending before the Legislature as this bill).

3 c. In addition, the State Office of Emergency Management  
4 <sup>2</sup>and each county and municipal emergency management agency<sup>2</sup>  
5 shall take appropriate steps to educate the public regarding the  
6 resources available in the event of an emergency and the importance  
7 of emergency preparedness planning.

8 (cf: P.L.2011, c.178, s.8)

9

10 4. This act shall take effect on the first day of the seventh  
11 month next following enactment, but the Director of the State  
12 Office of Emergency Management and the Commissioner of the  
13 Department of Environmental Protection may take any anticipatory  
14 administrative action in advance thereof as shall be necessary for  
15 the implementation of this act.

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20 \_\_\_\_\_  
21 Requires Office of Emergency Management to establish county  
storm preparedness funding program.

# SENATE, No. 2538

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2016

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators A.R.Bucco, Cardinale, Holzapfel, Kyrillos, Oroho, O'Toole,  
Pennacchio and Thompson**

**SYNOPSIS**

Requires Office of Emergency Management to establish county storm preparedness program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/21/2016)**

1 AN ACT concerning emergency preparedness, supplementing  
2 chapter 9 of Appendix A, and amending P.L.1989, c.222.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Severe weather conditions, such as hurricanes and nor'easters,  
9 are detrimental to the health, safety, and welfare of New Jersey  
10 residents because of their resulting loss of life, damage to property,  
11 and unsanitary conditions.

12 b. Protection of the State's infrastructure is a matter of utmost  
13 urgency and should be accomplished through comprehensive  
14 regional planning, regulation, and coordination between the State  
15 and county offices of emergency management to establish a storm  
16 preparedness program designed to protect the areas of the State  
17 which are most vulnerable to storm damage.

18 c. It is therefore in the public interest to take measures to  
19 prevent, or at least minimize, loss of life and property damage by  
20 ensuring that the counties most vulnerable to severe weather  
21 conditions are identified and that necessary precautions are taken by  
22 the State Office of Emergency Management to protect the public  
23 from the potential dangers and losses attributable to storm damage.

24

25 2. (New section) a. As used in this act:

26 "Risk assessment" means an assessment of expected future  
27 damage or losses to a county's infrastructure caused by severe  
28 weather conditions.

29 "Severe weather conditions" means weather related flood,  
30 hurricane, nor'easter, tornado, high water, wind-driven water, tidal  
31 wave or other catastrophe which is of sufficient severity and  
32 magnitude to substantially endanger the health, safety and property  
33 of the residents of this State.

34 b. The State Office of Emergency Management shall establish a  
35 county storm preparedness program. In implementing the program,  
36 the Office of Emergency Management, in consultation with the  
37 Department of Environmental Protection, shall biennially conduct a  
38 risk assessment to determine each county's degree of vulnerability  
39 to infrastructure damage caused by severe weather conditions. The  
40 formula for the risk assessment shall be based on the following  
41 criteria:

42 (1) the number of times that all or a portion of a county has been  
43 declared a federal disaster area due to a storm or flood occurring in  
44 the prior 10 years;

45 (2) the amount of property damage incurred within a county as a  
46 result of storms or floods occurring in the prior 10 years that caused

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

Matter underlined thus is new matter.



- 1 all or a portion of the county to be declared a federal disaster area;
- 2 (3) the number of times that all or a portion of a county has been  
3 declared an agricultural disaster area by the United States Secretary  
4 of Agriculture due to a storm or flood occurring in the prior 10  
5 years, and the amount of damage incurred and acreage affected  
6 thereby;
- 7 (4) the estimated total assessed value of all real property in a  
8 county;
- 9 (5) the estimated number of persons in a county residing in a  
10 flood hazard area, as defined pursuant to the “Flood Hazard Area  
11 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules  
12 or regulations adopted pursuant thereto;
- 13 (6) the number of times in the prior 10 years that at least 1,000  
14 households and businesses in a county have lost electric power for  
15 at least two days due to a storm or flood event;
- 16 (7) the number of permits issued by the Department of  
17 Environmental Protection pursuant to the “Flood Hazard Area  
18 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), the waterfront  
19 development law R.S.12:5-3, and the “Coastal Area Facility Review  
20 Act,” P.L.1973, c.185 (C.13:19-1 et seq.) in a county in the prior  
21 five years;
- 22 (8) the estimated number of persons in a county residing within  
23 150 feet of the mean high water line of any tidal waters;
- 24 (9) the mileage of coastal shoreline in a county;
- 25 (10) the mileage of streams at least 10 feet wide that have  
26 flooded their banks in a county in the prior five years; and
- 27 (11) any other factors or parameters that the State Office of  
28 Emergency Management, in consultation with the Department of  
29 Environmental Protection, may determine to be useful and  
30 appropriate to furthering the purposes of this act, which shall be  
31 adopted as rules or regulations pursuant to the “Administrative  
32 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
- 33 c. The results of the risk assessment shall be incorporated into  
34 the State Emergency Operations Plan pursuant to subsection b. of  
35 section 18 of P.L.1989, c.222 (C.App.A:9-43.1).
- 36 d. The Director of the State Office of Emergency Management,  
37 subject to available State appropriations, federal grants, and any  
38 other funds that become available, is authorized to annually provide  
39 funding to the county offices of emergency management in amounts  
40 proportionate to each county’s risk assessment as determined by the  
41 director. The director shall prescribe pursuant to law procedures  
42 and terms and conditions for receiving the funds. The funds shall  
43 be used by the county emergency management offices exclusively  
44 for emergency preparedness purposes, which may include but shall  
45 not be limited to the purchase or modernization of emergency  
46 management facilities, emergency equipment, flood mitigation  
47 services, or emergency management vehicles.

1       3. Section 18 of P.L.1989, c.222 (C.App.A:9-43.1) is amended  
2 to read as follows:

3       18. The State Office of Emergency Management shall adopt **[**,  
4 no later than 12 months following the effective date of this act,**]** a  
5 State Emergency Operations Plan, including rules, regulations, and  
6 guidelines **[,]** that shall be reviewed and updated at least every two  
7 years.

8       a. **[These plans]** The plan shall include, but not be limited to,  
9 provisions which shall be developed in consultation with:

10       (1) the Department of Agriculture, to support the needs of  
11 animals and individuals with an animal under their care, including  
12 domestic livestock, a domesticated animal, or a service animal, in a  
13 major disaster or emergency; and

14       (2) the Department of Health and Senior Services, to provide for  
15 a coordinated Statewide evacuation strategy for all hospitals and  
16 other health care facilities in the State, alternative sources of care  
17 for evacuated patients, and proposed sites of temporary shelter in  
18 the event of an emergency. The Statewide evacuation strategy shall  
19 be based on evacuation plans prepared pursuant to section 19 of  
20 P.L.1989, c.222 (C.App.A:9-43.2) and submitted to the State Office  
21 of Emergency Management by each county and municipality in the  
22 State pursuant to section 21 of P.L.1989, c.222 (C.App.A:9-43.4).

23       b. **[Each]** The plan shall:

24       (1) include provisions that specifically address the need for the  
25 safe and timely evacuation of the families and dependents of the  
26 emergency responders rendering major disaster or emergency  
27 services; and

28       (2) incorporate the risk assessment results from the county storm  
29 preparedness program established pursuant to P.L. , c. (C. )  
30 (pending before the Legislature as this bill).

31       c. In addition, the State Office of Emergency Management  
32 shall take appropriate steps to educate the public regarding the  
33 resources available in the event of an emergency and the importance  
34 of emergency preparedness planning.

35 (cf: P.L.2011, c.178, s.8)

36

37       4. This act shall take effect on the first day of the seventh month  
38 next following enactment, but the Director of the State Office of  
39 Emergency Management and the Commissioner of the Department  
40 of Environmental Protection may take any anticipatory  
41 administrative action in advance thereof as shall be necessary for  
42 the implementation of this act.

43

44

45

STATEMENT

46

47       This bill requires the State Office of Emergency Management  
48 (OEM) to establish a county storm preparedness program to protect

1 the public from the dangers and losses attributable to damage  
2 commonly incurred during hurricanes, nor'easters, and other severe  
3 weather events.

4 Under the provisions of the bill, the OEM, in consultation with  
5 the Department of Environmental Protection (DEP), is required to  
6 conduct every two years a risk assessment of each county's  
7 vulnerability to infrastructure damage caused by severe weather  
8 conditions. The bill sets forth criteria to be considered in  
9 conducting the assessment, which include:

10 (1) the number of times that all or a portion of a county has been  
11 declared a federal disaster area due to a storm or flood occurring in  
12 the prior 10 years;

13 (2) the amount of property damage incurred within a county as a  
14 result of storms or floods occurring in the prior 10 years that caused  
15 all or a portion of the county to be declared a federal disaster area;

16 (3) the number of times that all or a portion of a county has been  
17 declared an agricultural disaster area by the United States Secretary  
18 of Agriculture due to a storm or flood occurring in the prior 10  
19 years, and the amount of damage incurred and acreage affected  
20 thereby;

21 (4) the estimated total assessed value of all real property in a  
22 county;

23 (5) the estimated number of persons in a county residing in a  
24 flood hazard area, as defined pursuant to the "Flood Hazard Area  
25 Control Act";

26 (6) the number of times in the prior 10 years that at least 1,000  
27 households and businesses in a county have lost electric power for  
28 at least two days due to a storm or flood event;

29 (7) the number of permits issued by the DEP pursuant to the  
30 "Flood Hazard Area Control Act," the waterfront development law,  
31 and the "Coastal Area Facility Review Act," in a county in the prior  
32 five years;

33 (8) the estimated number of persons in a county residing within  
34 150 feet of the mean high water line of any tidal waters;

35 (9) the mileage of coastal shoreline in a county;

36 (10) the mileage of streams at least 10 feet wide that have  
37 flooded their banks in a county in the prior five years; and

38 (11) any other factors or parameters determined by the OEM, in  
39 consultation with the DEP, to be useful and appropriate.

40 The bill authorizes the director of the OEM, subject to available  
41 State appropriations, federal grants, and any other funds that  
42 become available, to annually provide funding to the county offices  
43 of emergency management in amounts proportionate to each  
44 county's risk assessment as determined by the director. The bill  
45 specifies that the funds are to be used exclusively for emergency  
46 preparedness purposes, including, but not limited to, the purchase or  
47 modernization of emergency management facilities, emergency  
48 equipment, flood mitigation services, or emergency management  
49 vehicles.

**S2538 SWEENEY, SINGER**

6

1       Additionally, the bill requires that the results of the biennial risk  
2 assessment be incorporated into the State Emergency Operations  
3 Plan.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]  
**SENATE, No. 2538**

# STATE OF NEW JERSEY

DATED: MARCH 20, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 2538 (2R).

This bill requires the State Office of Emergency Management (OEM) to establish a county storm preparedness funding program to protect the public from the dangers and losses attributable to damage commonly incurred during hurricanes, nor'easters, and other severe weather events.

Under the provisions of the bill, the OEM, in consultation with the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU), is required to conduct, every two years, a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The bill sets forth criteria to be considered in conducting the assessment, which include:

(1) the number of times that all or a portion of a county has been declared a federal disaster area due to a storm or flood occurring in the prior 10 years;

(2) the amount of property damage incurred within a county as a result of storms or floods occurring in the prior 10 years that caused all or a portion of the county to be declared a federal disaster area;

(3) the number of times that all or a portion of a county has been declared an agricultural disaster area by the United States Secretary of Agriculture due to a storm or flood occurring in the prior 10 years, and the amount of damage incurred and acreage affected;

(4) the estimated total assessed value of all real property in a county;

(5) the estimated number of persons in a county residing in a flood hazard area, as defined pursuant to the "Flood Hazard Area Control Act";

(6) the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power for at least two days due to a storm or flood event according to the BPU, which is to compile this information and make it available to each county upon request;

(7) the number of permits issued by the DEP pursuant to the "Flood Hazard Area Control Act," the waterfront development law,

and the “Coastal Area Facility Review Act” in a county in the prior five years;

(8) the estimated number of persons in a county residing within 150 feet of the mean high water line of any tidal waters;

(9) the mileage of coastal shoreline in a county;

(10) the mileage of streams at least 10 feet wide that have flooded their banks in a county in the prior five years; and

(11) any other factors or parameters determined by the OEM, in consultation with the DEP, to be useful and appropriate.

The bill authorizes the director of the OEM, subject to available State appropriations, federal grants, and any other funds that become available, to annually provide funding to the county offices of emergency management in amounts proportionate to each county’s risk assessment as determined by the director. The amended bill specifies that the funds are to be used exclusively for emergency preparedness purposes including, but not limited to, the purchase or modernization of emergency management facilities, emergency equipment, flood mitigation services, or emergency management vehicles.

Additionally, the bill requires that the results of the biennial risk assessment be incorporated into the State Emergency Operations Plan and shared with each county office of emergency management.

Finally, under the bill, each county and municipal emergency management agency, in addition to the State Office of Emergency Management as provided under current law, is required to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

As reported, this bill is identical to Assembly Bill No. 4204 (1R) as also reported by the committee.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.

The Office of Emergency Management (OEM) in the Department of Law and Public Safety will experience recurring workload increases from: a) preparing the required biennial risk assessment of each county’s vulnerability to infrastructure damage caused by severe weather conditions; b) integrating the information from the risk assessment into the State Emergency Operations Plan; and c) establishing and administering a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on OEM resource allocation policies, however, the added workload may or may not augment State administrative expenditures.

Counties and municipalities may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity's resource allocation policies.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2538

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 12, 2017

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2538.

As amended and reported by the committee, this bill requires the State Office of Emergency Management (OEM) to establish a county storm preparedness program to protect the public from the dangers and losses attributable to damage commonly incurred during hurricanes, nor'easters, and other severe weather events.

Under the provisions of the bill, the OEM, in consultation with the Department of Environmental Protection (DEP), is required to conduct every two years a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The bill sets forth criteria to be considered in conducting the assessment, which include:

(1) the number of times that all or a portion of a county has been declared a federal disaster area due to a storm or flood occurring in the prior 10 years;

(2) the amount of property damage incurred within a county as a result of storms or floods occurring in the prior 10 years that caused all or a portion of the county to be declared a federal disaster area;

(3) the number of times that all or a portion of a county has been declared an agricultural disaster area by the United States Secretary of Agriculture due to a storm or flood occurring in the prior 10 years, and the amount of damage incurred and acreage affected;

(4) the estimated total assessed value of all real property in a county;

(5) the estimated number of persons in a county residing in a flood hazard area, as defined pursuant to the "Flood Hazard Area Control Act";

(6) the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power for at least two days due to a storm or flood event;

(7) the number of permits issued by the DEP pursuant to the "Flood Hazard Area Control Act," the waterfront development law, and the "Coastal Area Facility Review Act," in a county in the prior five years;

(8) the estimated number of persons in a county residing within



150 feet of the mean high water line of any tidal waters;

(9) the mileage of coastal shoreline in a county;

(10) the mileage of streams at least 10 feet wide that have flooded their banks in a county in the prior five years; and

(11) any other factors or parameters determined by the OEM, in consultation with the DEP, to be useful and appropriate.

The bill authorizes the director of the OEM, subject to available State appropriations, federal grants, and any other funds that become available, to annually provide funding to the county offices of emergency management in amounts proportionate to each county's risk assessment as determined by the director. The bill specifies that the funds are to be used exclusively for emergency preparedness purposes, including, but not limited to, the purchase or modernization of emergency management facilities, emergency equipment, flood mitigation services, or emergency management vehicles.

Additionally, the bill requires that the results of the biennial risk assessment be incorporated into the State Emergency Operations Plan.

#### COMMITTEE AMENDMENTS

The committee amended the bill to make technical changes.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 2538**

with Senate Floor Amendments  
(Proposed by Senator SWEENEY)

ADOPTED: JANUARY 23, 2017

Senate Bill No. 2538 (1R) requires the State Office of Emergency Management (OEM) to establish a county storm preparedness program to protect the public from the dangers and losses attributable to damage commonly incurred during hurricanes, nor'easters, and other severe weather events.

These Senate amendments:

1) require the OEM to consult with the Board of Public Utilities (BPU), in addition to the Department of Environmental Protection as required under the bill, when conducting a risk assessment to determine each county's degree of vulnerability to infrastructure damage caused by severe weather conditions;

2) clarify that the information required for the portion of the risk assessment regarding the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power due to a storm or flood event is to be provided by BPU, who is to compile this information and make it available to each county upon request;

3) require that the results of the risk assessment be shared with each county office of emergency management;

4) require each county and municipal emergency management agency, in addition to the OEM as provided under current law, to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning; and

5) make other clarifying and technical changes.

As amended, Senate Bill No. 2538 (1R) is identical to Assembly Bill No. 4204 (1R), as reported by the Assembly Homeland Security and State Preparedness Committee on January 23, 2017.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## SENATE, No. 2538

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: MARCH 23, 2017

#### SUMMARY

- Synopsis:** Requires Office of Emergency Management to establish county storm preparedness funding program.
- Type of Impact:** Potential Annual Expenditure Increases to State, County, and Municipal Governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Environmental Protection; Board of Public Utilities; Counties; and Municipalities.

#### Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Potential Annual State and Local Cost Increases	Indeterminate – See Comments Below		

- The Office of Legislative Services (OLS) finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.
- The Office of Emergency Management (OEM) in the Department of Law and Public Safety will experience recurring workload increases from: a) preparing the required biennial risk assessment of each county’s vulnerability to infrastructure damage caused by severe weather conditions; b) integrating the information from the risk assessment into the State Emergency Operations Plan; and c) establishing and administering a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on OEM resource allocation policies, however, the added workload may or may not augment State administrative expenditures.
- Counties and municipalities may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity’s resource allocation policies.

## **BILL DESCRIPTION**

Senate Bill No. 2538 (2R) of 2016 requires the OEM in the Department of Law and Public Safety to establish a county storm preparedness funding program.

Under the program, the OEM, in consultation with the Department of Environmental Protection and the Board of Public Utilities, is to conduct, every two years, a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The results of the risk assessment are to be incorporated into the State Emergency Operations Plan and shared with each county office of emergency management.

In addition, the bill authorizes the OEM, subject to available State appropriations, federal grants, and any other funds, to annually provide funding to the county offices of emergency management in amounts proportionate to each county's risk assessment for emergency preparedness purposes.

Finally, the bill requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Current law already imposes such a requirement on the OEM.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.

The OEM, Department of Environmental Protection, and Board of Public Utilities will experience a recurring workload increase from preparing the required biennial risk assessment of each county's vulnerability to infrastructure damage caused by severe weather events. In addition, the OEM may face a periodic workload increase from integrating the information from the risk assessment into the State Emergency Operations Plan. The OEM's workload may also grow from having to establish and administer a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on the OEM's, Department of Environmental Protection's and Board of Public Utilities' resource allocation policies, however, the added workload may or may not augment annual State administrative expenditures.

Counties and municipalities, in turn, may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity's resource allocation policies.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 4204

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED OCTOBER 6, 2016

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman R. BRUCE LAND**

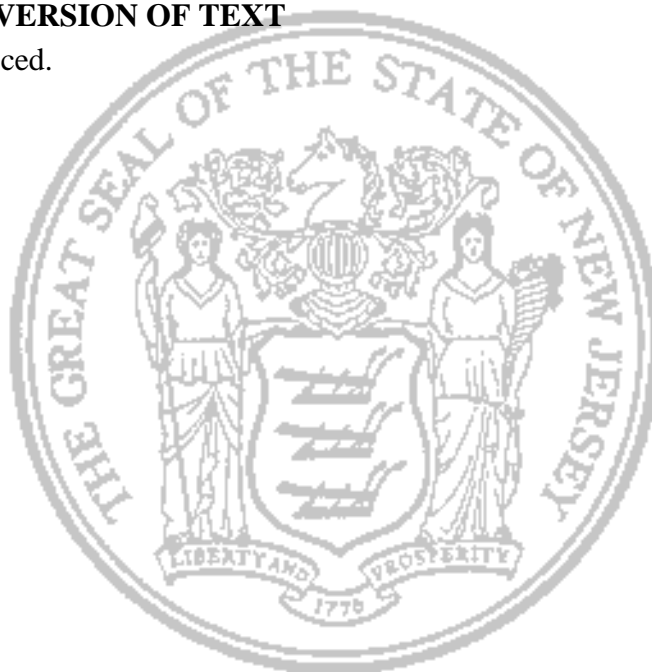
**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Requires Office of Emergency Management to establish county storm preparedness program.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning emergency preparedness, supplementing  
2 chapter 9 of Appendix A, and amending P.L.1989, c.222.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Severe weather conditions, such as hurricanes and  
9 nor'easters, are detrimental to the health, safety, and welfare of  
10 New Jersey residents because of their resulting loss of life, damage  
11 to property, and unsanitary conditions.

12 b. Protection of the State's infrastructure is a matter of utmost  
13 urgency and should be accomplished through comprehensive  
14 regional planning, regulation, and coordination between the State  
15 and county offices of emergency management to establish a storm  
16 preparedness program designed to protect the areas of the State  
17 which are most vulnerable to storm damage.

18 c. It is therefore in the public interest to take measures to  
19 prevent, or at least minimize, loss of life and property damage by  
20 ensuring that the counties most vulnerable to severe weather  
21 conditions are identified and that necessary precautions are taken by  
22 the State Office of Emergency Management to protect the public  
23 from the potential dangers and losses attributable to storm damage.

24

25 2. (New section) a. As used in this act:

26 "Risk assessment" means an assessment of expected future  
27 damage or losses to a county's infrastructure caused by severe  
28 weather conditions.

29 "Severe weather conditions" means weather related flood,  
30 hurricane, nor'easter, tornado, high water, wind-driven water, tidal  
31 wave or other catastrophe which is of sufficient severity and  
32 magnitude to substantially endanger the health, safety and property  
33 of the residents of this State.

34 b. The State Office of Emergency Management shall establish  
35 a county storm preparedness program. In implementing the  
36 program, the Office of Emergency Management, in consultation  
37 with the Department of Environmental Protection, shall biennially  
38 conduct a risk assessment to determine each county's degree of  
39 vulnerability to infrastructure damage caused by severe weather  
40 conditions. The formula for the risk assessment shall be based on  
41 the following criteria:

42 (1) the number of times that all or a portion of a county has been  
43 declared a federal disaster area due to a storm or flood occurring in  
44 the prior 10 years;

45 (2) the amount of property damage incurred within a county as a

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

**Matter underlined thus is new matter.**

- 1 result of storms or floods occurring in the prior 10 years that caused  
2 all or a portion of the county to be declared a federal disaster area;
- 3 (3) the number of times that all or a portion of a county has been  
4 declared an agricultural disaster area by the United States Secretary  
5 of Agriculture due to a storm or flood occurring in the prior 10  
6 years, and the amount of damage incurred and acreage affected  
7 thereby;
- 8 (4) the estimated total assessed value of all real property in a  
9 county;
- 10 (5) the estimated number of persons in a county residing in a  
11 flood hazard area, as defined pursuant to the “Flood Hazard Area  
12 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules  
13 or regulations adopted pursuant thereto;
- 14 (6) the number of times in the prior 10 years that at least 1,000  
15 households and businesses in a county have lost electric power for  
16 at least two days due to a storm or flood event;
- 17 (7) the number of permits issued by the Department of  
18 Environmental Protection pursuant to the “Flood Hazard Area  
19 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.), the waterfront  
20 development law R.S.12:5-3, and the “Coastal Area Facility Review  
21 Act,” P.L.1973, c.185 (C.13:19-1 et seq.) in a county in the prior  
22 five years;
- 23 (8) the estimated number of persons in a county residing within  
24 150 feet of the mean high water line of any tidal waters;
- 25 (9) the mileage of coastal shoreline in a county;
- 26 (10) the mileage of streams at least 10 feet wide that have  
27 flooded their banks in a county in the prior five years; and
- 28 (11) any other factors or parameters that the State Office of  
29 Emergency Management, in consultation with the Department of  
30 Environmental Protection, may determine to be useful and  
31 appropriate to furthering the purposes of this act, which shall be  
32 adopted as rules or regulations pursuant to the “Administrative  
33 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
- 34 c. The results of the risk assessment shall be incorporated into  
35 the State Emergency Operations Plan pursuant to subsection b. of  
36 section 18 of P.L.1989, c.222 (C.App.A:9-43.1).
- 37 d. The Director of the State Office of Emergency Management,  
38 subject to available State appropriations, federal grants, and any  
39 other funds that become available, is authorized to annually provide  
40 funding to the county offices of emergency management in amounts  
41 proportionate to each county’s risk assessment as determined by the  
42 director. The director shall prescribe pursuant to law procedures  
43 and terms and conditions for receiving the funds. The funds shall  
44 be used by the county emergency management offices exclusively  
45 for emergency preparedness purposes, which may include but shall  
46 not be limited to the purchase or modernization of emergency  
47 management facilities, emergency equipment, flood mitigation  
48 services, or emergency management vehicles.



1       3. Section 18 of P.L.1989, c.222 (C.App.A:9-43.1) is amended  
2 to read as follows:

3       18. The State Office of Emergency Management shall adopt **[**,  
4 no later than 12 months following the effective date of this act,**]** a  
5 State Emergency Operations Plan, including rules, regulations, and  
6 guidelines **[,]** that shall be reviewed and updated at least every two  
7 years.

8       a. **[These plans]** The plan shall include, but not be limited to,  
9 provisions which shall be developed in consultation with:

10       (1) the Department of Agriculture, to support the needs of  
11 animals and individuals with an animal under their care, including  
12 domestic livestock, a domesticated animal, or a service animal, in a  
13 major disaster or emergency; and

14       (2) the Department of Health and Senior Services, to provide for  
15 a coordinated Statewide evacuation strategy for all hospitals and  
16 other health care facilities in the State, alternative sources of care  
17 for evacuated patients, and proposed sites of temporary shelter in  
18 the event of an emergency. The Statewide evacuation strategy shall  
19 be based on evacuation plans prepared pursuant to section 19 of  
20 P.L.1989, c.222 (C.App.A:9-43.2) and submitted to the State Office  
21 of Emergency Management by each county and municipality in the  
22 State pursuant to section 21 of P.L.1989, c.222 (C.App.A:9-43.4).

23       b. **[Each]** The plan shall:

24       (1) include provisions that specifically address the need for the  
25 safe and timely evacuation of the families and dependents of the  
26 emergency responders rendering major disaster or emergency  
27 services; and

28       (2) incorporate the risk assessment results from the county  
29 storm preparedness program established pursuant to P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill).

31       c. In addition, the State Office of Emergency Management  
32 shall take appropriate steps to educate the public regarding the  
33 resources available in the event of an emergency and the importance  
34 of emergency preparedness planning.

35 (cf: P.L.2011, c.178, s.8)

36

37       4. This act shall take effect on the first day of the seventh  
38 month next following enactment, but the Director of the State  
39 Office of Emergency Management and the Commissioner of the  
40 Department of Environmental Protection may take any anticipatory  
41 administrative action in advance thereof as shall be necessary for  
42 the implementation of this act.

43

44

#### STATEMENT

45

46       This bill requires the State Office of Emergency Management  
47 (OEM) to establish a county storm preparedness program to protect  
48 the public from the dangers and losses attributable to damage

1 commonly incurred during hurricanes, nor'easters, and other severe  
2 weather events.

3 Under the provisions of the bill, the OEM, in consultation with  
4 the Department of Environmental Protection (DEP), is required to  
5 conduct every two years a risk assessment of each county's  
6 vulnerability to infrastructure damage caused by severe weather  
7 conditions. The bill sets forth criteria to be considered in  
8 conducting the assessment, which include:

9 (1) the number of times that all or a portion of a county has been  
10 declared a federal disaster area due to a storm or flood occurring in  
11 the prior 10 years;

12 (2) the amount of property damage incurred within a county as a  
13 result of storms or floods occurring in the prior 10 years that caused  
14 all or a portion of the county to be declared a federal disaster area;

15 (3) the number of times that all or a portion of a county has been  
16 declared an agricultural disaster area by the United States Secretary  
17 of Agriculture due to a storm or flood occurring in the prior 10  
18 years, and the amount of damage incurred and acreage affected  
19 thereby;

20 (4) the estimated total assessed value of all real property in a  
21 county;

22 (5) the estimated number of persons in a county residing in a  
23 flood hazard area, as defined pursuant to the "Flood Hazard Area  
24 Control Act";

25 (6) the number of times in the prior 10 years that at least 1,000  
26 households and businesses in a county have lost electric power for  
27 at least two days due to a storm or flood event;

28 (7) the number of permits issued by the DEP pursuant to the  
29 "Flood Hazard Area Control Act," the waterfront development law,  
30 and the "Coastal Area Facility Review Act," in a county in the prior  
31 five years;

32 (8) the estimated number of persons in a county residing within  
33 150 feet of the mean high water line of any tidal waters;

34 (9) the mileage of coastal shoreline in a county;

35 (10) the mileage of streams at least 10 feet wide that have  
36 flooded their banks in a county in the prior five years; and

37 (11) any other factors or parameters determined by the OEM, in  
38 consultation with the DEP, to be useful and appropriate.

39 The bill authorizes the director of the OEM, subject to available  
40 State appropriations, federal grants, and any other funds that  
41 become available, to annually provide funding to the county offices  
42 of emergency management in amounts proportionate to each  
43 county's risk assessment as determined by the director. The bill  
44 specifies that the funds are to be used exclusively for emergency  
45 preparedness purposes, including, but not limited to, the purchase or  
46 modernization of emergency management facilities, emergency  
47 equipment, flood mitigation services, or emergency management  
48 vehicles.

**A4204 MAZZEO, HOUGHTALING**

6

1       Additionally, the bill requires that the results of the biennial risk  
2 assessment be incorporated into the State Emergency Operations  
3 Plan.

ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 4204**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 2017

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 4204.

As amended and reported by the committee, this bill requires the State Office of Emergency Management (OEM) to establish a county storm preparedness funding program to protect the public from the dangers and losses attributable to damage commonly incurred during hurricanes, nor'easters, and other severe weather events.

Under the provisions of the amended bill, the OEM, in consultation with the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU), is required to conduct, every two years, a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The bill sets forth criteria to be considered in conducting the assessment, which include:

(1) the number of times that all or a portion of a county has been declared a federal disaster area due to a storm or flood occurring in the prior 10 years;

(2) the amount of property damage incurred within a county as a result of storms or floods occurring in the prior 10 years that caused all or a portion of the county to be declared a federal disaster area;

(3) the number of times that all or a portion of a county has been declared an agricultural disaster area by the United States Secretary of Agriculture due to a storm or flood occurring in the prior 10 years, and the amount of damage incurred and acreage affected;

(4) the estimated total assessed value of all real property in a county;

(5) the estimated number of persons in a county residing in a flood hazard area, as defined pursuant to the "Flood Hazard Area Control Act";

(6) the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power for at least two days due to a storm or flood event according to the BPU, which is to compile this information and make it available to each county upon request;

(7) the number of permits issued by the DEP pursuant to the

“Flood Hazard Area Control Act,” the waterfront development law, and the “Coastal Area Facility Review Act” in a county in the prior five years;

(8) the estimated number of persons in a county residing within 150 feet of the mean high water line of any tidal waters;

(9) the mileage of coastal shoreline in a county;

(10) the mileage of streams at least 10 feet wide that have flooded their banks in a county in the prior five years; and

(11) any other factors or parameters determined by the OEM, in consultation with the DEP, to be useful and appropriate.

The amended bill authorizes the director of the OEM, subject to available State appropriations, federal grants, and any other funds that become available, to annually provide funding to the county offices of emergency management in amounts proportionate to each county’s risk assessment as determined by the director. The amended bill specifies that the funds are to be used exclusively for emergency preparedness purposes including, but not limited to, the purchase or modernization of emergency management facilities, emergency equipment, flood mitigation services, or emergency management vehicles.

Additionally, the amended bill requires that the results of the biennial risk assessment be incorporated into the State Emergency Operations Plan and shared with each county office of emergency management.

Finally, under the amended bill, each county and municipal emergency management agency, in addition to the State Office of Emergency Management as provided under current law, is required to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

1) require the State Office of Emergency Management to consult with the Board of Public Utilities (BPU) when conducting a risk assessment to determine each county’s degree of vulnerability to infrastructure damage caused by severe weather conditions; as introduced the State Office of Emergency Management was to consult only with the Department of Environmental Protection;

2) clarify that the information required for the portion of the risk assessment regarding the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power due to a storm or flood event is to be provided by BPU, who is to compile this information and make it available to each county upon request;

3) require that the results of the risk assessment be shared with each county office of emergency management; as introduced the

results were only to be incorporated into the State Emergency Operations Plan;

4) require each county and municipal emergency management agency, in addition to the State Office of Emergency Management as provided under current law, to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning; and

5) make other clarifying and technical changes.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY, No. 4204

# STATE OF NEW JERSEY

DATED: MARCH 20, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4204 (1R).

This bill requires the State Office of Emergency Management (OEM) to establish a county storm preparedness funding program to protect the public from the dangers and losses attributable to damage commonly incurred during hurricanes, nor'easters, and other severe weather events.

Under the provisions of the bill, the OEM, in consultation with the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU), is required to conduct, every two years, a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The bill sets forth criteria to be considered in conducting the assessment, which include:

(1) the number of times that all or a portion of a county has been declared a federal disaster area due to a storm or flood occurring in the prior 10 years;

(2) the amount of property damage incurred within a county as a result of storms or floods occurring in the prior 10 years that caused all or a portion of the county to be declared a federal disaster area;

(3) the number of times that all or a portion of a county has been declared an agricultural disaster area by the United States Secretary of Agriculture due to a storm or flood occurring in the prior 10 years, and the amount of damage incurred and acreage affected;

(4) the estimated total assessed value of all real property in a county;

(5) the estimated number of persons in a county residing in a flood hazard area, as defined pursuant to the "Flood Hazard Area Control Act";

(6) the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power for at least two days due to a storm or flood event according to the BPU, which is to compile this information and make it available to each county upon request;

(7) the number of permits issued by the DEP pursuant to the "Flood Hazard Area Control Act," the waterfront development law,

and the “Coastal Area Facility Review Act” in a county in the prior five years;

(8) the estimated number of persons in a county residing within 150 feet of the mean high water line of any tidal waters;

(9) the mileage of coastal shoreline in a county;

(10) the mileage of streams at least 10 feet wide that have flooded their banks in a county in the prior five years; and

(11) any other factors or parameters determined by the OEM, in consultation with the DEP, to be useful and appropriate.

The bill authorizes the director of the OEM, subject to available State appropriations, federal grants, and any other funds that become available, to annually provide funding to the county offices of emergency management in amounts proportionate to each county’s risk assessment as determined by the director. The amended bill specifies that the funds are to be used exclusively for emergency preparedness purposes including, but not limited to, the purchase or modernization of emergency management facilities, emergency equipment, flood mitigation services, or emergency management vehicles.

Additionally, the bill requires that the results of the biennial risk assessment be incorporated into the State Emergency Operations Plan and shared with each county office of emergency management.

Finally, under the bill, each county and municipal emergency management agency, in addition to the State Office of Emergency Management as provided under current law, is required to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

As reported, this bill is identical to Senate Bill No. 2538 (2R) as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.

The Office of Emergency Management (OEM) in the Department of Law and Public Safety will experience recurring workload increases from: a) preparing the required biennial risk assessment of each county’s vulnerability to infrastructure damage caused by severe weather conditions; b) integrating the information from the risk assessment into the State Emergency Operations Plan; and c) establishing and administering a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on OEM resource allocation policies, however, the added workload may or may not augment State administrative expenditures.



Counties and municipalities may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity's resource allocation policies.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4204

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: MARCH 23, 2017

#### SUMMARY

- Synopsis:** Requires Office of Emergency Management to establish county storm preparedness funding program.
- Type of Impact:** Potential Annual Expenditure Increases to State, County, and Municipal Governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Environmental Protection; Board of Public Utilities; Counties; and Municipalities.

#### Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Potential Annual State and Local Cost Increases	Indeterminate – See Comments Below		

- The Office of Legislative Services (OLS) finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.
- The Office of Emergency Management (OEM) in the Department of Law and Public Safety will experience recurring workload increases from: a) preparing the required biennial risk assessment of each county’s vulnerability to infrastructure damage caused by severe weather conditions; b) integrating the information from the risk assessment into the State Emergency Operations Plan; and c) establishing and administering a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on OEM resource allocation policies, however, the added workload may or may not augment State administrative expenditures.
- Counties and municipalities may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity’s resource allocation policies.

## **BILL DESCRIPTION**

Assembly Bill No. 4204 (1R) of 2016 requires the OEM in the Department of Law and Public Safety to establish a county storm preparedness funding program.

Under the program, the OEM, in consultation with the Department of Environmental Protection and the Board of Public Utilities, is to conduct, every two years, a risk assessment of each county's vulnerability to infrastructure damage caused by severe weather conditions. The results of the risk assessment are to be incorporated into the State Emergency Operations Plan and shared with each county office of emergency management.

In addition, the bill authorizes the OEM, subject to available State appropriations, federal grants, and any other funds, to annually provide funding to the county offices of emergency management in amounts proportionate to each county's risk assessment for emergency preparedness purposes.

Finally, the bill requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Current law already imposes such a requirement on the OEM.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill may cause indeterminate annual expenditure increases to the State, certain counties, and certain municipalities.

The OEM, Department of Environmental Protection, and Board of Public Utilities will experience a recurring workload increase from preparing the required biennial risk assessment of each county's vulnerability to infrastructure damage caused by severe weather events. In addition, the OEM may face a periodic workload increase from integrating the information from the risk assessment into the State Emergency Operations Plan. The OEM's workload may also grow from having to establish and administer a mechanism to distribute any funds that may become available to county offices of emergency management for emergency preparedness purposes. Depending on the OEM's, Department of Environmental Protection's and Board of Public Utilities' resource allocation policies, however, the added workload may or may not augment annual State administrative expenditures.

Counties and municipalities, in turn, may experience a recurring workload increase, as the bill newly requires each county and municipal emergency management agency to take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning. Counties and municipalities that are already in compliance with this requirement will not be directly affected by the bill. Currently non-conforming counties and municipalities, however, will experience a workload increase that may or may not result in additional recurring expenditures, depending on each entity's resource allocation policies.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

## Governor Christie Takes Action On Pending Legislation

Monday, May 8, 2017 Tags: [Other](#)



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Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

**BILL SIGNINGS:**

- S-2355/A-714 (Cunningham/DiMaio) – STATEMENT UPON SIGNING** - Prohibits public institution of higher education from using State funds in excess of \$10,000 to pay fee of commencement and other speakers
- S-2398/A-3879 (Bateman, Allen, Greenstein, Singleton/Ciattarelli, Auth, Space)** - Requires school district to adopt policy allowing students in grades 9 through 12 who participate in certain interscholastic extracurricular activities to earn varsity letter
- S-2538/A-4204 (Sweeney, Singer, Vitale, Sarlo/Mazzeo, Houghtaling, Downey, Andrzejczak, Land)** - Requires Office of Emergency Management to establish county storm preparedness funding program
- S-2562/A-4244 (Weinberg, Cardinale/Vainieri Huttie, Caride, Pintor Marin, Auth, McKnight)** - Requires DCF and DHS to study predatory alienation and its effects on young adults and senior citizens
- S-2915/A-4560 (Ruiz, Rice/Pintor Marin)** - Adjusts reference to population for library director position in unclassified civil service
- S-2997/A-4597 (Smith, Bateman/Zwicker, Singleton, Muoio)** - Appropriates \$59,532,000 from constitutionally dedicated CBT revenues for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and capital and park development projects
- SJR-89/AJR-111 (Vitale, Madden/Quijano, Webber, DiMaio, McKnight)** - Designates May of each year as "Prader-Willi Syndrome Awareness Month" in New Jersey

**BILL VETOED:**

- S-3040/A-99 (Sweeney, T. Kean/Prieto, Sumter, Schaer, Greenwald, Rible, Dancer) – CONDITIONAL** - Transfers management of PFRS to Board of Trustees of PFRS

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