

52:14E-1 to 10

October 6, 1975

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Legislative Notes on N.J.S.A. 52:14E-1 to 10  
"Emergency Services Act of 1972"

Laws of 1972, Chapter 133, Bill No. A923

March 27, 1972 - Introduced by Foran, Weidel, Mabie,  
Hurley, Black, Dawes, Robertson, De Korte,  
Megaro, Jackman, LeFante, McDonough, Kean.  
May 15 - Passed in Assembly.  
May 18 - Passed in Senate.  
August 17 - Approved.

No sponsor's statement.  
No hearings or reports discovered.  
Governor's statement on signing enclosed.

Background:

See:

Governor Cahill's Second Annual Message to the  
Legislature, Jan. 11, 1972, pp. 35-36 (Copy enclosed)

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**ASSEMBLY, No. 923**

**STATE OF NEW JERSEY**

INTRODUCED MARCH 27, 1972

By Assemblymen FORAN, WEIDEL, MABIE, HURLEY, BLACK,  
DAWES, ROBERTSON, DE KORTE, MEGARO, JACKMAN,  
LEFANTE, McDONOUGH and KEAN

Referred to Committee on State Government

AN ACT to provide for the coordination of services in emergency situations through the creation of a Governor's Advisory Council for Emergency Services and to provide a fund from which emergency disbursements may be made and repealing P. L. 1969, c. 94.

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

1 1. This act shall be known and may be cited as the "Emergency  
2 Services Act of 1972."

1 2. WHEREAS, The existing and increasing possibility of the occur-  
2 rence of emergencies or disasters resulting from flood, fire,  
3 hurricane, civil disorder or other catastrophe requires that we  
4 insure that preparations of this State will be adequate to deal  
5 with such emergencies or disasters; and

6 WHEREAS, Recent experience has demonstrated the necessity to  
7 respond expeditiously to natural and other major catastro-  
8 phies, the Legislature hereby finds that it would be in the best  
9 interests of the citizens of New Jersey to establish a procedure  
10 for responsible and effective utilization of our emergency  
11 resources.

1 3. The following terms whenever used or referred to in this act  
2 shall have the following respective meanings for the purposes of  
3 this act, except in those instances where the context clearly indicates  
4 otherwise:

5 a. "Act" means this act and any amendments and supplements  
6 thereto and any rules and regulations promulgated thereunder.

7 b. "Council" means the Governor's Advisory Council for  
8 Emergency Services.

9 c. "Emergency" means any flood, hurricane, storm, tornado,  
10 high water, wind-driven water, tidal wave, draught, fire, explosion,  
11 civil disorder or other catastrophe which is or threatens to be of  
12 sufficient severity and magnitude to substantially endanger the  
13 health, safety and property of the citizens of this State.

14 d. "Fund" means the Emergency Services Fund created by this  
15 act.

1 4. There is hereby created a Governor's Advisory Council for  
2 Emergency Services which shall consist of the Attorney General,  
3 who shall be the presiding officer, the Chief of Staff of the Depart-  
4 ment of Defense, the Commissioner of the Department of Com-  
5 munity Affairs, the Commissioner of the Department of Environ-  
6 mental Protection, the Commissioner of the Department of  
7 Transportation, the President of the Public Utility Commission, or  
8 their designees. The members of the council shall serve without  
9 pay in connection with all such duties as are prescribed in this act.

1 5. There is hereby created a fund to be known as the Emergency  
2 Services Fund which shall consist of such sums as the Legislature  
3 may, from time to time, appropriate and such additional sums as  
4 may be granted or donated to the fund from any public or private  
5 source, together with income to the fund from investments  
6 authorized for the purposes set forth in section 6 of this act.

1 6. The fund shall be administered by the State Treasurer. All  
2 moneys appropriated for, earned by or otherwise made available  
3 to the fund shall be deposited to the credit of the fund in such  
4 depositories as he may select and shall be held unless otherwise  
5 provided by law for the purposes of this act. Such portions of the  
6 fund as are not required for immediate disbursement to carry out  
7 the provisions of this act may be invested and reinvested in the  
8 manner provided for by law in the trust funds in the State  
9 Treasury.

1 7. The council shall meet at such times as may be necessary to  
2 fulfill the requirements set forth in this act, except that the Gover-  
3 nor may at any time by issuing a declaration of an emergency  
4 convene the council. The concurrence of four members of the  
5 council shall be necessary to the validity of all acts of the council.

1 8. The council shall be authorized to perform the following func-  
2 tions and exercise the following powers:

3 a. Review, evaluate and recommend to the Legislature any neces-  
4 sary changes in any existing compact between this State and the  
5 Federal Government or between this State and any other state  
6 created for the purposes set forth in this act or develop such  
7 compacts where they do not exist.

8 b. Review, evaluate and periodically recommend changes in  
9 existing emergency master plans.

10 c. Encourage and coordinate comprehensive services available  
11 through private organizations and intercommunity cooperations.

12 d. Authorize expenditures from the fund upon approval of the  
13 Governor to provide emergency relief deemed appropriate by the  
14 council or to reimburse municipalities for damages or excessive  
15 costs sustained as a result of an emergency.

16 e. Utilize the manpower facilities and materials of the various  
17 State departments for the purposes of this act.

1 9. Payments out of the fund shall be made by the State Treas-  
2 urer, upon certification by the council and warrant of the Director  
3 of the Division of Budget and Accounting.

1 10. The provisions of this act shall be deemed to be additional  
2 and supplemental to any existing authority to provide emergency  
3 relief and shall not be deemed to be in derogation of any such  
4 existing authority.

1 11. P. L. 1969, c. 94 (C. 40:47A-1 et seq.) is repealed.

1 12. The unexpended portion of the appropriation heretofore  
2 made in P. L. 1969, c. 94, is hereby appropriated for the purposes  
3 of this act.

1 13. This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

AUGUST 17, 1972

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill signed into law today a bill establishing a Governor's Advisory Council for Emergency Services authorized to provide aid swiftly in time of disaster.

The bill, Assembly 923, sponsored by Assemblyman Walter E. Foran, (R., Hunterdon) also sets up a fund to provide emergency relief, or to reimburse municipalities for damages or excessive costs sustained in emergencies; coordinates comprehensive services available through private organizations and intercommunity cooperation; and utilizes the manpower and materials of the various State departments to assist in times of catastrophe.

Noting that he had proposed establishment of the Council in his Second Annual Message to the Legislature last January, Governor Cahill said, "We have had repeated and tragic demonstrations of the need to respond expeditiously and adequately to the natural catastrophes that periodically occur. The recent floods that ravaged portions of our neighboring state of Pennsylvania this summer are the most recent and most graphic examples of the need for advance preparation in order to cope quickly with emergencies. We must be ready so we can avoid delay and eliminate needless suffering by our citizens in affected areas. The Council will be geared to make the maximum response with all available resources in the minimum of amount of time."

Under the bill, the Governor's Advisory Council for Emergency Service will consist of the Attorney General, who will be the presiding officer, the Chief of Staff of the Department of Defense, the Commissioner of the Department of Community Affairs, the Commissioner of the Department

BY THE GOVERNOR

*Robert M. Falvey*  
ACTING SECRETARY OF STATE

of Environmental Protection, the Commissioner of the Department of Transportation, the President of the Public Utilities Commission, or their designees.

The initial fund created by the bill and appropriated by the Legislature, will total approximately \$1.5 million. Additional funds will be appropriated from time to time as required or may be donated by any public or private sources. The money will be invested when not being utilized and will be administered by the State Treasurer.

The Governor can convene the Council at any time by declaring an emergency. In addition, it will meet periodically to review measures necessary to implement the act. These include reviewing, evaluating and recommending to the Legislature any changes necessary in any existing compact between New Jersey and the Federal Government or between New Jersey and any other state.

The act also replaces the Emergency Aid Act of 1969 which Governor Cahill, in his message to the Legislature, characterized as "awkward and inefficient".

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ACTING SECRETARY OF STATE

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*Gov Cahill's 2nd Annual Message*

water conservation cooperative programs. We want to enhance the quality of our environment so that all our citizens will benefit and New Jersey will earn the right to continue to be known as the Garden State.

### CATASTROPHIES

The memory of the severe rains which ravaged vast stretches of the State several months ago, causing death and injury to our citizens, damage to homes and business and financial hardship is still fresh in our minds. I am convinced, and I am sure that you agree with me, that we cannot continue to expose our citizens to these dangers.

Our recent experience has demonstrated dramatically that man's continual encroachment on flood plains and the excessive paving of run-off areas have contributed greatly to the amount and severity of damage caused by storms and heavy rains. The failure of municipalities to take effective measures to zone flood plain areas, combined with the failure to comply with federal law for participation in the Federal Flood Insurance Program, have resulted in great financial losses to the citizens of this State. Accordingly, I am proposing a Flood Plain Regulation Act which will empower the Department of Environmental Protection to make rules and regulations concerning construction in certain areas so that damage during floods will be minimized or prevented. This power could be invoked in any municipality which, one year from the effective date, had not adopted regulations concerning flood-plain areas.

We must be prepared to meet these and similar catastrophies as they occur through a plan of coordination between State and local authorities. In order to expedite our response in emergency situations, I am proposing that the Legislature create and fund a Governor's Advisory Council for Emergency Services. The Council would be comprised of the heads of the Departments of Defense, Community Affairs, Environmental Protection, Transportation, Public Utility Commission and Law and Public Safety.

The Council, upon review and evaluation, would be empowered to make disbursements of emergency monies under the terms set forth in the act. If a crisis warrants rapid intervention of executive authority, the Council could be convened upon the issuance of a declaration of an emergency by the Governor. The Council could

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then direct the implementation of an emergency master plan which will coordinate the functions and services available through private organizations such as the American Red Cross, as well as the local, State and Federal levels of government.

Under this proposal, contact will be established with our neighboring states of New York and Pennsylvania with an eye towards development of interstate aid compacts so that reciprocal help would be available if needed. The local services and resources should be assessed and integrated with State service. The Council will review and apply to the Federal Government for those programs that are available in emergency situations.

Since taking office in January of 1970, I have had an opportunity to observe the implementation and operation of the Local Emergency Aid Act, established by c. 94, P. L. 1969. This program has proved to be awkward and inefficient. Therefore, upon approval by the Legislature of this new concept of interdepartmental cooperation in emergency situations, I am prepared to recommend that the existing statute be repealed.

## TRANSPORTATION

The vitality of any state throbs to the tempo of its transportation system. This is especially true in New Jersey, where our population density demands priority attention, both in time and money, to the movement of people and goods.

During the past year, substantial progress has been made in improving New Jersey's transportation facilities. But, a great deal more must be done for both rail and roads if our State is to avoid the waste and expense associated with traffic strangulation.

### Highway

Under guidelines which I have suggested, our Department of Transportation is completing a new Master Plan for highways for that system. Very shortly I shall submit a request for authorization to ask the voters in November, 1972, to approve a new Transportation Bond Issue. Current revenues are patently inadequate to sustain needed momentum in transportation improvements in New Jersey, and all of the 1968 transportation bond funds, both for highways and for public transportation, have been fully programmed.