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P.L. 2003, CHAPTER 28, *approved March 10, 2003*
Assembly, No. 1775 (*Second Reprint*)

1 **AN ACT** creating the "Fire Service Resource Emergency Deployment
2 Act" and supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Fire Service
8 Resource Emergency Deployment Act."

9

10 2. The Legislature finds and declares that, in the interest of public
11 safety, it is appropriate to establish a mechanism for the coordination
12 of fire service resources throughout the State to facilitate a quick and
13 efficient response to any emergency incident or situation that requires
14 the immediate deployment of those resources in order to protect life
15 and property from the danger or destruction of fire, explosion or other
16 disaster. This act is remedial in nature and shall be liberally construed
17 to effectuate these purposes.

18

19 3. As used in this act:

20 "County fire coordinator" means the individual appointed by the
21 ¹[county emergency management] State fire¹ coordinator pursuant to
22 subsection a. of section 5 of this act.

23 "County fire mutual aid plan" means a plan, prepared and adopted
24 by a county in accordance with subsection ²[b.] c.² of section 5 of this
25 act, which sets forth the measures that are to be implemented in those
26 instances where the fire service resources of an individual municipality
27 within the county are unable to respond adequately to an emergency
28 incident or a local fire emergency disaster and, therefore, it is
29 necessary for the county to coordinate the delivery of fire service
30 resources and assistance to that municipality from other municipalities
31 in the county.

32 ¹"Deputy county fire coordinator" means an individual appointed
33 by the ²[State] county² fire coordinator pursuant to subsection a. of
34 section 5 of this act to assist the county fire coordinator with the
35 duties and responsibilities of his position and to serve as the county
36 fire coordinator in his absence.

37 "Deputy State fire coordinator" means an individual appointed by
38 the State fire coordinator from the employees of the Division of Fire

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHS committee amendments adopted May 13, 2002.

² Senate floor amendments adopted December 16, 2002.

1 Safety to assist the State fire coordinator with the duties and
2 responsibilities of his position and to serve as the State fire
3 coordinator in his absence.¹

4 "Division" means the Division of Fire Safety in the Department of
5 Community Affairs.

6 "Emergency incident" means any situation to which a unit of the fire
7 service responds to deliver emergency services including, but not
8 limited to, rescue, fire suppression, ²[emergency medical care,]²
9 special operations and other forms of hazard control and mitigation.

10 "Fire service resources" means fire fighters and other personnel
11 utilized by a unit of the fire service to provide rescue, fire suppression
12 and related activities whether those fire fighters and personnel are
13 volunteer or career; trucks, ¹[ambulances,]¹ rescue vehicles and other
14 vehicles used for fire fighting and emergency purposes; and fire
15 fighting¹[, ambulance]¹ and rescue equipment used for fire or
16 emergency purposes, including communications and protective
17 equipment. ²Fire service resources shall not include emergency
18 medical service providers and personnel, except that any unit or
19 personnel that provides both fire and emergency medical services shall
20 be subject to this act while performing fire suppression and related
21 activities.²

22 ¹"Forest fire service" means the agency within the Department of
23 Environmental Protection that is responsible for the protection of life,
24 property and natural resources from wildfire.¹

25 "Incident commander" means the individual in overall command or
26 control of the fire service personnel, and associated emergency
27 equipment and emergency vehicles, at the site of an emergency
28 incident.

29 "Local fire emergency disaster" means an emergency incident
30 which, in the ²[judgement] judgment² of the incident commander, is
31 of such severe degree and nature that it presents a significant threat to
32 the health, safety and welfare of a municipality and its residents and,
33 therefore, ²[warrants the immediate] may warrant the² implementation
34 of the municipality's municipal emergency operations plan.

35 "Local fire mutual aid plan" means a plan, prepared and adopted by
36 a municipality ¹or fire district¹ in accordance with section 4 of this act,
37 which sets forth the measures that are to be implemented in those
38 instances when the fire service resources of the municipality ¹or fire
39 district¹ cannot adequately respond to an emergency incident or a local
40 fire emergency disaster and, as a consequence, it is necessary for the
41 municipality ¹or fire district¹ to request assistance and fire service
42 resources from contiguous municipalities.

43 "Order of deployment" means an order issued by the State fire
44 coordinator pursuant to this act to a unit of the fire service requiring
45 the immediate response, recall or standby of that unit's fire service
46 personnel, emergency equipment or emergency vehicles, or any part
47 thereof.

1 ²[¹"Regional fire coordinator" means the individual appointed by
2 the State fire coordinator. There shall be a minimum of three regional
3 fire coordinators each assigned to geographical areas as determined by
4 the State fire coordinator. Qualifications, duties and responsibilities
5 will be determined by the State fire coordinator, in consultation with
6 the county fire coordinators.¹]²

7 "State fire coordinator" means the Director of the Division of Fire
8 Safety in the Department of Community Affairs, or his designee.

9 ¹"State firewarden" means the chief of the forest fire service in the
10 Department of Environmental Protection or his designee.¹

11 "Unit of the fire service" means a department or force, be it paid,
12 part-paid or volunteer, established and maintained by the State or any
13 of its instrumentalities, any local governmental unit or any of its
14 instrumentalities, any State or local authority, fire district or non-profit
15 corporation, association or organization for the purposes of fire
16 suppression, rescue and related activities.

17
18 4. Each municipality ¹or fire district, as the case may be, ¹ in this
19 State shall prepare and adopt a ¹[municipal] local¹ fire mutual aid
20 plan. The plan shall set forth policies and procedures to coordinate
21 the effective utilization of fire service resources in those instances
22 where the implementation of the ¹[municipal] local¹ fire mutual aid
23 plan is determined to be necessary or appropriate. Each ¹[municipal]
24 local¹ fire mutual aid plan shall be based upon the planning criteria,
25 objectives, requirements, responsibilities and concepts of operation
26 essential for the implementation of all necessary and appropriate
27 protective or remedial measures to be taken in response to emergency
28 incidents. Each ¹[municipal] local¹ fire mutual aid plan shall be
29 adopted no later than one year after the effective date of this act.
30 Following adoption, each municipality ¹or fire district¹ shall file a copy
31 of its ¹[municipal] local¹ fire mutual aid plan with the county fire
32 coordinator. In any instance where a ¹[municipal] local¹ fire mutual
33 aid plan provides for the provision of assistance and fire service
34 resources by or to a political subdivision of another state, the
35 municipality ¹or fire district¹ also shall file a copy of that plan with the
36 State fire coordinator. Each ¹[municipal] local¹ fire mutual aid plan
37 shall be reviewed and updated every two years.

38
39 5. a. The ¹[emergency management] State fire¹ coordinator ¹[in
40 each county]¹ shall ²[, in consultation with the fire chiefs of the units
41 of the fire service within ¹[that] each¹ county, appoint a county fire
42 coordinator ¹and deputy county fire coordinator. More than one
43 deputy county fire coordinator may be appointed in each county.
44 Qualifications, duties and responsibilities of such coordinators will be
45 determined by the State fire coordinator¹] appoint a county fire

1 coordinator in each county, pursuant to the provisions of this section,
2 and the county fire coordinator shall appoint at least one deputy
3 county fire coordinator in each county, in accordance with the
4 provisions of this section. More than one deputy county fire
5 coordinator may be appointed in each county ².

6 ²(1) The State fire coordinator shall determine the duties and
7 responsibilities as deemed necessary for the positions of county fire
8 coordinator and deputy county fire coordinator. The duties and
9 responsibilities shall include, but not be limited to:

10 (a) fire service resources management and coordination;

11 (b) preparation of the county Emergency Operations Plan Fire
12 Annex in conjunction with the county emergency management
13 coordinator and in accordance with the standards established by the
14 State Office of Emergency Management;

15 (c) county fire mutual aid planning, as set forth in subsection c. of
16 this section; and

17 (d) continuing training and education requirements.

18 (2) The county emergency management coordinator in each county
19 shall, in consultation with the fire chiefs of the units of the fire service
20 within each county, submit the name of at least one candidate to the
21 State fire coordinator for consideration as the county fire coordinator.
22 Each candidate shall possess a minimum of seven years of documented
23 fire service experience to be eligible for appointment as the county fire
24 coordinator. The State fire coordinator shall appoint the county fire
25 coordinator from the list of eligible candidates submitted by the county
26 emergency management coordinator. Each county fire coordinator
27 shall serve for a two-year term and until his or her successor is
28 appointed. Vacancies shall be filed in the same manner as the original
29 appointment.

30 (3) The county fire coordinator in each county shall, in
31 consultation with the fire chiefs of the units of the fire service within
32 each county, appoint the deputy county fire coordinator or
33 coordinators. Each candidate shall possess a minimum of four years
34 of documented fire service experience to be eligible for appointment
35 as a deputy county fire coordinator. Each deputy county fire
36 coordinator shall serve for a two year term, which shall be served
37 concurrently with the term of the county fire coordinator appointed in
38 that county. Vacancies shall be filed for the unexpired term only and
39 in the same manner as the original appointment.

40 b.² The county fire coordinator shall implement the county's ¹fire¹
41 mutual aid plan, coordinate the utilization of fire service resources
42 with the county in response to emergency incidents which require
43 implementation of the county's ¹fire¹ mutual aid plan and perform such
44 other duties as may be necessary and appropriate to effectuate the
45 purposes of this act.

46 ²[b.] c.² Each county in this State shall prepare and adopt a

1 county fire mutual aid plan. The plan shall set forth policies and
2 procedures to coordinate the effective utilization of fire service
3 resources in those instances where the implementation of the county
4 fire mutual aid plan is determined to be necessary or appropriate.
5 Each county ¹fire¹ mutual aid plan shall be based upon the planning
6 criteria, objectives, requirements, responsibilities and concepts of
7 operation essential for the implementation of all necessary and
8 appropriate protective or remedial measures to be taken in response
9 to emergency incidents. Each county fire mutual aid plan shall be
10 adopted no later than one year after the effective date of this act.
11 Following adoption, each county shall file a copy of its county fire
12 mutual aid plan with the State fire coordinator. Each county fire
13 mutual aid plan shall be reviewed and updated every two years.

14 ²[c.] d.² Each unit of the fire service in the county shall participate
15 in the county fire mutual aid plan and shall submit ¹[biennially] every
16 two years¹ to its county fire coordinator the following information:

17 (1) A complete inventory of personnel and equipment;

18 (2) A ¹[municipal] local¹ fire mutual aid plan ²prepared and
19 updated pursuant to section 4 of this act²; and

20 (3) A listing of fire companies and departments involved in the
21 ¹[municipal] local fire¹ mutual aid plan.

22

23 6. a. In the event of an emergency incident, the incident
24 commander shall determine whether additional fire service resources
25 are required and, if so, shall first call upon the members of his
26 ¹[municipality's] local¹ fire mutual aid plan.

27 b. Should the incident commander determine, after calling for
28 assistance from members of his ¹[municipality's] local¹ fire mutual aid
29 plan, that further fire service resources are required to respond to the
30 emergency incident, he shall request that the county fire coordinator
31 place the county fire mutual aid plan into effect. Upon making such
32 a request, the incident commander also shall notify the municipal
33 emergency management coordinator appointed pursuant to section 8
34 of P.L.1953, c.438 (C.App.A:9-40.1) of the emergency incident so
35 that the municipal emergency management coordinator may alert and
36 utilize his staff should additional emergency resources be required.

37 c. Upon the activation of a county fire mutual aid plan, the county
38 fire coordinator shall notify the ¹regional fire coordinator assigned to
39 that county and¹ the State fire coordinator with regard to the
40 emergency incident and shall further provide periodic updates to ¹[the
41 State fire coordinator] both¹ until termination of the emergency
42 incident. ¹The State fire coordinator shall ensure that the county and
43 State Offices of Emergency Management are notified and provide them
44 with periodic updates until termination of the emergency incident.¹

45 d. In the event that the municipal emergency management
46 coordinator determines to mobilize local resources in response to an

1 emergency incident, he shall so notify the county emergency
2 management coordinator appointed pursuant to section 12 of
3 P.L.1953, c.438 (C.App.A:9-42.1) in order that the county emergency
4 management coordinator shall be prepared to respond in the event that
5 local resources are insufficient to effectively deal with the emergency
6 incident.

7 e. In the event of an emergency incident, the incident commander
8 also may declare a local fire ¹[disaster]¹ emergency ¹disaster¹. In
9 making any such determination, the incident commander shall utilize
10 the best information then available.

11 f. Whenever a local fire ¹[disaster]¹ emergency ¹disaster¹ is
12 declared pursuant to subsection e. of this section, the municipal
13 emergency management coordinator shall activate the municipal
14 emergency operations plan adopted pursuant to section 19 of
15 P.L.1989, c. 222 (C.App. A:9-43.2). The municipal emergency
16 management coordinator shall coordinate the interactions of all those
17 providing emergency response, emergency resources or both for the
18 emergency incident.

19 g. The municipal emergency management coordinator shall provide
20 periodic updates to the county emergency management coordinator
21 with regard to the emergency incident. The county emergency
22 management coordinator shall provide additional resources as may be
23 necessary and available. The county emergency management
24 coordinator also shall notify the State Office of Emergency
25 Management in the Division of State Police in the Department of Law
26 and Public Safety of the emergency incident. Requests for assistance
27 from the State Office of Emergency Management shall be made by the
28 county office of emergency management.

29 ¹h. The county fire coordinator shall maintain a liaison with the
30 supervisory representative of the forest fire service in deploying fire
31 service resources and coordinating protection activities during wildfire
32 emergency incidents pursuant to R.S.13:9-1 et. seq.

33 i. The county fire coordinator shall request additional resources,
34 beyond those from within his county, through the regional or State fire
35 coordinator. The regional or State fire coordinator shall utilize the
36 Office of Emergency Management system to request these resources.¹

37

38 7. The State fire coordinator shall have all powers necessary or
39 convenient to effectuate the purposes of this act including, without
40 limitation, power:

41 a. To enforce and administer the provisions of this act; to seek
42 mandatory injunctive relief in State courts; to issue subpoenas for the
43 production of persons, things, and documents that are necessary to
44 achieve compliance with the provisions of this act; and to prosecute or
45 cause to be prosecuted violators of the provisions of this act in
46 administrative hearings and in civil proceedings in State and local

1 courts;

2 b. To assess penalties and to compromise and settle a claim for a
3 penalty for a violation of the provisions of this act in an amount as
4 may appear appropriate and equitable; and

5 c. To hold and exercise all the rights and remedies available to a
6 judgment creditor.

7

8 8. a. ²[Upon receiving notification from a county fire coordinator
9 of the existence of an emergency incident or a local fire emergency
10 disaster, the State fire coordinator shall determine whether the
11 emergency incident or local fire emergency disaster requires the
12 deployment of fire service resources from other parts of the State.]
13 Whenever a county fire coordinator determines that fire service
14 resources are needed from other counties due to an emergency
15 incident or a local fire emergency disaster, the county fire coordinator
16 shall notify the regional fire coordinator with responsibility for that
17 county. Upon receipt of a request for out of county fire service
18 resources from the county fire coordinator, the regional fire
19 coordinator shall notify the State fire coordinator as well as the county
20 fire coordinators from the counties adjacent to the county from which
21 the emergency incident or local fire emergency disaster originates.²

22 b. Whenever the State fire coordinator ²[makes such a
23 determination, he shall] :

24 (1) makes the determination that fire service resources should be
25 deployed to assist in fire suppression and related activities in another
26 state during a fire emergency in that state; or

27 (2) makes the determination, in consultation with the regional fire
28 coordinator and county fire coordinator for the county from which an
29 emergency incident or a local fire emergency disaster originates, that
30 the emergency incident or local fire emergency disaster requires the
31 deployment of additional fire service resources.

32 the State fire coordinator shall² be empowered and authorized to
33 issue immediately an order of deployment and require any unit of the
34 fire service to respond, be recalled, standby or deploy any or all of its
35 fire service resources to any location and for any period of the
36 emergency incident or ¹local fire¹ emergency disaster. During any
37 such emergency incident or ¹local fire¹ emergency disaster, the
38 assigned fire service resources shall be under the operational command
39 of the incident commander at the site. In issuing an order of
40 deployment, the State fire coordinator also shall be empowered and
41 authorized to direct that any unit of fire service not respond to an
42 emergency incident or ²a² ¹local fire¹ emergency disaster, but remain
43 on standby.

44 c. If the State fire coordinator determines that the residents of a
45 municipality or any portion thereof may not have sufficient fire service
46 resources as a result of an order of deployment issued pursuant to this

1 section to the unit of the fire service responsible for the fire protection
2 of that municipality or that portion thereof, the State fire coordinator
3 may issue an order of deployment to an adjacent or nearby unit of the
4 fire service to provide necessary fire protection services, including the
5 provision of fire service resources in the affected municipality or
6 portion thereof. An order of deployment issued pursuant to this
7 section shall be terminated by the State fire coordinator when he
8 determines that the deployed unit of the fire service is once again able
9 to provide adequate fire protection to the residents within its area of
10 responsibility without the provision of fire services resources from
11 other units of the fire service.

12 d. An order of deployment shall remain in effect during the period
13 of the emergency incident or ¹local fire¹ emergency disaster or until
14 otherwise rescinded by the State fire coordinator ²[or] ² superseded
15 by order of the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33
16 et seq.) ², or superseded by the determination that mutual aid should
17 be provided in accordance with the Emergency Management
18 Assistance Compact, P.L.2001, c.249 (C.38A:20-4 et seq.), or the
19 Interstate Civil Defense and Disaster Compact, N.J.S.38A:20-3².
20 Upon the issuance of an order of the Governor pursuant to P.L.1942,
21 c.251 (C.App.A:9-33 et seq.), the State fire coordinator shall
22 coordinate all fire resources in accordance with the State Emergency
23 Operations Plan. If deemed necessary, and if the emergency incident
24 or ¹local fire¹ emergency disaster continues to exist, the State fire
25 coordinator may reinstate any previously issued order of deployment
26 or any portion of any such order of deployment. The State fire
27 coordinator may modify the terms of an order of deployment issued to
28 a unit of the fire service in order to respond immediately to a current
29 or developing emergency incident or ²local fire² emergency disaster or
30 to provide adequate fire protection to a municipality or any portion
31 thereof impacted by the order of deployment, including, but not limited
32 to, reducing or increasing the number of deployed fire service
33 personnel, emergency equipment or emergency vehicles.

34 ¹e. The State fire coordinator shall maintain a liaison with the
35 supervisory representative of the forest fire service in deploying fire
36 service resources and coordinating protection activities during wildfire
37 emergency incidents pursuant to R.S.13:9-1 et. seq.¹
38

39 9. The State fire coordinator may require any unit of the fire
40 service periodically to provide information on the status, condition and
41 readiness of any of the unit's fire service resources or any other
42 information deemed necessary by the State fire coordinator. The State
43 fire coordinator may prescribe the form and the manner in which such
44 information is to be provided.

45

46 10. The Director of the Division of Fire Safety may adopt rules and

1 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
2 c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act;
3 except that, notwithstanding any provision of P.L.1968, c.410
4 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Community
5 Affairs may adopt, immediately upon filing with the Office of
6 Administrative Law, such regulations as the State fire coordinator
7 deems necessary to implement the provisions of this act, and which
8 shall be effective for a period not to exceed six months and may
9 thereafter be amended, adopted or readopted by the state fire
10 coordinator in accordance with the requirements of P.L.1968, c.410
11 (C.52:14B-1 et seq.).

12

13 11. Any State or local law enforcement agency or officer may
14 enforce an order of deployment issued by the State fire coordinator
15 pursuant to this act. If the State fire coordinator shall determine that
16 such enforcement is essential in order to facilitate the immediate
17 response to an emergency incident ¹or local fire emergency disaster¹,
18 he shall so notify any State or local law enforcement agency or officer
19 and that agency or officer shall forthwith enforce that order of
20 deployment.

21

22 12. Any person who knowingly and willfully violates, causes to
23 violate, hinders, or otherwise interferes with an order of the State fire
24 coordinator issued pursuant to this act shall be liable to a penalty of
25 not more than \$10,000 for each violation. Any person aggrieved by
26 ¹[such] an¹ order ¹[or] imposing such¹ penalty shall be entitled to an
27 administrative hearing. The application for the hearing shall be filed
28 with the division by the 15th day after receipt by the person of the
29 penalty notice. The application for an administrative hearing shall not
30 stay or otherwise delay the implementation of an order of deployment
31 issued by the State fire coordinator pursuant to this act. If the
32 administrative penalty order has not been satisfied by the 30th day
33 after its issuance ²and an application for an administrative hearing has
34 not been made², the penalty may be recovered in the name of the
35 Commissioner of Community Affairs pursuant to the "Penalty
36 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

37

38 13. This act shall take effect immediately.

39

40

41

42

43 _____
"Fire Service Resource Emergency Deployment Act."

ASSEMBLY, No. 1775

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:

Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Quigley

SYNOPSIS

"Fire Service Resource Emergency Deployment Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2002)

1 AN ACT creating the "Fire Service Resource Emergency Deployment
2 Act" and supplementing Title 52 of the Revised Statutes.

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

6
7 1. This act shall be known and may be cited as the "Fire Service
8 Resource Emergency Deployment Act."

9
10 2. The Legislature finds and declares that, in the interest of public
11 safety, it is appropriate to establish a mechanism for the coordination
12 of fire service resources throughout the State to facilitate a quick and
13 efficient response to any emergency incident or situation that requires
14 the immediate deployment of those resources in order to protect life
15 and property from the danger or destruction of fire, explosion or other
16 disaster. This act is remedial in nature and shall be liberally construed
17 to effectuate these purposes.

18
19 3. As used in this act:

20 "County fire coordinator" means the individual appointed by the
21 county emergency management coordinator pursuant to subsection a.
22 of section 5 of this act.

23 "County fire mutual aid plan" means a plan, prepared and adopted
24 by a county in accordance with subsection b. of section 5 of this act,
25 which sets forth the measures that are to be implemented in those
26 instances where the fire service resources of an individual municipality
27 within the county are unable to respond adequately to an emergency
28 incident or a local fire emergency disaster and, therefore, it is
29 necessary for the county to coordinate the delivery of fire service
30 resources and assistance to that municipality from other municipalities
31 in the county.

32 "Division" means the Division of Fire Safety in the Department of
33 Community Affairs.

34 "Emergency incident" means any situation to which a unit of the fire
35 service responds to deliver emergency services including, but not
36 limited to, rescue, fire suppression, emergency medical care, special
37 operations and other forms of hazard control and mitigation.

38 "Fire service resources" means fire fighters and other personnel
39 utilized by a unit of the fire service to provide rescue, fire suppression
40 and related activities whether those fire fighters and personnel are
41 volunteer or career; trucks, ambulances, rescue vehicles and other
42 vehicles used for fire fighting and emergency purposes; and fire
43 fighting, ambulance and rescue equipment used for fire or emergency
44 purposes, including communications and protective equipment.

45 "Incident commander" means the individual in overall command or
46 control of the fire service personnel, and associated emergency

1 equipment and emergency vehicles, at the site of an emergency
2 incident.

3 "Local fire emergency disaster" means an emergency incident
4 which, in the judgement of the incident commander, is of such severe
5 degree and nature that it presents a significant threat to the health,
6 safety and welfare of a municipality and its residents and, therefore,
7 warrants the immediate implementation of the municipality's municipal
8 emergency operations plan.

9 "Local fire mutual aid plan" means a plan, prepared and adopted by
10 a municipality in accordance with section 4 of this act, which sets forth
11 the measures that are to be implemented in those instances when the
12 fire service resources of the municipality cannot adequately respond
13 to an emergency incident or a local fire emergency disaster and, as a
14 consequence, it is necessary for the municipality to request assistance
15 and fire service resources from contiguous municipalities.

16 "Order of deployment" means an order issued by the State fire
17 coordinator pursuant to this act to a unit of the fire service requiring
18 the immediate response, recall or standby of that unit's fire service
19 personnel, emergency equipment or emergency vehicles, or any part
20 thereof.

21 "State fire coordinator" means the Director of the Division of Fire
22 Safety in the Department of Community Affairs, or his designee.

23 "Unit of the fire service" means a department or force, be it paid,
24 part-paid or volunteer, established and maintained by the State or any
25 of its instrumentalities, any local governmental unit or any of its
26 instrumentalities, any State or local authority, fire district or non-profit
27 corporation, association or organization for the purposes of fire
28 suppression, rescue and related activities.

29
30 4. Each municipality in this State shall prepare and adopt a
31 municipal fire mutual aid plan. The plan shall set forth policies and
32 procedures to coordinate the effective utilization of fire service
33 resources in those instances where the implementation of the municipal
34 fire mutual aid plan is determined to be necessary or appropriate.
35 Each municipal fire mutual aid plan shall be based upon the planning
36 criteria, objectives, requirements, responsibilities and concepts of
37 operation essential for the implementation of all necessary and
38 appropriate protective or remedial measures to be taken in response
39 to emergency incidents. Each municipal fire mutual aid plan shall be
40 adopted no later than one year after the effective date of this act.
41 Following adoption, each municipality shall file a copy of its municipal
42 fire mutual aid plan with the county fire coordinator. In any instance
43 where a municipal fire mutual aid plan provides for the provision of
44 assistance and fire service resources by or to a political subdivision of
45 another state, the municipality also shall file a copy of that plan with
46 the State fire coordinator. Each municipal fire mutual aid plan shall be
47 reviewed and updated every two years.

1 5. a. The emergency management coordinator in each county shall,
2 in consultation with the fire chiefs of the units of the fire service within
3 that county, appoint a county fire coordinator. The county fire
4 coordinator shall implement the county's mutual aid plan, coordinate
5 the utilization of fire service resources with the county in response to
6 emergency incidents which require implementation of the county's
7 mutual aid plan and perform such other duties as may be necessary and
8 appropriate to effectuate the purposes of this act.

9 b. Each county in this State shall prepare and adopt a county fire
10 mutual aid plan. The plan shall set forth policies and procedures to
11 coordinate the effective utilization of fire service resources in those
12 instances where the implementation of the county fire mutual aid plan
13 is determined to be necessary or appropriate. Each county mutual aid
14 plan shall be based upon the planning criteria, objectives,
15 requirements, responsibilities and concepts of operation essential for
16 the implementation of all necessary and appropriate protective or
17 remedial measures to be taken in response to emergency incidents.
18 Each county fire mutual aid plan shall be adopted no later than one
19 year after the effective date of this act. Following adoption, each
20 county shall file a copy of its county fire mutual aid plan with the State
21 fire coordinator. Each county fire mutual aid plan shall be reviewed
22 and updated every two years.

23 c. Each unit of the fire service in the county shall participate in the
24 county fire mutual aid plan and shall submit biennially to its county fire
25 coordinator the following information:

26 (1) A complete inventory of personnel and equipment;

27 (2) A municipal fire mutual aid plan; and

28 (3) A listing of fire companies and departments involved in the
29 municipal mutual aid plan.

30
31 6. a. In the event of an emergency incident, the incident commander
32 shall determine whether additional fire service resources are required
33 and, if so, shall first call upon the members of his municipality's fire
34 mutual aid plan.

35 b. Should the incident commander determine, after calling for
36 assistance from members of his municipality's fire mutual aid plan, that
37 further fire service resources are required to respond to the emergency
38 incident, he shall request that the county fire coordinator place the
39 county fire mutual aid plan into effect. Upon making such a request,
40 the incident commander also shall notify the municipal emergency
41 management coordinator appointed pursuant to section 8 of P.L.1953,
42 c.438 (C.App.A:9-40.1) of the emergency incident so that the
43 municipal emergency management coordinator may alert and utilize his
44 staff should additional emergency resources be required.

45 c. Upon the activation of a county fire mutual aid plan, the county
46 fire coordinator shall notify the State fire coordinator with regard to

1 the emergency incident and shall further provide periodic updates to
2 the State fire coordinator until termination of the emergency incident.

3 d. In the event that the municipal emergency management
4 coordinator determines to mobilize local resources in response to an
5 emergency incident, he shall so notify the county emergency
6 management coordinator appointed pursuant to section 12 of
7 P.L.1953, c.438 (C.App.A:9-42.1) in order that the county emergency
8 management coordinator shall be prepared to respond in the event that
9 local resources are insufficient to effectively deal with the emergency
10 incident.

11 e. In the event of an emergency incident, the incident commander
12 also may declare a local fire disaster emergency. In making any such
13 determination, the incident commander shall utilize the best
14 information then available.

15 f. Whenever a local fire disaster emergency is declared pursuant to
16 subsection e. of this section, the municipal emergency management
17 coordinator shall activate the municipal emergency operations plan
18 adopted pursuant to section 19 of P.L.1989, c. 222 (C.App. A:9-43.2).
19 The municipal emergency management coordinator shall coordinate
20 the interactions of all those providing emergency response, emergency
21 resources or both for the emergency incident.

22 g. The municipal emergency management coordinator shall provide
23 periodic updates to the county emergency management coordinator
24 with regard to the emergency incident. The county emergency
25 management coordinator shall provide additional resources as may be
26 necessary and available. The county emergency management
27 coordinator also shall notify the State Office of Emergency
28 Management in the Division of State Police in the Department of Law
29 and Public Safety of the emergency incident. Requests for assistance
30 from the State Office of Emergency Management shall be made by the
31 county office of emergency management.

32

33 7. The State fire coordinator shall have all powers necessary or
34 convenient to effectuate the purposes of this act including, without
35 limitation, power:

36 a. To enforce and administer the provisions of this act; to seek
37 mandatory injunctive relief in State courts; to issue subpoenas for the
38 production of persons, things, and documents that are necessary to
39 achieve compliance with the provisions of this act; and to prosecute or
40 cause to be prosecuted violators of the provisions of this act in
41 administrative hearings and in civil proceedings in State and local
42 courts;

43 b. To assess penalties and to compromise and settle a claim for a
44 penalty for a violation of the provisions of this act in an amount as
45 may appear appropriate and equitable; and

1 c. To hold and exercise all the rights and remedies available to a
2 judgment creditor.

3

4 8. a. Upon receiving notification from a county fire coordinator of
5 the existence of an emergency incident or a local fire emergency
6 disaster, the State fire coordinator shall determine whether the
7 emergency incident or local fire emergency disaster requires the
8 deployment of fire service resources from other parts of the State.

9 b. Whenever the State fire coordinator makes such a determination,
10 he shall be empowered and authorized to issue immediately an order
11 of deployment and require any unit of the fire service to respond, be
12 recalled, standby or deploy any or all of its fire service resources to
13 any location and for any period of the emergency incident or
14 emergency disaster. During any such emergency incident or
15 emergency disaster, the assigned fire service resources shall be under
16 the operational command of the incident commander at the site. In
17 issuing an order of deployment, the State fire coordinator also shall be
18 empowered and authorized to direct that any unit of fire service not
19 respond to an emergency incident or emergency disaster, but remain
20 on standby.

21 c. If the State fire coordinator determines that the residents of a
22 municipality or any portion thereof may not have sufficient fire service
23 resources as a result of an order of deployment issued pursuant to this
24 section to the unit of the fire service responsible for the fire protection
25 of that municipality or that portion thereof, the State fire coordinator
26 may issue an order of deployment to an adjacent or nearby unit of the
27 fire service to provide necessary fire protection services, including the
28 provision of fire service resources in the affected municipality or
29 portion thereof. An order of deployment issued pursuant to this
30 section shall be terminated by the State fire coordinator when he
31 determines that the deployed unit of the fire service is once again able
32 to provide adequate fire protection to the residents within its area of
33 responsibility without the provision of fire services resources from
34 other units of the fire service.

35 d. An order of deployment shall remain in effect during the period
36 of the emergency incident or emergency disaster or until otherwise
37 rescinded by the State fire coordinator or superseded by order of the
38 Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.). Upon
39 the issuance of an order of the Governor pursuant to P.L.1942, c.251
40 (C.App.A:9-33 et seq.), the State fire coordinator shall coordinate all
41 fire resources in accordance with the State Emergency Operations
42 Plan. If deemed necessary, and if the emergency incident or
43 emergency disaster continues to exist, the State fire coordinator may
44 reinstate any previously issued order of deployment or any portion of
45 any such order of deployment. The State fire coordinator may modify
46 the terms of an order of deployment issued to a unit of the fire service

1 in order to respond immediately to a current or developing emergency
2 incident or emergency disaster or to provide adequate fire protection
3 to a municipality or any portion thereof impacted by the order of
4 deployment, including, but not limited to, reducing or increasing the
5 number of deployed fire service personnel, emergency equipment or
6 emergency vehicles.

7
8 9. The State fire coordinator may require any unit of the fire service
9 periodically to provide information on the status, condition and
10 readiness of any of the unit's fire service resources or any other
11 information deemed necessary by the State fire coordinator. The State
12 fire coordinator may prescribe the form and the manner in which such
13 information is to be provided.

14
15 10. The Director of the Division of Fire Safety may adopt rules and
16 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
17 c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act;
18 except that, notwithstanding any provision of P.L.1968, c.410
19 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Community
20 Affairs may adopt, immediately upon filing with the Office of
21 Administrative Law, such regulations as the State fire coordinator
22 deems necessary to implement the provisions of this act, and which
23 shall be effective for a period not to exceed six months and may
24 thereafter be amended, adopted or readopted by the state fire
25 coordinator in accordance with the requirements of P.L.1968, c.410
26 (C.52:14B-1 et seq.).

27
28 11. Any State or local law enforcement agency or officer may
29 enforce an order of deployment issued by the State fire coordinator
30 pursuant to this act. If the State fire coordinator shall determine that
31 such enforcement is essential in order to facilitate the immediate
32 response to an emergency incident, he shall so notify any State or local
33 law enforcement agency or officer and that agency or officer shall
34 forthwith enforce that order of deployment.

35
36 12. Any person who knowingly and willfully violates, causes to
37 violate, hinders, or otherwise interferes with an order of the State fire
38 coordinator issued pursuant to this act shall be liable to a penalty of
39 not more than \$10,000 for each violation. Any person aggrieved by
40 such order or penalty shall be entitled to an administrative hearing.
41 The application for the hearing shall be filed with the division by the
42 15th day after receipt by the person of the penalty notice. The
43 application for an administrative hearing shall not stay or otherwise
44 delay the implementation of an order of deployment issued by the
45 State fire coordinator pursuant to this act. If the administrative
46 penalty order has not been satisfied by the 30th day after its issuance,

1 the penalty may be recovered in the name of the Commissioner of
2 Community Affairs pursuant to the "Penalty Enforcement Law of
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4
5 13. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill establishes a program designed to coordinate fire services
11 personnel and equipment throughout the State to facilitate quick and
12 efficient responses to emergency incidents or situations where
13 municipal fire departments and forces require outside assistance in
14 order to protect life and property from the danger or destruction of
15 fire, explosion or other disasters.

16 The bill requires each municipality and county to prepare and adopt
17 a fire mutual aid plan. These plans are to set forth the policies and
18 procedures for coordinating fire service resources in emergency
19 instances and situations where outside fire fighter personnel and
20 resources are necessary. These plans must be adopted within one year
21 of the effective date of this bill. Every two years, they must be
22 reviewed and updated.

23 The bill also outlines the general procedures for responding to an
24 emergency incident. If an incident commander determines that an
25 event constitutes an emergency incident and that additional fire service
26 resources are necessary, the commander is to request assistance from
27 the other members of his municipality's fire mutual aid plan. Should
28 that assistance be insufficient, the commander is to notify the county
29 fire coordinator, requesting that the county fire mutual aid plan be put
30 into effect. The implementation of the county plan, by initiating a
31 county wide response, would make additional fire fighter personnel
32 and resources available.

33 In addition, the bill also establishes a mechanism which enables an
34 incident commander to declare a local fire disaster emergency and, in
35 response, activate the municipality's emergency operations plan.
36 Activating the local emergency operations plan alerts both the State
37 Office of Emergency Management and the county emergency
38 management coordinator, and can make additional State and county
39 resources available to the affected municipality.

40 The State fire coordinator is authorized to issue orders of
41 deployment which would direct the movement of fire service personnel
42 and resources throughout the State in order to respond to emergency
43 incidents or disasters. These deployed units are to serve under the
44 operational command of the incident commander on site. In cases
45 where fire service units are deployed to emergency incidents or
46 disasters, the State fire coordinator may direct an adjacent

1 municipality's fire department or force to provide coverage to the
2 municipality whose department or force has been deployed. Further,
3 the State fire coordinator is empowered to direct particular fire service
4 units to standby, rather than respond to an emergency incident or
5 disaster.

6 Finally, the State fire coordinator is accorded specific enforcement
7 powers to effectuate the administrative aspects and purposes of the
8 act, including the authority to seek mandatory injunctive relief; to issue
9 subpoenas related to compliance matters; to prosecute violators and
10 to assess penalties and settle claims relating to violations of the bill.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1775

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 1775.

This bill establishes a program designed to coordinate fire services personnel and equipment throughout the State to facilitate quick and efficient responses to emergency incidents or situations where units of the fire service require outside assistance in order to protect life and property from the danger or destruction of fire, explosion or other disasters.

As amended, the bill requires each municipality, fire district, and county to prepare and adopt a fire mutual aid plan. These plans are to set forth the policies and procedures for coordinating fire service resources in emergency instances and situations where outside fire fighter personnel and resources are necessary. These plans must be adopted within one year of the effective date of this bill. Every two years, they must be reviewed and updated.

The bill also outlines the general procedures for responding to an emergency incident. If an incident commander determines that an event constitutes an emergency incident and that additional fire service resources are necessary, the commander is to request assistance from the other members of his local fire mutual aid plan. Should that assistance be insufficient, the commander is to notify the county fire coordinator, requesting that the county fire mutual aid plan be put into effect. The county fire coordinator, upon the activation of the county fire mutual aid plan, must notify the regional coordinator assigned to that county and the State fire coordinator. The county fire coordinator must also provide periodic updates to the regional and State fire coordinators until the emergency incident is terminated. The implementation of each subsequent plan would make additional fire fighter personnel and resources available, through the coordinated efforts at the local, county, regional, and State levels.

In addition, the bill enables an incident commander to declare a local fire emergency disaster. In response to such declaration, the

municipal emergency management coordinator must activate the municipality's emergency operations plan. Activating the municipal emergency operations plan alerts both the State Office of Emergency Management and the county emergency management coordinator, and can make additional State and county resources available to the affected municipality.

The State fire coordinator is authorized under the provisions of the bill to issue orders of deployment which would direct the movement of fire service personnel and resources throughout the State in order to respond to emergency incidents or local fire emergency disasters. These deployed units are to serve under the operational command of the incident commander on site. In cases where fire service units are deployed to emergency incidents or local fire emergency disasters, the State fire coordinator may direct an adjacent municipality's fire department or force to provide coverage to the municipality whose department or force has been deployed. Further, the State fire coordinator is empowered to direct particular fire service units to standby, rather than respond to an emergency incident or disaster.

Finally, the State fire coordinator is accorded specific enforcement powers to effectuate the administrative aspects and purposes of the bill, including the following: to seek mandatory injunctive relief; to issue subpoenas related to compliance matters; to prosecute any person who violates the provisions of this bill; and to assess penalties and settle claims relating to such violations.

COMMITTEE AMENDMENTS:

The amendments make this bill identical to Senate Bill No. 1227(1R), as reported by the Senate Judiciary Committee.

The amendments delete the references to "ambulance" in the bill to reflect the committee's intention that non-fire emergency medical services are not included in the scope of this bill.

The amendments create the positions of deputy State fire coordinator as well as deputy county fire coordinator. There could be more than one deputy county fire coordinator in each county. These deputies would assist with the duties and responsibilities of the State and county fire coordinators.

The amendments also create the position of regional fire coordinator. There would be at least three such coordinators, each assigned to geographical areas as determined by the State fire coordinator.

Finally, in consideration of emergency incidents or local fire emergency disasters involving wildfires, the amendments include references to the forest fire service within the Department of Environmental Protection. The amendments require that county and State fire coordinators maintain a liaison with the supervisory representative of the forest fire service when deploying fire service resources and coordinating protection activities during wildfire emergencies.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1775

STATE OF NEW JERSEY

DATED: JUNE 24, 2002

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1775 (1R).

This bill establishes a program designed to coordinate fire services personnel and equipment throughout the State to facilitate quick and efficient responses to emergency incidents or situations where municipal fire departments and forces require outside assistance in order to protect life and property from the danger or destruction of fire, explosion or other disasters.

The bill requires each municipality, fire district, and county to prepare and adopt a fire mutual aid plan. These plans are to set forth the policies and procedures for coordinating fire service resources in emergency instances and situations where outside fire fighter personnel and resources are necessary. These plans must be adopted within one year of the enactment of the legislation. Every two years, the plans must be reviewed and updated.

The bill also outlines the general procedures for responding to an emergency incident. If an incident commander determines that an event constitutes an emergency incident and that additional fire service resources are necessary, the commander is to request assistance from the other members of his local fire mutual aid plan. Should that assistance be insufficient, the commander is to notify the county fire coordinator, requesting that the county fire mutual aid plan be put into effect. The county fire coordinator, upon the activation of the county fire mutual aid plan, must notify the regional coordinator assigned to that county and the State fire coordinator. The county fire coordinator must also provide periodic updates to the regional and State fire coordinators until the emergency incident is terminated. The implementation of each subsequent plan would make additional fire fighter personnel and resources available, through the coordinated efforts at the local, county, regional, and State levels.

In addition, the bill enables an incident commander to declare a local fire emergency disaster. In response to such declaration, the municipal emergency management coordinator must activate the municipality's emergency operations plan. Activating the municipal emergency operations plan alerts both the State Office of Emergency

Management and the county emergency management coordinator, and can make additional State and county resources available to the affected municipality.

The State fire coordinator is authorized under the provisions of the bill to issue orders of deployment which would direct the movement of fire service personnel and resources throughout the State in order to respond to emergency incidents or local fire emergency disasters. These deployed units are to serve under the operational command of the incident commander on site. In cases where fire service units are deployed to emergency incidents or local fire emergency disasters, the State fire coordinator may direct an adjacent municipality's fire department or force to provide coverage to the municipality whose department or force has been deployed. Further, the State fire coordinator is empowered to direct particular fire service units to stand by, rather than respond to an emergency incident or disaster.

Finally, the State fire coordinator is accorded specific enforcement powers to effectuate the administrative aspects and purposes of the bill, including the following: to seek mandatory injunctive relief; to issue subpoenas related to compliance matters; to prosecute any person who violates the provisions of this bill; and to assess penalties and settle claims relating to such violations.

The provisions of this bill are identical to those of Senate Bill No. 1227 (1R), which the committee also reports this day.

FISCAL IMPACT:

This bill has not been certified as having a fiscal impact.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1775

with Senate Floor Amendments
(Proposed By Senators ADLER and MATHEUSSEN)

ADOPTED: DECEMBER 16, 2002

This bill establishes a system designed to coordinate fire services personnel and equipment at the local, county, regional, and State levels to facilitate quick and efficient responses to emergency incidents or situations where units of a fire service require outside assistance in order to protect life and property from the danger or destruction of fire, explosion or other fire emergency disasters.

The amendments to the bill provide the State fire coordinator the authority to determine the duties and responsibilities of the county and deputy county fire coordinators. These duties and responsibilities would include, but not be limited to, resource management and coordination, county mutual aid planning, and continuing training and education requirements.

The amendments add provisions concerning the qualifications and selection processes for the positions of county and deputy county fire coordinator. An individual would need seven years of documented fire service experience to be eligible to serve as a county fire coordinator; to serve as a deputy county fire coordinator an individual would need four years of such experience. The county emergency management coordinator in each county would, in consultation with the fire chiefs of the units of the fire service in the county, submit the name of at least one candidate to the State fire coordinator, and the State fire coordinator would appoint the county fire coordinator from this list of candidates. In the case of deputy county fire coordinators, the county fire coordinator would consult with the fire chiefs within the county and then appoint one or more individuals. There could be more than one deputy county fire coordinator in each county.

The procedures concerning the notification of the regional and State fire coordinators is also clarified. The amendments specify that whenever a county fire coordinator determines that fire service resources are needed from other counties, the coordinator must notify the appropriate regional fire coordinator, who in turn would notify the State fire coordinator as well as any county fire coordinators in adjacent counties. The State fire coordinator would then determine, in consultation with the regional and county fire coordinators, whether additional fire service resources should be deployed.

Finally, provisions are added by the amendments to coordinate possible multi-state fire service resource deployment, in the event that

the State fire coordinator determines that resources should be deployed to assist in fire suppression and related activities in another state during a fire emergency in that state. The amendments indicate that any order of deployment by the State fire coordinator would be superseded by a determination that mutual aid should be provided between states in accordance with the Emergency Management Assistance Compact or the Interstate Civil Defense and Disaster Compact. See N.J.S.A.38A:20-3; 38A:20-5.

SENATE, No. 1227

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 28, 2002

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Gormley and Martin

SYNOPSIS

"Fire Service Resource Emergency Deployment Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT creating the "Fire Service Resource Emergency Deployment
2 Act" and supplementing Title 52 of the Revised Statutes.

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

6
7 1. This act shall be known and may be cited as the "Fire Service
8 Resource Emergency Deployment Act."

9
10 2. The Legislature finds and declares that, in the interest of public
11 safety, it is appropriate to establish a mechanism for the coordination
12 of fire service resources throughout the State to facilitate a quick and
13 efficient response to any emergency incident or situation that requires
14 the immediate deployment of those resources in order to protect life
15 and property from the danger or destruction of fire, explosion or other
16 disaster. This act is remedial in nature and shall be liberally construed
17 to effectuate these purposes.

18
19 3. As used in this act:

20 "County fire coordinator" means the individual appointed by the
21 county emergency management coordinator pursuant to subsection a.
22 of section 5 of this act.

23 "County fire mutual aid plan" means a plan, prepared and adopted
24 by a county in accordance with subsection b. of section 5 of this act,
25 which sets forth the measures that are to be implemented in those
26 instances where the fire service resources of an individual municipality
27 within the county are unable to respond adequately to an emergency
28 incident or a local fire emergency disaster and, therefore, it is
29 necessary for the county to coordinate the delivery of fire service
30 resources and assistance to that municipality from other municipalities
31 in the county.

32 "Division" means the Division of Fire Safety in the Department of
33 Community Affairs.

34 "Emergency incident" means any situation to which a unit of the fire
35 service responds to deliver emergency services including, but not
36 limited to, rescue, fire suppression, emergency medical care, special
37 operations and other forms of hazard control and mitigation.

38 "Fire service resources" means fire fighters and other personnel
39 utilized by a unit of the fire service to provide rescue, fire suppression
40 and related activities whether those fire fighters and personnel are
41 volunteer or career; trucks, ambulances, rescue vehicles and other
42 vehicles used for fire fighting and emergency purposes; and fire
43 fighting, ambulance and rescue equipment used for fire or emergency
44 purposes, including communications and protective equipment.

45 "Incident commander" means the individual in overall command or
46 control of the fire service personnel, and associated emergency

1 equipment and emergency vehicles, at the site of an emergency
2 incident.

3 "Local fire emergency disaster" means an emergency incident
4 which, in the judgement of the incident commander, is of such severe
5 degree and nature that it presents a significant threat to the health,
6 safety and welfare of a municipality and its residents and, therefore,
7 warrants the immediate implementation of the municipality's municipal
8 emergency operations plan.

9 "Local fire mutual aid plan" means a plan, prepared and adopted by
10 a municipality in accordance with section 4 of this act, which sets forth
11 the measures that are to be implemented in those instances when the
12 fire service resources of the municipality cannot adequately respond
13 to an emergency incident or a local fire emergency disaster and, as a
14 consequence, it is necessary for the municipality to request assistance
15 and fire service resources from contiguous municipalities.

16 "Order of deployment" means an order issued by the State fire
17 coordinator pursuant to this act to a unit of the fire service requiring
18 the immediate response, recall or standby of that unit's fire service
19 personnel, emergency equipment or emergency vehicles, or any part
20 thereof.

21 "State fire coordinator" means the Director of the Division of Fire
22 Safety in the Department of Community Affairs, or his designee.

23 "Unit of the fire service" means a department or force, be it paid,
24 part-paid or volunteer, established and maintained by the State or any
25 of its instrumentalities, any local governmental unit or any of its
26 instrumentalities, any State or local authority, fire district or non-profit
27 corporation, association or organization for the purposes of fire
28 suppression, rescue and related activities.

29
30 4. Each municipality in this State shall prepare and adopt a
31 municipal fire mutual aid plan. The plan shall set forth policies and
32 procedures to coordinate the effective utilization of fire service
33 resources in those instances where the implementation of the municipal
34 fire mutual aid plan is determined to be necessary or appropriate.
35 Each municipal fire mutual aid plan shall be based upon the planning
36 criteria, objectives, requirements, responsibilities and concepts of
37 operation essential for the implementation of all necessary and
38 appropriate protective or remedial measures to be taken in response
39 to emergency incidents. Each municipal fire mutual aid plan shall be
40 adopted no later than one year after the effective date of this act.
41 Following adoption, each municipality shall file a copy of its municipal
42 fire mutual aid plan with the county fire coordinator. In any instance
43 where a municipal fire mutual aid plan provides for the provision of
44 assistance and fire service resources by or to a political subdivision of
45 another state, the municipality also shall file a copy of that plan with
46 the State fire coordinator. Each municipal fire mutual aid plan shall be

1 reviewed and updated every two years.

2

3 5. a. The emergency management coordinator in each county shall,
4 in consultation with the fire chiefs of the units of the fire service within
5 that county, appoint a county fire coordinator. The county fire
6 coordinator shall implement the county's mutual aid plan, coordinate
7 the utilization of fire service resources with the county in response to
8 emergency incidents which require implementation of the county's
9 mutual aid plan and perform such other duties as may be necessary and
10 appropriate to effectuate the purposes of this act.

11 b. Each county in this State shall prepare and adopt a county fire
12 mutual aid plan. The plan shall set forth policies and procedures to
13 coordinate the effective utilization of fire service resources in those
14 instances where the implementation of the county fire mutual aid plan
15 is determined to be necessary or appropriate. Each county mutual aid
16 plan shall be based upon the planning criteria, objectives,
17 requirements, responsibilities and concepts of operation essential for
18 the implementation of all necessary and appropriate protective or
19 remedial measures to be taken in response to emergency incidents.
20 Each county fire mutual aid plan shall be adopted no later than one
21 year after the effective date of this act. Following adoption, each
22 county shall file a copy of its county fire mutual aid plan with the State
23 fire coordinator. Each county fire mutual aid plan shall be reviewed
24 and updated every two years.

25 c. Each unit of the fire service in the county shall participate in the
26 county fire mutual aid plan and shall submit biennially to its county fire
27 coordinator the following information:

28 (1) A complete inventory of personnel and equipment;

29 (2) A municipal fire mutual aid plan; and

30 (3) A listing of fire companies and departments involved in the
31 municipal mutual aid plan.

32

33 6. a. In the event of an emergency incident, the incident
34 commander shall determine whether additional fire service resources
35 are required and, if so, shall first call upon the members of his
36 municipality's fire mutual aid plan.

37 b. Should the incident commander determine, after calling for
38 assistance from members of his municipality's fire mutual aid plan, that
39 further fire service resources are required to respond to the emergency
40 incident, he shall request that the county fire coordinator place the
41 county fire mutual aid plan into effect. Upon making such a request,
42 the incident commander also shall notify the municipal emergency
43 management coordinator appointed pursuant to section 8 of P.L.1953,
44 c.438 (C.App.A:9-40.1) of the emergency incident so that the
45 municipal emergency management coordinator may alert and utilize his
46 staff should additional emergency resources be required.

1 c. Upon the activation of a county fire mutual aid plan, the county
2 fire coordinator shall notify the State fire coordinator with regard to
3 the emergency incident and shall further provide periodic updates to
4 the State fire coordinator until termination of the emergency incident.

5 d. In the event that the municipal emergency management
6 coordinator determines to mobilize local resources in response to an
7 emergency incident, he shall so notify the county emergency
8 management coordinator appointed pursuant to section 12 of
9 P.L.1953, c.438 (C.App.A:9-42.1) in order that the county emergency
10 management coordinator shall be prepared to respond in the event that
11 local resources are insufficient to effectively deal with the emergency
12 incident.

13 e. In the event of an emergency incident, the incident commander
14 also may declare a local fire disaster emergency. In making any such
15 determination, the incident commander shall utilize the best
16 information then available.

17 f. Whenever a local fire disaster emergency is declared pursuant to
18 subsection e. of this section, the municipal emergency management
19 coordinator shall activate the municipal emergency operations plan
20 adopted pursuant to section 19 of P.L.1989, c. 222 (C.App. A:9-43.2).
21 The municipal emergency management coordinator shall coordinate
22 the interactions of all those providing emergency response, emergency
23 resources or both for the emergency incident.

24 g. The municipal emergency management coordinator shall provide
25 periodic updates to the county emergency management coordinator
26 with regard to the emergency incident. The county emergency
27 management coordinator shall provide additional resources as may be
28 necessary and available. The county emergency management
29 coordinator also shall notify the State Office of Emergency
30 Management in the Division of State Police in the Department of Law
31 and Public Safety of the emergency incident. Requests for assistance
32 from the State Office of Emergency Management shall be made by the
33 county office of emergency management.

34
35 7. The State fire coordinator shall have all powers necessary or
36 convenient to effectuate the purposes of this act including, without
37 limitation, power:

38 a. To enforce and administer the provisions of this act; to seek
39 mandatory injunctive relief in State courts; to issue subpoenas for the
40 production of persons, things, and documents that are necessary to
41 achieve compliance with the provisions of this act; and to prosecute or
42 cause to be prosecuted violators of the provisions of this act in
43 administrative hearings and in civil proceedings in State and local
44 courts;

45 b. To assess penalties and to compromise and settle a claim for a
46 penalty for a violation of the provisions of this act in an amount as

1 may appear appropriate and equitable; and

2 c. To hold and exercise all the rights and remedies available to a
3 judgment creditor.

4

5 8. a. Upon receiving notification from a county fire coordinator of
6 the existence of an emergency incident or a local fire emergency
7 disaster, the State fire coordinator shall determine whether the
8 emergency incident or local fire emergency disaster requires the
9 deployment of fire service resources from other parts of the State.

10 b. Whenever the State fire coordinator makes such a determination,
11 he shall be empowered and authorized to issue immediately an order
12 of deployment and require any unit of the fire service to respond, be
13 recalled, standby or deploy any or all of its fire service resources to
14 any location and for any period of the emergency incident or
15 emergency disaster. During any such emergency incident or
16 emergency disaster, the assigned fire service resources shall be under
17 the operational command of the incident commander at the site. In
18 issuing an order of deployment, the State fire coordinator also shall be
19 empowered and authorized to direct that any unit of fire service not
20 respond to an emergency incident or emergency disaster, but remain
21 on standby.

22 c. If the State fire coordinator determines that the residents of a
23 municipality or any portion thereof may not have sufficient fire service
24 resources as a result of an order of deployment issued pursuant to this
25 section to the unit of the fire service responsible for the fire protection
26 of that municipality or that portion thereof, the State fire coordinator
27 may issue an order of deployment to an adjacent or nearby unit of the
28 fire service to provide necessary fire protection services, including the
29 provision of fire service resources in the affected municipality or
30 portion thereof. An order of deployment issued pursuant to this
31 section shall be terminated by the State fire coordinator when he
32 determines that the deployed unit of the fire service is once again able
33 to provide adequate fire protection to the residents within its area of
34 responsibility without the provision of fire services resources from
35 other units of the fire service.

36 d. An order of deployment shall remain in effect during the period
37 of the emergency incident or emergency disaster or until otherwise
38 rescinded by the State fire coordinator or superseded by order of the
39 Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.). Upon
40 the issuance of an order of the Governor pursuant to P.L.1942, c.251
41 (C.App.A:9-33 et seq.), the State fire coordinator shall coordinate all
42 fire resources in accordance with the State Emergency Operations
43 Plan. If deemed necessary, and if the emergency incident or
44 emergency disaster continues to exist, the State fire coordinator may
45 reinstate any previously issued order of deployment or any portion of
46 any such order of deployment. The State fire coordinator may modify

1 the terms of an order of deployment issued to a unit of the fire service
2 in order to respond immediately to a current or developing emergency
3 incident or emergency disaster or to provide adequate fire protection
4 to a municipality or any portion thereof impacted by the order of
5 deployment, including, but not limited to, reducing or increasing the
6 number of deployed fire service personnel, emergency equipment or
7 emergency vehicles.

8
9 9. The State fire coordinator may require any unit of the fire service
10 periodically to provide information on the status, condition and
11 readiness of any of the unit's fire service resources or any other
12 information deemed necessary by the State fire coordinator. The State
13 fire coordinator may prescribe the form and the manner in which such
14 information is to be provided.

15
16 10. The Director of the Division of Fire Safety may adopt rules and
17 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
18 c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act;
19 except that, notwithstanding any provision of P.L.1968, c.410
20 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Community
21 Affairs may adopt, immediately upon filing with the Office of
22 Administrative Law, such regulations as the State fire coordinator
23 deems necessary to implement the provisions of this act, and which
24 shall be effective for a period not to exceed six months and may
25 thereafter be amended, adopted or readopted by the state fire
26 coordinator in accordance with the requirements of P.L.1968, c.410
27 (C.52:14B-1 et seq.).

28
29 11. Any State or local law enforcement agency or officer may
30 enforce an order of deployment issued by the State fire coordinator
31 pursuant to this act. If the State fire coordinator shall determine that
32 such enforcement is essential in order to facilitate the immediate
33 response to an emergency incident, he shall so notify any State or local
34 law enforcement agency or officer and that agency or officer shall
35 forthwith enforce that order of deployment.

36
37 12. Any person who knowingly and willfully violates, causes to
38 violate, hinders, or otherwise interferes with an order of the State fire
39 coordinator issued pursuant to this act shall be liable to a penalty of
40 not more than \$10,000 for each violation. Any person aggrieved by
41 such order or penalty shall be entitled to an administrative hearing.
42 The application for the hearing shall be filed with the division by the
43 15th day after receipt by the person of the penalty notice. The
44 application for an administrative hearing shall not stay or otherwise
45 delay the implementation of an order of deployment issued by the
46 State fire coordinator pursuant to this act. If the administrative

1 penalty order has not been satisfied by the 30th day after its issuance,
2 the penalty may be recovered in the name of the Commissioner of
3 Community Affairs pursuant to the "Penalty Enforcement Law of
4 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.).

5
6 13. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill establishes a program designed to coordinate fire services
12 personnel and equipment throughout the State to facilitate quick and
13 efficient responses to emergency incidents or situations where
14 municipal fire departments and forces require outside assistance in
15 order to protect life and property from the danger or destruction of
16 fire, explosion or other disasters.

17 The bill requires each municipality and county to prepare and adopt
18 a fire mutual aid plan. These plans are to set forth the policies and
19 procedures for coordinating fire service resources in emergency
20 instances and situations where outside fire fighter personnel and
21 resources are necessary. These plans must be adopted within one year
22 of the effective date of this bill. Every two years, they must be
23 reviewed and updated.

24 The bill also outlines the general procedures for responding to an
25 emergency incident. If an incident commander determines that an
26 event constitutes an emergency incident and that additional fire service
27 resources are necessary, the commander is to request assistance from
28 the other members of his municipality's fire mutual aid plan. Should
29 that assistance be insufficient, the commander is to notify the county
30 fire coordinator, requesting that the county fire mutual aid plan be put
31 into effect. The implementation of the county plan, by initiating a
32 county wide response, would make additional fire fighter personnel
33 and resources available.

34 In addition, the bill also establishes a mechanism which enables an
35 incident commander to declare a local fire disaster emergency and, in
36 response, activate the municipality's emergency operations plan.
37 Activating the local emergency operations plan alerts both the State
38 Office of Emergency Management and the county emergency
39 management coordinator, and can make additional State and county
40 resources available to the affected municipality.

41 The State fire coordinator is authorized to issue orders of
42 deployment which would direct the movement of fire service personnel
43 and resources throughout the State in order to respond to emergency
44 incidents or disasters. These deployed units are to serve under the
45 operational command of the incident commander on site. In cases
46 where fire service units are deployed to emergency incidents or

1 disasters, the State fire coordinator may direct an adjacent
2 municipality's fire department or force to provide coverage to the
3 municipality whose department or force has been deployed. Further,
4 the State fire coordinator is empowered to direct particular fire service
5 units to standby, rather than respond to an emergency incident or
6 disaster.

7 Finally, the State fire coordinator is accorded specific enforcement
8 powers to effectuate the administrative aspects and purposes of the
9 act, including the authority to seek mandatory injunctive relief; to issue
10 subpoenas related to compliance matters; to prosecute violators and
11 to assess penalties and settle claims relating to violations of the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1227

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 14, 2002

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1227.

This bill establishes a program designed to coordinate fire services personnel and equipment throughout the State to facilitate quick and efficient responses to emergency incidents or situations where municipal fire departments and forces require outside assistance in order to protect life and property from the danger or destruction of fire, explosion or other disasters.

As amended, the bill requires each municipality, fire district, and county to prepare and adopt a fire mutual aid plan. These plans are to set forth the policies and procedures for coordinating fire service resources in emergency instances and situations where outside fire fighter personnel and resources are necessary. These plans must be adopted within one year of the effective date of this bill. Every two years, they must be reviewed and updated.

The bill also outlines the general procedures for responding to an emergency incident. If an incident commander determines that an event constitutes an emergency incident and that additional fire service resources are necessary, the commander is to request assistance from the other members of his local fire mutual aid plan. Should that assistance be insufficient, the commander is to notify the county fire coordinator, requesting that the county fire mutual aid plan be put into effect. The county fire coordinator, upon the activation of the county fire mutual aid plan, must notify the regional coordinator assigned to that county and the State fire coordinator. The county fire coordinator must also provide periodic updates to the regional and State fire coordinators until the emergency incident is terminated. The implementation of each subsequent plan would make additional fire fighter personnel and resources available, through the coordinated efforts at the local, county, regional, and State levels.

In addition, the bill enables an incident commander to declare a local fire emergency disaster. In response to such declaration, the municipal emergency management coordinator must activate the municipality's emergency operations plan. Activating the municipal emergency operations plan alerts both the State Office of Emergency

Management and the county emergency management coordinator, and can make additional State and county resources available to the affected municipality.

The State fire coordinator is authorized under the provisions of the bill to issue orders of deployment which would direct the movement of fire service personnel and resources throughout the State in order to respond to emergency incidents or local fire emergency disasters. These deployed units are to serve under the operational command of the incident commander on site. In cases where fire service units are deployed to emergency incidents or local fire emergency disasters, the State fire coordinator may direct an adjacent municipality's fire department or force to provide coverage to the municipality whose department or force has been deployed. Further, the State fire coordinator is empowered to direct particular fire service units to standby, rather than respond to an emergency incident or disaster.

Finally, the State fire coordinator is accorded specific enforcement powers to effectuate the administrative aspects and purposes of the bill, including the following: to seek mandatory injunctive relief; to issue subpoenas related to compliance matters; to prosecute any person who violates the provisions of this bill; and to assess penalties and settle claims relating to such violations.

The amendments delete the references to "ambulance" in the bill to reflect the committee's intention that non-fire emergency medical services are not included in the scope of this bill.

The amendments create the positions of deputy State fire coordinator as well as deputy county fire coordinator. There could be more than one deputy county fire coordinator in each county. These deputies would assist with the duties and responsibilities of the State and county fire coordinators.

The amendments also create the position of regional fire coordinator. There would be at least three such coordinators, each assigned to geographical areas as determined by the State fire coordinator.

In consideration of emergency incidents or local fire emergency disasters involving wildfires, the amendments include references to the forest fire service within the Department of Environmental Protection. The amendments require that county and State fire coordinators maintain a liaison with the supervisory representative of the forest fire service when deploying fire service resources and coordinating protection activities during wildfire emergencies.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1227

STATE OF NEW JERSEY

DATED: JUNE 24, 2002

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1227 (1R).

This bill establishes a program designed to coordinate fire services personnel and equipment throughout the State to facilitate quick and efficient responses to emergency incidents or situations where municipal fire departments and forces require outside assistance in order to protect life and property from the danger or destruction of fire, explosion or other disasters.

The bill requires each municipality, fire district, and county to prepare and adopt a fire mutual aid plan. These plans are to set forth the policies and procedures for coordinating fire service resources in emergency instances and situations where outside fire fighter personnel and resources are necessary. These plans must be adopted within one year of the enactment of the legislation. Every two years, the plans must be reviewed and updated.

The bill also outlines the general procedures for responding to an emergency incident. If an incident commander determines that an event constitutes an emergency incident and that additional fire service resources are necessary, the commander is to request assistance from the other members of his local fire mutual aid plan. Should that assistance be insufficient, the commander is to notify the county fire coordinator, requesting that the county fire mutual aid plan be put into effect. The county fire coordinator, upon the activation of the county fire mutual aid plan, must notify the regional coordinator assigned to that county and the State fire coordinator. The county fire coordinator must also provide periodic updates to the regional and State fire coordinators until the emergency incident is terminated. The implementation of each subsequent plan would make additional fire fighter personnel and resources available, through the coordinated efforts at the local, county, regional, and State levels.

In addition, the bill enables an incident commander to declare a local fire emergency disaster. In response to such declaration, the municipal emergency management coordinator must activate the municipality's emergency operations plan. Activating the municipal emergency operations plan alerts both the State Office of Emergency

Management and the county emergency management coordinator, and can make additional State and county resources available to the affected municipality.

The State fire coordinator is authorized under the provisions of the bill to issue orders of deployment which would direct the movement of fire service personnel and resources throughout the State in order to respond to emergency incidents or local fire emergency disasters. These deployed units are to serve under the operational command of the incident commander on site. In cases where fire service units are deployed to emergency incidents or local fire emergency disasters, the State fire coordinator may direct an adjacent municipality's fire department or force to provide coverage to the municipality whose department or force has been deployed. Further, the State fire coordinator is empowered to direct particular fire service units to stand by, rather than respond to an emergency incident or disaster.

Finally, the State fire coordinator is accorded specific enforcement powers to effectuate the administrative aspects and purposes of the bill, including the following: to seek mandatory injunctive relief; to issue subpoenas related to compliance matters; to prosecute any person who violates the provisions of this bill; and to assess penalties and settle claims relating to such violations.

The provisions of this bill are identical to those of Assembly Bill No. 1775 (1R), which the committee also reports this day.

FISCAL IMPACT

This bill has not been certified as having a fiscal impact.