



**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

For newspaper clippings, see legislative history for L.2001 c.246

**ASSEMBLY, No. 21**

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**STATE OF NEW JERSEY**

**209th LEGISLATURE**

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INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Assemblyman JACK COLLINS**

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

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblymen Arnone, Asselta, Azzolina, Bagger, Barnes, Bateman, Biondi, Blee, Bodine, Assemblywoman Buono, Assemblymen Caraballo, Carroll, Charles, Chatzidakis, Cohen, Conaway, Conners, Connors, Corodemus, Cottrell, Assemblywomen Crecco, Cruz-Perez, Assemblymen DeCroce, DiGaetano, Assemblywoman Farragher, Assemblyman Felice, Assemblywoman Friscia, Assemblymen Garcia, Garrett, Geist, Gibson, Assemblywoman Gill, Assemblyman Green, Assemblywoman Greenstein, Assemblymen Greenwald, Gregg, Guear, Gusciora, Assemblywoman Heck, Assemblymen Holzapfel, Imprevuto, Jones, Kean, Kelly, Lance, LeFevre, Malone, Merkt, Moran, Munoz, Assemblywoman Myers, Assemblymen Payne, Pennacchio, Assemblywomen Pou, Previte, Quigley, Assemblymen Roberts, Rooney, Russo, Sires, B.Smith, R.Smith, T.Smith, Stanley, Steele, Stuhltrager, Suliga, Talarico, Thompson, Tucker, Assemblywomen Vandervalk, Watson Coleman, Weinberg, Assemblymen Weingarten, Wisniewski, Wolfe, Zecker, Zisa, Senators Codey, Bennett, Kosco, Palaia, Ciesla, Matheussen, Martin, Cardinale, Kyrillos, Littell, Robertson, Zane, Singer, Connors, Bucco, Inverso, Allen, Cafiero, O'Toole, Gormley, Bark, Kavanaugh, McNamara, Bryant, Adler, Turner, Lynch, Vitale, Lesniak, Rice, James, O'Connor, Sacco, Kenny, Girgenti, Furnari and Baer**

**SYNOPSIS**

Provides for presumption of death for persons exposed to catastrophic event.

**CURRENT VERSION OF TEXT**

As introduced.

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

A21 COLLINS, DORIA

2

1 AN ACT concerning the presumption of death and amending  
2 N.J.S.3B:27-1 and N.J.S.3B:27-6 and supplementing P.L.1944,  
3 c.20 (C.52:17A-1 et seq.).

4

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

7

8 1. N.J.S.3B:27-1 is amended to read as follows:

9 3B:27-1. Death of resident or nonresident presumed after 5 years'  
10 absence or exposure to specific catastrophic event. a. A resident or  
11 nonresident of this State who absents himself from the place of his last  
12 known residence for a continuous period of 5 years, during which he  
13 has not been heard from, and whose absence is not satisfactorily  
14 explained after diligent search or inquiry, is presumed to be dead. His  
15 death is presumed to have occurred at the end of the period unless  
16 there is sufficient evidence for determining that death occurred earlier.

17 b. A resident or nonresident of this State who is exposed to a  
18 specific event certified by the Governor as a catastrophic event that  
19 has resulted in a loss of life to persons known or unknown and whose  
20 absence following that event is not satisfactorily explained after  
21 diligent search or inquiry is presumed to be dead. The death is  
22 presumed to have occurred at the time of the catastrophic event.

23 c. Nothing in this section shall be construed to limit or abrogate the  
24 special peril doctrine under the common law.

25 (cf: P.L.1981, c.405, s.3B:27-1)

26

27 2. N.J.S.3B:27-6 is amended to read as follow:

28 3B:27-6. Action to be brought in Superior Court. a. The Superior  
29 Court may declare the absentee dead, if it is satisfied that **[he]** the  
30 absentee should be presumed dead under the provisions of  
31 N.J.S.3B:27-1 **[,or]** . Under the provisions of subsection a. of  
32 N.J.S.3B:27-1 the Superior Court may, if it concludes from a review  
33 of the evidence, both direct and circumstantial, that the earlier death  
34 of the absentee has been established and that the death occurred prior  
35 to the institution of the proceeding before the court, fix the date of  
36 death earlier than the expiration of the 5 year period set forth therein.  
37 Under the provisions of subsection b. of N.J.S.3B:27-1 the death is  
38 presumed to have occurred at the time of the catastrophic event. A  
39 declaration with respect to a nonresident shall affect only property  
40 located within the State.

41 b. At the request of an applicant who has obtained a declaration  
42 based on subsection b. of N.J.S.3B:27-1 with respect to a resident of  
43 this State, the court shall order the State registrar of vital statistics to

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

**Matter underlined thus is new matter.**

1 issue, at no cost to the applicant, a death certificate. The State  
2 registrar may indicate on such certificate that it was issued pursuant  
3 to court order in accordance with this section.

4 (cf: P.L.1981, c.405, s.3B:27-6)

5  
6 3. (New section) In addition to the powers and duties conferred  
7 upon the Attorney General by the Constitution, the common and  
8 statutory law of this State, the Attorney General may initiate or  
9 intervene in any proceedings or action brought pursuant to  
10 N.J.S.3B:27-6, including a class action law suit, on behalf of citizens  
11 of this State to seek a declaration of death of an absentee under  
12 subsection b. of N.J.S.3B:27-1. The Attorney General may take all  
13 steps necessary or useful in carrying out the powers provided in this  
14 act.

15  
16 4. This act shall take effect immediately and shall be retroactive to  
17 September 11, 2001.

18  
19  
20 STATEMENT

21  
22 This bill concerns the presumption of death for victims of specific  
23 catastrophic events. The bill amends N.J.S.3B:27-1 which currently  
24 provides that a resident or nonresident of this State who is absent for  
25 a continuous period of 5 years, during which he has not been heard  
26 from, and which absence is not satisfactorily explained after diligent  
27 search or inquiry, is presumed to be dead. This bill includes a new  
28 subsection b. to provide that one who is exposed to a specific  
29 catastrophic event that has resulted in a great loss of life to persons  
30 known and unknown and whose absence following that event is not  
31 satisfactorily explained after diligent search or inquiry is presumed to  
32 be dead.

33 The bill also amends N.J.S.3B:27-6 to cross-reference the new  
34 subsection b. of N.J.S.3B:27-1 to provide that the Superior Court  
35 may declare the absentee dead, if it is satisfied that he should be  
36 presumed dead under either subsection of N.J.S.3B:27-1. The bill  
37 adds clarifying language to retain the ability of the Superior Court to  
38 fix the date of death earlier than the 5 year period in cases other than  
39 specific catastrophic events, if it concludes from a review of the  
40 evidence, both direct and circumstantial, that the earlier death of the  
41 absentee has been established and that the death occurred prior to the  
42 institution of the proceeding before the court. In specific catastrophic  
43 events (subsection b. of N.J.S.3B:27-1) the death is presumed to have  
44 occurred at the time of the catastrophic event. The bill also adds a  
45 subsection b. providing that a State resident who has obtained a  
46 declaration based on subsection b. of N.J.S.3B:27-1 may apply for,

1 and the court shall order, the State registrar of vital statistics to issue  
2 a death certificate.

3 The reference to exposure to a specific catastrophic event in the bill  
4 provides essentially for a statutory finding of "special peril," which is  
5 a doctrine under the common law under which death may be  
6 established as a fact from proof of circumstances that a person has  
7 undergone a peril strongly indicative of death or a danger reasonably  
8 expected to destroy life. Circumstances eliciting a finding of "special  
9 peril" by the Governor may include, but are not limited to,  
10 disappearance after an explosion or building collapse or after an  
11 airplane explosion or the sinking of a ship at sea. The new subsection  
12 c. provides that nothing in N.J.S.3B:27-1 shall be construed to limit or  
13 abrogate the special peril doctrine under common law.

14 The bill in section 3 provides that the Attorney General may initiate  
15 or intervene in any proceedings pursuant to N.J.S.3B:27-6, including  
16 a class action law suit, to seek a declaration of death of an absentee  
17 under subsection b. of N.J.S.3B:27-1.

18 With regard to an action under N.J.S.3B:27-6 see R.4:93 for  
19 specifics on who may bring the action and procedures involved. After  
20 entry of the judgment, an application may be brought for the issuance  
21 of letters of administration, or for the probate of a will, or for the  
22 appointment of a testamentary guardian.

23 This bill was introduced in response to the tragic events of  
24 September 11, 2001 at the World Trade Center in New York City, at  
25 the Pentagon and on the hijacked airliners. While our courts have the  
26 authority to apply the "special peril" doctrine, now is an appropriate  
27 time to ensure uniform application under these and similar  
28 circumstances.

# SENATE, No. 20

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Co-Sponsored by:**

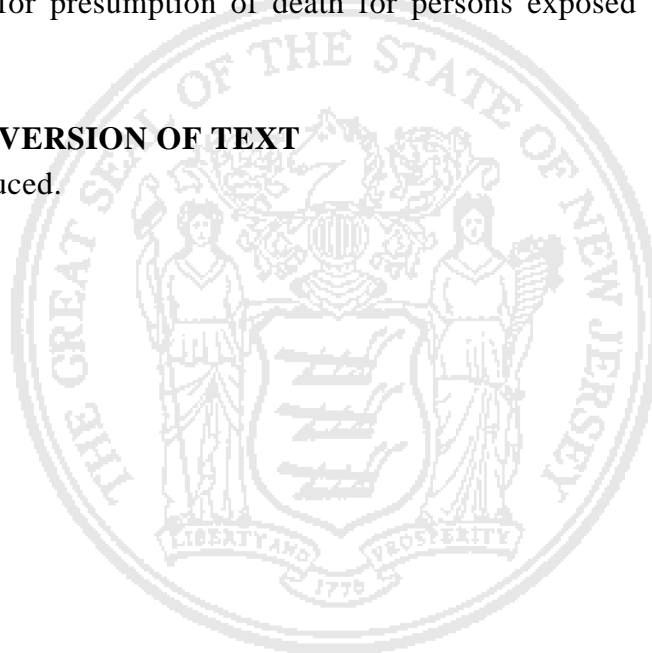
**Senators Kosco, Palaia, Ciesla, Matheussen, Martin, Cardinale, Kyrillos, Littell, Robertson, Zane, Singer, Connors, Bucco, Inverso, Allen, Cafiero, O'Toole, Gormley, Bark, Kavanaugh, McNamara, Bryant, Adler, Turner, Lynch, Vitale, Lesniak, Rice, James, O'Connor, Sacco, Kenny, Girgenti, Furnari and Baer**

**SYNOPSIS**

Provides for presumption of death for persons exposed to catastrophic event.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT concerning the presumption of death and amending  
2 N.J.S.3B:27-1 and N.J.S.3B:27-6 and supplementing P.L.1944,  
3 c.20 (C.52:17A-1 et seq.).

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

7  
8 1. N.J.S.3B:27-1 is amended to read as follows:

9 3B:27-1. Death of resident or nonresident presumed after 5 years'  
10 absence or exposure to specific catastrophic event. a. A resident or  
11 nonresident of this State who absents himself from the place of his last  
12 known residence for a continuous period of 5 years, during which he  
13 has not been heard from, and whose absence is not satisfactorily  
14 explained after diligent search or inquiry, is presumed to be dead. His  
15 death is presumed to have occurred at the end of the period unless  
16 there is sufficient evidence for determining that death occurred earlier.

17 b. A resident or nonresident of this State who is exposed to a  
18 specific event certified by the Governor as a catastrophic event that  
19 has resulted in a loss of life to persons known or unknown and whose  
20 absence following that event is not satisfactorily explained after  
21 diligent search or inquiry is presumed to be dead. The death is  
22 presumed to have occurred at the time of the catastrophic event.

23 c. Nothing in this section shall be construed to limit or abrogate the  
24 special peril doctrine under the common law.

25 (cf: P.L.1981, c.405, s.3B:27-1)

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27 2. N.J.S.3B:27-6 is amended to read as follow:

28 3B:27-6. Action to be brought in Superior Court. a. The Superior  
29 Court may declare the absentee dead, if it is satisfied that **[he]** the  
30 absentee should be presumed dead under the provisions of N.J.S.  
31 3B:27-1 **[,or]** . Under the provisions of subsection a. of N.J.S.  
32 3B:27-1 the Superior Court may, if it concludes from a review of the  
33 evidence, both direct and circumstantial, that the earlier death of the  
34 absentee has been established and that the death occurred prior to the  
35 institution of the proceeding before the court, fix the date of death  
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37 the provisions of subsection b. of N.J.S.3B:27-1 the death is presumed  
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41 b. At the request of an applicant who has obtained a declaration  
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6 3. (New section) In addition to the powers and duties conferred  
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9 intervene in any proceedings or action brought pursuant to  
10 N.J.S.3B:27-6, including a class action law suit, on behalf of citizens  
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16 4. This act shall take effect immediately and shall be retroactive to  
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14 The bill in section 3 provides that the Attorney General may initiate  
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18 With regard to an action under N.J.S.3B:27-6 see R.4:93 for  
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22 appointment of a testamentary guardian.

23 This bill was introduced in response to the tragic events of  
24 September 11, 2001 at the World Trade Center in New York City, at  
25 the Pentagon and on the hijacked airliners. While our courts have the  
26 authority to apply the "special peril" doctrine, now is an appropriate  
27 time to ensure uniform application under these and similar  
28 circumstances.

P.L. 2001, CHAPTER 247, *approved October 4, 2001*  
Assembly, No. 21

1 AN ACT concerning the presumption of death and amending  
2 N.J.S.3B:27-1 and N.J.S.3B:27-6 and supplementing P.L.1944,  
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4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
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2 subsection b. providing that a State resident who has obtained a  
3 declaration based on subsection b. of N.J.S.3B:27-1 may apply for,  
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9 established as a fact from proof of circumstances that a person has  
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12 peril" by the Governor may include, but are not limited to,  
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27 September 11, 2001 at the World Trade Center in New York City, at  
28 the Pentagon and on the hijacked airliners. While our courts have the  
29 authority to apply the "special peril" doctrine, now is an appropriate  
30 time to ensure uniform application under these and similar  
31 circumstances.

32

33

34

35

36 Provides for presumption of death for persons exposed to catastrophic  
37 event.

## CHAPTER 247

AN ACT concerning the presumption of death and amending N.J.S.3B:27-1 and N.J.S.3B:27-6 and supplementing P.L.1944, c.20 (C.52:17A-1 et seq.).

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

1. N.J.S.3B:27-1 is amended to read as follows:

Death of resident or nonresident presumed after 5 years' absence or exposure to specific catastrophic event.

3B:27-1. Death of resident or nonresident presumed after 5 years' absence or exposure to specific catastrophic event. a. A resident or nonresident of this State who absents himself from the place of his last known residence for a continuous period of 5 years, during which he has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry, is presumed to be dead. His death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

b. A resident or nonresident of this State who is exposed to a specific event certified by the Governor as a catastrophic event that has resulted in a loss of life to persons known or unknown and whose absence following that event is not satisfactorily explained after diligent search or inquiry is presumed to be dead. The death is presumed to have occurred at the time of the catastrophic event.

c. Nothing in this section shall be construed to limit or abrogate the special peril doctrine under the common law.

2. N.J.S.3B:27-6 is amended to read as follows:

Action to be brought in Superior Court.

3B:27-6. Action to be brought in Superior Court. a. The Superior Court may declare the absentee dead, if it is satisfied that the absentee should be presumed dead under the provisions of N.J.S.3B:27-1. Under the provisions of subsection a. of N.J.S.3B:27-1 the Superior Court may, if it concludes from a review of the evidence, both direct and circumstantial, that the earlier death of the absentee has been established and that the death occurred prior to the institution of the proceeding before the court, fix the date of death earlier than the expiration of the 5-year period set forth therein. Under the provisions of subsection b. of N.J.S.3B:27-1 the death is presumed to have occurred at the time of the catastrophic event. A declaration with respect to a nonresident shall affect only property located within the State.

b. At the request of an applicant who has obtained a declaration based on subsection b. of N.J.S.3B:27-1 with respect to a resident of this State, the court shall order the State registrar of vital statistics to issue, at no cost to the applicant, a death certificate. The State registrar may indicate on such certificate that it was issued pursuant to court order in accordance with this section.

C.52:17B-4b Additional powers, duties of Attorney General concerning certain declarations of death.

3. In addition to the powers and duties conferred upon the Attorney General by the Constitution, the common and statutory law of this State, the Attorney General may initiate or intervene in any proceedings or action brought pursuant to N.J.S.3B:27-6, including a class action law suit, on behalf of citizens of this State to seek a declaration of death of an absentee under subsection b. of N.J.S.3B:27-1. The Attorney General may take all steps necessary or useful in carrying out the powers provided in this act.

4. This act shall take effect immediately and shall be retroactive to September 11, 2001.

Approved October 4, 2001.

**Office of the Governor**  
**NEWS RELEASE**

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

RELEASE: October, 4 , 2001

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

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

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

DiFrancesco signed the following legislation today:

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

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

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

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

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

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

Bill descriptions are attached.

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### **New Jersey Domestic Security Preparedness Act S-2575**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## **New Jersey Terrorism Victims' Assistance Act of 2001**

**A-22/S-21**

**Collins/Doria and Bennett/Codey**

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

### **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

#### **BILL NO:**

Assembly Bill No. 3727 (2001)

Senate Bill No. 2490 (2001)

#### **SPONSORS:**

Assemblymembers Kelly and Zecker.

Senators Allen and Palaia.

#### **PURPOSE:**

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

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

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

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

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

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

## **DECLARATION OF DEATH**

### **Bill Numbers: A-21 and S-20**

### **Sponsors:**

A-21 (Collins/Doria)

S-20 (Codey/Bennett)

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

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

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

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