

[First Reprint]

ASSEMBLY, No. 1380

STATE OF NEW JERSEY
212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

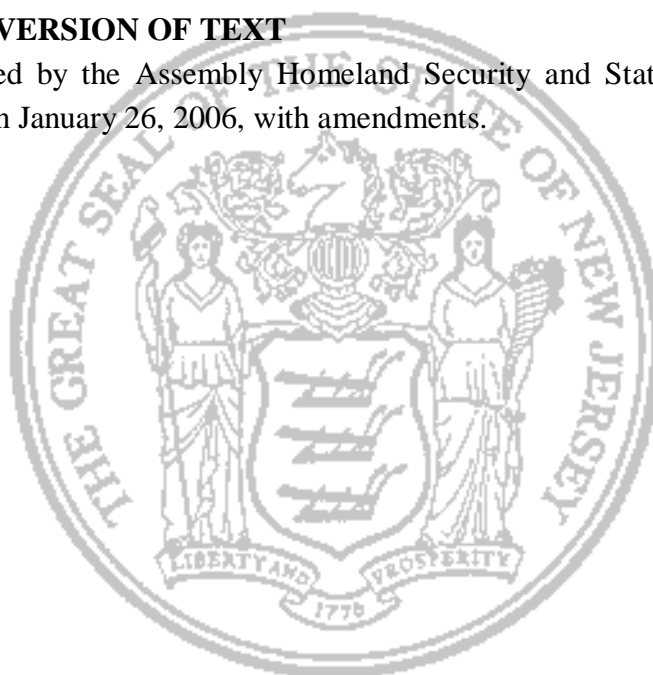
Assemblywoman Cruz-Perez, Assemblymen Conaway and Manzo

SYNOPSIS

Creates the “Emergency Management Act of 2006.”

CURRENT VERSION OF TEXT

As reported by the Assembly Homeland Security and State Preparedness Committee on January 26, 2006, with amendments.



(Sponsorship Updated As Of: 2/7/2006)

1 AN ACT concerning emergency management and revising various
2 parts of the statutory law.

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

6
7 1. (New section) This act shall be known and may be cited as
8 the "Emergency Management Act."

9
10 PART A.
11 GENERAL
12

13 2. (New section) Purpose. The purpose of P.L. , c. (C.)
14 (now pending before the Legislature as this bill), is to provide for
15 the health, safety and welfare of the people of the State of New
16 Jersey and to aid in the protection of property during any natural or
17 man-made emergency; and for this purpose, to give the Governor
18 the authority and organization necessary: to prepare, plan, and
19 implement emergency management services needed for any
20 emergency; to command all personnel and resources within the
21 State and of any political subdivision thereof, as well as all
22 volunteer emergency management services; to establish a course of
23 conduct for the civilian population of the State; to coordinate and
24 direct any other emergency actions; and to invest the Governor with
25 all other power necessary or convenient to effectuate the provisions
26 of P.L. , c. (C.) (now pending before the Legislature as this
27 bill).

28 (Source: App.A:9-33)

29
30 3. (New section) Definitions. a. The following words and
31 phrases as used in P.L. , c. (C.) (now pending before the
32 Legislature as this bill) shall have the following meanings:

33 "Chief executive officer" means the county executive, county
34 manager, or county supervisor or president of the board of chosen
35 freeholders, as appropriate to the form of government of a county,
36 or the mayor, manager or commissioner, as appropriate to the form
37 of government of a municipality, or the chairman, president,
38 director or other chief executive officer of any other local unit.

39 "County emergency" means any emergency within the
40 boundaries of a county which cannot be controlled or managed in
41 its entirety by the law enforcement, firefighting, first aid,
42 emergency medical, or other emergency services serving two or
43 more municipalities located within the county, or any emergency
44 only affecting one municipality located within the county where the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHS committee amendments adopted January 26, 2006.

1 municipal emergency management coordinator requests and
2 receives assistance from the county.

3 "County emergency order" means an order issued by a county
4 emergency management coordinator during any emergency and
5 upon proclamation of a state of county emergency for the county, to
6 respond to, mitigate the effects of, or recover from, the emergency,
7 based upon the guidelines set forth in the county emergency
8 operations plan, or consistent with any order issued, or action taken,
9 by the Governor or State Director of Emergency Management with
10 respect to the emergency.

11 "County plan" means a county emergency operations plan
12 prepared, completed, and approved pursuant to sections 34 and 35
13 of P.L. , c. (C.) (now pending before the Legislature as
14 sections 34 and 35 of this bill).

15 "Director" means the State Director of Emergency Management
16 appointed by the Governor pursuant to section 6 of P.L. , c.
17 (C.) (now pending before the Legislature as section 6 of this bill).

18 "Emergency" means any disaster, unusual incident or occurrence,
19 or the imminence thereof, resulting from natural or man-made
20 causes, whether known or unknown, which is of sufficient severity
21 and scope, or anticipated severity and scope, to endanger the health,
22 safety, property, or resources of persons or entities in this State, and
23 includes, but is not limited to, any actual or anticipated flood,
24 hurricane, storm, tornado, high water, wind-driven water, tidal
25 wave, drought, snow storm, fire, explosion, hazardous materials
26 discharge, transportation or industrial accident, nuclear accident,
27 shortage of natural resources, power failure, infectious disease,
28 disruption of vital services, civil disorder or enemy attack, or attack
29 by foreign or domestic terrorists.

30 "Emergency management service" means a planning, response,
31 mitigation, or recovery function performed by emergency
32 management personnel or volunteers, as well as an education,
33 exercise, or a training regimen participated in by emergency
34 management personnel or volunteers, related to the coordination of,
35 or to provide assistance to, law enforcement, firefighting, first aid,
36 emergency medical, hospital care, and other emergency services, in
37 order to protect the health, safety, property or resources of persons
38 and entities in this State which are, or could be, threatened by the
39 occurrence of any emergency.

40 "Emergency management volunteer" means a person who is
41 authorized by the Governor, the State Director of Emergency
42 Management, or a county or municipal emergency management
43 coordinator to perform emergency management services without
44 pay or other compensation.

45 "Emergency order" means an order issued by the Governor
46 during any emergency and upon proclamation of a state of
47 emergency, to respond to, mitigate the effects of, or recover from,
48 the emergency.

1 "Emergency service" means a service of the State, or a county,
2 municipality, or other political subdivision of the State, or a service
3 of a private entity, dispatched or utilized to protect the health,
4 safety, welfare, property or resources of persons or entities in this
5 State which are, or could be, threatened by the occurrence of any
6 emergency, including, but not limited to, law enforcement,
7 firefighting, first aid, emergency medical, hospital care,
8 transportation, public works and engineering, building inspection,
9 and search and rescue.

10 "Governing body" means the commission, council, board, or
11 other body, by whatever name it may be known, having charge and
12 control of the finances of a county or municipality.

13 "Municipal emergency" means any emergency within the
14 boundaries of a municipality which cannot be controlled or
15 managed in its entirety by the law enforcement, firefighting, first
16 aid, emergency medical, or other emergency services serving the
17 municipality.

18 "Municipal emergency order" means an order issued by a
19 municipal emergency management coordinator during any
20 emergency and upon proclamation of a state of municipal
21 emergency for the municipality, to respond to, mitigate the effects
22 of, or recover from, the emergency, based upon the guidelines set
23 forth in the municipal emergency operations plan, or consistent with
24 any order issued, or action taken, by the Governor, the State
25 Director of Emergency Management, or the county emergency
26 management coordinator for the county within which the
27 municipality is located, with respect to the emergency.

28 "Municipal plan" means a municipal emergency operations plan
29 prepared, completed, and approved pursuant to sections 50 and 51
30 of P.L. , c. (C.) (now pending before the Legislature as
31 sections 50 and 51 of this bill).

32 "Reciprocal order" means an order issued by the Governor
33 during any emergency in another state and upon proclamation of a
34 state of emergency with respect to the state in which the emergency
35 occurs, to respond to, mitigate the effects of, or assist in the
36 recovery from, the emergency in another state.

37 "State office" means the State Office of Emergency Management
38 established pursuant to section 4 of P.L. , c. (C.) (now
39 pending before the Legislature as section 4 of this bill).

40 "State plan" means the State Emergency Operations Plan
41 prepared, completed, and approved pursuant to section 11 of
42 P.L. , c. (C.) (now pending before the Legislature as section
43 11 of this bill).

44 "Volunteer" means an emergency management volunteer as
45 defined in this subsection, unless otherwise specifically indicated.

46 b. Whenever the term "civil defense" occurs or any reference is
47 made thereto in any law, contract or document, the same shall be
48 deemed to mean or refer to emergency management, as defined and

1 referenced within P.L. , c. (C.) (now pending before the
2 Legislature as this bill).
3 (Source: App.A:9-33.1)
4

5 PART B.
6 STATE ORGANIZATION AND AUTHORITY
7

8 4. (New section) The State Office of Emergency Management.

9 a. There is established within the Division of State Police in the
10 Department of Law and Public Safety a State Office of Emergency
11 Management. The State office shall be under the supervision,
12 direction, and control of the State Director of Emergency
13 Management, appointed pursuant to section 6 of P.L. , c. (C.)
14 (now pending before the Legislature as section 6 of this bill).

15 b. The State office shall serve as the lead agency for coordinating
16 all emergency management services within the State. The functions
17 of the State office shall include, but not be limited to:

18 (1) preparing and periodically updating a State Emergency
19 Operations Plan in accordance with section 11 of P.L. , c. (C.)
20 (now pending before the Legislature as section 11 of this bill);

21 (2) equipping, operating, and maintaining a State emergency
22 operations center, established pursuant to section 13 of P.L. ,
23 c. (C.) (now pending before the Legislature as section 13 of this
24 bill);

25 (3) assisting counties and municipalities with respect to the
26 preparation and periodic updating of county and municipal
27 emergency operations plans in accordance with sections 34 and 50
28 of P.L. , c. (C.) (now pending before the Legislature as
29 sections 34 and 50 of this bill);

30 (4) conducting, in consultation with counties and municipalities,
31 emergency management exercises utilizing county and municipal
32 emergency operations plans in accordance with sections 36 and 52
33 of P.L. , c. (C.) (now pending before the Legislature as
34 sections 36 and 52 of this bill);

35 (5) providing technical assistance and administrative support to
36 counties and municipalities with respect to all emergency
37 management services;

38 (6) monitoring natural and man-made conditions which may
39 contribute to an emergency;

40 (7) receiving, and expending or distributing, as appropriate,
41 those sums as may from time to time be appropriated to the State
42 office by the Legislature or otherwise made available out of State
43 funds for emergency management services;

44 (8) applying for and expending any grants, gifts, loans, or other
45 funds made available to the State for emergency management
46 services by the federal government or any of its departments,
47 divisions, or agencies, or from any other public or private source,

1 subject to the conditions or constraints as may be imposed upon the
2 particular funds by their source;

3 (9) applying for, administering and distributing grants, gifts,
4 loans, or other funds made available to the State for distribution to
5 the counties, municipalities, or other political subdivisions for
6 emergency management services by the federal government or any
7 of its departments, divisions, or agencies, or from any other public
8 or private source, subject to the conditions or constraints as may be
9 imposed upon the particular funds by their source; and

10 (10) collecting and utilizing data, reports, and other information
11 from the State and federal government, as well as private sources,
12 pertaining to emergency management services.

13 (Source: App.A:9-43.1; App.A:9-43.4 through App.A:9-43.6,
14 inclusive)

15

16 5. (New Section) State Emergency Management Council.

17 a. There is established in, but not of, the Department of Law and
18 Public Safety a State Emergency Management Council, which shall
19 consist of the State Director of Emergency Management, appointed
20 pursuant section 6 of P.L. , c. (C.) (now pending before the
21 Legislature as section 6 of this bill), who shall serve as chair, the
22 State officer or official responsible for the implementation of each
23 annex of the State Emergency Operations Plan, as prepared,
24 completed, and approved pursuant to section 11 of P.L. ,
25 c. (C.) (now pending before the Legislature as section 11 of this
26 bill), and up to 10 additional members of the public, who shall be
27 appointed by the Governor and serve on the council at the will and
28 pleasure of the Governor. The members of the public appointed by
29 the Governor shall include, but not be limited to, emergency
30 management volunteers, and representatives of emergency medical
31 services, hospital care, law enforcement, and volunteer fire and first
32 aid organizations. The authority granted to the Governor to appoint
33 the members of the public to the council pursuant to this subsection
34 is exclusive to the Governor and shall not be delegated,
35 notwithstanding the general ability of the Governor, pursuant to
36 section 7 of P.L. , c. (C.) (now pending before the Legislature
37 as section 7 of this bill), to delegate any of the powers conferred
38 upon the Governor by P.L. , c. (C.) (now pending before the
39 Legislature as this bill).

40 b. The members of the council shall serve without pay in
41 connection with all duties carried out by the council pursuant to
42 P.L. , c. (C.) (now pending before the Legislature as this bill),
43 or otherwise prescribed by law.

44 c. (1) The council shall organize as soon as practicable after the
45 appointment of all its members, and thereafter shall meet upon the
46 call of the chair as often as the chair deems necessary to fulfill the
47 duties of the council as set forth in P.L. , c. (C.) (now pending
48 before the Legislature as this bill), or otherwise prescribed by law.

1 (2) A majority of the council's membership shall constitute a
2 quorum for the transaction of council business.

3 d. The council shall collaborate with the State Office of
4 Emergency Management in coordinating all emergency
5 management services within the State. The functions of the council
6 shall include:

7 (1) reviewing, evaluating, and recommending changes in existing
8 emergency management policy and emergency management
9 services;

10 (2) reviewing, evaluating, and recommending changes in any
11 existing mutual aid agreement, compact, or any other arrangement
12 to which the State is a party pursuant to section 22 of P.L. ,
13 c. (C.) (now pending before the Legislature as section 22 of
14 this bill), or_to assist in the development of these mutual aid
15 agreements, compacts, and other arrangements where they do not
16 exist;

17 (3) encouraging and coordinating the operations of private and
18 non-profit entities related to emergency management services
19 within the State; and

20 (4) assisting the State office in any matter as requested by the
21 office.

22 e. The council may call upon the services of the employees of
23 the State office, and any other State department, division, or agency
24 as may be made available to the council, as it deems necessary for
25 the proper execution of the council's duties.

26

27 6. (New section) The State Director of Emergency Management.

28 a. The State Office of Emergency Management shall be under
29 the immediate supervision of a director, who shall be the
30 Superintendent of the State Police, except as otherwise provided in
31 subsection b. of this section.

32 b. ¹[The] In the event that the Superintendent of State Police
33 cannot perform the duties of a director, the¹ Governor may ¹[,
34 notwithstanding the provisions of subsection a. of this section,]¹
35 appoint ¹[an] another¹ individual ¹[other than the Superintendent of
36 the State Police]¹ to serve as the ¹acting¹ director ¹[, with the
37 advice and consent of the Senate]¹.

38 c. The director shall serve, with or without compensation, at the
39 will and pleasure of the Governor. The director shall administer the
40 work of the State office under the direction and supervision of the
41 Attorney General, and shall perform other functions with respect to
42 the position as the Governor or Attorney General may prescribe.

43 d. The authority granted to the Governor to appoint the State
44 Director of Emergency Management pursuant to subsection b. of
45 this section is exclusive to the Governor and shall not be delegated,
46 notwithstanding the general ability of the Governor, pursuant to

1 section 7 of P.L. , c. (C.) (now pending before the Legislature
2 as section 7 of this bill), to delegate any of the powers conferred
3 upon the Governor by P.L. , c. (C.) (now pending before the
4 Legislature as this bill).

5 (Source: App.A:9-37)

6
7 7. (New section) Delegation of Authority to Director. a. The
8 State Director of Emergency Management shall assist the Governor
9 in effectuating the purposes of P.L. , c. (C.) (now pending
10 before the Legislature as this bill), and to that end, the Governor is
11 empowered to delegate to the director any of the powers conferred
12 by P.L. c. (C.) (now pending before the Legislature as this
13 bill) upon the Governor to the extent the delegation of power is, in
14 the judgment of the Governor, necessary and not expressly
15 prohibited by this act. Any power delegated by the Governor to the
16 director shall be exercised in the name of the Governor.

17 b. This section shall not be construed to empower the Governor
18 to delegate to the director any of the powers conferred upon the
19 established State departments.

20 (Source: App.A:9-37)

21
22 8. (New section) Continuing Administrative Duties of Director.
23 The State Director of Emergency Management shall, subject to the
24 approval of the Attorney General and the availability of funds
25 appropriated by the Legislature, periodically review the
26 organization, staffing and functions of the State Office of
27 Emergency Management, and, if appropriate, propose alterations for
28 the State office to better effectuate the State's authority to
29 coordinate all emergency management services within the State.

30
31 9. (New section) Rules and Regulations. a. The State Director
32 of Emergency Management shall promulgate rules and regulations
33 in accordance with the "Administrative Procedure Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of
35 P.L. , c. (C.) (now pending before the Legislature as this bill),
36 which shall include, but not be limited to:

37 (1) the qualifications, training routines, and education
38 requirements for emergency management personnel and volunteers;

39 (2) the guidelines for conducting emergency management
40 exercises utilizing any emergency operations plan;

41 (3) the recruitment and retention of emergency management
42 volunteers; and

43 (4) the administration and distribution of any grants, gifts, loans,
44 or other funds made available to the State for distribution to the
45 counties, municipalities, or other political subdivisions for
46 emergency management services by the federal government or any
47 of its departments, divisions, or agencies, or from any other public
48 or private source.

A1380 [1R] QUIGLEY, SCALERA

1 b. The provisions of subsection a. of this section shall not apply
2 to the director's authority to issue, amend and rescind emergency
3 orders or reciprocal orders whenever the Governor delegates,
4 pursuant to section 7 of P.L. , c. (C.) (now pending before the
5 Legislature as section 7 of this bill), the authority to issue, amend
6 and rescind emergency orders or reciprocal orders to the director.

7
8 10. (New section) Deputy Director. a. The Governor may
9 appoint one or more deputy directors, who shall serve at the will
10 and pleasure of the Governor. The deputy director shall assist the
11 director in the administration and operation of the State Office of
12 Emergency Management, and shall be granted all of the authority
13 assigned to the director, or delegated to the director by the
14 Governor, pursuant to this act, when the director is absent or
15 otherwise unavailable to perform the duties of the director.

16 b. The authority granted to the Governor to appoint one or more
17 deputy directors pursuant to this section is exclusive to the
18 Governor and shall not be delegated.

19 (Source: App.A:9-38)

20
21 11. (New section) The State Emergency Operations Plan.

22 a. The State Office of Emergency Management shall prepare, for
23 approval by the Governor, a State Emergency Operations Plan,
24 which shall include appropriate annexes, with each annex dedicated
25 to a particular type or category of emergency, necessary to
26 implement the plan during any emergency. The State plan, in
27 conformance with all federal and State statutes, rules, and
28 regulations concerning emergency management, shall set forth
29 policies and procedures to coordinate and support the effective
30 utilization of all emergency services, other resources, and property
31 throughout the State to respond to, mitigate the effects of, and
32 recover from, any emergency. The State plan shall incorporate the
33 planning criteria, objectives, requirements, responsibilities and
34 concepts of operation concerning the implementation of all
35 necessary and appropriate protective or remedial measures with
36 respect to emergency services, other resources and property
37 throughout the State. The State plan shall also identify conditions
38 and hazards throughout the State which may contribute to any
39 potential emergency.

40 b. The State plan shall incorporate provisions to coordinate all
41 emergency services with the services of other states whenever
42 mutual aid is provided in accordance with the Interstate Civil
43 Defense and Disaster Compact, N.J.S.38A:20-3 or the Emergency
44 Management Assistance Compact, P.L.2001, c.249 (C.38A:20-4 et
45 seq.).

46 c. Each office, department, division, or agency of the State, or of
47 any county, municipality or other political subdivision, shall supply
48 the State office with any data, report, or other information deemed

1 necessary by the State Director of Emergency Management in order
2 to assist the State office with the preparation of the State plan.

3 d. The director, upon completion of the State plan, shall submit
4 the plan for approval by the Governor. The Governor shall review
5 the State plan and determine its completeness, and its compatibility
6 with all federal and State statutes, rules, and regulations concerning
7 emergency management. Once the Governor determines the
8 completeness of the State plan, and its compatibility with all
9 appropriate federal and State statutes, rules, and regulations, the
10 Governor shall approve the plan, at which time the plan shall take
11 effect and thereafter its provisions administered by the State during
12 any emergency. The State plan shall not take effect, and its
13 provisions shall not be administered, until the plan is approved
14 pursuant to this subsection.

15 e. The State office shall review and update the State plan every
16 two years from the date of the approval of the State plan by the
17 Governor pursuant to this section, or at any time as required by the
18 director. The provisions of the State plan shall remain in effect
19 until the time that the State office completes a review of the plan
20 and updates its provisions, and the State director approves the
21 updates to the plan.

22 f. The State Emergency Operations Plan in effect prior to the
23 effective date of P.L. , c. (C.) (now pending before the
24 Legislature as this bill), shall remain in effect until the time that the
25 State plan is prepared, completed, and approved by the Governor
26 pursuant to subsection d. of this section.

27 g. The authority granted to the Governor to review and approve
28 the State plan pursuant to subsection d. of this section is exclusive
29 to the Governor and shall not be delegated.

30 (Source: App.A:9-43.1)

31
32 12. (New section) State Emergency Operations Plan Exercises.
33 The State Office of Emergency Management shall conduct an
34 emergency management exercise utilizing the State Emergency
35 Operations Plan at least once each year, or at any time as required
36 by the State Director of Emergency Management, subject to
37 available appropriations. The State office shall conduct any
38 exercise in conformance with rules and regulations promulgated by
39 the director regarding emergency management exercises. The type,
40 scope, and duration of any exercise shall be determined by the
41 director.

42
43 13. (New section) The State Emergency Operations Center.

44 a. The State Office of Emergency Management shall equip,
45 operate, and maintain a State emergency operations center. The
46 operations center shall be a primary location for the State's
47 coordination of emergency management personnel, volunteers, and
48 resources, and shall serve any function as required by the Governor

1 to respond to, mitigate the effects of, or recover from, an emergency
2 including, but not limited to:

3 (1) serving as a primary command center for the Governor, State
4 Director of Emergency Management, and other State officers and
5 personnel;

6 (2) determining threats, assessing damages, and reviewing other
7 information relevant to emergency management services with
8 respect to any emergency;

9 (3) distributing emergency and reciprocal orders; and

10 (4) coordinating recovery throughout the State.

11 b. Nothing in this section shall prohibit the Governor from
12 utilizing any other location or facility within the State to serve any
13 function as may be required by the Governor to respond to, mitigate
14 the effects of, or recover from any emergency.

15

16 14. (New section) State Department Operations Plans.

17 a. Each State department shall, in consultation with the State
18 Director of Emergency Management, prepare an operations plan
19 involving the appropriate personnel and resources to be utilized
20 during any emergency. Each department shall forward a copy of its
21 operations plan to the director, who shall coordinate the
22 implementation of the plan during any emergency.

23 b. Each State department shall review and update its operations
24 plan as necessary to remain current with respect to the department's
25 personnel and resources.

26

27 PART C.

28 AUTHORITY OF THE GOVERNOR

29

30 15. (New section) General Authority. The Governor is authorized
31 to employ and utilize any available personnel, resources, and
32 property of the State, and of any political subdivision thereof, and
33 to commandeer and utilize any personal services and any privately
34 owned real or personal property necessary to respond to, mitigate
35 the effects of, or recover from, any emergency affecting the State,
36 or to provide emergency management assistance to the federal
37 government, pursuant to the provisions of P.L. , c. (C.) (now
38 pending before the Legislature as this bill).

39 (Source: App.A:9-30; App.A:9-34)

40

41 16. (New section) Declaration of State of Emergency.

42 a. The Governor may proclaim a state of emergency for the
43 entire State, or any portion thereof:

44 (1) during any emergency which, in the opinion of the Governor,
45 cannot be controlled or managed in its entirety by the law
46 enforcement, firefighting, first aid, emergency medical, or other
47 emergency services serving any county and any municipalities
48 affected by the emergency; or

1 (2) in preparation for any emergency which, in the opinion of the
2 Governor, will not be entirely controllable or manageable by the
3 law enforcement, firefighting, first aid, emergency medical, or other
4 emergency services serving any county and any municipalities
5 anticipated by the Governor to be affected by the emergency.

6 The Governor may, based upon the conditions present, or
7 anticipated to be present, during the emergency, expand or reduce
8 the portions of the State declared to be under the state of
9 emergency.

10 b. Upon declaration of a state of emergency, the State Director
11 of Emergency Management shall immediately notify the chief
12 executive officer of each county and municipality within the area
13 affected by the state of emergency. The director shall notify each
14 chief executive officer in conformance with rules and regulations
15 promulgated by the director regarding state of emergency
16 notification procedures.

17 c. The state of emergency, and any orders issued, or other
18 actions taken, by the Governor with respect to the state of
19 emergency, shall terminate upon proclamation by the Governor that
20 the state of emergency is terminated, unless an order or any other
21 action is expressly designated by the Governor to continue.

22 d. The authority granted to the Governor to proclaim and
23 terminate any state of emergency pursuant to P.L. , c. (C.)
24 (now pending before the Legislature as this bill) is exclusive to the
25 Governor and shall not be delegated.
26 (Source: App.A:9-47; App.A:9-51)

27

28 17. (New section) Actions Following Declaration of State of
29 Emergency. a. The Governor, upon proclamation of a state of
30 emergency, may take any action which in the opinion of the
31 Governor is necessary to respond to, mitigate the effects of, or
32 recover from, the emergency, including, but not limited to:

33 (1) implementing the State Emergency Operations Plan;

34 (2) utilizing the State emergency operations center;

35 (3) assuming command of all State, county and municipal
36 emergency management services;

37 (4) issuing emergency orders and reciprocal orders pursuant to
38 sections 18 and 19 of P.L. , c. (C.) (now pending before the
39 Legislature as sections 18 and 19 of this bill);

40 (5) temporarily employing, taking, or otherwise utilizing, subject
41 to the future payment of reasonable compensation, the personal
42 services, or real or personal property, of any person, whether a
43 citizen or resident of this State or a non-resident located in this
44 State, or any private entity, firm, partnership, or corporation,
45 whether incorporated or doing business in this State, provided that
46 the personal services or property shall not be employed, taken, or
47 otherwise utilized beyond the borders of the State unless otherwise

1 authorized by law; and

2 (6) ordering the suspension of any State statutes, or rules,
3 regulations, and orders of any official, department, division, or
4 agency of the State, or of any political subdivision thereof.

5 b. Any orders issued, or other actions taken, by the Governor
6 pursuant to this section following the proclamation of a state of
7 emergency shall subsequently terminate upon proclamation by the
8 Governor that the state of emergency is terminated, unless an order
9 or any other action is expressly designated by the Governor to
10 continue. Any action may also be terminated prior to the
11 termination of the state of emergency by specific order of the
12 Governor.

13 c. The authority granted to the Governor to suspend any State
14 statutes pursuant to paragraph (6) of subsection a. of this section is
15 exclusive to the Governor and shall not be delegated.

16 (Source: App.A:9-47; App.A:9-51)

17

18 18. (New section) Emergency Orders. a. The Governor is
19 authorized to issue, amend, and rescind emergency orders affecting
20 any person, entity, or property in the State upon proclamation of a
21 state of emergency. An emergency order may include any directive
22 which is deemed necessary to respond to, mitigate the effects of, or
23 recover from, the emergency.

24 b. An emergency order may involve directives which include,
25 but are not limited to:

26 (1) the conduct of the civilian population, or any portion thereof;

27 (2) the protective actions necessary to ensure personal safety
28 and preserve property;

29 (3) the activities which are declared prohibited, so as to not
30 contribute to the conditions of the emergency;

31 (4) the protocols designed to prevent civilian disorder,
32 subversive behavior, terrorist attacks, sabotage, and any other
33 dangerous activity;

34 (5) the evacuation and transportation of people from areas
35 affected by the emergency;

36 (6) the designation of persons and vehicles permitted to move,
37 and the travel routes to be utilized;

38 (7) the rationing of food, water, medical supplies and other
39 resources;

40 (8) the restrictions on, or the prohibiting of, the sale, transfer, or
41 other distribution of any energy source, and the use thereof; and

42 (9) the restrictions on, or the prohibiting of, the sale, transfer, or
43 other distribution of any commercial item, product, or material
44 which may contribute to the emergency.

45 c. (1) An emergency order may involve directives concerning
46 emergency management services. An order which directs
47 emergency management services shall be based upon the guidelines
48 set forth in the State Emergency Operations Plan, unless the

1 conditions of an emergency require otherwise.

2 (2) An emergency order directing emergency management
3 services may involve directives which include, but not are not
4 limited to:

5 (a) the sequence of deployment of emergency management
6 personnel, volunteers, and resources;

7 (b) notice procedures for informing and updating appropriate
8 State, county, and municipal emergency management personnel and
9 volunteers with respect to the conditions of any emergency and the
10 actions taken in response to any emergency;

11 (c) protocols for requesting emergency management assistance or
12 emergency services from additional counties and municipalities, or
13 from other states and the political subdivisions of other states;

14 (d) the appropriate use of resources, vehicles, and equipment
15 during any emergency;

16 (e) the priority of State, county, and municipal interests with
17 respect to responding to, mitigating the effects of, and recovering
18 from, any emergency; and

19 (f) the recruiting, training, duties and conduct of new civilian
20 volunteers for emergency management service, and the coordination
21 of new civilian volunteers with existing emergency management
22 personnel and volunteers, during any emergency.

23 (3) Notwithstanding the requirement set forth in subsection a. of
24 this section that the Governor declare a state of emergency prior to
25 issuing, amending, and rescinding emergency orders, the Governor
26 may issue, amend, and rescind any emergency order directing
27 emergency management services throughout the State at any time as
28 deemed necessary by the Governor.

29 d. Upon issuance of an emergency order, the State Director of
30 Emergency Management shall immediately notify the chief
31 executive officer of each county and municipality within the area
32 affected by the emergency order. The director shall notify each
33 chief executive officer in conformance with rules and regulations
34 promulgated by the director regarding emergency order notification
35 procedures .

36 e. An emergency order, once issued, is binding upon all public
37 officials, departments, divisions, or agencies, or any persons or
38 private entities, firms, partnerships, or corporations, whether
39 incorporated or doing business in this State, as required by the order
40 and until the time that the order is rescinded.

41 f. The Governor's authority to issue, amend and rescind
42 emergency orders is not subject to the rule making provisions of the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.).

45 (Source: App.A:9-45; App.A:9-47)

46

47 19. (New section) Reciprocal Orders. a. The Governor may
48 issue, amend, and rescind reciprocal orders affecting any person,

1 entity, or property in the State during any emergency in another
2 state and upon proclamation of a state of emergency with respect to
3 the state in which the emergency occurs. A reciprocal order may
4 include any directive which is deemed necessary to respond to,
5 mitigate the effects of, or assist in the recovery from, the emergency
6 in another state.

7 b. A reciprocal order may involve, but is not limited to, any of
8 the directives set forth in section 18 of P.L. , c. (C.) (now
9 pending before the Legislature as section 18 of this bill), concerning
10 emergency orders.

11 c. A reciprocal order shall be issued, amended, and rescinded,
12 and the chief executive officer of each county and municipality
13 within the area affected by the reciprocal order shall be notified,
14 pursuant to the provisions of section 18 of P.L. , c. (C.) (now
15 pending before the Legislature as section 18 of this bill), concerning
16 the issuing and notification procedures for an emergency order.

17 d. A reciprocal order, once issued, is binding upon all public
18 officials, departments, divisions, or agencies, or any persons or
19 private entities, firms, partnerships, or corporations, whether
20 incorporated or doing business in this State, as required by the order
21 and until the time that the order is rescinded.

22 e. Whenever the Governor implements any mutual aid
23 agreement, compact, or any other arrangement entered into pursuant
24 to section 22 of P.L. , c. (C.) (now pending before the Legislature
25 as section 22 of this bill), to coordinate the emergency services
26 from this State with the services from any other state, from the
27 political subdivisions of any other state, or the personnel and
28 resources of the emergency management authorities of any other
29 state, the terms of the agreement, compact, or other arrangement
30 shall be binding upon the State, notwithstanding any reciprocal
31 orders issued pursuant to this section. Any reciprocal orders issued,
32 or actions taken, by the Governor with respect to the state of
33 emergency concerning an emergency in another state shall remain
34 in effect, except for any order or action which is at variance or is
35 otherwise inconsistent with the terms of the agreement, compact, or
36 other arrangement, or any action taken pursuant to those terms. In
37 the event of a dispute following the implementation of any
38 agreement, compact, or other arrangement as to whether any
39 reciprocal order issued, or action taken, by the Governor varies or is
40 otherwise inconsistent with the terms of, or action taken pursuant
41 to, the agreement, compact, or other arrangement, the dispute shall
42 be resolved pursuant to the terms of the agreement, compact, or
43 other arrangement.

44 f. The Governor's authority to issue, amend, and rescind
45 reciprocal orders is not subject to the rule making provisions of the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
47 seq.).

48 (Source: App.A:9-40; A:9-46)

A1380 [1R] QUIGLEY, SCALERA

17

1 20. (New section) Assistance to Federal Government. The
2 Governor shall cooperate with the civilian personnel and military
3 authorities of the federal government, and of other states, for the
4 purpose of providing emergency management assistance to the
5 United States, and for this purpose, the Governor shall ensure that
6 the State conforms with all federal statutes, rules, regulations, and
7 orders of the civilian personnel and military authorities of the
8 federal government. The authority granted to the Governor to
9 ensure the State's cooperation with the civilian personnel and
10 military authorities of the federal government, and of other states,
11 pursuant to this section are exclusive to the Governor and shall not
12 be delegated.

13 (Source: App.A:9-35)
14

15 21. (New section) Assistance from Federal Government. a. The
16 Governor, or the Governor's designated representative, on behalf of
17 the State, may accept any offer of funds, services, equipment,
18 supplies, or other materials from the federal government, or any
19 department, division, or agency thereof, by way of any grant, gift,
20 loan, or other fund, for assistance with State emergency
21 management services. The Governor, or designated representative,
22 upon acceptance of any offer, may authorize any State official or
23 officer to receive, and expend or administer, as appropriate, the
24 funds, services, equipment, supplies, or other materials, subject to
25 the conditions or constraints as may be imposed upon the funds,
26 services, or materials by their source.

27 b. The Governor, on behalf of the counties, municipalities, and
28 other political subdivisions of the State, may accept any offer of
29 funds, services, equipment, supplies, or other materials from the
30 federal government, or any department, division, or agency thereof,
31 by way of any grant, gift, loan, or other fund, made available to the
32 State for distribution to its political subdivisions for assistance with
33 emergency management services. The Governor, upon acceptance
34 of any offer, shall distribute the funds, services, equipment,
35 supplies, or other materials to any eligible political subdivision in
36 accordance with the conditions or constraints as may be imposed
37 upon the funds, services, or materials by their source.

38 c. The Governor, or the Governor's designated representative,
39 may enter into any agreement with the federal government, or any
40 department, division, or agency thereof, as the Governor deems
41 necessary to obtain available emergency management assistance
42 from the federal government, and to take any other action necessary
43 or convenient to secure the assistance of the federal government.

44 (1) The Governor shall not commit the State to any financial
45 obligation with respect to any agreement except to the extent of
46 available appropriations; provided, that any agreement may specify
47 that the State:

1 (a) agrees to hold and save the federal government, or any
2 department, division, or agency thereof, as appropriate, free from
3 damages which may arise out of any demolition work, construction
4 project, or repair, improvement, or rehabilitation activity, and the
5 maintenance of any work, project, or activity, undertaken by the
6 federal government, or any department, division, or agency thereof,
7 with respect to the agreement; and

8 (b) provides, free of cost to the federal government, or any
9 department, division, or agency thereof, as appropriate, any real
10 property, or any rights or interests in any real property, and any
11 other area within the State required by the federal government, or
12 any department, division, or agency thereof, for any work, project,
13 or activity, and the maintenance thereof, undertaken with respect to
14 the agreement.

15 (2) A provision to hold and save the federal government, or any
16 department, division, or agency thereof, as appropriate, free from
17 damages in any agreement authorized by this subsection shall not be
18 construed to waive the sovereign immunity of the State in any
19 situation wherein the sovereign immunity of the State would
20 otherwise exist.

21 (3) Any funds as may be required to carry out any work, project,
22 or activity, or the maintenance thereof, set forth in any agreement
23 authorized by this subsection, whether in payment for the cost of
24 necessary legal proceedings, compensation to property owners, or
25 any other purpose, shall be paid from an emergency appropriation
26 made by the Legislature in connection with the work, project, or
27 activity.

28 (4) The authority granted to the Governor to enter into any
29 agreement with the federal government, or any department,
30 division, or agency thereof, which commits the State to any
31 financial obligation pursuant to this subsection is exclusive to the
32 Governor and shall not be delegated.

33 d. Notwithstanding any provision of law to the contrary, the
34 emergency management and emergency services personnel and
35 volunteers from this State, or from the federal government,
36 performing any services anywhere within the State, or any political
37 subdivision thereof, pursuant to the acceptance of any offer or
38 agreement authorized by this section, shall possess the same duties,
39 powers, rights, immunities, and privileges that the personnel and
40 volunteers would ordinarily possess if performing the services in
41 the place where normally deployed.

42 (Source: App.A:9-35; App.A:9-61; App.A:9-62)

43
44 22. (New section) Assistance to and from Other States. a. The
45 Governor, on behalf of the State, may enter into a mutual aid
46 agreement, compact, or any other arrangement to coordinate the
47 emergency services from this State with the services from any other
48 state, from the political subdivisions of any other state, or the

1 personnel and resources of the emergency management authorities
2 of any other state. The Governor shall implement any mutual aid
3 agreement, compact, or other arrangement, and request assistance
4 from, or provide assistance to, another state, pursuant to the terms
5 of the agreement, compact, or other arrangement.

6 b. Notwithstanding any provision of law to the contrary, the
7 emergency management and emergency services personnel and
8 volunteers from this State, or from any other state, performing any
9 services anywhere within the State, or any political subdivision
10 thereof, pursuant to a mutual aid agreement, compact, or any other
11 arrangement authorized by this section to which the State is a party,
12 shall possess the same duties, powers, rights, immunities, and
13 privileges that the personnel and volunteers would ordinarily
14 possess if performing the services in the place where normally
15 deployed.

16 c. The provisions of this section shall not be construed to limit
17 the authority of the Legislature to act on behalf of the State with
18 respect to the State entering into any interstate compact or any other
19 arrangement related to emergency management.

20 d. The State Director of Emergency Management shall obtain
21 the approval of the Governor in order to enter into any mutual aid
22 agreement, compact, or any other arrangement pursuant to this
23 section, whenever the Governor delegates, pursuant to section 7 of
24 P.L. , c. (C.) (now pending before the Legislature as section 7
25 of this bill), the authority to enter into these mutual aid agreements,
26 compacts, or other arrangements.

27 (Source: App.A:9-46; App.A:9-59; App.A:9-61)

28
29 23. (New section) Assistance from Private and Non-Profit
30 Sources. The Governor, on behalf of the State, may accept any
31 offer of funds, services, equipment, supplies, or other materials
32 from any private or non-profit source, including any person or
33 entity, firm, partnership, or corporation, by way of any grant, gift,
34 loan, or other fund, for assistance with State emergency
35 management services. The Governor, upon acceptance of any offer,
36 may authorize any State official or officer to receive, and expend or
37 administer, as appropriate, the funds, services, equipment, supplies,
38 or other materials, subject to the conditions or constraints as may be
39 imposed upon the funds, services, or materials by their source.

40 (Source: App.A:9-63)

41
42 24. (New section) Operations of Private and Non-Profit Entities.

43 a. The Governor is authorized to designate any private or non-
44 profit entity related to emergency management services, including
45 any agency, organization or association, to operate within the State
46 in connection with any emergency. A private or non-profit entity
47 shall not carry out any emergency management services related to
48 the emergency without the approval of the Governor.

1 b. Any person who is an officer, employee, agent, or a member
2 or volunteer of a private or non-profit entity which does not have
3 the approval of the Governor to carry out any emergency
4 management services related to an emergency, and who knowingly
5 performs any service for, or on behalf of, the entity shall be guilty
6 of a disorderly persons offense.

7 (Source: App.A:9-44)

8
9 25. (New section) Authority to Obtain Information. The
10 Governor is authorized to require any public official, department,
11 division, or agency, or any person or private entity, firm,
12 partnership, or corporation, whether incorporated or doing business
13 in this State, to furnish any information to the Governor necessary
14 to carry out the purposes of P.L. , c. (C.) (now pending before
15 the Legislature as this bill).

16 (Source: App.A:9-31; App.A:9-36)

17
18 26. (New section) Duty of Political Subdivisions to Coordinate
19 Services. a. The members of the governing body of any political
20 subdivision of this State, as well as the officers, employees, and
21 agents of every political subdivision, shall coordinate all emergency
22 management services with the Governor, pursuant to the provisions
23 of P.L. , c. (C.) (now pending before the Legislature as this
24 bill), in all matters relating to any emergency.

25 b. It shall be unlawful for any county, municipality, or other
26 political subdivision, or any other governmental department,
27 division, or agency, to adopt any ordinance, rule, or regulation, or
28 enforce any ordinance, rule, or regulation, which may be at variance
29 or otherwise inconsistent with any action taken by the Governor,
30 pursuant to the provisions of P.L. , c. (C.) (now pending
31 before the Legislature as this bill), relating to any emergency. In
32 the event of a dispute during an emergency regarding whether any
33 ordinance, rule, or regulation varies or is otherwise inconsistent
34 with any action taken by the Governor, the determination of the
35 Governor shall control.

36 c. The authority granted to the Governor to determine whether
37 any ordinance, rule, or regulation varies or is otherwise inconsistent
38 with any action taken by the Governor pursuant to subsection b. of
39 this section is exclusive to the Governor and shall not be delegated.

40 (Source: App.A:9-40)

41
42 27. (New section) Liability for Injury to Person and Damage to
43 Property. a. The State, and any political subdivision thereof, and
44 any officers, employees, and agents of the State, and of any political
45 subdivision of the State, including any emergency management
46 volunteers, shall not be liable under any circumstances for any
47 personal injury or death, or damage to property, resulting from any
48 act in good faith to carry out, or attempt to carry out, any

1 emergency management service pursuant to P.L. , c. (C.)
2 (now pending before the Legislature as this bill).

3 b. Any person or entity, firm, partnership, or corporation,
4 whether incorporated or doing business in this State, owning,
5 possessing, or managing any real property designated, pursuant to
6 P.L. , c. (C.) (now pending before the Legislature as this bill),
7 as a location or facility for the protection of people, personal
8 property, or resources, or to provide for the distribution of food,
9 water, supplies or other materials, or to be utilized for any other
10 purpose arising from the conditions of an emergency, shall not be
11 liable under any circumstances for any personal injury or death
12 resulting from the entry of any person upon the real property during
13 the emergency, except when the personal injury or death is caused
14 by the willful act of the owner, possessor, or manager, or the
15 employee or agent of the owner, possessor, or manager.

16 c. This section shall not affect the right of any person or entity,
17 firm, partnership, or corporation:

18 (1) to receive benefits or compensation which may be
19 specifically provided by the provisions of any State or federal law;
20 and

21 (2) to recover amounts due under the terms of any policy of
22 insurance.

23 (Source: App.A:9-52)

25 PART D.

26 COUNTY ORGANIZATION AND AUTHORITY

28 28. (New Section) County Office of Emergency Management.

29 a. Each county of the State shall establish, equip, operate, and
30 maintain a county office of emergency management. The office
31 shall be under the supervision, direction, and control of a county
32 emergency management coordinator, appointed pursuant to section
33 30 of P.L. , c. (C.) (now pending before the Legislature as
34 section 30 of this bill).

35 b. The county office shall serve as the lead county agency for
36 coordinating all emergency management services within the county.
37 The functions of the office shall include, but are not limited to:

38 (1) preparing and periodically updating a county emergency
39 operations plan in accordance with section 34 of P.L. , c. (C.)
40 (now pending before the Legislature as section of this bill);

41 (2) monitoring natural and man-made conditions throughout the
42 county which may contribute to an emergency;

43 (3) receiving, and expending or distributing, as appropriate,
44 those sums as may from time to time be appropriated to the county
45 office by the Legislature or otherwise made available out of State
46 funds for emergency management services in the county;

47 (4) applying for, and expending or distributing, as appropriate,
48 any grants, gifts, loans, or other funds made available to the county

1 for emergency management services by the State, or the federal
2 government or any of its departments, divisions, or agencies, or
3 from any other public or private source, subject to the conditions or
4 constraints as may be imposed upon the particular funds by their
5 source;

6 (5) collecting and utilizing data, reports, and other information
7 from the State and federal government, as well as private sources,
8 pertaining to emergency management services.

9 c. The county office shall coordinate the county's emergency
10 management personnel, volunteers, and resources outside of the
11 county under the direction and supervision of the State Director of
12 Emergency Management, as required by the director during any
13 emergency.

14
15 29. (New section) County Emergency Management Council. a.
16 Each county of the State shall establish a county emergency
17 management council, which shall consist of the county emergency
18 management coordinator of the county, appointed pursuant to
19 section 30 of P.L. , c. (C.) (now pending before the
20 Legislature as section 30 of this bill), who shall serve as chair, the
21 county officer or official responsible for the implementation of each
22 annex of the county emergency operations plan, as prepared,
23 completed, and approved pursuant to sections 34 and 35 of P.L. ,
24 c. (C.) (now pending before the Legislature as sections 34 and
25 35 of this bill), and up to 10 additional members of the public, who
26 shall be appointed by the chief executive officer of the county and
27 serve on the county council at the will and pleasure of the chief
28 executive officer. The members of the public appointed by the
29 chief executive officer shall include, but not be limited to,
30 emergency management volunteers, and representatives of
31 emergency medical services, hospital care, law enforcement, and
32 volunteer fire and first aid organizations.

33 b. The members of the county council shall serve without pay in
34 connection with all duties carried out by the council pursuant to
35 P.L. , c. (C.) (now pending before the Legislature as this bill),
36 or otherwise prescribed by law.

37 c. (1) The county council shall organize as soon as practicable
38 after the appointment of all its members, and thereafter shall meet
39 upon the call of the chair as often as the chair deems necessary to
40 fulfill the duties of the council as set forth in P.L. , c. (C.)
41 (now pending before the Legislature as this bill), or otherwise
42 prescribed by law .

43 (2) A majority of the council's membership shall constitute a
44 quorum for the transaction of council business.

45 d. The county council shall collaborate with the county office of
46 emergency management for the county in coordinating all
47 emergency management services within the county. The functions
48 of the council shall include:

1 (1) reviewing, evaluating, and recommending changes in existing
2 emergency management policy and emergency management
3 services;

4 (2) reviewing, evaluating, and recommending changes in any
5 existing mutual aid agreement, compact, or any other arrangement
6 to which the county is a party pursuant to sections 41 and 42 of
7 P.L. , c. (C.) (now pending before the Legislature as sections
8 41 and 42 of this bill), or to assist in the development of these
9 mutual aid agreements, compacts, and other arrangements where
10 they do not exist;

11 (3) encouraging and coordinating the operations of private and
12 non-profit entities related to emergency management services
13 within the county; and

14 (4) assisting the county office in any manner as requested by the
15 office.

16 e. The county council may call upon the services of the
17 employees of the county office, and any other county department,
18 division, or agency as may be made available to the council, as it
19 deems necessary for the proper execution of the council's duties.
20

21 30. (New section) County Emergency Management Coordinator.

22 a. The chief executive officer of each county shall, subject to the
23 approval of the State Director of Emergency Management, appoint
24 a county emergency management coordinator.

25 (1) A county coordinator shall serve for a term of three years,
26 except that a coordinator who serves two or more consecutive terms
27 of three years may be reappointed to an additional consecutive term
28 for longer than three years. The length of any additional
29 consecutive term shall be determined by the chief executive officer
30 of the county, and subject to the approval of the director.

31 (2) The county coordinator shall serve for the appropriate term
32 prescribed pursuant to paragraph (1) of this subsection until the
33 time that a qualified successor is appointed, except the chief
34 executive officer of the county may, with the approval of the
35 director, remove the coordinator at any time for cause. The director
36 may also remove the county coordinator at any time for cause.

37 b. The county coordinator shall administer all county and
38 municipal emergency management services within the county under
39 the direction and supervision of the director. The county
40 coordinator shall supervise the planning and preparation functions
41 of the county for any emergency, and shall activate and coordinate
42 emergency management services within the county in accordance
43 with the county emergency operations plan, or otherwise pursuant
44 to any order issued, or action taken, by the Governor during any
45 emergency, pursuant to the provisions of P.L. , c. (C.) (now
46 pending before the Legislature as this bill).

1 c. Any vacancy of a county coordinator position shall be filled
2 in the same manner as the original appointment for the unexpired
3 term only.

4 d. Any county coordinator appointed prior to the effective date
5 of P.L. , c. (C.) (now pending before the Legislature as this
6 bill), shall serve for the length of the term to which the coordinator
7 was appointed, unless removed for cause and the vacancy filled
8 pursuant to the provisions of P.L. , c. (C.) (now pending
9 before the Legislature as this bill). Thereafter, the provisions of
10 this section relating to the appointment of a county coordinator and
11 the length of the coordinator's term of service shall apply.

12 (Source: App.A:9-42.1; App.A:9-42.2)

13
14 31. (New section) Education and Training for County
15 Coordinator. a. The county emergency management coordinator of
16 each county shall successfully complete an approved course of
17 study and training as determined by the State Director of
18 Emergency Management, including any continuing education
19 requirements, as a condition of the coordinator's appointment. The
20 course of study and training shall include, but not be limited to:
21 statutes and regulations concerning emergency management
22 services; the coordination of emergency management authority and
23 resources at the State, county, and municipal levels; the roles and
24 responsibilities of elected and appointed officials; and emergency
25 planning and training. An initial course of study and training shall
26 be completed prior to the time of appointment, or within one year
27 following the county coordinator's appointment.

28 b. The failure of any county coordinator to fulfill the initial and
29 continuing education and training requirements prescribed by the
30 director shall disqualify the coordinator from continuing in the
31 position of coordinator, and the position shall be deemed to be
32 vacant.

33 c. Any vacancy shall be filled in the same manner as the original
34 appointment for the unexpired term only. Any county coordinator
35 appointed to fill a vacancy shall be subject to the education and
36 training requirements set forth in this section, unless waived by the
37 director as unreasonable due to the length of time remaining on the
38 unexpired term of the original appointment.

39 d. Any coordinator appointed prior to the effective date of
40 P.L. , c. (C.) (now pending before the Legislature as this bill),
41 shall complete the initial course of study and training prescribed by
42 the director within one year following the enactment of this act, and
43 thereafter fulfill any continuing education requirements pursuant to
44 the provisions of this section.

45
46 32. (New section) Deputy County Coordinator.

47 a. The chief executive officer of each county shall, based upon
48 the recommendations of the county emergency management

1 coordinator of the county, appoint at least one deputy county
2 emergency management coordinator. The deputy county
3 coordinator shall serve at the will and pleasure of the chief
4 executive officer of the county.

5 b. The deputy county coordinator shall assist the county
6 coordinator in the administration and operation of the county office
7 of emergency management, and shall be granted all of the authority
8 assigned to the county coordinator, or provided to the coordinator
9 by any order issued by the Governor, pursuant to P.L. , c. (C.)
10 (now pending before the Legislature as this bill), when the county
11 coordinator is absent or otherwise unable to perform the duties of
12 the coordinator.

13 c. Any deputy county coordinator appointed prior to the
14 effective date of P.L. , c. (C.) (now pending before the
15 Legislature as this bill), shall serve for the length of the term to
16 which the deputy county coordinator was appointed, unless
17 removed for cause by the chief executive officer of the county and
18 the vacancy filled pursuant to the provisions of P.L. , c. (C.)
19 (now pending before the Legislature as this bill). Thereafter, the
20 provisions of this section relating to the appointment of a deputy
21 county coordinator and the length of the deputy county
22 coordinator's term of service shall apply.

23 (Source: App.A:9-42.1b)

24

25 33. (New section) Education and Training for Deputy County
26 Coordinator. a. The deputy county emergency management
27 coordinator of each county shall successfully complete an approved
28 course of study and training as determined by the State Director of
29 Emergency Management, including any continuing education
30 requirements, as a condition of the deputy county coordinator's
31 appointment. The course of study and training shall include, but
32 not be limited to: statutes and regulations concerning emergency
33 management services; the coordination of emergency management
34 authority and resources at the State, county, and municipal levels;
35 the roles and responsibilities of elected and appointed officials; and
36 emergency planning and training. An initial course of study and
37 training shall be completed prior to the time of appointment, or
38 within one year following the deputy county coordinator's
39 appointment.

40 b. The failure of any deputy county coordinator to fulfill the
41 initial and continuing education and training requirements
42 prescribed by the director shall disqualify the deputy county
43 coordinator from continuing in the position of deputy county
44 coordinator, and the position shall be deemed to be vacant.

45 c. Any vacancy shall be filled in the same manner as the original
46 appointment. Any deputy county coordinator appointed to fill a
47 vacancy shall be subject to the education and training requirements
48 set forth in this section.

1 d. Any deputy county coordinator appointed prior to the
2 effective date of P.L. , c. (C.) (now pending before the
3 Legislature as this bill), shall complete the initial course of study
4 and training prescribed by the director within one year following
5 the enactment of this act, and thereafter fulfill any continuing
6 education requirements pursuant to the provisions of this section.

7
8 34. (New section) County Emergency Operations Plan. a. Each
9 county office of emergency management shall prepare a county
10 emergency operations plan, which shall include appropriate
11 annexes, with each annex dedicated to a particular type or category
12 of emergency, necessary to implement the plan during any
13 emergency. Each county office shall complete a county plan, and
14 thereafter each county emergency management coordinator shall
15 receive approval of the plan from the State Director of Emergency
16 Management, no later than one year after the State office receives
17 the Governor's approval of the provisions of the State Emergency
18 Operations Plan pursuant to section 11 of P.L. , c. (C.) (now
19 pending before the Legislature as section 11 of this bill).

20 b. The county plan, in conformance with the State plan and all
21 federal and State statutes, rules, and regulations concerning
22 emergency management, shall set forth policies and procedures to
23 coordinate and support the effective utilization of all emergency
24 services, other resources, and property within the county to respond
25 to, mitigate the effects of, and recover from, any emergency. The
26 county plan shall incorporate the planning criteria, objectives,
27 requirements, responsibilities, and concepts of operation concerning
28 the implementation of all necessary and appropriate protective or
29 remedial measures with respect to emergency services, other
30 resources, and property within the county. The county plan shall
31 also identify conditions and hazards within or otherwise affecting
32 the county which may contribute to any potential emergency.

33 c. The county plan shall incorporate provisions to coordinate all
34 emergency services within the county with the emergency
35 management services of the State as provided in accordance with
36 the State plan.

37 d. The county coordinator shall request data, reports, and other
38 information, as well as technical assistance and administrative
39 support, from the State office, as deemed necessary by the
40 coordinator to assist the county office with the preparation of the
41 county plan.

42 e. The county coordinator, upon completion of the county plan,
43 shall receive approval of the plan pursuant to section 35 of P.L. ,
44 c. (C.) (now pending before the Legislature as section 35 of this
45 bill), and until the plan is approved, it shall not take effect, and its
46 provisions shall not be administered.

47 f. The county office shall review and update, and the county
48 coordinator receive, a new approval of the county plan no later than

1 one year after the State director approves updates to the provisions
2 of the State plan pursuant to section 11 of P.L. , c. (C.) (now
3 pending before the Legislature as section 11 of this bill), or at any
4 time as required by the director.

5 (Source: App.A:9-43.2; App.A:9-43.3)

6
7 35. (New section) Approval of County Emergency Operations
8 Plan. a. The county emergency management coordinator of each
9 county, upon the county office's completion of the county
10 emergency operations plan, shall submit the county plan for
11 approval by the State Director of Emergency Management. The
12 director shall review the county plan and determine its
13 completeness, and its compatibility with the State Emergency
14 Operations Plan and all federal and State statutes, rules, and
15 regulations concerning emergency management.

16 b. The director shall, on the basis of the completeness and
17 compatibility of the county plan with the State plan and relevant
18 laws, approve, conditionally approve, or disapprove the county
19 plan.

20 (1) In any case where the director approves the county plan, the
21 director shall notify the county coordinator in writing, at which time
22 the county plan shall take effect and thereafter its provisions
23 administered by the county coordinator during any emergency.

24 (2) In any case where the director conditionally approves the
25 county plan, the director shall notify the county coordinator and
26 specify in writing any necessary amendments as required by the
27 director for final approval. The county coordinator shall resubmit
28 the county plan to the director for approval upon the completion of
29 any necessary amendments to the plan.

30 (3) In any case where the director disapproves the county plan,
31 the director shall notify the county coordinator and specify in
32 writing the reasons for the disapproval. The county coordinator
33 shall submit a new county plan to the director for approval upon the
34 completion of the new plan.

35 (4) Notwithstanding any other paragraph of this subsection, if the
36 director does not provide any notice to the county coordinator of the
37 approval, conditional approval, or disapproval of the county plan
38 within 90 days of receipt of the plan, the county plan shall be
39 considered approved, and thereafter it shall take effect and its
40 provisions administered by the county coordinator during any
41 emergency.

42 c. The county plan shall not take effect, and the provisions of
43 the plan shall not be administered, until the county plan is approved
44 pursuant to this section. The county plan shall remain in effect until
45 the time that the county office reviews and updates, and the county
46 coordinator receives a new approval of, the county plan pursuant to
47 sections 34 and 35 of P.L. , c. (C.) (now pending before the
48 Legislature as sections 34 and 35 of this bill).

1 d. Any county emergency operations plan in effect prior to the
2 effective date of P.L. , c. (C.) (now pending before the
3 Legislature as this bill) shall remain in effect until the time that the
4 county plan is prepared, completed, and approved pursuant to
5 sections 34 and 35 of P.L. , c. (C.) (now pending before the
6 Legislature as sections 34 and 35 of this bill).
7 (Source: App.A:9-43.3; App.A:9-43.4)
8

9 36. (New section) County Emergency Operations Plan Exercises.
10 The State Office of Emergency Management shall, in consultation
11 with the county office of emergency management of each county,
12 conduct an emergency management exercise utilizing the county's
13 emergency operations plan at least once each year, or at any time as
14 required by the State Director of Emergency Management, subject
15 to available appropriations from the Legislature to the State office
16 for emergency management exercises. The State office shall
17 conduct, and the county office shall participate in, any exercise in
18 conformance with rules and regulations promulgated by the director
19 regarding emergency management exercises. The type, scope, and
20 duration of any exercise shall be determined by the director.
21

22 37. (New section) Declaration of State of County Emergency
23 for Any County. a. The county emergency management coordinator
24 of any county may, in consultation with the chief executive officer
25 of the county, proclaim a state of county emergency for the entire
26 county, or any portion thereof, during any emergency which, in the
27 opinion of the county coordinator, cannot be controlled or managed
28 in its entirety by the law enforcement, firefighting, first aid,
29 emergency medical, or other emergency services serving two or
30 more municipalities located within the county, or following a
31 request for assistance from a municipal emergency management
32 coordinator for any emergency only affecting one municipality
33 located within the county. The county coordinator may, based upon
34 the conditions present during the emergency and upon consultation
35 with the chief executive officer of the county, expand or reduce the
36 portions of the county declared to be under the state of county
37 emergency.

38 b. Upon declaration of a state of county emergency, the county
39 coordinator shall immediately notify the chief executive officer of
40 each municipality within the county affected by the state of
41 emergency. The county coordinator shall notify each chief
42 executive officer in conformance with rules and regulations
43 promulgated by the State Director of Emergency Management
44 regarding state of emergency notification procedures.

45 c. The state of county emergency, and any orders issued, or
46 other actions taken, by the county coordinator with respect to the
47 state of county emergency, shall terminate upon declaration by the
48 county coordinator that the state of county emergency is terminated,

1 unless an order or any other action is expressly designated by the
2 county coordinator to continue.

3 (Source: App.A:9-42.2)

4
5 38. (New section) Actions Following Declaration of State of
6 County Emergency for Any County. a. The county emergency
7 management coordinator of any county, during any emergency and
8 upon proclamation of a state of county emergency for the county,
9 may take any action which in the opinion of the county coordinator,
10 and subject to the direction and supervision of the State Director of
11 Emergency Management, is necessary to respond to, mitigate the
12 effects of, or recover from, the emergency, including, but not
13 limited to:

14 (1) implementing the county emergency operations plan;

15 (2) assuming command of all county and municipal emergency
16 management services;

17 (3) issuing county emergency orders pursuant to section 39 of
18 P.L. , c. (C.) (now pending before the Legislature section 39
19 of this bill); and

20 (4) temporarily employing, taking, or otherwise utilizing, subject
21 to the future payment of reasonable compensation, the personal
22 services, or real or personal property, of any person, whether a
23 resident of the county or a non-resident located in the county, or
24 any private entity, firm, partnership, or corporation, whether
25 incorporated or doing business in this State, provided that the
26 personal services or property shall not be employed, taken, or
27 otherwise utilized beyond the borders of the county unless
28 otherwise authorized by law.

29 b. Any orders issued, or other actions taken, by the county
30 coordinator pursuant to this section following the proclamation of a
31 state of county emergency shall subsequently terminate upon
32 declaration by the county coordinator that the state of county
33 emergency is terminated, unless an order or any other action is
34 expressly designated by the county coordinator to continue. Any
35 action may also be terminated prior to the termination of the state of
36 county emergency by specific order of the county coordinator.

37 (Source: App.A:9-42.2)

38
39 39. (New section) County Emergency Orders

40 a. The county emergency management coordinator of any
41 county is authorized to issue, amend, and rescind county emergency
42 orders affecting any person, entity, or property in the county during
43 any emergency and upon proclamation by the county coordinator of
44 a state of county emergency. A county emergency order may
45 include any directive which is deemed necessary to respond to,
46 mitigate the effects of, or recover from, the emergency, and shall be
47 based upon the guidelines set forth in the county emergency
48 operations plan, or consistent with any order issued, or any action

- 1 taken, by the Governor with respect to the emergency pursuant to
2 the provisions of P.L. , c. (C.) (now pending before the
3 Legislature as this bill).
- 4 b. A county emergency order may involve directives which
5 include, but are not limited to:
- 6 (1) the conduct of the civilian population, or any portion thereof;
7 (2) the protective actions necessary to ensure personal safety and
8 preserve property;
9 (3) the activities which are declared prohibited, so as to not
10 contribute to the conditions of the emergency;
11 (4) the protocols designed to prevent civilian disorder,
12 subversive behavior, terrorist attacks, sabotage, and any other
13 dangerous activity;
14 (5) the evacuation and transportation of people from areas
15 affected by the emergency;
16 (6) the designation of persons and vehicles permitted to move,
17 and the travel routes to be utilized;
18 (7) the rationing of food, water, medical supplies, and other
19 resources;
20 (8) the restrictions on, or the prohibiting of, the sale, transfer, or
21 other distribution of any energy source, and the use thereof; and
22 (9) the restrictions on, or the prohibiting of, the sale, transfer, or
23 other distribution of any commercial item, product, or material
24 which may contribute to the emergency.
- 25 c. (1) A county emergency order may involve directives
26 concerning emergency management services within the county. An
27 order which directs emergency management services shall be based
28 upon the guidelines set forth in the county emergency operations
29 plan, or consistent with any order issued, or any action taken, by the
30 Governor with respect to the emergency pursuant to the provisions
31 of P.L. , c. (C.) (now pending before the Legislature as this
32 bill).
- 33 (2) A county emergency order which directs emergency
34 management services may involve directives which include, but are
35 not limited to:
- 36 (a) the sequence of deployment of emergency management
37 personnel, volunteers, and resources;
38 (b) notice procedures for informing and updating appropriate
39 county and municipal emergency management personnel and
40 volunteers with respect to the conditions of the emergency and the
41 actions taken in response to the emergency;
42 (c) protocols for requesting emergency management assistance or
43 other emergency services from the State, and other counties and
44 municipalities located outside of the county, or from any political
45 subdivision of other states;
46 (d) the appropriate use of emergency management resources,
47 vehicles, and equipment during the emergency;

1 (e) the priority of county and municipal interests with respect to
2 responding to, mitigating the effects of, and recovering from, the
3 emergency; and

4 (f) the recruiting, training, duties, and conduct of new civilian
5 volunteers for emergency management service, and the coordination
6 of new civilian volunteers with existing emergency management
7 personnel and volunteers, during the emergency.

8 d. Upon issuance of a county emergency order, the county
9 coordinator shall immediately notify the chief executive officer of
10 the county and each municipality within the county affected by the
11 county emergency order. The county coordinator shall notify each
12 chief executive officer in conformance with rules and regulations
13 promulgated by the State Director of Emergency Management
14 regarding emergency order notification procedures.

15 e. A county emergency order, once issued, is binding upon all
16 county and municipal public officials, departments, divisions, or
17 agencies, or any persons or private entities, firms, partnerships, or
18 corporations, whether incorporated or doing business within this
19 State, as required by the order and until the time that the county
20 emergency order is rescinded.

21
22 40. (New section) Assistance from Federal Government to Any
23 County. a. The chief executive officer of any county may accept
24 any offer of funds, services, equipment, supplies, or other materials
25 from the federal government, or any department, division, or agency
26 thereof, by way of any grant, gift, loan, or other fund, for assistance
27 with the county's emergency management services. The chief
28 executive officer of the county, upon acceptance of any offer, may
29 authorize any county official or officer to receive, and expend or
30 administer, as appropriate, the funds, services, equipment, supplies,
31 or other materials, subject to the conditions or constraints as may be
32 imposed upon the funds, services, or materials by their source.

33 b. Notwithstanding any provision of law to the contrary, the
34 emergency management and emergency services personnel and
35 volunteers from the county, or from the federal government,
36 performing any services anywhere within the county, or any other
37 political subdivision of the State located within the county, pursuant
38 to the acceptance of any offer authorized by this section, shall
39 possess the same duties, powers, rights, immunities, and privileges
40 that the personnel and volunteers would ordinarily possess if
41 performing the services in the place where normally deployed.

42 (Source: App.A:9-61; App.A:9-62)

43
44 41. (New section) Assistance to and from Other Political
45 Subdivisions. a. The chief executive officer of any county may,
46 subject to the approval of the Governor, enter into a mutual aid
47 agreement, compact, or any other arrangement to coordinate the
48 emergency services from the county with the emergency services

1 from any other county, or any municipality or any other political
2 subdivision of the State located outside of the county.

3 b. The county emergency management coordinator shall
4 implement any mutual aid agreement, compact, or other
5 arrangement, and request assistance from, or provide assistance to,
6 another county, or a municipality or any other political subdivision
7 of the State outside of the county, pursuant to the terms of the
8 agreement, compact, or other arrangement.

9 c. Notwithstanding any provision of law to the contrary, the
10 emergency management and emergency services personnel and
11 volunteers from the county, or from another county, or any
12 municipality or other political subdivision of the State, performing
13 any services anywhere within the State, or any political subdivision
14 thereof, pursuant to a mutual aid agreement, compact, or any other
15 arrangement authorized by this section to which the county is a
16 party, shall possess the same duties, powers, rights, immunities, and
17 privileges that the personnel and volunteers would ordinarily
18 possess if performing the services in the place where normally
19 deployed.

20 (Source: App.A:9-60; App.A:9-61)

21

22 42. (New section) Assistance to and from Political Subdivisions
23 of Other States. a. The chief executive officer of any county may,
24 subject to the approval of the Governor, enter into a mutual aid
25 agreement, compact, or any other arrangement to coordinate the
26 emergency services from the county with the emergency services
27 from any political subdivision of the state of Delaware, New York,
28 or Pennsylvania which shares a common boundary with the State.

29 b. The county emergency management coordinator shall
30 implement any mutual aid agreement, compact, or other
31 arrangement, and request assistance from, or provide assistance to,
32 a political subdivision of the state of Delaware, New York, or
33 Pennsylvania pursuant to the terms of the agreement, compact, or
34 other arrangement.

35 c. Notwithstanding any provision of law to the contrary, the
36 emergency management and emergency services personnel and
37 volunteers from the county, or from any political subdivision of the
38 state of Delaware, New York, or Pennsylvania, performing any
39 services anywhere within the county, or any other political
40 subdivision of the State located within the county, pursuant to a
41 mutual aid agreement, compact, or any other arrangement
42 authorized by this section to which the county is a party, shall
43 possess the same duties, powers, rights, immunities, and privileges
44 that the personnel and volunteers would ordinarily possess if
45 performing the services in the place where normally deployed.

46 (Source: App.A:9-61)

1 operations plan, as prepared, completed, and approved pursuant to
2 sections 50 and 51 of P.L. , c. (C.) (now pending before the
3 Legislature as sections 50 and 51 of this bill), and up to 10
4 additional members of the public, who shall be appointed by the
5 chief executive officer of the municipality and serve on the
6 municipal council at the will and pleasure of the chief executive
7 officer. The members of the public appointed by the chief
8 executive officer shall include, but not be limited to, construction
9 officials,¹ emergency management volunteers, and representatives
10 of emergency medical services, hospital care, law enforcement, and
11 volunteer fire and first aid organizations.

12 b. The members of the municipal council shall serve without pay
13 in connection with all duties carried out by the council pursuant to
14 P.L. , c. (C.) (now pending before the Legislature as this bill),
15 or otherwise prescribed by law.

16 c. (1) The municipal council shall organize as soon as practicable
17 after the appointment of all its members, and thereafter shall meet
18 upon the call of the chair as often as the chair deems necessary to
19 fulfill the duties of the council as set forth in P.L. , c. (C.)
20 (now pending before the Legislature as this bill), or otherwise
21 prescribed by law.

22 (2) A majority of the council's membership shall constitute a
23 quorum for the transaction of council business.

24 d. The municipal council shall, subject to the availability of
25 funds appropriated to the council, establish an adequate
26 organization to supervise and coordinate all emergency
27 management services within the municipality.

28 e. The functions of the municipal council shall include, but are
29 not limited to:

30 (1) assisting the municipal coordinator with preparing and
31 periodically updating a municipal emergency operations plan in
32 accordance with section 50 of P.L. , c. (C.) (now pending before
33 the Legislature as section 50 of this bill);

34 (2) monitoring natural and man-made conditions throughout the
35 municipality which may contribute to an emergency;

36 (3) receiving, and expending or distributing, as appropriate,
37 those sums as may from time to time be appropriated to the
38 municipal council by the Legislature or otherwise made available
39 out of State funds for emergency management services within the
40 municipality;

41 (4) applying for, and expending or distributing, as appropriate,
42 any grants, gifts, loans, or other funds made available to the
43 municipality for emergency management services by the State, or
44 the federal government or any of its departments, divisions, or
45 agencies, or from any other public or private source, subject to the
46 conditions or constraints as may be imposed upon the particular
47 funds by their source; and

1 (5) collecting and utilizing data, reports, and other information
2 from the State and federal government, as well as private sources,
3 pertaining to emergency management services.

4 f. The municipal council shall coordinate the municipality's
5 emergency management personnel, volunteers, and resources
6 outside of the municipality under the direction and supervision of
7 the county emergency management coordinator for the county
8 within which the municipality is located, or the State Director of
9 Emergency Management, as required by the coordinator or director
10 during any emergency.

11 g. The municipal council may, as it deems necessary, call upon
12 the services of any municipal department, division, or agency as
13 may be made available to the council by the municipality for the
14 proper execution of the council's duties.

15 h. A member of the municipal council shall not be prohibited
16 from serving as a member of any other agency, entity, or
17 organization created to respond to, mitigate the effects of, or
18 recover from, any emergency.

19 i. A municipality, in lieu of establishing a municipal emergency
20 management council pursuant to subsection a. of this section, may
21 designate the local emergency planning committee, established
22 pursuant to section 301 of Title III of Pub.L.99-499 (42 USC
23 §11001), with jurisdiction over the emergency planning district in
24 which the municipality is located, to perform the functions of the
25 municipal council as set forth in this act.

26 j. Any local emergency management council established prior to
27 the effective date of P.L. , c. (C.) (now pending before the
28 Legislature as this bill), shall serve as the municipal council for the
29 municipality until the chief executive officer of the municipality
30 completes the appointments of the public members to the municipal
31 council established pursuant to subsection a. of this section, or the
32 municipality designates the appropriate local emergency planning
33 committee to perform the functions of the municipal council
34 pursuant to subsection h. of this section, at which time the
35 preceding local emergency management council shall expire.

36 (Source: App.A:9-41)

37
38 46. (New section) Municipal Emergency Management
39 Coordinator. a. The chief executive officer of each municipality
40 shall appoint a municipal emergency management coordinator from
41 among the residents of the municipality

42 (1) A municipal coordinator shall serve for a term of three years,
43 except that a coordinator who serves two or more consecutive terms
44 of three years may be reappointed to an additional consecutive term
45 for longer than three years. The length of any additional
46 consecutive term shall be determined by the chief executive officer
47 of the municipality, and subject to the approval of the State Director
48 of Emergency Management.

1 (2) The municipal coordinator shall serve for the appropriate
2 term prescribed pursuant to paragraph (1) of this subsection until
3 the time that a qualified successor is appointed, except the chief
4 executive officer of the municipality may remove the coordinator at
5 any time for cause with the approval of the director.

6 b. The municipal coordinator shall administer all municipal
7 emergency management services within the municipality under the
8 direction and supervision of the director and the county emergency
9 management coordinator for the county within which the
10 municipality is located. The municipal coordinator shall supervise
11 the planning and preparation functions of the municipality for any
12 emergency, and shall activate and coordinate emergency
13 management services within the municipality in accordance with
14 the municipal emergency operations plan, or otherwise pursuant to
15 any order issued, or action taken, by the Governor or the county
16 coordinator during any emergency, pursuant to the provisions of
17 P.L. , c. (C.) (now pending before the Legislature as this bill).

18 c. Any vacancy of a municipal coordinator position shall be
19 filled in the same manner as the original appointment for the
20 unexpired term only, however, the director may appoint a
21 temporary municipal coordinator if the chief executive officer of a
22 municipality with a vacancy does not appoint another municipal
23 coordinator within 10 days following the vacancy. The temporary
24 municipal coordinator shall serve the municipality and perform all
25 of the duties of a municipal coordinator pursuant to the provisions
26 of P.L. , c. (C.) (now pending before the Legislature as this
27 bill) until the time that the chief executive officer of the
28 municipality appoints a new municipal coordinator.

29 d. The provisions of this section shall not bar any municipality,
30 subject to the approval of the director, from entering into a contract
31 pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-
32 1 et seq.), to designate a municipal coordinator to serve two or more
33 municipalities jointly.

34 e. Any municipal coordinator appointed prior to the effective
35 date of P.L. , c. (C.) (now pending before the Legislature as
36 this bill), shall serve for the length of the term to which the
37 coordinator was appointed, unless removed for cause and the
38 vacancy filled pursuant to the provisions of P.L. , c. (C.) (now
39 pending before the Legislature as this bill). Thereafter, the
40 provisions of this section relating to the appointment of a municipal
41 coordinator and the length of the coordinator's term of service shall
42 apply.

43 (Source: App.A:9-40.1; App.A:9-40.2; App.A:9-40.4)

44
45 47. (New section) Education and Training for Municipal
46 Coordinator. a. The municipal emergency management coordinator
47 of each municipality shall successfully complete an approved
48 course of study and training as determined by the State Director of

1 Emergency Management, including any continuing education
2 requirements, as a condition of the coordinator's appointment. The
3 course of study and training shall include, but not be limited to:
4 statutes and regulations concerning emergency management
5 services; the coordination of emergency management authority and
6 resources at the State, county, and municipal levels; the roles and
7 responsibilities of elected and appointed officials; and emergency
8 planning and training. An initial course of study and training shall
9 be completed prior to the time of appointment, or within one year
10 following the municipal coordinator's appointment.

11 b. The failure of any municipal coordinator to fulfill the initial
12 and continuing education and training requirements prescribed by
13 the director shall disqualify the coordinator from continuing in the
14 position of coordinator, and the position shall be deemed to be
15 vacant.

16 c. Any vacancy shall be filled in the same manner as the original
17 appointment for the unexpired term only. Any municipal
18 coordinator appointed to fill a vacancy, other than a temporary
19 municipal coordinator appointed by the director, shall be subject to
20 the education and training requirements set forth in this section,
21 unless waived by the director as unreasonable due to the length of
22 time remaining on the unexpired term of the original appointment.

23 d. Any coordinator appointed prior to the effective date of
24 P.L. , c. (C.) (now pending before the Legislature as this bill),
25 shall complete the initial course of study and training prescribed by
26 the director within one year following the enactment of this act, and
27 thereafter fulfill any continuing education requirements pursuant to
28 the provisions of this section.

29 (Source: App.A:9-40.1)

30

31 48. (New section) Deputy Municipal Coordinator. a. The chief
32 executive officer of each municipality shall, based upon the
33 recommendations of the municipal emergency management
34 coordinator of the municipality, appoint at least one deputy
35 municipal emergency management coordinator. The deputy
36 municipal coordinator shall serve at the will and pleasure of the
37 chief executive officer of the municipality.

38 b. The deputy municipal coordinator shall assist the municipal
39 coordinator in the administration and operation of the municipal
40 emergency management council, if established pursuant to
41 subsection a. of section 45 of P.L. , c. (C.) (now pending
42 before the Legislature as section 45 of this bill), and all municipal
43 emergency management services, and shall be granted all of the
44 authority assigned to the municipal coordinator, or provided to the
45 coordinator by any order issued by the Governor or the county
46 emergency management coordinator for the county within which
47 the municipality is located, pursuant to P.L. , c. (C.) (now
48 pending before the Legislature as this bill), when the municipal

1 coordinator is absent or otherwise unable to perform the duties of
2 the coordinator.

3 c. Any deputy municipal coordinator or deputy municipal
4 disaster control director appointed prior to the effective date of
5 P.L. , c. (C.) (now pending before the Legislature as this bill),
6 shall serve for the length of the term to which the deputy municipal
7 coordinator or deputy municipal director was appointed, unless
8 removed for cause by the chief executive officer of the municipality
9 and the vacancy filled pursuant to the provisions of P.L. ,
10 c. (C.) (now pending before the Legislature as this bill).
11 Thereafter, the provisions of this section relating to the appointment
12 of a deputy municipal coordinator and the length of the deputy
13 municipal coordinator's term of service shall apply.
14 (Source: App.A:9-40.3)

15

16 49. (New section) Education and Training for Deputy Municipal
17 Coordinator.

18 a. The deputy municipal emergency management coordinator of
19 each municipality shall successfully complete an approved course
20 of study and training as determined by the State Director of
21 Emergency Management, including any continuing education
22 requirements, as a condition of the deputy municipal coordinator's
23 appointment. The course of study and training shall include, but
24 not be limited to: statutes and regulations concerning emergency
25 management services; the coordination of emergency management
26 authority and resources at the State, county, and municipal levels;
27 the roles and responsibilities of elected and appointed officials; and
28 emergency planning and training. An initial course of study and
29 training shall be completed prior to the time of appointment, or
30 within one year following the deputy municipal coordinator's
31 appointment.

32 b. The failure of any deputy municipal coordinator to fulfill the
33 initial and continuing education and training requirements
34 prescribed by the director shall disqualify the deputy municipal
35 coordinator from continuing in the position of deputy municipal
36 coordinator, and the position shall be deemed to be vacant.

37 c. Any vacancy shall be filled in the same manner as the original
38 appointment. Any deputy municipal coordinator appointed to fill a
39 vacancy shall be subject to the education and training requirements
40 set forth in this section.

41 d. Any deputy municipal coordinator or deputy municipal
42 disaster control director appointed prior to the effective date of
43 P.L. , c. (C.) (now pending before the Legislature as this bill),
44 shall complete the initial course of study and training prescribed by
45 the director for a deputy municipal coordinator within one year
46 following the enactment of this act, and thereafter fulfill any
47 continuing education requirements pursuant to the provisions of this
48 section.

1 50. (New section) Municipal Emergency Operations Plan. a.
2 Each municipal emergency management coordinator shall prepare a
3 municipal emergency operations plan, which shall include
4 appropriate annexes, with each annex dedicated to a particular type
5 or category of emergency, necessary to implement the plan during
6 any emergency. Each municipal coordinator shall complete a
7 municipal plan, and receive approval of the plan from the State
8 Director of Emergency Management, no later than one year after
9 the State office receives the Governor's approval of the provisions
10 of the State Emergency Operations Plan pursuant to section 11 of
11 P.L. , c. (C.) (now pending before the Legislature as section
12 11 of this bill).

13 b. The municipal plan, in conformance with the State plan and
14 all federal and State statutes, rules, and regulations concerning
15 emergency management, shall set forth policies and procedures to
16 coordinate and support the effective utilization of all emergency
17 services, other resources, and property within the municipality to
18 respond to, mitigate the effects of, and recover from, any
19 emergency. The municipal plan shall incorporate the planning
20 criteria, objectives, requirements, responsibilities, and concepts of
21 operation concerning the implementation of all necessary and
22 appropriate protective or remedial measures with respect to
23 emergency services, other resources, and property within the
24 municipality. The municipal plan shall also identify conditions and
25 hazards within or otherwise affecting the municipality which may
26 contribute to any potential emergency.

27 c. The municipal plan shall incorporate provisions to coordinate
28 all emergency services within the municipality with the emergency
29 management services of the county within which the municipality is
30 located, as provided in accordance with the county emergency
31 operations plan, or with the services of the State, as provided in
32 accordance with the State plan.

33 d. The municipal coordinator shall request data, reports, and
34 other information, as well as technical assistance and administrative
35 support, from the State office, as deemed necessary by the
36 coordinator to assist with the preparation of the municipal plan.

37 e. The municipal coordinator, upon completion of the municipal
38 plan, shall receive approval of the plan pursuant to section 51 of
39 P.L. , c. (C.) (now pending before the Legislature as section
40 51 of this bill), and until the plan is approved, it shall not take
41 effect, and its provisions shall not be administered.

42 f. The municipal coordinator shall review, update, and receive a
43 new approval of the municipal plan no later than one year after the
44 State director approves updates to the provisions of the State plan
45 pursuant to section 11 of P.L. , c. (C.) (now pending before the
46 Legislature as section 11 of this bill), or at any time as required by
47 the director.

48 (Source: App.A:9-43.2; App.A:9-43.3)

- 1 51. (New section) Approval of Municipal Emergency Operations
2 Plan. a. The municipal emergency management coordinator of each
3 municipality, upon completion of the municipal emergency
4 operations plan, shall submit the municipal plan for approval by the
5 State Director of Emergency Management. The director shall
6 review the municipal plan and determine its completeness, and its
7 compatibility with the State Emergency Operations Plan and all
8 federal and State statutes, rules, and regulations concerning
9 emergency management.
- 10 b. The director shall, on the basis of the completeness and
11 compatibility of the municipal plan with the State plan and relevant
12 laws, approve, conditionally approve, or disapprove the municipal
13 plan.
- 14 (1) In any case where the director approves the municipal plan,
15 the director shall notify the municipal coordinator in writing, at
16 which time the municipal plan shall take effect and thereafter its
17 provisions administered by the municipal coordinator during any
18 emergency.
- 19 (2) In any case where the director conditionally approves the
20 municipal plan, the director shall notify the municipal coordinator
21 and specify in writing any necessary amendments as required by the
22 director for final approval. The municipal coordinator shall
23 resubmit the municipal plan to the director for approval upon the
24 completion of any necessary amendments to the plan.
- 25 (3) In any case where the director disapproves the municipal
26 plan, the director shall notify the municipal coordinator and specify
27 in writing the reasons for the disapproval. The municipal
28 coordinator shall submit a new municipal plan to the director for
29 approval upon the completion of the new plan.
- 30 (4) Notwithstanding any other paragraph of this subsection, if the
31 director does not provide any notice to the municipal coordinator of
32 the approval, conditional approval, or disapproval of the municipal
33 plan within 90 days of receipt of the plan, the municipal plan shall
34 be considered approved, and thereafter it shall take effect and its
35 provisions administered by the municipal coordinator during any
36 emergency.
- 37 c. The municipal plan shall not take effect, and the provisions of
38 the plan shall not be administered, until the municipal plan is
39 approved pursuant to this section. The municipal plan shall remain
40 in effect until the time that the municipal coordinator reviews,
41 updates, and receives a new approval of the municipal plan pursuant
42 to sections 50 and 51 of P.L. __, c. (C. __) (now pending before the
43 Legislature as sections 50 and 51 of this bill).
- 44 d. Any municipal emergency operations plan in effect prior to
45 the effective date of P.L. __, c. (C. __) (now pending before the
46 Legislature as this bill) shall remain in effect until the time that the
47 municipal plan is prepared, completed, and approved pursuant to

1 sections 50 and 51 of P.L. , c. (C.) (now pending before the
2 Legislature as sections 50 and 51 of this bill).

3 (Source: App.A:9-43.3; App.A:9-43.4)

4
5 52. (New section) Municipal Emergency Operations Plan
6 Exercises. The State Office of Emergency Management shall, in
7 consultation with the municipal emergency management council of
8 each municipality, conduct an emergency management exercise
9 utilizing the municipality's emergency operations plan at least once
10 each year, or at any time as required by the State Director of
11 Emergency Management, subject to available appropriations from
12 the Legislature to the State office for emergency management
13 exercises. The State office shall conduct, and the municipal council
14 shall participate in, any exercise in conformance with rules and
15 regulations promulgated by the director regarding emergency
16 management exercises. The type, scope, and duration of any
17 exercise shall be determined by the director.

18
19 53. (New section) Declaration of State of Emergency for Any
20 Municipality. a. The municipal emergency management coordinator
21 of any municipality may proclaim a state of municipal emergency
22 for the entire municipality, or any portion thereof, during any
23 emergency which, in the opinion of the municipal coordinator,
24 cannot be controlled or managed in its entirety by the law
25 enforcement, firefighting, first aid, emergency medical, or other
26 emergency services serving the municipality. The municipal
27 coordinator may, based upon the conditions present during the
28 emergency, expand or reduce the portions of the municipality
29 declared to be under the state of municipal emergency.

30 b. Upon declaration of a state of municipal emergency, the
31 municipal coordinator shall immediately notify the chief executive
32 officer of the municipality and the appropriate emergency service
33 officers, boards, or officials concerning the emergency. The
34 municipal coordinator shall notify the chief executive officer and
35 the appropriate emergency service officers, boards, or officials in
36 conformance with rules and regulations promulgated by the State
37 Director of Emergency Management regarding state of emergency
38 notification procedures.

39 c. The state of municipal emergency, and any orders issued, or
40 other actions taken, by the municipal coordinator with respect to the
41 state of municipal emergency, shall terminate upon declaration by
42 the municipal coordinator that the state of municipal emergency is
43 terminated, unless an order or any other action is expressly
44 designated by the municipal coordinator to continue.

45 (Source: App.A:9-40.4; App.A:9-40.5)

46
47 54. (New section) Actions Following Declaration of State of
48 Municipal Emergency for Any Municipality. a. The municipal

1 emergency management coordinator of any municipality, during
2 any emergency and upon proclamation of a state of municipal
3 emergency for the municipality, may take any action which in the
4 opinion of the municipal coordinator, and subject to the direction
5 and supervision of the State Director of Emergency Management
6 and the county emergency management coordinator of the county
7 within which the municipality is located, is necessary to respond to,
8 mitigate the effects of, or recover from, the emergency, including,
9 but not limited to:

10 (1) implementing the municipal emergency operations plan;

11 (2) assuming command of all municipal emergency management
12 services;

13 (3) issuing municipal emergency orders pursuant to section 55 of
14 P.L. , c. (C.) (now pending before the Legislature as section
15 55 of this bill); and

16 (4) temporarily employing, taking, or otherwise utilizing, subject
17 to the future payment of reasonable compensation, the personal
18 services, or real or personal property, of any person, whether a
19 resident of the municipality or a non-resident located in the
20 municipality, or any private entity, firm, partnership, or corporation,
21 whether incorporated or doing business in this State, provided that
22 the personal services or property shall not be employed, taken, or
23 otherwise utilized beyond the borders of the municipality unless
24 otherwise authorized by law.

25 b. Any orders issued, or other actions taken, by the municipal
26 coordinator pursuant to this section following the proclamation of a
27 state of municipal emergency shall subsequently terminate upon
28 declaration by the municipal coordinator that the state of municipal
29 emergency is terminated, unless an order or any other action is
30 expressly designated by the municipal coordinator to continue. Any
31 action may also be terminated prior to the termination of the state of
32 municipal emergency by specific order of the municipal
33 coordinator.

34 (Source: App.A:9-40.4; App.A:9-40.5)

35
36 55. (New section) Municipal Emergency Orders.

37 a. The municipal emergency management coordinator of any
38 municipality is authorized to issue, amend, and rescind municipal
39 emergency orders affecting any person, entity, or property in the
40 municipality during any emergency and upon proclamation by the
41 municipal coordinator of a state of municipal emergency. A
42 municipal emergency order may include any directive which is
43 deemed necessary to respond to, mitigate the effects of, or recover
44 from, the emergency, and shall be based upon the guidelines set
45 forth in the municipal emergency operations plan, or consistent with
46 any order issued, or any action taken, by the Governor or the county
47 emergency management coordinator of the county within which the
48 municipality is located, with respect to the emergency, pursuant to

- 1 the provisions of P.L. , c. (C.) (now pending before the
2 Legislature as this bill).
- 3 b. A municipal emergency order may involve directives which
4 include, but are not limited to:
- 5 (1) the conduct of the civilian population, or any portion thereof;
6 (2) the protective actions necessary to ensure personal safety and
7 preserve property;
8 (3) the activities which are declared prohibited, so as to not
9 contribute to the conditions of the emergency;
10 (4) the protocols designed to prevent civilian disorder,
11 subversive behavior, terrorist attacks, sabotage, and any other
12 dangerous activity;
13 (5) the evacuation and transportation of people from areas
14 affected by the emergency;
15 (6) the designation of persons and vehicles permitted to move,
16 and the travel routes to be utilized;
17 (7) the rationing of food, water, medical supplies, and other
18 resources;
19 (8) the restrictions on, or the prohibiting of, the sale, transfer, or
20 other distribution of any energy source, and the use thereof; and
21 (9) the restrictions on, or the prohibiting of, the sale, transfer, or
22 other distribution of any commercial item, product, or material
23 which may contribute to the emergency.
- 24 c. (1) A municipal emergency order may involve directives
25 concerning emergency management services within the
26 municipality. An order which directs emergency management
27 services shall be based upon the guidelines set forth in the
28 municipal emergency operations plan, or consistent with any order
29 issued, or any action taken, by the Governor or county coordinator
30 with respect to the emergency pursuant to the provisions of P.L. ,
31 c. (C.) (now pending before the Legislature as this bill).
- 32 (2) A municipal emergency order which directs emergency
33 management services may involve directives which include, but are
34 not limited to:
- 35 (a) the sequence of deployment of emergency management
36 personnel, volunteers, and resources;
37 (b) notice procedures for informing and updating appropriate
38 municipal emergency management personnel and volunteers with
39 respect to the conditions of the emergency and the actions taken in
40 response to the emergency;
41 (c) protocols for requesting emergency management assistance or
42 other emergency services from the State, the county within which
43 the municipality is located, and other counties and municipalities,
44 or from the political subdivisions of other states;
45 (d) the appropriate use of emergency management resources,
46 vehicles, and equipment during the emergency;

1 (e) the priority of municipal interests with respect to responding
2 to, mitigating the effects of, and recovering from, the emergency;
3 and

4 (f) the recruiting, training, duties, and conduct of new civilian
5 volunteers for emergency management service, and the coordination
6 of new civilian volunteers with existing emergency management
7 personnel and volunteers, during the emergency.

8 d. Upon issuance of a municipal emergency order, the municipal
9 coordinator shall immediately notify the chief executive officer of
10 the municipality and any appropriate emergency management and
11 emergency services personnel and volunteers within the area
12 affected by the municipal emergency order. The municipal
13 coordinator shall notify the chief executive officer and appropriate
14 emergency services and emergency management services personnel
15 and volunteers in conformance with rules and regulations
16 promulgated by the State Director of Emergency Management
17 regarding emergency order notification procedures.

18 e. A municipal emergency order, once issued, is binding upon
19 all municipal public officials, departments, divisions, or agencies,
20 or any persons or private entities, firms, partnerships, or
21 corporations, whether incorporated or doing business within this
22 State, as required by the order and until the time that the municipal
23 emergency order is rescinded.

24 (Source: App.A:9-40.5)

25
26 56. (New section) Assistance from Federal Government to Any
27 Municipality. a. The chief executive officer of any municipality
28 may accept any offer of funds, services, equipment, supplies, or
29 other materials from the federal government, or any department,
30 division, or agency thereof, by way of any grant, gift, loan, or other
31 fund, for assistance with the municipality's emergency management
32 services. The chief executive officer of the municipality, upon
33 acceptance of any offer, may authorize any municipal official or
34 officer to receive, and expend or administer, as appropriate, the
35 funds, services, equipment, supplies, or other materials, subject to
36 the conditions or constraints as may be imposed upon the funds,
37 services, or materials by their source.

38 b. Notwithstanding any provision of law to the contrary, the
39 emergency management and emergency services personnel and
40 volunteers from the municipality, or from the federal government,
41 performing any services anywhere within the municipality, or any
42 other political subdivision of the State located within the
43 municipality, pursuant to the acceptance of any offer authorized by
44 this section, shall possess the same duties, powers, rights,
45 immunities, and privileges that the personnel and volunteers would
46 ordinarily possess if performing the services in the place where
47 normally deployed.

48 (Source: App.A:9-61; App.A:9-62)

1 57. (New section) Assistance to and from Other Political
2 Subdivisions. a. The chief executive officer of any municipality
3 may, subject to the approval of the Governor, enter into a mutual
4 aid agreement, compact, or any other arrangement to coordinate the
5 emergency services from the municipality with the emergency
6 services from any county other than the county within which the
7 municipality is located, or any other municipality or any other
8 political subdivision within the State.

9 b. The municipal emergency management coordinator shall
10 implement any mutual aid agreement, compact, or other
11 arrangement, and request assistance from, or provide assistance to,
12 a county, or another municipality or any other political subdivision
13 of the State pursuant to the terms of the agreement, compact, or
14 other arrangement.

15 c. Except as provided in the terms of any mutual aid agreement,
16 compact, or other arrangement between two or more municipalities
17 or a municipality and any other political subdivision of the State, or
18 as provided by the State Director of Emergency Management, a
19 municipality affected by an emergency shall not request assistance
20 directly from any noncontiguous municipality or any other political
21 subdivision of the State, and a noncontiguous municipality or other
22 political subdivision shall not send emergency services into the
23 municipality affected by the emergency, unless the county
24 emergency management coordinator of the county within which the
25 sending municipality is located authorizes the sending of assistance.

26 d. Notwithstanding any provision of law to the contrary, the
27 emergency management and emergency services personnel and
28 volunteers from the municipality, or from any county, or another
29 municipality or any other political subdivision of the State,
30 performing any services anywhere within the State, or any political
31 subdivision thereof, pursuant to a mutual aid agreement, compact,
32 or any other arrangement authorized by this section to which the
33 municipality is a party, shall possess the same duties, powers,
34 rights, immunities, and privileges that the personnel and volunteers
35 would ordinarily possess if performing the services in the place
36 where normally deployed.

37 (Source: App.A:9-40.6; App.A:9-60; App.A:9-61)

38
39 58. (New section) Assistance to and from Political Subdivisions
40 of Other States. a. The chief executive officer of any municipality
41 which shares a boundary with the state of Delaware, New York, or
42 Pennsylvania, may, subject to the approval of the Governor, enter
43 into a mutual aid agreement, compact, or any other arrangement to
44 coordinate the emergency services from the municipality with the
45 emergency services from any political subdivision of the state of
46 Delaware, New York, or Pennsylvania which shares a common
47 boundary with the State and the municipality.

1 b. The municipal emergency management coordinator shall
2 implement any mutual aid agreement, compact, or other
3 arrangement, and request assistance from, or provide assistance to,
4 a political subdivision of the state of Delaware, New York, or
5 Pennsylvania pursuant to the terms of the agreement, compact, or
6 other arrangement.

7 c. Notwithstanding any provision of law to the contrary, the
8 emergency management and emergency services personnel and
9 volunteers from the municipality, or from any political subdivision
10 of the state of Delaware, New York, or Pennsylvania, performing
11 any services anywhere within the municipality, or any other
12 political subdivision of the State located within the municipality,
13 pursuant to a mutual aid agreement, compact, or any other
14 arrangement authorized by this section to which the municipality is
15 a party, shall possess the same duties, powers, rights, immunities,
16 and privileges that the personnel and volunteers would ordinarily
17 possess if performing the services in the place where normally
18 deployed.

19 (Source: App.A:9-61)

20
21 59. (New section) Assistance from Private and Non-Profit
22 Sources to Any Municipality. The chief executive officer of any
23 municipality may accept any offer of funds, services, equipment,
24 supplies, or other materials from any private or non-profit source,
25 including any person or entity, firm, partnership, or corporation, by
26 way of any grant, gift, loan, or other fund, for assistance with the
27 municipality's emergency management services. The chief
28 executive officer of the municipality, upon acceptance of any offer,
29 may authorize any municipal official or officer to receive, and
30 expend or administer, as appropriate, the funds, services,
31 equipment, supplies, or other materials, subject to the conditions or
32 constraints as may be imposed upon the funds, services, or
33 materials by their source.

34 (Source: App.A:9-63)

35
36 60. (New section) Prohibition of Construction or Repair of
37 Buildings or Structures. a. The governing body of any municipality
38 within any portion of the State declared to be under a state of
39 emergency by the Governor pursuant to section 16 of P.L. ,
40 c. (C.) (now pending before the Legislature as section 16 of this
41 bill), or within any portion of the State in which the President of the
42 United States declares the occurrence of an emergency pursuant to
43 federal law, may, by ordinance, prohibit any construction,
44 reconstruction, or repair of any building or structure located within
45 the municipality, or any portion thereof, affected by the Governor's
46 or President's declaration, if the governing body, upon consultation
47 with the municipal construction official of the municipality, finds
48 that:

1 (1) the essential infrastructure, such as roads, bridges, and water
2 and sewerage systems, will not be available or otherwise usable at
3 any time during the six months following the date of the
4 declaration; or

5 (2) the damage to, or loss of, the buildings and structures
6 exceeds an amount equal to 20% of the total assessed value of the
7 buildings and structures, based at 100% of the true value of the
8 buildings and structures at the time of the emergency.

9 b. The ordinance adopted by the governing body of the
10 municipality shall designate the municipality, or any portion
11 thereof, which is affected by the prohibition on any construction,
12 reconstruction, and repair, but shall also provide, based upon its
13 consultation with the municipal construction official, that any repair
14 may be made to any building or structure affected by the
15 ordinance's prohibition:

16 (1) if the cost of the repair will not exceed an amount equal to
17 40% of the assessed value of the building or structure, based at
18 100% of the true value of the building or structure when damaged;
19 or

20 (2) to the extent necessary to maintain the building or structure
21 in a safe and sound condition.

22 c. Any ordinance adopted by the governing body of the
23 municipality shall, if any repair is not possible or feasible to
24 maintain a building or structure pursuant to paragraph (2) of
25 subsection b. of this section, authorize the demolition of the
26 building or structure.

27 d. Any ordinance adopted by the governing body of a
28 municipality pursuant to this section shall remain in force and effect
29 for a period of up to six months from the date of the Governor's or
30 President's declaration affecting the municipality, or any portion
31 thereof, or a lesser period of time if specified in the ordinance.

32 (Source: App.A:9-51.1 through App.A:9-51.4, inclusive)
33

34 61. (New section) Additional Municipal Actions for
35 Municipalities Bordering on Atlantic Ocean or Delaware Bay.

36 a. Whenever, in the opinion of a governing body of any
37 municipality which shares a common boundary with the Atlantic
38 Ocean or Delaware Bay, the governing body finds any condition or
39 occurrence, or the imminence thereof, resulting from natural or
40 man-made causes which is of sufficient severity and scope, or
41 anticipated severity and scope, to endanger the health, safety,
42 property, or resources of persons or entities within the municipality
43 by reason of damage or anticipated damage to, or the destruction or
44 anticipated destruction of, any sand barrier or other natural or man-
45 made protective barrier which protects the municipality, the
46 governing body may, as an exercise of the police power of the
47 State, designate by resolution any property required for the
48 purposes of constructing, repairing, improving, rehabilitating, or

1 maintaining the protective barrier. The resolution may authorize
2 the appropriate municipal official, or other public official,
3 department, division, or agency, or the representative thereof, to
4 immediately enter, take control, and possess the property which is
5 the subject of the resolution, and to take any action necessary,
6 including the destruction, disposal, or other form of removal of the
7 property, or any portion thereof, without previously compensating
8 any party entitled to compensation for the property.

9 b. (1) The governing body may, by resolution, or by ordinance,
10 where an ordinance is required to receive assistance from the State
11 or federal government with respect to any protective barrier which
12 protects the municipality, authorize and direct the chief executive
13 officer of the municipality to enter into any agreement with the
14 State, or any political subdivision thereof, or the federal
15 government, or any department, division, or agency thereof, to
16 obtain assistance with the construction, repair, improvement,
17 rehabilitation, or maintenance of any protective barrier, and to take
18 any other action necessary or convenient to secure the State's or
19 federal government's assistance.

20 (2) Any agreement with the State, or any political subdivision
21 thereof, or the federal government, or any department, division, or
22 agency thereof, may specify that the municipality:

23 (a) agrees to hold and save the State, or any political subdivision
24 thereof, or the federal government, or any department, division, or
25 agency thereof, as appropriate, free from damages which may arise
26 out of any work, project, or activity, and the maintenance of any
27 work, project, or activity, undertaken by the party to the agreement
28 with respect to the agreement;

29 (b) provides, free of cost to the State, or any political subdivision
30 thereof, or the federal government, or any department, division, or
31 agency thereof, as appropriate, any real property, or any rights or
32 interests in any real property, and any other area within the
33 municipality required by the party to the agreement, for any work,
34 project, or activity, and the maintenance of any work, project, or
35 activity, undertaken with respect to the agreement;

36 (c) maintains and otherwise preserves any protective barrier
37 constructed, repaired, improved, rehabilitated, or maintained by the
38 State, or any political subdivision thereof, or the federal
39 government, or any department, division, or agency thereof, as
40 appropriate; and

41 (d) takes any other action as may be necessary to carry out the
42 terms of the agreement.

43 c. The provisions of this section shall not be construed to deny
44 any person or entity the right to obtain just compensation with
45 respect to the person's or entity's interest in any property possessed
46 pursuant to a resolution as set forth in subsection a. of this section,
47 to the extent that the municipality, or a public official, department,
48 division, or an agency, or the representative thereof, pursuant to the

1 resolution, entered, controlled, and possessed the property. A
2 person or an entity shall not receive any compensation to the extent
3 that the action by the municipality does not amount to a taking of
4 property, but a reasonable regulation of the property pursuant to a
5 proper exercise of the police power of the State.

6 (Source: App.A:51.5 through App.A:9-51.7, inclusive)
7

8 62. (New section) Satisfying Financial Obligations for
9 Additional Municipal Actions. a. The governing body of any
10 municipality which shares a common boundary with the Atlantic
11 Ocean or Delaware Bay, to the extent that the municipality may
12 incur a financial obligation for actions taken pursuant to the
13 provisions of section 61 of P.L. , c. (C.) (now pending before
14 the Legislature as section 61 of this bill), shall satisfy the financial
15 obligation by:

16 (1) adopting an emergency appropriation for the necessary
17 amount pursuant to the provisions of the "Local Budget Law,"
18 N.J.S.40A:4-1 et seq.; or

19 (2) adopting a bond ordinance pursuant to the provisions of the
20 "Local Bond Law," N.J.S.40A:2-1 et seq., which shall authorize
21 bonds or notes solely for the purposes set forth in N.J.S.40A:2-7.

22 b. (1) Any county within which a municipality is located which
23 adopts a bond ordinance pursuant to paragraph (2) of subsection a.
24 of this section may, subject to the approval of the Director of the
25 Division of Local Finance in the Department of Community Affairs,
26 and with or without consideration and upon the terms and
27 conditions as may be agreed to by the county and municipality,
28 adopt a resolution to unconditionally guarantee the punctual
29 payment of the principal of, and interest on, any bonds or notes
30 issued by the municipality.

31 (2) The governing body of the county shall not adopt a resolution
32 with respect to the unconditional guarantee of the punctual payment
33 of the principal of, and interest on, the bonds or notes issued by the
34 municipality until after the publishing of a notice of a bond
35 ordinance for the county pursuant to the "Local Bond Law,"
36 N.J.S.40A:2-1 et seq.

37 (3) Any unconditional guarantee by the county for the punctual
38 payment of the principal of, and interest on, the bonds or notes
39 issued by the municipality shall be evidenced by the endorsement
40 on the bonds or notes of the municipality, executed in the name of
41 the county and on its behalf by a county official as may be
42 designated in the resolution authorizing the unconditional guarantee
43 adopted by the governing body of the county. The county shall
44 thereupon and thereafter be obligated to pay the principal of, and
45 interest on, the bonds or notes issued by the municipality in the
46 same manner and to the same extent as bonds issued by the county.

47 (4) Any resolution adopted by the governing body of the county
48 to unconditionally guarantee the punctual payment of the principal

1 of, and interest on, any bonds or notes issued by the municipality
2 may be adopted, and any unconditional guarantee of the principal
3 of, and interest on, any bonds or notes may be made,
4 notwithstanding any statutory or other debt limitations, including
5 particularly any limitation or requirement pursuant to the "Local
6 Bond Law," N.J.S.40A:2-1 et seq.; however, the principal amount
7 of any bonds so guaranteed shall, after issuance of the bonds, be
8 included in the gross debt of the county for the purposes of
9 determining the indebtedness of the county pursuant to the "Local
10 Bond Law," N.J.S.40A:2-1 et seq.

11 c. Any county which unconditionally guarantees the punctual
12 payment of the principal of, and interest on, any bonds or notes
13 issued by a municipality pursuant to this section is authorized to
14 meet its obligation to pay the principal of, and interest on, the bonds
15 or notes by borrowing the necessary funds, and to issue a
16 promissory note or notes to meet its obligation, payable within two
17 years from the date of the borrowing, to the extent that county funds
18 are not otherwise available to meet the obligation.

19 d. Any municipality which issues bonds or notes which are
20 unconditionally guaranteed by the county within which the
21 municipality is located pursuant to this section shall repay the
22 county all sums paid by the county, as soon as practicable, by virtue
23 of the county's guarantee.

24 (Source: App.A:9-51.8)

25

26 63. (New section) Municipal Expenditures Constitute State
27 Expenditures for Determining Match of Federal Funds. Any
28 expenditure made, or authorized to be made, by any municipality
29 from municipal funds for emergency management purposes of the
30 kind and character for which federal funds are made available
31 pursuant to federal law shall constitute a source of the State for the
32 basis of determining the amount of federal funds to be equally
33 matched by the State, to the same effect as though the State made a
34 direct appropriation of State funds for the emergency management
35 purposes instead of the municipality spending, or authorizing the
36 expenditure of, the municipal funds.

37 (Source: App.A:10-7)

38

39 64. (New section) Municipal Actions Subordinate to State and
40 County. a. Whenever the Governor proclaims a state of emergency
41 pursuant to section 16 of P.L. , c. (C.) (now pending before
42 the Legislature as section 16 of this bill), or a county emergency
43 management coordinator proclaims a state of county emergency
44 pursuant to section 37 of P.L. , c. (C.) (now pending before
45 the Legislature as section 37 of this bill), which affects a
46 municipality, or any portion thereof, previously declared to be
47 under a state of municipal emergency pursuant to section 53 of
48 P.L. , c. (C.) (now pending before the Legislature as section

53 of this bill), any orders issued, or actions taken, by the Governor or county coordinator following the Governor's or county coordinator's proclamation of the state of emergency shall be binding upon the municipality, or any portion thereof, as appropriate.

b. Any orders issued, or actions taken, by the municipal emergency management coordinator with respect to the state of municipal emergency shall remain in effect, except for any order or action which is at variance or is otherwise inconsistent with any order issued, or action taken, by the Governor or county coordinator following the Governor's or county coordinator's proclamation of the state of emergency.

c. In the event of a dispute during the emergency regarding whether any order issued, or action taken, by the municipal coordinator varies or is otherwise inconsistent with:

(1) any order issued, or action taken, by the Governor following the Governor's proclamation of the state of emergency, the determination of the Governor shall control; and

(2) any order issued, or action taken, by the county coordinator following the coordinator's proclamation of the state of county emergency, the determination of the State Director of Emergency Management shall control.

(Source: App.A:9-40; App.A:9-45.1)

PART F. VIOLATIONS

65. (New section) Violations; Disorderly Persons Offense.

a. Notwithstanding any other provision of law to the contrary, a person who hinders, prevents, interferes, or otherwise obstructs another person in performing any emergency management service pursuant to the provisions of P.L. , c. (C.) (now pending before the Legislature as this bill), or violates any order issued pursuant to P.L. , c. (C.) (now pending before the Legislature as this bill), shall be guilty of a disorderly persons offense.

b. A person who knowingly aids or abets another in performing any act in violation of the provisions of subsection a. of this section shall be guilty of a disorderly persons offense.

(Source: App.A:9-49; App.A:9-50)

66. Section 1 of P.L.1989, c.351 (C.2A:62A-15) is amended to read as follows:

1. Immunity to members of local emergency planning committee or municipal emergency management council [members]. Notwithstanding any other provision of law to the contrary, no person serving as a member of a local emergency planning committee organized pursuant to [the "Super Fund Amendments

1 and Reauthorization Act of 1986," Pub.L.99-499 (42 U.S.C. s. 9601
2 et seq.)] section 301 of Title III of Pub.L.99-499 (42 USC §11001)
3 and Executive Order No. 161 of 1986 or serving as a member of a
4 municipal emergency management council established pursuant to
5 section 45 of P.L. , c. (C.) (now pending before the Legislature as
6 section 45 of this bill), shall be liable:

7 a. For damages resulting from the exercise of judgment or
8 discretion unless the actions evidence a reckless disregard for the
9 duties imposed by the position; or

10 b. For damages resulting from acts of commission or omission
11 arising out of and in the course of rendering volunteer service or
12 assistance; provided, however, that nothing in this subsection shall
13 be deemed to grant immunity to any person causing damage by his
14 willful, wanton or grossly negligent act of commission or omission,
15 nor for any damage caused to any person as the result of the
16 negligent operation of a motor vehicle.

17 (cf: P.L.1989, c.351, s.1)

18
19 67. N.J.S.2C:12-3 is amended to read as follows:

20 2C:12-3. Terroristic threats. a. A person is guilty of a crime of
21 the third degree if he threatens to commit any crime of violence
22 with the purpose to terrorize another or to cause evacuation of a
23 building, place of assembly, or facility of public transportation, or
24 otherwise to cause serious public inconvenience, or in reckless
25 disregard of the risk of causing such terror or inconvenience. A
26 violation of this subsection is a crime of the second degree if it
27 occurs during a declared period of national, State [or] , county or
28 municipal emergency. The actor shall be strictly liable upon proof
29 that the crime occurred, in fact, during a declared period of
30 national, State [or], county or municipal emergency. It shall not be
31 a defense that the actor did not know that there was a declared
32 period of emergency at the time the crime occurred.

33 b. A person is guilty of a crime of the third degree if he
34 threatens to kill another with the purpose to put him in imminent
35 fear of death under circumstances reasonably causing the victim to
36 believe the immediacy of the threat and the likelihood that it will be
37 carried out.

38 (cf: P.L.2002, c.26, s.11)

39
40 68. N.J.S.2C:33-3 is amended to read as follows:

41 2C:33-3. False Public Alarms. a. Except as provided in
42 subsection b. or c. of this section, a person is guilty of a crime of
43 the third degree if he initiates or circulates a report or warning of an
44 impending fire, explosion, bombing, crime, catastrophe or
45 emergency knowing that the report or warning is false or baseless
46 and that it is likely to cause evacuation of a building, place of
47 assembly, or facility of public transport, or to cause public

1 inconvenience or alarm. A person is guilty of a crime of the third
2 degree if he knowingly causes such false alarm to be transmitted to
3 or within any organization, official or volunteer, for dealing with
4 emergencies involving danger to life or property.

5 b. A person is guilty of a crime of the second degree if in
6 addition to the report or warning initiated, circulated or transmitted
7 under subsection a. of this section, he places or causes to be placed
8 any false or facsimile bomb in a building, place of assembly, or
9 facility of public transport or in a place likely to cause public
10 inconvenience or alarm. A violation of this subsection is a crime of
11 the first degree if it occurs during a declared period of national,
12 State [or], county or municipal emergency.

13 c. A person is guilty of a crime of the second degree if a
14 violation of subsection a. of this section in fact results in serious
15 bodily injury to another person or occurs during a declared period
16 of national, State [or], county or municipal emergency. A person is
17 guilty of a crime of the first degree if a violation of subsection a. of
18 this section in fact results in death.

19 d. For the purposes of this section, "in fact" means that strict
20 liability is imposed. It shall not be a defense that the death or
21 serious bodily injury was not a foreseeable consequence of the
22 person's acts or that the death or serious bodily injury was caused
23 by the actions of another person or by circumstances beyond the
24 control of the actor. The actor shall be strictly liable upon proof that
25 the crime occurred during a declared period of national, State [or],
26 county or municipal emergency. It shall not be a defense that the
27 actor did not know that there was a declared period of emergency at
28 the time the crime occurred.

29 e. A person is guilty of a crime of the fourth degree if the person
30 knowingly places a call to a 9-1-1 emergency telephone system
31 without purpose of reporting the need for 9-1-1 service.

32 (cf: P.L.2002, c.26, s.16)

33

34 69. Section 1 of 1991, c.475 (C.13:1G-4.2) is amended to read
35 as follows:

36 1. a. A siren or other sound emitting device used to alert police,
37 firefighters or other emergency services personnel of a fire or other
38 emergency shall be located no closer than 250 feet from any
39 elementary school or adjacent school yard or playground, except
40 that this prohibition shall not apply to any siren or sound emitting
41 device that is located on the premises of a fire station, department,
42 or other facility operated by a local fire department or force, law
43 enforcement agency, or first aid, rescue or emergency squad.

44 This subsection shall not apply to sirens or other sound emitting
45 devices placed in service before July 16, 1992, and located in
46 municipalities with a population of less than 25,000 persons and

1 with a population density of more than 2,500 persons per square
2 mile, according to the latest federal decennial census.

3 Nothing in this subsection shall have the effect of restricting the
4 use of a siren or other sound emitting device to alert the public of
5 an emergency pursuant to the provisions of the emergency
6 management act, [P.L.1942, c.251 (C.App. A:9-33 et seq.)] P.L. ,
7 c. (C.) (now pending before the Legislature as this bill), or any
8 applicable federal laws or regulations pertaining to emergency
9 planning and preparedness.

10 b. The Commissioner of Environmental Protection [and Energy]
11 shall promulgate rules and regulations necessary to carry out the
12 purposes of this act pursuant to the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.).
14 (cf: P.L.1992, c.122)

15
16 70. Section 3 of P.L. 1993, c. 58 (C.26:2K-62) is amended to
17 read as follows:

18 3. A county emergency management coordinator may, by
19 express order, suspend operation of the provisions of any agreement
20 entered into pursuant to section 2 of P.L.1993, c.58 (C.26:2K-61)
21 by municipalities in the county, upon declaration of [an] a state of
22 emergency pursuant to [P.L.1942, c.251 (C.App.A:9-33 et seq.)]
23 section 16 of P.L. , c. (C.) (now pending before the
24 Legislature as section 16 of this bill), [or any regulation
25 promulgated thereunder] which affects the county, or any portion
26 thereof, or upon declaration of a state of county emergency for the
27 county pursuant to section 37 of P.L. , c. (C.) (now pending
28 before the Legislature as section 37 of this bill).
29 (cf: P.L.1993, c.58, s.3)

30
31 71. R.S. 27:13-4 is amended to read as follows:

32 27:13-4. (a) All moneys from time to time dedicated pursuant to
33 the provisions of [chapter 22 of the Title State Government,
34 Departments and Officers (s. 52:22-1 et seq.)] any law, and
35 administered pursuant to P.L.1944, c.112 (C.52:27B-1 et seq.), for
36 the reconstruction, maintenance and repair, operation, policing and
37 lighting of county roads and bridges, and for the payment of
38 principal or interest on obligations incurred prior to May 2, 1936,
39 for any such purpose and for the extension of the county highway
40 system, or dedicated for the proper construction, grading, drainage,
41 maintenance and repair of unimproved town, township, village and
42 borough roads of the State under the provisions of [chapter 15 of
43 this Title (s. 27:15-1 et seq.)] R.S.27:15-1 et seq. and all moneys
44 dedicated pursuant to the provisions of [section 27:14-1 of this

1 Title] R.S.27:14-1, or dedicated to counties for reimbursement for
2 obligations contracted and due in the budget period for which such
3 budget shall apply, shall, unless otherwise specifically provided in
4 the laws under which such moneys become due and payable, be
5 payable to such counties in installments on the first day of
6 February, May, August and November of each year.

7 (b) Whenever the Governor shall exercise the [Emergency
8 Powers] emergency powers granted to him by the provisions of
9 ["An act concerning civilian defense and disaster control during
10 emergency" (P.L.1942, c. 251), as said title was amended by
11 chapter 438 of the Laws of 1953] P.L. , c. (C.) (now pending
12 before the Legislature as this bill, and proclaims an emergency, as
13 defined in said act, to exist in a political subdivision of this State,
14 the [State Highway Commissioner] Commissioner of
15 Transportation, in his discretion, may disburse and pay over to such
16 county or counties affected by the proclamation of emergency of the
17 Governor, the full amount of any balance of the funds then
18 appropriated, required to be paid in quarterly installments under the
19 provision of subsection (a), hereof, which are remaining in the
20 commissioner's hands as of the date of said proclamation of
21 emergency, and the county or counties, so receiving the payment in
22 full or the balance remaining in the commissioner's hands on the
23 date of the said proclamation of emergency, shall waive payment of
24 any further funds under said subsection (a) hereof, other than funds
25 specifically provided in the exception therein, on any installment
26 date occurring after the date of said proclamation of emergency.
27 (cf: P.L.1962, c.22, s.1)

28

29 72. R.S.34:15-43 is amended to read as follows:

30 34:15-43. Every officer, appointed or elected, and every
31 employee of the State, county, municipality or any board or
32 commission, or any other governing body, including boards of
33 education, and governing bodies of service districts, individuals
34 who are under the general supervision of the Palisades Interstate
35 Park Commission and who work in that part of the Palisades
36 Interstate Park which is located in this State, and also each and
37 every member of a volunteer fire company doing public fire duty
38 and also each and every active volunteer, first aid or rescue squad
39 worker, including each and every authorized worker who is not a
40 member of the volunteer fire company within which the first aid or
41 rescue squad may have been created, doing public first aid or rescue
42 duty under the control or supervision of any commission, council,
43 or any other governing body of any municipality, any board of fire
44 commissioners of such municipality or of any fire district within the
45 State, or of the board of managers of any State institution, every
46 county fire marshal and assistant county fire marshal, every special,

1 reserve or auxiliary policeman doing volunteer public police duty
2 under the control or supervision of any commission, council or any
3 other governing body of any municipality, every emergency
4 management volunteer doing emergency management service for
5 the State, every health care worker, public health worker and
6 support services personnel, registered with the Emergency Health
7 Care Provider Registry pursuant to section 6 of P.L.2005, c.222
8 (C.26:13-6), and any person doing volunteer work for the Division
9 of Parks and Forestry, the Division of Fish and Wildlife, or the New
10 Jersey Natural Lands Trust, as authorized by the Commissioner of
11 Environmental Protection, or for the New Jersey Historic Trust, and
12 any person doing work related to bioterrorism, or volunteering, for
13 the Department of Agriculture, as authorized by the Secretary of
14 Agriculture, who may be injured in line of duty shall be
15 compensated under and by virtue of the provisions of this article
16 and article 2 of this chapter (R.S.34:15-7 et seq.). No former
17 employee who has been retired on pension by reason of injury or
18 disability shall be entitled under this section to compensation for
19 such injury or disability; provided, however, that such employee,
20 despite retirement, shall, nevertheless, be entitled to the medical,
21 surgical and other treatment and hospital services as set forth in
22 R.S.34:15-15.

23 Benefits available under this section to emergency management
24 volunteers and volunteers participating in activities of the Division
25 of Parks and Forestry, the Division of Fish and Wildlife, the New
26 Jersey Natural Lands Trust or the New Jersey Historic Trust, shall
27 not be paid to any claimant who has another single source of injury
28 or death benefits that provides the claimant with an amount of
29 compensation that exceeds the compensation available to the
30 claimant under R.S.34:15-1 et seq.

31 As used in this section, the terms "doing public fire duty" and
32 "who may be injured in line of duty," as applied to members of
33 volunteer fire companies, county fire marshals or assistant county
34 fire marshals, and the term "doing public first aid or rescue duty,"
35 as applied to active volunteer first aid or rescue squad workers,
36 shall be deemed to include participation in any authorized
37 construction, installation, alteration, maintenance or repair work
38 upon the premises, apparatus or other equipment owned or used by
39 the fire company or the first aid or rescue squad, participation in
40 any State, county, municipal or regional search and rescue task
41 force or team, participation in any authorized public drill, showing,
42 exhibition, fund raising activity or parade, and to include also the
43 rendering of assistance in case of fire and, when authorized, in
44 connection with other events affecting the public health or safety, in
45 any political subdivision or territory of another state of the United
46 States or on property ceded to the federal government while such

1 assistance is being rendered and while going to and returning from
2 the place in which it is rendered.

3 Also, as used in this section, "doing public police duty" and
4 "who may be injured in line of duty" as applied to special, reserve
5 or auxiliary policemen, shall be deemed to include participation in
6 any authorized public drill, showing, exhibition or parade, and to
7 include also the rendering of assistance in connection with other
8 events affecting the public health or safety in the municipality, and
9 also, when authorized, in connection with any such events in any
10 political subdivision or territory of this or any other state of the
11 United States or on property ceded to the federal government while
12 such assistance is being rendered and while going to and returning
13 from the place in which it is rendered.

14 As used in this section, the terms "doing emergency management
15 service" and "who may be injured in the line of duty," as applied to
16 emergency management volunteers and health care workers, public
17 health workers and support services personnel registered with the
18 Emergency Health Care Provider Registry pursuant to section 6 of
19 P.L.2005, c.222 (C.26:13-6), mean participation in any activities
20 authorized pursuant to [P.L.1942, c.251 (C.App.A:9-33 et seq.)]
21 P.L. , c. (C.) (now pending before the Legislature as this bill),
22 including participation in any State, county, municipal or regional
23 search and rescue task force or team, except that the terms shall not
24 include activities engaged in by a member of an emergency
25 management agency of the United States Government or of another
26 state, whether pursuant to a mutual aid compact or otherwise.

27 Every member of a volunteer fire company shall be deemed to be
28 doing public fire duty under the control or supervision of any such
29 commission, council, governing body, board of fire commissioners
30 or fire district or board of managers of any State institution within
31 the meaning of this section, if such control or supervision is
32 provided for by statute or by rule or regulation of the board of
33 managers or the superintendent of such State institution, or if the
34 fire company of which he is a member receives contributions from,
35 or a substantial part of its expenses or equipment are paid for by,
36 the municipality, or board of fire commissioners of the fire district
37 or if such fire company has been or hereafter shall be designated by
38 ordinance as the fire department of the municipality.

39 Every active volunteer, first aid or rescue squad worker,
40 including every authorized worker who is not a member of the
41 volunteer fire company within which the first aid or rescue squad
42 may have been created, shall be deemed to be doing public first aid
43 or rescue duty under the control or supervision of any such
44 commission, council, governing body, board of fire commissioners
45 or fire district within the meaning of this section if such control or
46 supervision is provided for by statute, or if the first aid or rescue
47 squad of which he is a member or authorized worker receives or is

1 eligible to receive contributions from, or a substantial part of its
2 expenses or equipment are paid for by, the municipality, or board of
3 fire commissioners of the fire district, or if such first aid or rescue
4 squad has been or hereafter shall be designated by ordinance as the
5 first aid or rescue squad of the municipality.

6 As used in this section and in R.S.34:15-74, the term "authorized
7 worker" shall mean and include, in addition to an active volunteer
8 fireman and an active volunteer first aid or rescue squad worker,
9 any person performing any public fire duty or public first aid or
10 rescue squad duty, as the same are defined in this section, at the
11 request of the chief or acting chief of a fire company or the
12 president or person in charge of a first aid or rescue squad for the
13 time being.

14 A member of a volunteer fire company, active volunteer first aid
15 or rescue squad worker, county fire marshal, assistant county fire
16 marshal, special, reserve or auxiliary policeman or emergency
17 management volunteer serving a volunteer organization duly
18 created and under the control or supervision of any commission,
19 council or any other governing body of any municipality, any board
20 of fire commissioners of that municipality or of any fire district
21 within the State, or of the board of managers of any State
22 institution, who participated in a search and rescue task force or
23 team in response to the terrorist attacks of September 11, 2001
24 without the authorization of that volunteer organization's governing
25 body and who suffered injury or death as a result of participation in
26 that search and rescue task force or team shall be deemed an
27 employee of this State for the purpose of workers' compensation
28 benefits as would have accrued if the injury or death had occurred
29 in the performance of the duties of the volunteer company or squad
30 of which he was a member.

31 Whenever a member of a volunteer fire company, active
32 volunteer first aid or rescue squad worker, county fire marshal,
33 assistant county fire marshal, special, reserve or auxiliary
34 policeman or emergency management volunteer serving a volunteer
35 organization duly created and under the control or supervision of
36 any commission, council or any other governing body of any
37 municipality, any board of fire commissioners of that municipality
38 or of any fire district within the State, or of the board of managers
39 of any State institution, participates in a national, multi-state, State,
40 municipal or regional search and rescue task force or team without
41 the authorization of that volunteer organization's governing body
42 but pursuant to a [Declaration of Emergency] declaration of
43 emergency by the Governor of the State of New Jersey specifically
44 authorizing volunteers to respond immediately to the emergency
45 without requiring the authorization of the volunteer company or
46 squad, and the member of the volunteer fire company, active
47 volunteer first aid or rescue squad worker, county fire marshal,

1 assistant county fire marshal, special, reserve or auxiliary
2 policeman or emergency management volunteer suffers injury or
3 death as a result of participation in that search and rescue task force
4 or team, he shall be deemed an employee of this State for the
5 purpose of workers' compensation benefits as would have accrued if
6 the injury or death had occurred in the performance of the duties of
7 the volunteer company or squad of which he was a member.

8 Nothing herein contained shall be construed as affecting or
9 changing in any way the provisions of any statute providing for
10 sick, disability, vacation or other leave for public employees or any
11 provision of any retirement or pension fund provided by law.

12 (cf: P.L.2005, c.222, s.33)

13
14 73. R.S.34:15-74 is amended to read as follows:

15 34:15-74. Except as otherwise provided in this section, the
16 governing body of every municipality and the committee of every
17 fire district shall provide compensation insurance for special,
18 reserve or auxiliary policemen doing volunteer public police duty,
19 for volunteer firemen doing public fire duty and volunteer first aid
20 and emergency squad workers doing public first aid and rescue duty
21 under the control or supervision of any commission, council or
22 other governing body of the municipality or any board of fire
23 commissioners of such municipality or of any fire district, and the
24 board of chosen freeholders shall provide compensation insurance
25 for county fire marshals and assistant county fire marshals, within
26 the meaning of R.S.34:15-43. Such insurance shall provide
27 compensation for every special, reserve or auxiliary policeman, and
28 for every such fireman or authorized first aid or rescue squad
29 worker or county fire marshal or assistant county fire marshal who
30 shall be a member of any first aid or rescue squad created within the
31 fire company of which he is a member or authorized first aid or
32 rescue squad worker, or composed of members and authorized first
33 aid or rescue squad workers of different fire companies in the same
34 municipality for injuries received while acting in response to any
35 call made upon such squad, for first aid or rescue work, whether
36 such call be made because of a fire or otherwise.

37 The provisions of this section shall not require the governing
38 body of any municipality or the committee of any fire district which
39 contributes to the support of a volunteer fire company or volunteer
40 first aid or rescue squad serving said municipality or district but
41 located, or its headquarters maintained, without said municipality or
42 district to provide compensation insurance for the members of said
43 company or squad who are covered by compensation insurance
44 carried by the municipality or district within which said company or
45 squad is located, or its headquarters maintained, whenever evidence
46 of such insurance coverage is supplied to or otherwise obtained by
47 said governing body or committee, nor shall the provisions of this
48 section require the governing body of any municipality or the

1 committee of any fire district to provide compensation insurance
2 whenever evidence that a fire company has obtained its own
3 insurance coverage is provided to the governing body or committee.

4 Except as otherwise provided by this section, the governing body
5 of a municipality or county shall provide compensation insurance
6 for each emergency management volunteer registered with and
7 doing emergency management service on behalf of that
8 municipality or county pursuant to [P.L.1942, c.251 (C.App. A:9-33
9 et seq.)] P.L. , c. (C.) (now pending before the Legislature as
10 this bill), unless the governing body provides workers'
11 compensation coverage for each emergency management volunteer
12 and has evidence of such coverage or the governing body has
13 received or obtained proof that workers' compensation insurance
14 coverage for each emergency management volunteer is provided by
15 an emergency management council.

16 The provisions of this section shall not require the governing
17 body of a municipality to pay for compensation insurance or make
18 reimbursement of any portion of the expense of medical, surgical or
19 hospital treatment for an emergency management volunteer, if that
20 insurance or reimbursement is being furnished by the United States
21 Government or any agent thereof.

22 (cf: P.L.1995, c.383, s.2)

23

24 74. N.J.S.40A:9-108 is amended to read as follows

25 40A:9-108. No person shall hold any other civil office during
26 the time he holds and exercises the office of sheriff and by
27 acceptance of the latter office his former office shall be deemed
28 vacated, provided, however, that the governing body of any county
29 may, by ordinance or resolution, as appropriate, provide that any
30 person holding and exercising the office of sheriff may
31 simultaneously hold and exercise the office of county [disaster
32 control] emergency management coordinator but shall not receive
33 any compensation or any other benefits otherwise attached to the
34 office of county [disaster control] emergency management
35 coordinator during such time as such person shall hold both such
36 offices.

37 (cf: P.L.1979, c.99, s.1)

38

39 75. Section 4 of P.L.1976, c.45 (C.40A:14-156.4) is amended to
40 read as follows:

41 4. The county emergency management coordinator for the
42 county in which emergency assistance is rendered pursuant to [this
43 act] P.L.1976, c.45 (C.40A:14-156.1 et seq.), or N.J.S.40A:14-26 or
44 N.J.S.40A:14-156, may by express order suspend operation of the
45 provisions of any of said acts as to any municipality or

1 municipalities in said county, upon declaration of [an] a state of
2 emergency pursuant to[P.L.1942, c.251 (C.App.A:9-33 et seq.), as
3 amended and supplemented by P.L.1953, c.438,] section 16 of P.L.
4 , c. (C.) (now pending before the Legislature as section 16 of
5 this bill), [or any regulation promulgated thereunder] which affects
6 the county, or any portion thereof, or upon declaration of a state of
7 county emergency for the county pursuant to section 37 of P.L. ,
8 c. (C.) (now pending before the Legislature as section 37 of this
9 bill).

10 (cf: P.L.1989, c.222, s.17)

11

12 76. Section 1 of P.L.1972, c.133 (C.52:14E-1) is amended to
13 read as follows:

14 1. This act shall be known and may be cited as the ["Emergency
15 Services Act of 1972."] "Governor's Advisory Council for
16 Emergency Management Services Act."

17 (cf: P.L.1972, c.133, s.1)

18

19 77. Section 2 of P.L.1972, c.133 (C.52:14E-2) is amended to
20 read as follows:

21 2. Whereas, [The] the existing and increasing possibility of the
22 occurrence of emergencies [or disasters] resulting from flood, fire,
23 hurricane, civil disorder or other catastrophe requires that we insure
24 that preparations of this State will be adequate to deal with such
25 emergencies [or disasters]; and

26 Whereas, [Recent] recent experience has demonstrated the
27 necessity to respond expeditiously to natural and other major
28 catastrophes, the Legislature hereby finds that it would be in the
29 best interests of the citizens of New Jersey to establish a procedure
30 for responsible and effective utilization of our emergency resources
31 and to establish a procedure for awarding reasonable compensation
32 for any personal services, or real or personal property, employed,
33 taken, or otherwise utilized by the State, or any political subdivision
34 thereof, during any emergency pursuant to the provisions of P.L. ,
35 c. (C.) (now pending before the Legislature as this bill).

36 (cf: P.L.1972, c.133, s.2)

37

38 78. Section 3 of P.L.1972, c.133 (C.52:14E-3) is amended to
39 read as follows:

40 3. The following terms whenever used or referred to in [this act]
41 P.L.1972, c.133 (C.52:14E-1 et seq.), shall have the following
42 respective meanings for the purposes of this act, except in those
43 instances where the context clearly indicates otherwise:

44 a. "Act" means [this act] P.L.1972, c.133 (C.52:14E-1 et seq.),

1 and any amendments and supplements thereto and any rules and
2 regulations promulgated thereunder.

3 b. "Council" means the [Governor's Advisory Council for
4 Emergency Services] Governor's Advisory Council for Emergency
5 Management Services.

6 c. "Emergency" means [any flood, hurricane, storm, tornado,
7 high water, wind-driven water, tidal wave, drought, fire, explosion,
8 civil disorder or other catastrophe which is or threatens to be of
9 sufficient severity and magnitude to substantially endanger the
10 health, safety and property of the citizens of this State] emergency
11 as defined in section 3 of P.L. , c. (C.) (now pending before
12 the Legislature as section 3 of this bill).

13 d. "Fund" means the Emergency Services Fund created by [this
14 act] P.L.1972, c.133 (C.52:14E-1 et seq.).
15 (cf: P.L.1972, c.133, s.3)

16
17 79. Section 4 of P.L.1972, c.133 (C.52:14E-4) is amended to
18 read as follows:

19 52:14E-4. [Governor's Advisory Council for Emergency
20 Services] Governor's Advisory Council for Emergency Management
21 Services; membership.

22 4. There is hereby created [a Governor's Advisory Council for
23 Emergency Services] a Governor's Advisory Council for
24 Emergency Management Services, which shall consist of 11
25 members, including: the Attorney General, who shall be the
26 presiding officer; the Adjutant General of Military and Veterans'
27 Affairs[.]; the Commissioner of Health; the Commissioner of
28 Community Affairs[.]; the Commissioner of Environmental
29 Protection[.]; the Commissioner of Transportation[.]; the State
30 Treasurer; the State Director of Emergency Management; the
31 Director of the Division of Fire Safety; the President of the Board
32 of Public Utilities[.]; and the Executive Director of the New Jersey
33 Public Broadcasting Authority[.]; or their designees. The members
34 of the council shall serve without pay in connection with all such
35 duties as are prescribed in [this act] P.L.1972, c.133 (C.52:14E-1 et
36 seq.) and in P.L. , c. (C.) (now pending before the Legislature
37 as this bill).

38 (cf: P.L.1989, c.133, s.5)

39
40 80. Section 5 of P.L.1972, c.133 (C.52:14E-5) is amended to
41 read as follows:

42 5. There is hereby created a fund to be known as the Emergency

1 Services Fund which shall consist of such sums as the Legislature
2 may, from time to time, appropriate and such additional sums as
3 may be granted or donated to the fund from any public or private
4 source, together with income to the fund from investments
5 authorized for the purposes set forth in section 6 of [this act]
6 P.L.1972, c.133 (C.52:14E-6) and in P.L. , c. (C.) (now
7 pending before the Legislature as this bill).
8 (cf: P.L.1972, c.133, s.5)

10 81. Section 6 of P.L.1972, c.133 (C.52:14E-6) is amended to
11 read as follows:

12 6. The fund shall be administered by the State Treasurer. All
13 moneys appropriated for, earned by or otherwise made available to
14 the fund shall be deposited to the credit of the fund in such
15 depositories as he may select and shall be held unless otherwise
16 provided by law for the purposes of [this act] P.L.1972, c.133
17 (C.52:14E-1 et seq.) and P.L. , c. (C.) (now pending before the
18 Legislature as this bill). Such portions of the fund as are not
19 required for immediate disbursement to carry out the provisions of
20 [this act] P.L.1972, c.133 (C.52:14E-1 et seq.) may be invested and
21 reinvested in the manner provided for by law in the trust funds in
22 the State Treasury. Portions of the fund which are not required for
23 immediate disbursement to carry out the provisions of P.L. ,
24 c. (C.) (now pending before the Legislature as this bill) may be
25 invested and reinvested in the manner provided for by law in the
26 trust funds in the State Treasury.
27 (cf: P.L.1972, c.133, s.6)

29 82. Section 7 of P.L.1972, c.133 (C.52:14E-7) is amended to
30 read as follows:

31 7. a. The council shall meet at such times as may be necessary
32 to fulfill the requirements set forth in [this act] P.L.1972, c.133
33 (C.52:14E-1 et seq.), and P.L. , c. (C.) (now pending before
34 the Legislature as this bill) , except that the Governor may convene
35 the council at any time by issuing a declaration of an emergency
36 [convene the council].

37 b. Notwithstanding the provisions of subsection a. of this
38 section, the Attorney General shall convene the council within 45
39 days of the filing of a complete petition for reasonable
40 compensation pursuant section 85 of P.L. , c. (C.) (now pending
41 before the Legislature as section 85 this bill).

42 c. The concurrence of [four] six members of the council shall be
43 necessary to the validity of all acts of the council.
44 (cf: P.L.1972, c.133, s.7)

46 83. Section 8 of P.L.1972, c.133 (C.52:14E-8) is amended to

1 read as follows:
2 8. The council shall be authorized to perform the following
3 functions and exercise the following powers:
4 a. Review, evaluate and recommend to the Legislature any
5 necessary changes in any existing mutual aid agreement, compact ,
6 or any other arrangement between this State and the federal
7 government or between this State and any other state created for the
8 purposes set forth in [this act] P.L.1972, c.133 (C.52:14E-1 et seq.)
9 and P.L. , c. (C.) (now pending before the Legislature as this
10 bill) or develop [such] these mutual aid agreements, compacts, and
11 other arrangements where they do not exist.

1 b. Review, evaluate, and [periodically] recommend changes in
2 existing emergency [master plans] management policy and
3 emergency management services.

4 c. Encourage and coordinate comprehensive services available
5 through private organizations and intercommunity cooperations.

6 d. Authorize expenditures from the fund [upon approval of the
7 Governor];

8 (1) to provide emergency relief deemed appropriate by the
9 council or to reimburse municipalities or counties for damages or
10 excessive costs sustained as a result of an emergency or to
11 reimburse the New Jersey Public Broadcasting Authority for the
12 cost of its emergency broadcasts pursuant to P.L.1989, c.133
13 (C.48:23-11 et al.); or

14 (2) to award reasonable compensation to any person or private
15 entity, firm, partnership, or corporation, whether incorporated or
16 doing business in this State, for any personal services, or real or
17 personal property, employed, taken, or otherwise utilized by the
18 State, or any political subdivision thereof, during any emergency
19 pursuant to the provisions of P.L. , c. (C.)(now pending before
20 the Legislature as this bill).

21 e. [Utilize the manpower facilities and materials of the various
22 State departments for the purposes of this act.] (Deleted by
23 amendment, P.L. , c. (now pending before the Legislature as this
24 bill).

25 f. The council may call upon the services of any State, county,
26 or municipal department, division, or agency as it deems necessary
27 for the proper execution of the council's duties as set forth in
28 P.L.1972, c.133 (C.52:14E-1 et seq.) and P.L. , c. (C.)(now
29 pending before the Legislature as this bill), or otherwise prescribed
30 by law.

31 (cf: P.L.1989, c.133, s.6)

32
33 84. Section 4 of P.L.1989, c.133 (C.52:14E-8.1) is amended to
34 read as follows:

35 4. Upon a determination by the Director of the Division of
36 Budget and Accounting in the Department of the Treasury that
37 funds available to the New Jersey Public Broadcasting Authority
38 are not sufficient to meet the expenses of emergency broadcasts
39 pursuant to the provisions of section 1 of [this act] P.L.1989, c.133
40 (C.48:23-11 et al.), the [Governor's Advisory Council for
41 Emergency Services] Governor's Advisory Council for Emergency
42 Management Services shall, upon application to it by the authority
43 and approval by the Governor, authorize payment to the authority
44 from the Emergency Services Fund. The payment shall reimburse
45 the authority for the cost of its emergency broadcasts pursuant to

1 the notification by the State Director of [the State Office of]

1 Emergency Management [in the Division of State Police].
2 (cf: P.L.1989, c.133, s.4)

3
4 85. (New section). a. Any party entitled to an award of
5 reasonable compensation for the employment, taking, or other
6 utilization of any personal services, or real or personal property,
7 pursuant to the provisions of P.L. , c. (C.) (now pending
8 before the Legislature as this bill), may file a petition for an award
9 with the council.

10 b. The petition shall be filed with the council in accordance with
11 rules and regulations promulgated by the council.

12 c. A petition shall not be filed with the council more than six
13 months after:

14 (1) the termination of the state of emergency; or

15 (2) the specific termination of any order or other action
16 concerning the employment, taking, or other utilization of the
17 service or property which is the subject of the petition, if the order
18 or other action was expressly designated to continue after the
19 termination of the state of emergency by the Governor, pursuant to
20 section 16 of P.L. , c. (C.) (now pending before the
21 Legislature as section 16 of this bill), or a county or municipal
22 emergency management coordinator, pursuant to sections 37 and 53
23 of P.L. , c. (C.) (now pending before the Legislature as
24 sections 37 and 53 of this bill).

25 d. The council shall review the petition to determine the amount
26 of compensation to be paid, if any, to the petitioner for the
27 employment, taking, or other utilization of the services or property
28 based upon the prevailing established rate for services or property
29 of a like or similar nature, in accordance with rules and regulations
30 promulgated by the council.

31 e. The council shall issue an award to the petitioner, within a
32 period of time designated by the council, from the fund upon the
33 completion of its review of the petition pursuant to subsection d. of
34 this section.

35 f. The decision of the council shall be transmitted to the
36 petitioner in writing. The petitioner may appeal the decision of the
37 council to the Superior Court.

38
39 86. Section 9 of P.L.1972, c.133 (C.52:14E-9) is amended to
40 read follows:

41 9. Payments out of the fund shall be made by the State
42 Treasurer, upon certification by the council and warrant of the
43 Director of the Division of Budget and Accounting , in accordance
44 with the provisions of P.L.1972, c.133 (C.52:14E-1 et seq.), and
45 P.L. , c. (C.) (now pending before the Legislature as this bill).
46 (cf: P.L.1972, c.133, s.9)

1 87. Section 10 of P.L.1972, c.133 (C.52:14E-10) is amended to
2 read as follows:

3 10. The provisions of [this act] P.L.1972, c.133 (C.52:14E-1 et
4 seq.), shall be deemed to be additional and supplemental to any
5 existing authority to provide emergency relief and shall not be
6 deemed to be in derogation of any such existing authority.
7 (cf: P.L.1972, c.133, s.10)

8
9 88. (New section). The council shall promulgate rules and
10 regulations, subject to the approval of the Attorney General, to
11 effectuate the purposes of P.L.1972, c.133 (C.52:14E-1 et seq.), and
12 P.L. , c. (C.) (now pending before the Legislature as this bill).

13
14 89. Section 6 of P.L.2003, c.28 (C.52:14E-16) is amended to
15 read as follows:

16 6. a. In the event of an emergency incident, the incident
17 commander shall determine whether additional fire service
18 resources are required and, if so, shall first call upon the members
19 of his local fire mutual aid plan.

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

31 c. Upon the activation of a county fire mutual aid plan, the
32 county fire coordinator shall notify the regional fire coordinator
33 assigned to that county and the State fire coordinator with regard to
34 the emergency incident and shall further provide periodic updates to
35 [both] each coordinator until termination of the emergency incident.
36 The State fire coordinator shall ensure that the county and State
37 [Offices] offices of Emergency Management are notified and
38 provide [them] the offices with periodic updates until termination of
39 the emergency incident.

40 d. In the event that the municipal emergency management
41 coordinator determines to mobilize local resources in response to an
42 emergency incident, he shall so notify the county emergency
43 management coordinator [appointed pursuant to section 12 of
44 P.L.1953, c.438 (C.App.A:9-42.1)] in order that the county
45 emergency management coordinator shall be prepared to respond in

1 the event that local resources are insufficient to effectively deal
2 with the emergency incident.

3 e. In the event of an emergency incident, the incident
4 commander also may declare a local fire emergency disaster. In
5 making any such determination, the incident commander shall
6 utilize the best information then available.

7 f. Whenever a local fire emergency disaster is declared pursuant
8 to subsection e. of this section, the municipal emergency
9 management coordinator shall activate the municipal emergency
10 operations plan adopted pursuant to [section 19 of P.L.1989, c.222
11 (C.App. A:9-43.2). The municipal emergency management
12 coordinator shall coordinate the interactions of all those providing
13 emergency response, emergency resources or both for the
14 emergency incident] section 50 of P.L. , c. (C.) (now pending
15 before the Legislature as section 50 of this bill). The municipal
16 emergency management coordinator shall coordinate the
17 interactions of all those providing emergency management
18 response, emergency resources or both for the emergency incident.

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

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

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

39 (cf: P.L.2003, c.28, s.6)

40
41 90. Section 8 of P.L.2003, c.28 (C.52:14E-18) is amended to
42 read as follows:

43 8. a. Whenever a county fire coordinator determines that fire
44 service resources are needed from other counties due to an
45 emergency incident or a local fire emergency disaster, the county
46 fire coordinator shall notify the regional fire coordinator with
47 responsibility for that county. Upon receipt of a request for out of

1 county fire service resources from the county fire coordinator, the
2 regional fire coordinator shall notify the State fire coordinator as
3 well as the county fire coordinators from the counties adjacent to
4 the county from which the emergency incident or local fire
5 emergency disaster originates.

6 b. Whenever the State fire coordinator:

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

10 (2) makes the determination, in consultation with the regional
11 fire coordinator and county fire coordinator for the county from
12 which an emergency incident or a local fire emergency disaster
13 originates, that the emergency incident or local fire emergency
14 disaster requires the deployment of additional fire service resources,
15 the State fire coordinator shall be empowered and authorized to
16 issue immediately an order of deployment and require any unit of
17 the fire service to respond, be recalled, standby or deploy any or all
18 of its fire service resources to any location and for any period of the
19 emergency incident or local fire emergency disaster. During any
20 such emergency incident or local fire emergency disaster, the
21 assigned fire service resources shall be under the operational
22 command of the incident commander at the site. In issuing an order
23 of deployment, the State fire coordinator also shall be empowered
24 and authorized to direct that any unit of fire service not respond to
25 an emergency incident or a local fire emergency disaster, but
26 remain on standby.

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

42 d. An order of deployment shall remain in effect during the
43 period of the emergency incident or local fire emergency disaster or
44 until otherwise rescinded by the State fire coordinator, superseded
45 by order of the Governor pursuant to [P.L.1942, c.251 (C.App.A:9-
46 33 et seq.)] P.L. __, c. (C. __) (now pending before the Legislature
47 as this bill), or superseded by the determination that mutual aid

1 should be provided in accordance with the "Emergency
2 Management Assistance Compact," P.L.2001, c.249 (C.38A:20-4 et
3 seq.), or the Interstate Civil Defense and Disaster Compact,
4 N.J.S.38A:20-3. Upon the issuance of an order of the Governor
5 pursuant to [P.L.1942, c.251 (C.App.A:9-33 et seq.)] P.L.____,
6 c. (C.) (now pending before the Legislature as this bill), the
7 State fire coordinator shall coordinate all fire resources in
8 accordance with the State Emergency Operations Plan. If deemed
9 necessary, and if the emergency incident or local fire emergency
10 disaster continues to exist, the State fire coordinator may reinstate
11 any previously issued order of deployment or any portion of any
12 such order of deployment. The State fire coordinator may modify
13 the terms of an order of deployment issued to a unit of the fire
14 service in order to respond immediately to a current or developing
15 emergency incident or local fire emergency disaster or to provide
16 adequate fire protection to a municipality or any portion thereof
17 impacted by the order of deployment, including, but not limited to,
18 reducing or increasing the number of deployed fire service
19 personnel, emergency equipment or emergency vehicles.

20 e. The State fire coordinator shall maintain a liaison with the
21 supervisory representative of the forest fire service in deploying fire
22 service resources and coordinating protection activities during
23 wildfire emergency incidents pursuant to R.S.13:9-1 et. seq.
24 (cf: P.L.2003, c.28, s.8)
25

26 91. Section 3 of P.L.1989, c.133 (C.53:1-21.6) is amended to
27 read as follows:

28 3. The Director of the State Office of Emergency Management
29 in the Division of State Police shall notify the New Jersey Public
30 Broadcasting Authority when an emergency condition exists or is
31 imminent. The director shall give the authority all information
32 necessary for the authority to operate its public broadcasting
33 telecommunications stations in order to alert and inform the public
34 about the emergency condition or broadcast information concerning
35 the emergency condition. For the purpose of this section
36 "emergency" means any [flood, hurricane, storm, tornado, high
37 water, wind driven water, tidal wave, fire, explosion, civil disorder
38 or other catastrophe which is or threatens to be of sufficient severity
39 and magnitude to substantially endanger the health, safety and
40 property of the citizens of this State] any disaster, unusual incident
41 or occurrence, or the imminence thereof, resulting from natural or
42 man-made causes, whether known or unknown, which is of
43 sufficient severity and scope, or anticipated severity and scope, to
44 endanger the health, safety, property, or resources of persons or
45 entities in this State, and includes, but is not limited to, any actual
46 or anticipated flood, hurricane, storm, tornado, high water, wind-
47 driven water, tidal wave, drought, snow storm, fire, explosion,

1 hazardous materials discharge, transportation or industrial accident,
2 nuclear accident, shortage of natural resources, power failure,
3 infectious disease, disruption of vital services, civil disorder or
4 enemy attack, or attack by foreign or domestic terrorists.

5 (cf: P.L.2005, c.35, s.3)

6
7 92. Section 2 of P.L.2001, c.297 (C.56:8-108) is amended to
8 read as follows:

9 2. As used in this act:

10 "Excessive price increase" means a price that is excessive as
11 compared to the price at which the consumer good or service was
12 sold or offered for sale by the seller in the usual course of business
13 immediately prior to the state of emergency. A price shall be
14 deemed excessive if:

15 (1) The price exceeds by more than 10 percent the price at which
16 the good or service was sold or offered for sale by the seller in the
17 usual course of business immediately prior to the state of
18 emergency, unless the price charged by the seller is attributable to
19 additional costs imposed by the seller's supplier or other costs of
20 providing the good or service during the state of emergency;

21 (2) In those situations where the increase in price is attributable
22 to additional costs imposed by the seller's supplier or additional
23 costs of providing the good or service during the state of
24 emergency, the price represents an increase of more than 10 percent
25 in the amount of markup from cost, compared to the markup
26 customarily applied by the seller in the usual course of business
27 immediately prior to the state of emergency.

28 "State of emergency" means a natural or man-made disaster or
29 emergency for which a state of emergency has been declared by the
30 President of the United States or the Governor, or for which a state
31 of emergency has been declared by a county or municipal
32 emergency management coordinator.

33 (cf: P.L.2001, c.297, s.2)

34
35 93. Section 1 of P.L.1984, c.154 (C.58:16A-100) is amended to
36 read as follows:

37 1. a. The Commissioner of the Department of Environmental
38 Protection shall, in consultation with the United States Army Corps
39 of Engineers and in coordination with the State Office of
40 Emergency Management, in the Division of State Police in the
41 Department of Law and Public Safety, develop a flood early
42 warning system.

43 b. The flood early warning system shall consist of weather,
44 rainfall and stream data collection devices required to enable the
45 National Weather Service to predict with reasonable accuracy what
46 areas are likely to flood, at what levels, and the specific locations of
47 overflow.

48 (cf: P.L.1984, c.154, s.1)

A1380 [1R] QUIGLEY, SCALERA

74

1 94. Section 2 of P.L.1984, c.154 (C.58:16A-101) is amended to
2 read as follows:

3 2. Notification of emergency management [organizations] offices
4 and police; news broadcast.

5 a. As soon as the flood early warning system indicates and the
6 State Office of Emergency Management has been notified by the
7 National Weather Service that an area is in danger of flooding, the
8 State Office of Emergency Management shall notify the appropriate
9 county and municipal emergency management [organizations in the
10 counties,] offices which shall then notify the [local police
11 department or the municipal emergency management organization,
12 as] appropriate police departments.

13 b. Once the determination is made to evacuate persons in the
14 flood area, the State Office of Emergency Management shall
15 request that local news media broadcast the following message
16 every quarter hour on the quarter hour.

17 "The State Office of Emergency Management has been advised
18 by the National Weather Service that the (body of water) is
19 approaching critical flood stage and the properties adjacent to
20 (streets, roads, avenues, other general addresses or vicinities) in the
21 municipalities of are in danger of flooding at a level of feet. All
22 persons located in those areas should take appropriate action to
23 evacuate the area in an orderly fashion."

24 (cf: P.L.1984, c.154, s.2)

25

26 95. N.J.S.59:1-3 is amended to read as follows:

27 59:1-3. Definitions. As used in this subtitle:

28 "Employee" includes an officer, employee, or servant, whether or
29 not compensated or part-time, who is authorized to perform any act
30 or service; provided, however, that the term does not include an
31 independent contractor.

32 "Employment" includes office; position; employment; or
33 service[,] as a volunteer: under the supervision of the Palisades
34 Interstate Park Commission, in a volunteer program in that part of
35 the Palisades Interstate Park located in New Jersey[, as an
36 emergency management volunteer or as a volunteer doing work];
37 for the Division of Parks and Forestry, the Division of Fish and
38 Wildlife, or the New Jersey Natural Lands Trust, as authorized by
39 the Commissioner of Environmental Protection[, or]; for the New
40 Jersey Historic Trust; or performing emergency management
41 service pursuant to the provisions of P.L. , c. (C.) (pending
42 before the Legislature as this bill).

43 "Enactment" includes a constitutional provision, statute,
44 executive order, ordinance, resolution or regulation.

1 "Injury" means death, injury to a person, damage to or loss of
2 property or any other injury that a person may suffer that would be
3 actionable if inflicted by a private person.

4 "Law" includes enactments and also the decisional law
5 applicable within this State as determined and declared from time to
6 time by the courts of this State and of the United States.

7 "Public employee" means an employee of a public entity, and
8 includes: a person participating, under the supervision of the
9 Palisades Interstate Park Commission, in a volunteer program in
10 that part of the Palisades Interstate Park located in New Jersey; a
11 volunteer performing emergency management service pursuant to
12 the provisions of P.L. , c. (C.) (pending before the Legislature
13 as this bill).

14 "Public entity" includes the State, and any county, municipality,
15 district, public authority, public agency, and any other political
16 subdivision or public body in the State.

17 "State" shall mean the State and any office, department, division,
18 bureau, board, commission or agency of the State, but shall not
19 include any such entity which is statutorily authorized to sue and be
20 sued. "State" also means the Palisades Interstate Park Commission,
21 but only with respect to employees, property and activities within
22 the State of New Jersey.

23 "Statute" means an act adopted by the Legislature of this State or
24 by the Congress of the United States.

25 (cf: P.L.2005, c.155, s.104)

26
27 96. Section 2 of P.L.2001, c.246 (C.App. A:9-65) is amended to
28 read as follows:

29 2. The Legislature finds and declares:

30 a. The events of September 11, 2001 have refocused attention on
31 the importance of domestic preparedness for any terrorist attack,
32 and the utility of maintaining a select task force, comprised of
33 representatives of State government, [local] county and municipal
34 emergency management personnel and law enforcement officials,
35 the Federal Emergency Management Agency, the Federal Bureau of
36 Investigation, and relief organizations, for developing a coordinated
37 plan of action to prepare for, respond to, and recover from,
38 incidents of terrorism;

39 b. Because the targets of terrorist activities may not be limited to
40 the public sector, the State also must review the preparedness of the
41 private sector to ensure its readiness and to foster cooperation and
42 coordination between the public and private sectors in assessing
43 risks and developing and implementing preparedness, response and
44 recovery strategies; and

45 c. It is, therefore, altogether fitting and proper, and within the
46 public interest, to reinforce and expand the State's existing anti-
47 terrorism efforts by integrating and enhancing intelligence

1 gathering and preparedness efforts throughout State and local
2 government and the private sector in New Jersey by establishing a
3 New Jersey Domestic Security Preparedness Task Force in, but not
4 of, the Department of Law and Public Safety, in order to maximize,
5 enhance and effectuate coordination of the disaster preparedness
6 and recovery resources provided through the State Office of
7 Emergency Management in the Division of State Police in
8 Department of Law and Public Safety , the New Jersey National
9 Guard and county and [local] municipal emergency management
10 [organizations] services.
11 (cf: P.L.2001, c.246, s.2)
12

13 97. Section 5 of P.L.2001, c.246 (C.App. A:9-68) is amended to
14 read as follows:

15 5. The primary duties of the task force shall include, but not be
16 limited to:

17 a. The development of proposals to preserve, protect and sustain
18 domestic security and to ensure a comprehensive program of
19 domestic preparedness. The task force shall formulate proposals for
20 operational plans relative to domestic security, using inter-agency
21 expertise, coordination and resource planning to meet and address
22 the need to prevent terrorist attacks, to mitigate their impact, and to
23 prepare and plan for the various responses required in the event of a
24 terrorist attack. In carrying out this function, the task force shall
25 identify and assess potential risks to the domestic security and well-
26 being of New Jersey's citizens, including risks to, and disruptions
27 of, essential State and local infrastructures, transportation networks,
28 public and private telecommunications and information networks,
29 financial systems and networks, the delivery and availability of
30 essential health care services, and the potential impact of terroristic
31 chemical, biological and nuclear attacks or sabotage.

32 b. The development, implementation and management of
33 comprehensive responses to any terrorist attack or any other
34 technological disaster and the effective administration, management
35 and coordination of remediation and recovery actions and responses
36 following any such attack or disaster. In this regard, the task force
37 shall be charged with managing responses in accordance with the
38 State Emergency Operations Plan and serve as an all-hazards
39 response center. The disaster remediation, recovery and response
40 functions performed by the task force shall supplement those
41 disaster relief functions currently performed by the State Office of
42 Emergency Management in the Division of State Police in
43 Department of Law and Public Safety , which shall continue in its
44 current capacity, subject to the direction and supervision of the
45 Superintendent of State Police. The task force and State Office of
46 Emergency Management shall coordinate and consult with each
47 other on the performance of their respective remediation, recovery

- 1 and relief functions.
- 2 (cf: P.L.2001, c.246, s.5)

1 98. Section 8 of P.L.2001, c.246 (C.App. A:9-71) is amended to
2 read as follows:

3 8. a. There is established in the Department of Law and Public
4 Safety the Domestic Security Preparedness Planning Group, which
5 shall assist the task force in performing its duties under this act. In
6 cooperation with the task force, the planning group shall develop
7 and provide to the task force, for consideration, a coordinated plan
8 to be included in the State Emergency Operations Plan to prepare
9 for, respond to, mitigate and recover from incidents of terrorism.

10 b. The members of the planning group shall include the Director
11 of the [New Jersey] State Office of Emergency Management, the
12 Adjutant General of Military and Veterans' Affairs or his designee,
13 the Commissioner of Agriculture or his designee, the Commissioner
14 of Community Affairs or his designee, the Commissioner of
15 Corrections or his designee, the Commissioner of Environmental
16 Protection or his designee, the Commissioner of Health and Senior
17 Services or his designee, the Commissioner of Human Services, or
18 his designee, the Commissioner of Transportation or his designee,
19 the Executive Director of the New Jersey Transit Corporation or his
20 designee, the State Treasurer or his designee, the New Jersey State
21 Medical Examiner or his designee, a representative of the
22 University of Medicine and Dentistry of New Jersey, the President
23 of the Board of Public Utilities or his designee, a representative of
24 the New Jersey County Emergency Management Coordinators
25 Association, a representative of the New Jersey State Fire Chiefs
26 Association, and a representative of the New Jersey State Police
27 Chiefs Association. The planning group may include, to the extent
28 such individuals may be made available for such purpose, a
29 representative of the Federal Emergency Management Agency, a
30 representative of the Federal Bureau of Investigation, a
31 representative of the American Red Cross, and a representative of
32 such other charitable groups as may be appropriate. The
33 chairperson of the task force shall appoint the chair and vice chair
34 of the planning group.

35 (cf: P.L.2001, c.246, s.8)

36
37 99. The following are repealed:

38 Laws of 1941, c.182, s.4 (C.App.A:9-19.1);

39 Laws of 1941, c.393, ss.1-3 (C.App.A:9-30 through App.A:9-32,
40 both inclusive);

41 Laws of 1942, c.226 (C.App.A:10-1 through App.A:10-5, both
42 inclusive);

43 Laws of 1942, c.251, ss.1-6, 8, 9, and 11-25 (C.App.A:9-33 through
44 App.A:9-38, both inclusive; App.A:9-40; App.A:9-41; and
45 App.A:9-43 through App.A:9-57, both inclusive);

46 Laws of 1951, c.72, ss.1-6 (C.App.A:9-58 through App.A:9-63,
47 both inclusive);

1 Laws of 1951, c.146 (C.App.A:10-7 through App.A:10-10, both
2 inclusive2);
3 Laws of 1953, c.438, ss.3, 6, 8-10, 12, 13, 17, 18, 22, 23, and 26
4 (C.App.A:9-33.1; App.A:9-37.1; App.A:9-40.1 through App.A:9-
5 40.6, both inclusive; App.A:9-42.1; App.A:9-42.2; App.A:9-45.1;
6 and App.A:9-57.27);
7 Laws of 1962, c.44, ss.1-4 (C.App.A:9-51.1 through App.A:9-51.4,
8 both inclusive);
9 Laws of 1962, c.48, ss.1-5 (C.App.A:9-51.5 through App.A:9-51.9,
10 both inclusive);
11 Laws of 1985, c.504, s.2 (C.App.A:9-42.1a); and
12 Laws of 1989, c.222, ss.10, and 18-23 (C.App.A:9-42.1b.; App.A:9-
13 43.1 through App.A:9-43.6, both inclusive).
14

15 100. Sections 1 through 10 of this act shall take effect
16 immediately, and the remaining sections shall take effect 90 days
17 following the appointment of the State Director of Emergency
18 Management pursuant to section 6, except that the director, upon
19 appointment, shall take any anticipatory administrative action in
20 advance as shall be necessary for the implementation of the act.