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February 2, 2009

Congressional Research Service

Report RS21793

*New Jersey Emergency Management and Homeland Security
Statutory Authorities Summarized*

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Updated March 31, 2004

Abstract. This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified.

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CRS Report for Congress

Received through the CRS Web

New Jersey Emergency Management and Homeland Security Authorities Summarized

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Summary

The Emergency Services Act of 1972 sets out policy and procedures for the use of the state's emergency services to respond to natural and other catastrophes. The governor's Advisory Council for Emergency Services provides oversight of the state emergency management plan, approves funding for disaster response, and recommends changes to compacts to the legislature. The Municipal Natural Disaster Relief program provides assistance to property owners who have no other means to repair property following a disaster and return the property to tax rolls. The statute includes radiological emergency preparedness statutory requirements. The continuity of government provisions provide for interim successors for governor and the relocation of the capital if needed.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor is authorized to serve as commander-in-chief of the state militia (N.J. Rev. Stat. §38A:2-1) and is authorized to assume control of “all emergency management operations,” to be in command of an actual or imminent disaster or catastrophe, and to delegate authority. The governor’s judgment in these matters is considered conclusive (N.J. Rev. Stat. App.A:9-48; 9-51).

Governor’s Advisory Council for Emergency Services: The council consists of the attorney general, adjutant general, commissioners of community affairs, environmental protection and transportation, the president of the Board of Public Utilities, and the executive director of state Public Broadcasting Authority. The council meets pursuant to the statutory requirements, or the governor may convene the council when he issues a declaration of emergency. The council reviews and recommends to the legislature changes in compacts between the state and the federal government, or among the state and other states; reviews and recommends changes in emergency master plans; encourages and coordinates private intercommunity comprehensive services; authorizes spending money from the fund for emergency relief or the reimbursement of municipalities and counties for damages, including excessive costs resulting from the emergency or to reimburse the New Jersey Public Broadcasting Authority for the cost of emergency broadcasts; and uses manpower, facilities, and materials from state departments during an emergency (N.J. Rev. Stat. §§52:14E-4,7, 8).

Preparedness

The Department of Environmental Protection and the Division of State Police are required to adopt a state radiation emergency response plan to respond to a radiation accident at a nuclear facility or during transportation of radiological material; establish training programs and emergency operations centers; inventory the supply of temporary housing; develop communications systems; prepare a public emergency response plan to be updated bi-annually; and coordinate with other states (N.J. Rev. Stat. §26:2D-40).

Every municipality with a nuclear facility must prepare and submit to the county government in which it is located a local radiological emergency response plan; local plans must be reviewed at least every 18 months (N.J. Rev. Stat. §26:2D-41).

A county with a nuclear facility must prepare a radiological emergency response plan that must be reviewed every 18 months (N.J. Rev. Stat. §26:2D-42).

The governor, in case of a natural disaster or imminent danger to public safety, may order to active duty any or all of the state militia and maintain the forces on active duty until the emergency has passed (N.J. Rev. Stat. §38A:2-4).

The commissioner of environmental protection, in coordination with the Office of Emergency Management (OEM), must develop an early warning system for floods. The OEM shall notify county emergency management organizations, police, and municipal emergency management organizations of early flood warnings. When a decision is made to evacuate, the OEM is to request broadcasts by local news media every 15 minutes (N.J. Rev. Stat. §§58:16A-100, 101).

Declaration Procedures

The governor is authorized to proclaim an emergency if a catastrophe exceeds the capabilities of local authorities. When, in the governor's opinion, the emergency period has passed, he or she must issue a proclamation declaring the end of the emergency and suspending emergency powers (N.J. Rev. Stat. App.A:9-51).

Types of Assistance

When declaring a state of emergency the governor is authorized to issue a "Notice of Rent Protection Emergency" to restrict rent increases if "unconscionable rental practices" are determined to be likely to occur (N.J. Rev. Stat. §2A:18-61.62).

In certain circumstances municipalities may need to supplement federal and state disaster relief programs for residents with property damaged by floods, hurricanes, or other catastrophes. Municipalities are permitted to provide limited grants to persons to supplement insurance or federal or state loan programs to keep them in the community and return the property to the tax rolls. The Department of Community Affairs is required to develop rules and regulations for the municipal natural disaster relief grant program. Under the program, a municipality is authorized to give grants (up to \$5,000 maximum per grant) to persons who own property and have no insurance to adequately cover damages, and, for whom, repayment of low-interest loans would be an extreme hardship, based on income and other financial circumstances. Grants may be used for repairs and reconstruction of damaged property. A municipality must submit a grant program plan to the Department of Community Affairs (N.J. Rev. Stat. §40:48-9.15).

Mutual Aid

The statute authorizes the governor to execute the Emergency Management Assistance Compact (N.J. Rev. Stat. §38A:20-4 et seq.).

The governor is authorized to enter into agreements with the governors of bordering states for protection in the event of an emergency affecting bridges, tunnels, ferries, and communications facilities (N.J. Rev. Stat. §38A:17-1). The governor is authorized to enter into agreements and compacts with other states for mutual military aid in an emergency (N.J. Rev. Stat. §38A:18-2).

Compacts between New Jersey and other states may include provisions for a range of activities, including joint military action against a common enemy; protection of bridges, tunnels, ferries, communications facilities; support of civil defense; pursuit of persons acting in the interest of an enemy government or seeking the overthrow of the U.S. or state government; and immunity provisions and costs of response (N.J. Rev. Stat. §38A:18-3).

The Interstate Compact for Mutual Military Aid in an Emergency is codified (N.J. Rev. Stat. §38A: 20-2).

The Interstate Civil Defense and Disaster Compact is codified (N.J. Rev. Stat. §38A: 20-3).

Two or more municipalities may, by reciprocal ordinances, enter into agreements to provide mutual police or firefighting aid in case of an emergency. An agreement may provide for reimbursement, the selection of officers during a joint meeting, and acquisition of land for a central office. A municipality may enter into agreement with any authority created pursuant to an interstate compact for mutual police or fire aid (N.J. Rev. Stat. §40A:14-156.1). Officers responding outside their home municipalities have the same powers, authority and immunity (N.J. Rev. Stat. §40A:14-156.2).

County emergency management coordinators may suspend mutual aid statutes upon declaration of an emergency (N.J. Rev. Stat. §40A:14-156.4).

Funding

The statute established the emergency services fund that consists of appropriations and additional funds from public or private grants and donations, plus income from investments. The fund is administered by the state treasurer who makes payments from fund (N.J. Rev. Stat. §§42:14E-5,6,9).

The statute authorizes municipalities to adopt bond ordinances, under specified conditions, to meet an expenditure resulting from a disaster (N.J. Rev. Stat. §40A:2-7).

Hazard Mitigation

The tax collector of each local taxing district must advise property owners if their property is eligible for federal flood insurance. If the owner has failed to purchase this insurance, federal disaster assistance would not be available to cover such losses (N.J. Rev. Stat. §54:4-64.1).

Continuity of Government Operations

Whenever, due to an emergency resulting from an enemy attack or a threatened attack, it is impossible to conduct state government at the normal location in the city of Trenton, the governor shall, by proclamation, declare an emergency temporary location for the seat of government, within or without the state, and shall issue orders for the orderly transition of the state government to the temporary location. The temporary location remains the seat of government until the legislature establishes a new location or locations, or until the governor declares that the emergency has ended and the seat of government returns to its normal location (N.J. Rev. Stat. §52:1-1.1). All acts performed at the temporary location, including the convening and meeting of the legislature in regular, extraordinary or emergency session, are valid and binding (N.J. Rev. Stat. §52:1-1.2).

The Emergency Interim Executive Session Act provides for additional officers to discharge the governor's duties and the interim succession of governmental officers if incumbents are unavailable. Emergency interim successors must take an oath of office when necessary and may exercise powers and discharge duties only after an attack has occurred; the successor continues in office until the elected and lawful incumbent returns. The legislature, by concurrent resolution, may terminate the authority of emergency interim successors. Persons on the list of interim successors can be removed or replaced

on the list by the designating authority, with or without cause. Any dispute is adjudicated by governor, whose decision is final (N.J. Rev. Stat. §52:14A-1 et seq.).

Other

The Commissioner of Banking and Insurance must review conditions in a disaster area promptly in light of standards for financial institutions established by law. If, in the commissioner's determination, the emergency powers delegated in the statute must be exercised, those powers will be exercised with regard to mortgage loan transactions for the period of the emergency (N.J. Rev. Stat. §17:2A-4).

The statute provides that paid leave is provided for state employees to work for the American Red Cross to a maximum period of 10 days per year, and for unpaid leave to be granted for a maximum of 10 additional days per year. Disaster services must be performed in the state for either a presidential or gubernatorial declared disaster (N.J. Rev. Stat. § 11A: 6-11.1).

The governor's council must reimburse the state Public Broadcasting Authority for the costs of emergency broadcasts (N.J. Rev. Stat. §52:14E-8.1).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in New Jersey Statutes, with Citations

Terms	Citations
Attack	N.J. Rev. Stat. §52:14A-3 (a)
Emergency	N.J. Rev. Stat. §§38A:17-2, 38A:18-1, 52:14E-3(c)
Emergency interim successor	N.J. Rev. Stat. §52:14A-3 (b)

For Further Research

The citations noted above and other elements of the state code for New Jersey may be searched at: [http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=504130&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42].