



Appendix V

Emergency management Laws, Executive orders and Legal Opinions

Summary of Emergency Management Laws, Executive Orders and Legal Opinions

V.1 Enabling Authorities

V.1.1 Reorganization Plan of Civilian Defense Director

The Office of Civilian Defense was transferred from the Department of Defense to the Department of Law and Public Safety. This reorganization is intended to promote coordination of State, County, and local relief efforts. All acts and parts of act inconsistent with this reorganization plan are superseded to the extent of such inconsistencies.

V.1.2 Executive Order 101, 1980 “(Byrne) Transfer of Emergency Management to the NJ State Police”

Established an Office of Emergency Management in the Division of State Police, Department of Law and Public Safety. The Office of Emergency Management shall be under the supervision, direction and control of the State

V.1.3 Director of Emergency Management.

Executive Directive No. 1978-1 - Establishment of the Emergency Management Section The functions, power and duties of the Office of Civilian Defense Director are hereby established in the Bureau of Emergency Services in the Division of State Police under the authority of William F. Hyland Attorney General.

V.2 Executive Orders

V.2.1 Executive Order 12, 1970 (Cahill) Development of Emergency Plans

Directs each Department to Develop Emergency Plans - Directs State Departments to develop, coordinate and keep current a workable plan for the effective utilization of manpower and resources. Copies of these plans shall be forwarded to the Director of Emergency Management. The Director of Emergency Management is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports and other information as he deems necessary.

V.2.3 Executive Order 115, 1994 (Florio)

Established an-Interagency State Hazard Mitigation Team Established an interagency State Hazard Mitigation Team. A representative of the office of the Governor will chair the team and the State Hazard Mitigation officer appointed by the Governor will serve as Deputy Chair. Lists other members of the team, their roles and responsibilities.

V.2.4 Executive Order 161, 1987 (Kean)

Implementation of the Federal Emergency Planning and Community Right-to-Know Act - Implementation of the State Emergency Response Commission who shall perform all duties and acts prescribed by the federal "Superfund Amendments and Reauthorization Act of 1986.

V.3 Other Relevant Statutes pertaining to Emergency Management



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NOTE: Full text of the NJ Statutes is available on-line at <http://www.njleg.state.nj.us/html/statutes.htm>

V.3.1 N.J.S.A. 2A:53A-13.1(Truncated) Immunity from Civil Liability

No volunteer fire company, volunteer first aid, rescue or emergency squad, civil defense unit, which provides services for the control and extinguishment of fires or emergency public first aid and rescue services shall be liable in any civil action to respond in damages as a result of any acts of commission arising out of the rendition in good faith of any such services.

V.3.2 N.J.S.A. 2A:62A-7 to 10 Liability of Volunteer Fire Company and Civil Defense Unit

Provides for immunity from civil liability under certain circumstances to volunteer fire companies, first aid, rescue or emergency squads, civil defense units and their members.

V.3.3 N.J.S.A. 13:IK-33-35

The Division of State Police in the Department of Law and Public Safety and the Department of Environmental Protection shall establish and operate a hazardous material discharge initial emergency response training program for municipal and county agents involved in investigating suspected hazardous material discharge.

V.3.4 N.J.S.A. 26:2D-37-et seq

The Division of State Police and the Department of Environmental Protection shall prepare or cause to be prepared and adopt a State Radiation Emergency Response Plan. This statute covers local response plans, county response plans, the powers and duties of DEP and the powers and duties of the Division of State Police. The statute also provides guidelines for other relevant agencies needed for radiation response.

V.3.5 N.J.S.A. 38A: 2-3 et seq.

Whenever the militia, or any part thereof, is employed in aid of civil authority, the Governor, if in his/her judgment the maintenance of law and order will thereby be promoted, may by proclamation, declare any county or municipality, or part thereof, which the troops are serving to be subject to martial law.

V.3.6 N.J.S.A. 38A: 3-6.1

The Governor shall have the authority to order to active duty, with or without pay, in State service, such members of the New Jersey National Guard that in his judgment are necessary to provide aid in circumstances which threaten or are a danger to the public health, safety or welfare.

V.3.7 N.J.S.A. 38A: 20-3 Interstate Civil Defense and Disaster Compact

V.3.8 N.J.S.A. 39:4-214

The Attorney General may determine and control the direction of traffic through police agencies under his/her control in an emergency.



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V.3.9 N.J.S.A. 40A:14-156.4

Suspension of acts to provide emergency assistance. The county emergency management coordinator may by express order suspend operation of the provisions upon declaration of a State of Emergency.

V.3.10 N.J.S.A. 52:14A-1 et seq. Emergency Interim Executive Succession Act

V.3.11 N.J.S.A. 52:14E-1 et seq. Governor's Advisory Council for Emergency

V.3.12 N.J.S.A. 52:27D-222 et seq.

Directs certain entities which store, manufacture, distribute or warehouse unusually hazardous substances to develop an emergency response plan along with the county or municipal fire officials.

V.3.13 N.J.S.A. 58:16A-100

The Commissioner of the Department of Environmental Protection shall in consultation with the United States Army Corps, of Engineers and in coordination with the Office of Emergency Management in the Division of State Police, develop a flood early warning-system.

V.3.14 N.J.S.A. 58:16A-101

The office of Emergency Management shall notify the emergency management organization in the counties, which shall then notify the local police departments in the event of a flood situation.

V.4 Summary of New Jersey Administrative Code

V.4.1 The Water Supply Management Act, NJSA 58:1A-1 et seq.

V.5 Powers of the Governor with respect to Emergency Management

- N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1 authorizes the Governor to direct the Adjutant General to order to active duty such members of the New Jersey National Guard that are necessary to respond to a threat to the public health, safety and welfare.
- N.J.S.A App. A:9-34 and N.J.S.A. App. A: 9-51 authorizes the Governor to employ all available resources for the State government and of each political sub-division and to commandeer and utilize any personal services or private property during an emergency .
- N.J.S.A App.A9-43.1 to 7 directs the implementation of the State Emergency Operations Plan and county and municipal plans as adopted and approved pursuant to Statute.
- N.J.S.A App.A:9-45 authorizes the Governor in an emergency to make rules regarding traffic, evacuations and relax rules as needed. The Governor can promulgate any rule necessary to govern the conduct of the civilian population during an emergency.



State of New Jersey
2011 State Hazard Mitigation Plan

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