

# **Civilian Defense and Disaster Control Act**



NOVEMBER 6, 2025

## Civilian Defense and Disaster Control Act

### **App.A:9-32. Effective date**

This act shall take effect immediately.

L.1941, c. 393, p. 1014, s. 3.

### **App.A:9-33. Purpose of civilian defense act and disaster control act**

The purpose of this act is to provide for the health, safety and welfare of the people of the State of New Jersey and to aid in the prevention of damage to and the destruction of property during any emergency as herein defined by prescribing a course of conduct for the civilian population of this State during such emergency and by centralizing control of all civilian activities having to do with such emergency under the Governor and for that purpose to give to the Governor control over such resources of the State Government and of each and every political subdivision thereof as may be necessary to cope with any condition that shall arise out of such emergency and to invest the Governor with all other power convenient or necessary to effectuate such purpose.

L.1942, c. 251, p. 680, s. 1. Amended by L.1949, c. 86, p. 396, s. 2; L.1953, First Sp. Sess., c. 438, p. 2404, s. 2.

#### **App.A:9-33.1. Definitions**

The following words and phrases as used in this act shall have the following meanings:

- (1) "Disaster" shall mean any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of one or more municipalities of the State, and which is or may become too large in scope or unusual in type to be handled in its entirety by regular municipal operating services.
- (2) "Local disaster emergency" shall mean and include any disaster, or the imminence thereof, resulting from natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under this act is not required.
- (3) "War emergency" shall mean and include any disaster occurring anywhere within the State as the result of enemy attack or the imminent danger thereof.
- (4) "Emergency" shall mean and include "disaster" and "war emergency" as above in this section defined.

L.1953, First Sp. Sess., c. 438, p. 2405, s. 3.

#### **App.A:9-34. Emergency powers of Governor**

The Governor is authorized to utilize and employ all the available resources of the State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to avoid or protect against any emergency subject to the future payment of the reasonable value of such services and privately owned property as hereinafter in this act provided.

L.1942, c. 251, p. 680, s. 2. Amended by L.1953, First Sp.Sess., c. 438, p. 2405, s. 4.

#### **App.A:9-35. Co-operation with state and federal authorities; federal emergency or defense assistance; agreements**

- (a) In carrying out the provisions of this act the Governor shall cooperate with the civil, military and naval authorities of the United States and of other States for the purpose of enforcing the defense and emergency policies of the Federal Government and shall conform to the laws,

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orders, rules and regulations of the civilian, military and naval authorities of the Federal Government.

- (b) The Governor or his designated representative is hereby authorized to enter into such agreements with the Federal Government or an agency thereof as he shall deem necessary to obtain available emergency or defense assistance from the Federal Government or its agencies and to do all other acts or things necessary or convenient to secure such assistance. The Governor shall not commit the State to any financial obligation except to the extent of available appropriations, provided, however, that any such agreement may specify (1) that the State will agree to hold and save the United States free from damages which may arise out of the construction, repairs, improvements or rehabilitation, and the maintenance of works and projects undertaken by the Federal Government or its agencies in connection with any such agreement, other than claims arising from the tortious acts of agents or employees of the Federal Government and (2) that the State will provide, free of cost to the United States, all lands, easements, rights-of-way and other areas within the State of New Jersey required in connection with the project undertaken by the Federal Government or its agencies in respect of such agreement, and for the maintenance thereafter of such project. Any such provisions to hold and save the Federal Government free from damages shall not be construed to waive the sovereign immunity of the State in any situation wherein such immunity would otherwise be present. Such sums as may be required, whether in payment of the cost of necessary legal proceedings, as compensation to property owners, or in furtherance of the provisions herein authorized for such agreements, shall be charged against any special or emergency appropriation made by the Legislature in connection with the project which is the subject matter of the agreement with the Federal Government or its agencies.

L.1942, c. 251, p. 681, s. 3. Amended by L.1962, c. 21, s. 1; L.1975, c. 181, s. 1, eff. Aug. 4, 1975.

### **App.A:9-36. Information may be required**

The Governor is authorized to require any public official, citizen or resident of this State or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish to him any information reasonably necessary to enable him to carry out the purposes of this act.

L.1942, c. 251, p. 681, s. 4.

### **App.A:9-37. Civilian defense director; subordinate offices**

There is hereby created in the State Department of Defense, the office of civilian defense director. The civilian defense director shall be appointed by the Governor and shall hold office at the will and pleasure of the Governor with or without compensation in the discretion of the Governor. He shall assist the Governor in effectuating the purposes of this act and, to that end, the Governor is empowered to delegate to the said civilian defense director any of the powers conferred by this act upon the Governor to the extent that such delegation of power is, in the judgment of the Governor, necessary; provided, however, that all such powers shall be exercised in the name of the Governor. The Governor is authorized to establish an adequate organization to assist in supervising and coordinating the civilian defense activities of the State Government and of all of the political subdivisions of this State and for that purpose the said Governor is authorized and empowered, within the limits of appropriations, to establish and operate such subordinate offices as may be necessary. Nothing contained herein shall be construed to empower the Governor to delegate to the civilian defense director any of the powers heretofore conferred upon the established State Departments.

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L.1942, c. 251, p. 682, s. 5. Amended by L.1949, c. 86, p. 397, s. 3; L.1953, First Sp.Sess., c. 438, p. 2406, s. 5.

### **App.A:9-37.1. Duties of civilian defense director**

Under the supervision of the Adjutant General, Department of Defense, the civilian defense director is hereby concurrently assigned the duties of State Disaster Control Director.

L.1953, First Sp.Sess., c. 438, p. 2406, s. 6. Amended by L.1984, c. 181, s. 37, eff. Nov. 14, 1984.

### **App.A:9-38. Deputies or assistants**

The Governor is empowered to appoint one or more deputies or assistants whom the Governor deems necessary to assist in effectuating the purposes of this act and to fix their compensation, designation, title, powers and duties.

L.1942, c. 251, p. 682, s. 6.

### **App.A:9-40. Co-operation by public officials; rules and regulations**

It shall be the duty of the members of the governing body and of each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies and authorities of any nature whatsoever fully to co-operate with the Governor and the civilian defense director in all matters affecting any emergency as defined by this act. The Governor is authorized to make, amend and rescind orders, rules and regulations as in this act provided, and it shall be unlawful for any municipality or other subdivision or any other governmental agency of this State to adopt any rule or regulation or to enforce any such rule or regulation that may be at variance with any such order, rule or regulation established by the Governor. In the event of a dispute on the question of whether or not any such rule or regulation is at variance with an order, rule or regulation established by the Governor under this act, the determination of the Governor shall control.

L.1942, c. 251, p. 682, s. 8. Amended by L.1953, First Sp.Sess., c. 438, p. 2406, s. 7.

#### **App.A:9-40.1 Municipal emergency management coordinator.**

8. a. In every municipality of this State, the mayor or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R.S.40:70-1 et seq.), the commissioner serving as director of the department to which the responsibility for emergency management has been assigned, shall appoint a municipal emergency management coordinator. Any qualified individual appointed as a municipal emergency management coordinator who is not a resident of the municipality shall reside within a reasonable proximity of the municipality to ensure a prompt response or coordination of municipal resources for any local incident. The municipal emergency management coordinator, subject to fulfilling the requirements of this section, shall serve for a term of three years. As a condition of his appointment and his right to continue for the full term of his appointment, each municipal emergency management coordinator shall have successfully completed at the time of his appointment or within one year immediately following his appointment or the effective date of this act, whichever is later, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any municipal emergency management coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of coordinator and thereupon a vacancy in said office shall be deemed to have been created.

b. The provisions of this section shall not bar a municipality from entering into an agreement

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pursuant to the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35) to designate (1) a municipal emergency management coordinator to serve two or more municipalities jointly, or (2) the county emergency management coordinator appointed pursuant to section 12 of P.L.1953, c.438 (C.App.A:9-42.1) for the county in which that municipality is located as the municipal emergency management coordinator, subject to approval of the governing body of the county. A municipality entering into such an agreement shall notify the State Emergency Management Coordinator.

c. (Deleted by amendment, P.L.2022, c.111)  
L.1953, c.438, s.8; amended 1977, c.184; 1984, c.246, s.1; 1989, c.222, s.2; 1995, c.259, s.38; 2003, c.53, s.3; 2013, c.57; 2021, c.50; 2022, c.111.

### **App.A:9-40.2. Removal of municipal emergency management coordinator**

The Governor may remove any municipal emergency management coordinator at any time for cause. In such event the mayor of the municipality or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R.S.40:70-1 et seq.), the commissioner serving as director of the department to which the responsibility for emergency management has been assigned, shall appoint a new municipal emergency management coordinator with the approval of the Governor. If the mayor or commissioner, as appropriate, shall not appoint a municipal emergency management coordinator within 10 days after such office shall become vacant, the Governor may appoint a temporary municipal emergency management coordinator, who shall serve and perform all of the duties of that office until such time as a new municipal emergency management coordinator shall be appointed by the mayor or commissioner, as appropriate, with the approval of the Governor.

L.1953, c.438, s.18; amended 1984,c.246,s.2; 1989,c.222,s.3.

### **App.A:9-40.3. Deputy municipal disaster control director**

Each municipal disaster control director shall appoint a deputy municipal disaster control director with the approval of the mayor. Wherever possible, such deputy shall be appointed from among the salaried officers or employees of the municipality.

L.1953, First Sp. Sess., c. 438, p. 2407, s. 9.

### **App.A:9-40.4. Duties of municipal emergency management coordinator**

Each municipal emergency management coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within his municipality.

L.1953, c.438, s.10; amended 1989, c. 222, s.4.

### **App.A:9-40.5. Proclamation of state of local disaster emergency within municipality; powers of coordinator**

Whenever, in his opinion, a disaster has occurred or is imminent in any municipality, the municipal emergency management coordinator of that municipality shall proclaim a state of local disaster emergency within the municipality. The municipal emergency management coordinator, in accordance with regulations promulgated by the State Director of Emergency Management, shall be empowered to issue and enforce such orders as may be necessary to implement and carry

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out emergency management operations and to protect the health, safety, and resources of the residents of the municipality.

L.1953, c.438, s.22; amended 1989,c.222,s.5.

### **App.A:9-40.6. Aid in time of disaster or emergency**

No representative of any municipality shall request aid in time of disaster or emergency directly from noncontiguous municipalities nor shall any municipality or public or semipublic agency send personnel or equipment into a disaster-stricken municipality unless and until such aid has been directed by the county emergency management coordinator or his deputies. Specific exemptions from the action of this section may be granted only by authority of the State Director of Emergency Management.

L.1953, c.438, s.23; amended 1989,c.222,s.6.

### **App.A:9-41. Local emergency management councils**

Every municipality of this State, other than counties, shall create a local emergency management council. Each local emergency management council shall be composed of not more than 15 members who shall be appointed by the mayor or chief executive officer of the municipality and shall hold office at the will and pleasure of the appointing authority. The municipal emergency management coordinator shall be a member and shall serve as chairman of the local emergency management council. The local emergency management council shall assist the municipality in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with rules and regulations established by the Governor in pursuance of the provisions of this act. The local emergency management council is authorized, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the emergency management activities of the local municipality. It shall be lawful for the members of the local emergency management council also to be members of other agencies created because of any emergency. Upon the effective date of this act, the local emergency management councils heretofore appointed shall become the respective local emergency management councils provided for in this act and shall thereafter continue to function as such local emergency management councils, subject to the provisions of this act.

L.1942, c.241, s.9; amended 1953,c.438,s.11; 1989,c.222,s.7.

### **App.A:9-42.1. County emergency management coordinator; appointment; term of office**

In every county of this State the governing body shall appoint a county emergency management coordinator, which appointment shall be for a term of three years. The appointments shall be subject to the approval of the State Director of Emergency Management and thereafter shall be subject to his orders. The State Director of Emergency Management shall exercise supervision and control of all such appointees, who may be removed by said State Director of Emergency Management for cause.

L.1953, c.438, s.12; amended 1985,c.504,s.1; 1989,c.222,s.8.

#### **App.A:9-42.1a Coordinator appointed prior to Jan. 21, 1986, exception; term**

Any county emergency management coordinator appointed prior to the effective date of P.L.1985, c.504 (C.App.A:9-42.1a) shall serve for the length of the term to which the coordinator was appointed unless removed for just cause, except that any coordinator not appointed for a specific term shall begin the new term on the effective date of this act. Thereafter, the provision

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of section 12 of P.L.1953, c.438 (C.App.A:9-42.1) relating to the length of a term shall take effect.

L.1985, c.504, s.2; amended 1989,c.222,s.13.

### **App.A:9-42.1b. Filling of deputy emergency management coordinator position.**

10. The deputy emergency management coordinator position shall be filled by the governing body in each county by: a. the appointment of a qualified individual; b. the selection of a qualified volunteer; or, if appropriate, c. the selection of an individual pursuant to the rules and regulations of the Civil Service Commission of the State of New Jersey.

L.1989, c.222, s.10; amended 2008, c.29, s.113.

### **App.A:9-42.2. Duties of county emergency management coordinator**

The county emergency management coordinator shall be responsible for the development, coordination, and activation of countywide mutual aid emergency management plans; and for the activation of such emergency management facilities and services as are available from the resources of the county government.

L.1953, c.438, s.13; amended 1989, c.222,s.11.

### **App.A:9-43. Other local agencies or instrumentalities**

Every political subdivision of this State is authorized to create by resolution any other agencies or instrumentalities that may be needed in order to meet the problems presented by any emergency as defined by this act, not at variance with such rules and regulations as shall be established by the Governor. Any such agencies heretofore or hereafter established shall immediately conform to the rules and regulations that may be adopted and promulgated by the Governor.

L.1942, c. 251, p. 684, s. 11. Amended by L.1953, First Sp.Sess., c. 438, p. 2408, s. 14.

### **App.A:9:43-1 State Emergency Operations Plan.**

The State Office of Emergency Management shall adopt a State Emergency Operations Plan, including rules, regulations, and guidelines, that shall be reviewed and updated at least every two years.

a. The plan shall include, but not be limited to, provisions which shall be developed in consultation with:

(1) the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including domestic livestock, a domesticated animal, or a service animal, in a major disaster or emergency; and

(2) the Department of Health, to provide for a coordinated Statewide evacuation strategy for all hospitals and other health care facilities in the State, alternative sources of care for evacuated patients, and proposed sites of temporary shelter in the event of an emergency. The Statewide evacuation strategy shall be based on evacuation plans prepared pursuant to section 19 of P.L.1989, c.222 (C.App.A:9-43.2) and submitted to the State Office of Emergency Management by each county and municipality in the State pursuant to section 21 of P.L.1989, c.222 (C.App.A:9-43.4).

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b. The plan shall:

(1) include provisions that specifically address the need for the safe and timely evacuation of the families and dependents of the emergency responders rendering major disaster or emergency services;

(2) incorporate the results of the risk assessment conducted in accordance with the county storm preparedness funding program established pursuant to section 2 of P.L.2017, c.63 (C.App.A:9-43.17); and

(3) incorporate a framework to address cybersecurity incidents that shall, at a minimum, serve as a mechanism to facilitate and coordinate preparation for detection, analysis, containment and eradication of, and recovery from, a cybersecurity incident, and to prescribe post-incident activity.

c. In addition, the State Office of Emergency Management and each county and municipal emergency management agency shall take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

L.1989, c.222, s.18; amended 2006, c.92, s.1; 2011, c.178, s.8; 2017, c.63, s.3; 2023, c.54.

### **App.A:9-43.2 County, municipal written emergency operations plans; coordination.**

19. Each county and municipality in the State shall prepare a written Emergency Operations Plan with all appropriate annexes necessary to implement the plan. The development of all plans shall be coordinated with the Emergency Operations Plans of the State, county and neighboring municipalities to ensure a regional coordinated response and the efficient use of resources.

a. These plans shall include, but not be limited to, provisions which shall be developed in consultation with:

(1) the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including domestic livestock, a domesticated animal, or a service animal, in a major disaster or emergency; and

(2) the Department of Health and Senior Services to evaluate the evacuation procedures of hospitals and other health care facilities located in each county and municipality, alternative sources of care for evacuated patients, and proposed sites of temporary shelter in the event of an emergency.

b. Each plan shall include provisions that specifically address the need for the safe and timely evacuation of the families and dependents of the emergency responders rendering major disaster or emergency services.

c. Each Emergency Operations Plan shall be adopted no later than one year after the State Emergency Planning Guidelines have been adopted by the State Office of Emergency Management and shall be evaluated at such subsequent scheduled review of the State Emergency Operations Plan.

L.1989, c.222, s.19; amended 2006, c.92, s.2; 2011, c.178, s.9.

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### **App.A:9-43.3 Guidelines for Emergency Operations Plans.**

20. Each county and municipal Emergency Operations Plan shall conform to all relevant federal and State statutes, rules and regulations concerning emergency operations and shall include the identification of significant hazards affecting the jurisdiction. Each county and municipal Emergency Operations Plan shall be based upon planning criteria, objectives, requirements, responsibilities and concepts of operation for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to an actual or threatened emergency as determined by the State Director of Emergency Management. Each Emergency Operations Plan shall provide for a command structure that affords appropriate command support for the incident commander. Deputy chiefs and battalion chiefs and company officers shall be included in the county fire mutual aid plan to respond to any emergency to supply command support or be assigned to the command structure. Each county and municipal Emergency Operations Plan shall be reviewed and updated at least every two years.

L.1989,c.222,s.20; amended 2000,c.177,s.1.

### **App.A:9-43.4 Approval by State Office of Emergency Management.**

21. Each county and municipality shall submit an Emergency Operations Plan to the State Office of Emergency Management, which may be submitted in a secure electronic form by way of any electronic means capable of sending, submitting or presenting confidential information. No Emergency Operations Plan shall take effect without approval by the State Office of Emergency Management. The State Office of Emergency Management shall review the plans and determine their compatibility with the State Emergency Operations Plan Guidelines and shall either approve, conditionally approve, or disapprove the plan. The State Office of Emergency Management shall set forth in writing its reasons for disapproval of any plan or, in the case of the issuance of a conditional approval, shall specify the necessary amendments to the plan. If the State Office of Emergency Management fails to approve, conditionally approve, or disapprove an Emergency Operations Plan within 60 days of receipt of the plan, it shall be considered approved by the State Office of Emergency Management.

L.1989, c.222, s.21; amended 2010, c.66, s.2.

### **App.A:9-43.5. Grants to municipalities, counties for development of Emergency Operations Plans**

The State Office of Emergency Management, subject to available appropriations and grants from other sources, is authorized to award grants to any municipality or county to assist in the development of an Emergency Operations Plan. The State Office of Emergency Management shall prescribe and promulgate, pursuant to law, procedures for applying for the grant and terms and conditions for receiving the grant.

L.1989, c.222, s.22.

### **App.A:9-43.6. Technical assistance, planning grants to municipalities**

The State and counties shall be authorized to provide technical assistance and planning grants to municipalities to assist in the preparation and revision of municipal Emergency Operations Plans pursuant to section 19 of this amendatory and supplementary act.

L.1989, c.222, s.23.

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### **App.A:9-43.7 Emergency plans, electronic submission by certain entities permitted.**

1. a. Any entity, organization, or educational institution, be it public or private, that submits an emergency operations or evacuation plan to the State Office of Emergency Management may submit that plan in a secure electronic format by way of any electronic means capable of sending, submitting or presenting confidential information.
- b. School districts required by regulation to develop and implement comprehensive plans, procedures and mechanisms that provide for safety and security in the public and private elementary schools may transmit those plans, procedures and mechanisms, when appropriate, in a secure electronic format by way of any electronic means capable of sending, submitting or presenting confidential information.
- c. The State Office of Emergency Management may adopt rules, regulations, and guidelines, to effectuate the purposes of this act.

L.2010, c.66, s.1.

### **App.A:9-43.7a Hazard mitigation plan, address current, future impacts of, risk associated with, climate change, strategies to prevent, mitigate impacts.**

1. a. As used in this section:

"FEMA" means the Federal Emergency Management Agency.

"Hazard mitigation plan" means a plan adopted at the State or county level which identifies the natural hazard risks and vulnerabilities in the State or locality, describes the hazard mitigation strategies to be used by the State or locality in addressing such risks and vulnerabilities, is approved by the Federal Emergency Management Agency, and is required in order for the State or local government to apply for and obtain certain types of emergency disaster assistance under the federal "Robert T. Stafford Disaster Relief and Emergency Assistance Act," Pub.L.100-707 (42 U.S.C. s.5121 et seq.).

"Social vulnerability" means the susceptibility of social groups to the adverse impacts of natural hazards, including disproportionate death, injury, loss, or disruption of livelihood.

"System asset" means a resource of value requiring protection, which resource can be tangible, such as a building, facility, equipment, activity, or operation, or intangible, such as processes or information.

b. A hazard mitigation plan that is adopted or revised by the State Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety, or by a county office of emergency management, on or after the effective date of this act, shall address the current and future impacts of climate change, identify the specific hazards and risks associated with climate change, and include strategies to prevent and mitigate the impacts of climate change on the natural hazards identified through the planning process. Each hazard mitigation plan shall, at a minimum:

- (1) identify and analyze the existing and future threats to, and vulnerabilities of, system assets, which threats and vulnerabilities are resulting, or are likely to result, from natural hazards either caused or worsened by climate change;

- (2) identify the critical facilities, utilities, roadways, and other types of infrastructure, including, but not limited to, elements identified and consistent with FEMA community guidance for fundamental essential community functions and services in the State or county, as the case may

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be, that are necessary for evacuation purposes, for sustaining assets and systems that protect life and property during a natural disaster, or for facilitating rapid recovery after a natural disaster; describe the specific climate change-related threats and vulnerabilities, identified pursuant to paragraph (1) of this subsection, that are likely to affect each type of infrastructure, particularly when located in a riparian or coastal flood zone or other low-lying area;

(3) include a social vulnerability assessment that evaluates whether, how, and to what extent socially vulnerable and underserved communities within the State or county, as the case may be, are or may be disproportionately impacted by the existing and future threats, vulnerabilities, and hazards identified pursuant to paragraph (1) of this subsection and the current and future effects of climate change on system assets and critical infrastructure, as identified pursuant to paragraphs (2) and (3) of this subsection. The social vulnerability assessment shall include, but shall not be limited to, an evaluation as to whether, how, and to what extent minority, low-income, and other historically disadvantaged, underserved, or marginalized communities are or may be disproportionately impacted, in particular, by natural hazards such as increased flooding and the development of heat islands;

(4) include an assessment as to whether, how, and to what extent the threats and vulnerabilities identified pursuant to paragraph (1) of this subsection will impact the State's or county's ability, over time, to successfully implement other components of its hazard mitigation plan;

(5) describe the proactive and preventive means, methods, strategies, procedures, protocols, and design and building standards that will be used by the State or county, as the case may be, to: (a) eliminate or reduce the threats and vulnerabilities identified pursuant to paragraph (1) of this subsection; (b) mitigate the hazardous impacts of climate change, particularly in areas subject to flooding; and (c) mitigate the disproportionate impacts of natural hazards on socially vulnerable communities; and

(6) describe the means, methods, strategies, procedures, protocols, and design and building standards that will be used by the State or county, as the case may be, to promptly and effectively mitigate or offset the effects of natural hazards occurring in the State or county, as appropriate.

c. The climate change-related assessments and strategies that are incorporated into a hazard mitigation plan, pursuant to this section, shall be based on the most recent natural hazard projections and best available science.

d. The provisions of a floodplain management plan, emergency operations plan, post-disaster recovery plan, capital improvement plan, or other similar plan that is adopted or revised by the State, county, or local government or other local jurisdiction as the case may be, on or after the effective date of this act, shall be consistent with, and shall reflect, the natural hazard risks of the applicable State or county hazard mitigation plan, which have been incorporated therein pursuant to this section.

e. The Director of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety, in consultation with the Department of Environmental Protection, may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to implement the provisions of this section. L.2023, c.313.

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### **App.A:9-43.8 Definitions relative to coastal evacuation.**

1. For the purposes of this act:

"Alternative emergency power generator" means an electricity-generating installation system that operates to provide the electricity needs of a building or structure if the normal source of electricity is disrupted due to a power outage.

"Critical infrastructure" means all buildings or structures in the State that are indispensably necessary for national security, economic stability, and public safety.

"Director" means the Director of the State Office of Emergency Management in the Division of State Police.

"Emergency" means an emergency or local disaster emergency as defined in section 3 of P.L.1953, c. 438 (C.App.A:9-33.1).

"Lane reversal strategy" means an evacuation plan that reverses the flow of traffic in lanes that are normally configured for travel in one direction, resulting in all traffic traveling in the same direction on all lanes of a highway.

"Long term emergency shelter" means a building or structure in which a public entity or a private, nonprofit organization provides shelter for a period of time extending longer than six months to individuals and families who have been displaced from their homes due to an emergency.

"Special needs" means a physical or mental disability or medical care need of an individual who, after exhausting all other resources still needs assistance for evacuation or sheltering before, during, or after a disaster or emergency.

"Temporary emergency shelter" means a building or structure in which a public entity or a private, nonprofit organization provides shelter to individuals and families who have been displaced from their homes due to an emergency until that emergency has ceased.

L.2011, c.178, s.1.

### **App.A:9-43.9 Annual public awareness program.**

2. a. The director shall develop and undertake an annual public awareness program to educate the public concerning the State's plan to evacuate New Jersey's coastal areas in a time of emergency. The program may incorporate the use of broadcast media, print media, the Internet, or any other available resources.
- b. The program shall inform the public of:
  - (1) methods by which the State is to notify the public of the initiation of an emergency evacuation of a coastal area;
  - (2) appropriate evacuation routes;
  - (3) alternative methods of evacuation, other than that utilizing a personal motor vehicle;
  - (4) information concerning the preparation and storing of personal evacuation kits;
  - (5) appropriate supplies of food and potable water that individuals and families should have readily available; and
  - (6) information relating to the support of, and care for animals, particularly service animals and pets subject to a coastal evacuation; and
  - (7) any such other matters as the director shall deem appropriate and necessary.
- c. In developing this plan, and in making any subsequent revisions, the director shall consult with the Emergency Management Offices of the affected counties and municipalities.

L.2011, c.178, s.2.

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### **App.A:9-43.10 Appointment of commission.**

3. a. The director, in consultation with the Department of Health and Senior Services, the Department of Community Affairs, and the Department of Human Services, shall appoint a commission comprised of experts from each department as well as experts from private nonprofit organizations, which shall include, but not be limited to, the American Red Cross, that shall be authorized to:
  - (1) identify appropriate elementary and secondary school buildings that may serve as adequate locations for temporary emergency shelter during an emergency; and
  - (2) identify specific locations that may serve as long term emergency shelters, during an emergency, for the benefit of individuals who have been displaced from their residence for an extended period of time as a result of that emergency or local disaster emergency.

b. Following the effective date of this act, all elementary and secondary school buildings to be newly constructed shall be evaluated during the planning or design phase and a determination shall be made considering all appropriate factors including, but not limited to, the suitability, necessity, and financial feasibility, as to whether that elementary or secondary school building may serve as a potential location for an emergency shelter during a declared state of emergency.

L.2011, c.178, s.3.

### **App.A:9-43.11 Duties of director.**

4. The director shall:
  - a. ensure consistency among the evacuation plans and shelter plans of the State's coastal counties, and such other counties that the director determines may be affected by the evacuation of the coast in an emergency, and integrate those plans into a Statewide evacuation plan;
  - b. work in coordination with the county offices of emergency management to revise any evacuation or shelter plan that, upon review, proves to be inconsistent with the evacuation plans of other counties, or with the State Emergency Operations Plan Guidelines; and
  - c. consult with and seek the advice of private nonprofit organizations when implementing the provisions of this section, which shall include, but not be limited to, the American Red Cross.

L.2011, c.178, s.4.

### **App.A:9-43.12 Identification of critical infrastructures.**

5. The director shall work in conjunction with the county emergency management coordinator in each county to locate and identify all critical infrastructures in the State that would need an alternative emergency power generator in the event of a Statewide emergency.

L.2011, c.178, s.5.

### **App.A:9-43.13 Central registry for residents with special needs.**

6. a. Each county in the State may establish a central registry for residents with special needs who require additional assistance provided to them during an emergency. A central registry created pursuant to this section shall be maintained by each county office of emergency management, and shall be composed of information voluntarily provided by each registrant

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that includes, but is not limited to, the registrant's address, telephone number, and particular condition or assistance needs.

- b. Each county that creates such a registry shall conduct a public awareness campaign, utilizing the Internet and any other available resources, to inform the general public of the importance of identifying and registering individuals with special needs prior to an emergency so that appropriate preparations may be made to ensure that these individuals receive necessary assistance during an evacuation. Information collected for purposes of a central registry created pursuant to this section shall be used only by the county office of emergency management that collected the information to prepare for and provide assistance to residents with special needs in an emergency, and shall not otherwise be divulged or made publicly available; provided however, that the director may, at the director's discretion, access and obtain information from a central registry maintained by a county office of emergency management if the information is used directly and exclusively by the director to prepare an Emergency Operations Plan required pursuant to section 19 of P.L.1989, c.222 (C.App.A:9-43.2).
- c. A central registry maintained by a county office of emergency management and any information contained therein, or accessed and obtained by the director in accordance with subsection b. of this section, shall not be included under materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
- d. Each municipality in the State may maintain a list containing the names and addresses of municipal residents who identify themselves as being in need of special assistance in the event of an emergency in accordance with the provisions of section 1 of P.L.2017, c.266 (C.40:48-2.67).

L.2011, c.178, s.6; amended 2017, c.266, s.5.

### **App.A:9-43.14 Implementation of lane reversal strategy.**

7. a. The Division of State Police shall work in conjunction with the Department of Transportation and county emergency management coordinators to implement a lane reversal strategy on the Atlantic City Expressway and the Garden State Parkway in preparation for any emergency evacuation.
  - b. The operator of a motor vehicle shall not tow any trailer, semitrailer, or any other type of drawn or towed trailer, including a trailer transporting a boat, on a public highway located in an area where an emergency has been declared and any evacuation plan, including but not limited to a lane reversal strategy, is in effect. The operator of a motor vehicle who violates this prohibition may be charged with failure to obey signals, signs, or directions under emergency conditions with regard to the flow of vehicular traffic, and upon conviction thereof shall be subject to penalties for a violation of section 3 of P.L.1950, c.70 (C.39:4-215). This prohibition shall not apply to emergency vehicles.

L.2011, c.178, s.7.

### **App.A:9-43.15 Definitions relative to emergency evacuation.**

1. a. For the purposes of this act:

"Domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and

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federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" does not include livestock as defined in N.J.A.C. 2:2-1.1.

"Public transportation or public transportation service" means rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, and ferry passenger service as defined in section 3 of P.L.1979, c.150 (C.27:25-3).

- b. In the event that a state of emergency has been declared and an evacuation of any region of the State is in progress, the owner of a domestic companion animal shall be permitted to board any public transportation or public transportation service with the domestic companion animal so long as that animal is under the owner's control by use of a leash or tether, or is properly confined in an appropriate container or by other suitable means, provided that such boarding is authorized by and consistent with the provisions of the State Emergency Operations Plan developed pursuant to paragraph (1) of subsection a. of section 18 of P.L.1989, c.222 (C.App.A:9-43.1) pertaining to the needs of animals and individuals with an animal under their care. The provisions of this act shall only apply to the owners of domestic companion animals who are evacuating from a region of the State affected by the emergency or local disaster emergency as defined in section 3 of P.L.1953, c.438 (C.App.A:9-33.1). A domestic companion animal may be refused permission to board any public transportation or public transportation service, even if the animal is under the owner's control or properly confined in accordance with this subsection if there is reasonable cause to believe that, due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.
- c. All passengers with service animals shall be given priority seating on all means of transportation regulated by this act in accordance with the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.). For the purposes of this act, "service animal" shall have the same meaning as set forth in the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.) and any regulations under the act.
- d. All passengers on any public transportation or public transportation service shall be provided seating before a domestic companion animal may be placed in a seat.  
L.2013, c.265, s.1.

### **App.A:9-43.16 Findings, declarations relative to emergency preparedness.**

1. The Legislature finds and declares that:
  - a. Severe weather conditions, such as hurricanes and nor'easters, are detrimental to the health, safety, and welfare of New Jersey residents and businesses because of their resulting loss of life, damage to property, and unsanitary conditions.
  - b. Protection of the State's infrastructure is a matter of utmost urgency and should be accomplished through comprehensive regional planning, regulation, and coordination between the State and county offices of emergency management to establish a storm preparedness program designed to protect the areas of the State which are most vulnerable to storm damage.
  - c. It is therefore in the public interest to take measures to prevent, or at least minimize,

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loss of life and property damage by ensuring that the counties most vulnerable to severe weather conditions are identified and that necessary precautions are taken by the State Office of Emergency Management and each county and municipal emergency management agency to protect the public from the potential dangers and losses attributable to storm damage.

L.2017, c.63, s.1.

### **App.A:9:43.17 Definitions; county storm preparedness funding program.**

2. a. As used in this act:

"Risk assessment" means an assessment of expected future damage or losses to a county's infrastructure caused by severe weather conditions.

"Severe weather conditions" means weather related flood, hurricane, nor'easter, tornado, high water, wind-driven water, tidal wave, or other catastrophe which is of sufficient severity and magnitude to substantially endanger the health, safety, and property of the residents of this State.

b. The State Office of Emergency Management shall establish a county storm preparedness funding program. In implementing the program, the State Office of Emergency Management, in consultation with the Department of Environmental Protection and the Board of Public Utilities, shall biennially conduct a risk assessment to determine each county's degree of vulnerability to infrastructure damage caused by severe weather conditions. The formula for the risk assessment shall be based on the following criteria:

(1) the number of times that all or a portion of a county has been declared a federal disaster area due to a storm or flood occurring in the prior 10 years;

(2) the amount of property damage incurred within a county as a result of storms or floods occurring in the prior 10 years that caused all or a portion of the county to be declared a federal disaster area;

(3) the number of times that all or a portion of a county has been declared an agricultural disaster area by the United States Secretary of Agriculture due to a storm or flood occurring in the prior 10 years, and the amount of damage incurred and acreage affected;

(4) the estimated total assessed value of all real property in a county;

(5) the estimated number of persons in a county residing in a flood hazard area, as defined pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules or regulations adopted pursuant thereto;

(6) the number of times in the prior 10 years that at least 1,000 households and businesses in a county have lost electric power for at least two days due to a storm or flood event according to the Board of Public Utilities, which shall compile this information and make it available to each county upon request;

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(7) the number of permits issued by the Department of Environmental Protection pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), the waterfront development law, R.S.12:5-3, and the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) in a county in the prior five years;

(8) the estimated number of persons in a county residing within 150 feet of the mean high water line of any tidal waters;

(9) the mileage of coastal shoreline in a county;

(10) the mileage of streams at least 10 feet wide that have flooded their banks in a county in the prior five years; and

(11) any other factors or parameters that the State Office of Emergency Management, in consultation with the Department of Environmental Protection, may determine to be useful and appropriate to furthering the purposes of this act, which shall be adopted as rules or regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. The results of the risk assessment shall be incorporated into the State Emergency Operations Plan pursuant to subsection b. of section 18 of P.L.1989, c.222 (C.App.A:9-43.1) and shared with each county office of emergency management.

d. The Director of the State Office of Emergency Management, subject to available State appropriations, federal grants, and any other funds that become available, is authorized to annually provide funding to the county offices of emergency management in amounts proportionate to each county's risk assessment as determined by the director. The director shall prescribe, pursuant to law, procedures and terms and conditions for receiving the funds. The funds shall be used by the county offices of emergency management exclusively for emergency preparedness purposes, which may include but shall not be limited to the purchase or modernization of emergency management facilities, emergency equipment, flood mitigation services, or emergency management vehicles.

L.2017, c.63, s.2.

### **App.A:9-43.18 Definitions relative to Code Blue alert plans.**

1. As used in this act:

"At-risk individual" means an individual living outdoors, on the streets, in the parks or in poorly insulated settings, and who is at risk for weather-related exposure and possible death.

"Coordinator" means the county emergency management coordinator appointed pursuant to section 12 of P.L.1953, c.438 (C.App.A:9-42.1).

"County governing body" means the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972,

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c.154 (C.40:41A-1 et seq.), the board of chosen freeholders and the county executive, the county supervisor, or the county manager, as appropriate.

L.2017, c.68, s.1.

### **App.A:9-43.19 Plan for issuance of Code Blue alert.**

2. A county governing body, through its office of emergency management or other appropriate office, agency, or department, shall establish a plan for issuing a Code Blue alert to municipalities, social service agencies, and non-profit organizations that provide services to at-risk individuals and are located within the county's borders. The county office of emergency management, or appropriate office, agency, or department, shall coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10, as noted in the most recent Annual Point In Time Count, in developing consistent Code Blue alert plans throughout the county that provide for emergency warming centers during implementation of a Code Blue alert plan. This plan may be carried out by designated volunteer organizations. Volunteer-organized Code Blue efforts shall receive cooperation and logistical support from the coordinator, but shall operate autonomously, provided that they operate in response to an alert and pursuant to the Code Blue alert plan.

L.2017, c.68, s.2.

### **App.A:9-43.20 Declaration of Code Blue alert.**

3. A coordinator shall declare a Code Blue alert after evaluating weather forecasts and advisories produced by the National Weather Service that predict the following weather conditions in the county within 24 to 48 hours:
  - a. temperatures will reach 32 degrees Fahrenheit or lower; or
  - b. the National Weather Service wind chill temperature will be zero degrees Fahrenheit or less for a period of two hours or more.

L.2017, c.68, s.3; amended 2019, c.427, s.1.

### **App.A:9-43.21 Review of weather forecasts.**

5. The coordinator, or the coordinator's designee, shall review weather forecasts from the National Weather Service on a regular and consistent basis to determine when a Code Blue alert is warranted.

L.2017, c.70, s.5.

### **App:9-44. Private civilian defense agencies to be approved**

No private civilian agency of any nature whatsoever, carrying on any activities connected with any emergency, shall operate within the State of New Jersey without the approval of the Governor. Any person who shall be an officer, employee, agent or member of or who shall knowingly perform any work or activities connected with any such agency, which has not received the approval of the Governor, shall be guilty of a violation of this act.

L.1942, c. 251, p. 684, s. 12. Amended by L.1953, First Sp.Sess., c. 438, p. 2409, s. 15.

### **App.A:9-45. Orders, rules, and regulations; black-outs, air raids, etc.; posting**

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In order to accomplish the purposes of this act, the Governor is empowered to make such orders, rules and regulations as may be necessary adequately to meet the various problems presented by any emergency and from time to time to amend or rescind such orders, rules and regulations, including among others the following subjects:

a. On matters pertaining to the method of conducting black-outs, partial black-outs, and modifying and controlling illumination, and pertaining to the conduct of the civilian population of this State during such black-outs, partial black-outs, and periods during which illumination is modified.

b. On matters pertaining to air raid warnings and air raids and the conduct of the civilian population during the alert period of an air raid or of a threatened or impending air raid and during and following any air raid.

c. Concerning the organization, recruiting, training, conduct, duties and powers of volunteer agencies, including air raid wardens, auxiliary police and firemen, demolition and clearance crews, fire watchers, road repair crews, rescue squads, medical corps, nurses' aides corps, decontamination squads, drivers' corps, messengers' corps, emergency food and housing corps, utility repair squads, and all other civilian protection forces exercising or performing any functions or duties in connection with the problems of local civilian defense or emergency management.

d. The designation of vehicles and persons permitted to move during air raids or any emergency.

e. The conduct of the civilian population during the threat of and imminence of danger or any emergency.

f. The method of meeting threatened air raid danger insofar as it affects the children in our schools.

g. Concerning the meeting or counteracting of threatened and actual sabotage, subversive activities, and other dangers incident to any emergency.

h. Concerning the method of evacuating residents of threatened districts and the course of conduct of the civilian population during any necessary evacuation.

i. On any matter that may be necessary to protect the health, safety and welfare of the people or that will aid in the prevention of loss to and destruction of property.

j. Such other matters whatsoever as are or may become necessary in the fair, impartial, stringent and comprehensive administration of this act.

All such orders, rules and regulations when established shall be forthwith promulgated by proclamation of the Governor, which promulgation shall be deemed to be sufficient notice to the public. All such orders, rules and regulations when promulgated shall be binding upon all

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political subdivisions, public agencies, public officials and public employees of this State. All such orders, rules and regulations having to do with the conduct of persons which shall be adopted by the Governor and promulgated as provided herein shall be binding upon each and every person within this State. Upon the adoption and promulgation of orders, rules and regulations as provided above, the civilian defense director shall send a copy to the municipal emergency management coordinator and to the clerk of each municipality of this State in which such order, rule or regulation will take effect. The said municipal clerk shall forthwith post any such order, rule or regulation in a public place in the municipal building.

L.1942, c.251, s.13; amended 1953,c.438,s.16; 1989,c.222,s.12.

### **App.A:9-45.1. Officers to perform duties in accordance with rules and regulations**

An officer of a municipality or county who is charged with duties pertaining to emergency management planning shall perform his duties in accordance with rules and regulations promulgated by the Governor.

L.1953, c.438, s.17; amended 1989, c.222,s.13.

### **App.A.9-46. Reciprocal orders, rules, and regulations**

The Governor may make such reciprocal orders, rules and regulations and special rulings pertaining to any one or more States designated therein as may be necessary in order to effectuate the purposes of this act.

L.1942, c. 251, p. 686, s. 14.

### **App.A:9-47. Suspension of motor vehicle or other regulations**

The Governor is authorized to provide by his rules and regulations that any motor vehicle regulation or traffic act provision or any other regulatory provision of law, the enforcement of which will be detrimental to the public welfare during any black-out, air raid, threatened air raid, preparations for emergencies or during the threat or imminence of danger in emergency, shall be suspended during such black-out, air raid, threatened air raid, preparations for emergencies or during the threat or imminence of danger. The judgment of the Governor on all such matters shall be conclusive.

L.1942, c. 251, p. 686, s. 15. Amended by L.1953, First Sp.Sess., c. 438, p. 2411, s. 19.

### **App.A:9-48. Emergency commander**

The Governor shall be in command in the event of any actual or imminent or threatened disaster or catastrophe in anywise connected with any emergency, and the Governor is authorized to designate the person to take command anywhere within this State of all emergency management activities in the event of such actual or imminent or threatened disaster or catastrophe, and is further authorized to delegate to such emergency commander any and all powers which in the judgment of the Governor it is deemed necessary to delegate. The judgment of the Governor in such matters shall be conclusive. Nothing contained in this section shall be construed to apply to any case where the federal government has assumed jurisdiction pursuant to the war powers of said government.

L.1942, c.251, s.16; amended 1953,c.438,s.20; 1989,c.222,s.14.

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### **App.A:9-49. Violations as disorderly conduct; penalty; prosecution**

Any person who shall:

- a. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger in any emergency that jeopardizes the health, welfare and safety of the people; or
- b. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger during any emergency that contributes to the loss of or destruction to property; or
- c. Hamper, impede, or in any way interfere with any person who is performing any function authorized under this act; or
- d. Drive any motor vehicle in a prohibited area during a black-out or while an air raid alert is in progress or in any other manner contrary to the rules and regulations covering any period of danger or any emergency; or
- e. Go within a prohibited area contrary to rules and regulations; or
- f. Refuse to obey the lawful orders of any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function during the threat or imminence of danger or any emergency; or
- g. Refuse to cooperate with any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function in connection with activities during the threat or imminence of danger or any emergency; or
- h. Violate any order, rule or regulation adopted by the Governor and promulgated as provided by this act; or
- i. Violate any other provision of this act declared herein to be unlawful--shall be adjudged a disorderly person and shall be subject to imprisonment for a term not to exceed 6 months or shall pay a fine not to exceed \$1,000.00 or to both a fine and imprisonment, in the discretion of the court.

Prosecution for the imposition of a penalty pursuant to this section shall be commenced in the municipal court of the municipality wherein the offense is alleged to have occurred. The State shall be required to prove all elements of the offense beyond a reasonable doubt in order to obtain a conviction.

L.1942, c. 251, p. 687, s. 17. Amended by L.1953, First Sp.Sess., c. 438, p. 2412, s. 21; L.1982, c. 108, s. 1, eff. Aug. 4, 1982.

### **App.A:9-49.1 Towing, transportation of boats prohibited during emergency evacuations.**

1. Unless otherwise ordered by the State Director of Emergency Management, a County Emergency Management Coordinator, or a Municipal Emergency Management Coordinator, the operator of a motor vehicle shall not tow any trailer, semitrailer, or any other type of drawn or towed trailer, including a trailer transporting a boat, on a public highway located in an area where an emergency or local disaster emergency as defined in section 3 of P.L.1953, c.438

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(C.App.A:9-33.1) has been declared and an evacuation plan is in effect. This prohibition shall not apply to emergency vehicles. The operator of a motor vehicle who violates this prohibition may be charged with failure to obey signals, signs, or directions under emergency conditions with regard to the flow of vehicular traffic, and upon conviction shall be subject to penalties for a violation of section 3 of P.L.1950, c.70 (C.39:4-215).

L.2011, c.103, s.1.

### **App.A:9-50. Aiding or abetting violation**

Any person who shall knowingly aid or abet another in the violation of any provision of this act shall also be adjudged a disorderly person and punishable in the same manner as the violation aided or abetted.

L.1942, c. 251, p. 688, s. 18.

### **App.A:9-51. Extraordinary emergencies; powers; compensation boards; proceedings for compensation**

a. Whenever, in his opinion, the control of any disaster is beyond the capabilities of local authorities, the Governor is authorized:

(1) To assume control of all emergency management operations.

(2) To proclaim an emergency if he deems the same necessary.

(3) Temporarily to employ, take or use the personal services, or real or personal property, of any citizen or resident of this State, or of any firm, partnership or unincorporated association doing business or domiciled in this State, or of any corporation incorporated in or doing business in this State, or the real property of a nonresident located in this State, for the purpose of securing the defense of the State or of protecting or promoting the public health, safety or welfare; provided, that such personal services or property shall not be employed or used beyond the borders of this State unless otherwise authorized by law.

b. Compensation for any personal services required of any natural person under the provisions of subsection a. of this section shall be paid at the prevailing established rate for services of a like or similar nature.

c. There is hereby established an emergency compensation board in and for each county of the State, to be composed of three persons appointed by the Governor who shall serve at the will and pleasure of the Governor and without compensation. Wherever the volume of work makes it necessary, the Governor may appoint one or more additional emergency compensation boards in any county of this State. The emergency compensation board shall award reasonable compensation to the party entitled thereto for any property employed, taken or used under the provisions of this subsection and for any injury caused by such employment, taking or using. Any party who deems himself entitled to such compensation as is provided for in this section may file a petition for an award with the board, naming the State as defendant. Such petition shall be filed with an emergency compensation board in the county in which the property was located at the time it was employed, taken or used. A

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copy of said petition shall be served on the Attorney General. The board shall thereupon after reasonable and proper notice to the petitioner and the Attorney General, grant a hearing upon such petition and render a decision fixing the amount of the award. This award shall be paid within one year after the decision is rendered from any funds appropriated by the State for such purpose.

d. Any party who deems himself aggrieved by the decision of an emergency compensation board of any county shall have the right to bring an action for such compensation against the State as defendant in the Superior Court, according to the practice and procedure covering condemnation proceedings in such court. Either the State or the petitioner shall have a right to trial by jury in such court.

e. When, in the opinion of the Governor, the period of emergency under which action has been taken by him as provided under subsection a. of this section has passed, he shall issue a proclamation declaring its end and suspending the powers granted to him under subsection a. of this section and no petition for an award as provided for in subsection c. shall be filed after one year from the date of the Governor's proclamation declaring the end of the emergency; provided, that any member of the Armed Forces of the United States whose property was employed, taken or used as provided in said subsection a. of this section may file such petition within two years after the Governor's proclamation.

L.1942, c.241, s.19; amended 1953,c.438,s.24; 1989,c.222,s.15.

### **App.A:9-51.1. Definitions**

As used in this act unless a different meaning clearly appears:

(a) "Disaster area" means any area of the State in which an emergency has been proclaimed to exist by the President of the United States or the Governor of the State.

(b) "Period of emergency" means a period terminating 6 months from the date an area was designated a disaster area.

(c) "Prohibited area" means the part or parts of a municipality subject to the municipal ordinance authorized by this act.

L.1962, c. 44, s. 1.

### **App.A:9-51.2. Prohibition by ordinance of construction or repair of buildings during emergency**

The governing body of any municipality in a disaster area may, by ordinance, prohibit the construction, reconstruction or repair of buildings and structures in any part of the municipality if it shall find that:

(a) essential facilities such as roads and water and sewerage systems will not be available and usable during the period of emergency or any part thereof; or

(b) the damage or loss to buildings and structures in the prohibited area exceeds an amount equal to 20% of the total assessed value based at 100% of true value, at the time of the disaster,

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of the buildings and structures in such area.

L.1962, c. 44, s. 2.

### **App.A:9-51.3. Contents of ordinance; exceptions**

Such ordinance shall designate the specific part or parts of the municipality to which it shall apply and shall further provide that:

(a) repairs may be made to any building or structure within the prohibited area if the cost of such repairs will not exceed an amount equal to 40% of the assessed value of the building or structure based at 100% of true value at the time of damage; and

(b) repairs may be made to any building or structure to the extent necessary to maintain such building or structure in a safe and sound condition. If such repairs are not possible or feasible, the ordinance shall authorize the demolition of the building or structure.

L.1962, c. 44, s. 3.

### **App.A:9-51.4. Duration of ordinance**

Any ordinance passed pursuant to the provisions of this act shall remain in force and effect for the period of the emergency or such lesser period of time as the ordinance shall provide.

L.1962, c. 44, s. 4.

### **App.A:9-51.5. Construction or repair of protective barriers in municipalities bordering Atlantic Ocean or Delaware bay**

When the governing body of any municipality bordering on the Atlantic ocean or Delaware bay shall find that there exists a threat or danger to life and property by reason of the damage to or the destruction of sand barriers and other natural or manmade barriers which protect the municipalities, and that it is necessary to the health, safety and welfare of the municipality to repair, restore, replace or construct such protective barriers, such governing body may, by resolution, as an exercise of the police power of the State designate the properties required for the purpose of providing such protective barriers and authorize the appropriate municipal or governmental officials or agencies or the representatives thereof to enter immediately upon such property to take control and possession thereof, and to do such acts as may be required, including removing, destroying or otherwise disposing of any property located thereon without first paying any compensation therefor.

Such resolution shall provide that no entry shall be made upon such property for a period of at least 10 days following the passage of such resolution, unless the governing body shall find that the public safety and interest requires that entry be made within a shorter period of time. In such case, entry may be made after the expiration of such time period as shall be fixed by the resolution.

L.1962, c. 48, s. 1.

### **App.A:9-51.6. Agreements with state or federal government; provisions**

The governing body of any municipality subject to the provisions of this act may by resolution or, where required in order to receive aid from the State or the Federal Government to assist in providing protective barriers, by ordinance, authorize and direct the chief executive official of the municipality acting for and on behalf and in the name of the municipality to enter into such

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agreements with the State or the Federal Government or any agency thereof to do such acts or things as shall be necessary or convenient to secure such aid and assistance.

Such agreement may provide:

(a) That the municipality will hold and save harmless the State and Federal Government or any agency thereof free from damages which may arise out of the construction, repair, restoration or replacement and the maintenance of such protective barriers undertaken by the State or the Federal Government or agency thereof in connection with any such agreement;

(b) That the municipality will provide, free of cost to the State and Federal Government, all lands, easements, rights of way or other areas within the municipality required in connection with the work undertaken by the State, the Federal Government or agencies thereof in respect of such agreement;

(c) That the municipality will undertake to maintain and preserve the protective barriers constructed, repaired, restored, or replaced by the State or Federal Government or agencies thereof;

(d) That the municipality will do such other acts as may be necessary to carry out the terms of the agreement.

L.1962, c. 48, s. 2.

### **App.A:9-51.7. Compensation for taking of property**

Nothing in this act shall be construed to deny to any person who has an interest in any property which has been possessed by the municipality the right to obtain therefor just compensation to the extent that such property shall have been taken by the municipality. No compensation shall be granted to any individual to the extent that the action of the municipality does not amount to a taking of property but to a reasonable regulation of property pursuant to a proper exercise of the police power.

L.1962, c. 48, s. 3.

### **App.A:9-51.8. Satisfaction of financial obligations; guarantee of bonds by county**

(a) The governing body of the municipality to the extent that the municipality may incur a financial obligation by virtue of the provisions of this act shall satisfy such obligations:

(1) By appropriating the amount necessary by an emergency appropriation adopted pursuant to the provisions of the "Local Budget Law," N.J.S. 40A:4-1 et seq.; or

(2) By the adoption of a bond ordinance pursuant to the provisions of the Local Bond Law which ordinance shall be deemed to authorize obligations within the purposes set forth in section 40A:2-7 of the New Jersey Statutes.

(b) The county in which such municipality shall be located may, with the approval of the Director of the Division of Local Government, pursuant to resolution duly adopted, by its governing body, after notice published in a manner provided for by a resolution authorizing

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bonds of such county pursuant to the aforesaid Local Bond Law and with or without consideration and upon such terms and conditions as may be agreed to by and between any such county and municipality, unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the municipality so issued for the purposes set forth in this act. Any guaranty of bonds of the municipality made pursuant to this section shall be evidenced by endorsement thereof on such bonds executed in the name of the county and on its behalf by such official thereof as may be designated in the resolution authorizing such guaranty and such county shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of a municipality may be made, and any resolution authorizing such guaranty may be adopted notwithstanding statutory or other debt limitations, including particularly any limitation or requirement under or pursuant to the said Local Bond Law but the principal amount of bonds so guaranteed shall, after their issuance, be included in the gross debt of such county for the purposes of determining the indebtedness of such county under or pursuant to said Local Bond Law.

In order to meet the obligation for payment of principal of or interest on any such bonds by virtue of such guaranty, a county is hereby authorized to borrow the funds necessary to meet such obligation and to issue such promissory note or notes therefor payable within 2 years from the date of such borrowing to the extent that funds of such county are not otherwise available for such purpose.

The municipality shall repay to the county as soon as practicable all sums paid by the county by virtue of the aforesaid bond guaranty.

L.1962, c. 48, s. 4. Amended by L.1963, c. 81, s. 16.

### **App.A:9-51.9. Payment of claims out of Special Beach Erosion Fund**

The Commissioner of Conservation and Economic Development is hereby authorized to accept claims submitted to him by any municipality which has taken action pursuant to the provisions of this act for payment from the Special Beach Erosion Fund established by chapter 18, P.L.1962, approved March 29, 1962, and to process such claims in accordance with the provisions of said chapter 18, P.L.1962, but in no event shall the total amount of money paid out of such fund for such claims exceed the amount of \$400,000.00. The commissioner may require as a condition of the approval of such claim that the municipality enter into an agreement with the commissioner on behalf of the State of New Jersey by which it will permit the beaches of the municipality to be used by the general public upon such reasonable terms and conditions as shall be established by the municipality and approved by the commissioner.

L.1962, c. 48, s. 5.

### **App.A:9-52 Liability for injury to persons or property.**

20. Neither the State nor any political subdivision of the State under any circumstances, nor the agents, officers, employees, servants or representatives of the State or any political subdivision thereof, including all volunteers, in good faith carrying out, complying with, or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this act or performing any authorized service in connection therewith, shall be liable for any injury or death to persons or damage to property as the result of any such

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activity. No person owning, possessing or managing any real property which has been designated, pursuant to the provisions of this act or of any order, rule or regulation promulgated thereunder, as a shelter from destructive operations or attacks by enemies of the United States, shall be liable in any civil action for death or injury to any person who, because such real property has been designated a shelter as aforesaid, enters upon it solely for the purpose of seeking refuge therein during such destructive operations or attacks or during civil defense tests ordered by lawful authority, except where such death or injury is caused by the willful act of such owner, possessor or manager, or his agents or employees. The foregoing shall not affect the right of any person to receive benefits or compensation which may be specifically provided by the provisions of this or any other State or Federal Statute, nor shall it affect the right of any person to recover under the terms of any policy of insurance. The provisions of this section shall apply but shall not be limited to establishing or developing a Code Blue alert plan, or implementing, carrying out, or providing services under a Code Blue alert plan, pursuant to the provisions of P.L.2017, c.68 (C.App.A:9-43.18 et al.).

L.1942, c.251, s.20; amended 1952, c.14; 2017, c.68, s

### **App.A:9-53. Appropriations**

The unexpended balances of any appropriations heretofore made to the New Jersey Defense Council and to the office of secretary for defense are hereby reappropriated to and shall be available for expenditure by the Governor in order to effectuate the purposes of this act and such appropriations shall not lapse. The unexpended balances of any appropriations heretofore made to the local defense council is hereby reappropriated to and shall be available for expenditure in the usual manner by the local defense council of the respective municipalities established under this act.

L.1942, c. 251, p. 690, s. 21.

### **App.A:9-54. Term of person appointed by or with approval of Governor**

Any person appointed by the Governor or with the approval of the Governor under any provision of this act shall serve only at the will and pleasure of the Governor.

L.1942, c. 251, p. 691, s. 22.

### **App.A:9-55. Partial invalidity**

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

L.1942, c. 251, p. 691, s. 23.

### **App.A:9-56. Repeal; local agencies approved by New Jersey Defense Council and rules of such Council continued**

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but all local agencies heretofore created and approved by the New Jersey Defense Council are hereby continued subject to the provisions of this act and all orders, rules and regulations of the New Jersey Defense Council heretofore adopted and promulgated shall remain in effect until otherwise ordered by the Governor.

L.1942, c. 251, p. 691, s. 24.

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### **App.A:9-57. Effective date**

This act shall take effect immediately.

L.1942, c. 251, p. 691, s. 25. Amended by L.1949, c. 86, p. 397, s. 4.

### **App.A:9-57.1. Definitions**

Unless otherwise clearly indicated in this act, the words and phrases listed hereafter shall have the following meanings:

"Director of Civil Defense," "local defense council," "local chairman," "district or regional office," are those agencies and their directors set up under the provisions of the act to which this act is a supplement.

"Civil defense volunteer" means any natural person who is registered with a local defense council or with a district or regional office of the Director of Civil Defense and holds an identification card issued by the local chairman or State director for the purpose of engaging in authorized civil defense service without pay or other consideration.

"Authorized civil defense service" means all activities authorized by the local defense council or by a district or regional office in accordance with regulations and orders of the Director of Civil Defense and shall include duties and services performed by an air-raid warden during training or practice periods, during attack, actual or imminent, and subsequent to attack; and duties and services performed by a civil defense volunteer other than an air-raid warden during training or practice periods and following attack, but not during attack, actual or imminent.

"Injury" means accidental injury (producing objective symptoms immediately) arising out of and in the course of authorized civil defense service and disease or infection that may be sustained or death incurred either as the natural and unavoidable result thereof or as the result of exposure to radiation or to noxious gases or to germ warfare in the course of such authorized service if such exposure did not produce objective symptoms immediately.

"Date of injury" in the case of injury arising from exposure to radiation or to noxious gases or to germ warfare, if such exposure did not produce objective symptoms immediately, means the date of the first treatment for disease or infection sustained as a result of such exposure in the course of authorized civil defense service.

L.1952, c. 12, p. 52, s. 1.

### **App.A:9-57.2. Benefits to civil defense volunteers**

2. Benefits, as provided in this act, shall be furnished to a civil defense volunteer for injury, as defined herein, arising before the effective date of P.L.1995, c.383, either within or without this State, provided:

(a) The injury is proximately caused by authorized civil defense service, and

(b) The injury is not caused by the gross negligence or intoxication of the injured civil defense volunteer, and

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(c) The injury is not intentionally self-inflicted and is not due to willful exposure to radiation or to noxious gases or to germ warfare, and

(d) Medical treatment or hospital care is undergone by the civil defense volunteer because of the injury within 30 days of the date of injury, where objective symptoms are immediate, or within five months after the date when the civil defense volunteer shall have ceased to be subject to exposure to radiation or to noxious gases or to germ warfare, if the treatment or hospital care is required because of such exposure which did not produce objective symptoms immediately. This subsection shall not apply if death occurs immediately.

Claims for disability, death, medical and hospital benefits for civil defense volunteers, all of whom have been renamed "emergency management volunteers" by Executive Order No. 101 of 1980, which arise on or after the effective date of P.L.1995, c.383, shall be filed with and determined by the Division of Workers' Compensation in the Department of Labor in accordance with the provisions of articles 1, 2, 3, and 4 of chapter 15 of Title 34 of the Revised Statutes.

L.1952,c.12,s.2; amended 1995,c.383,s.6.

### **App.A:9-57.3. Schedule of benefits**

The schedule of benefits for civil defense volunteers under this act is hereby established as follows:

(a) Total disability. If the injury sustained by the civil defense volunteer wholly and continuously disables him from the date of injury and prevents him from performing each and every duty pertaining to his usual and ordinary occupation, weekly benefits shall be payable during the continuance of such disability for a period of 26 weeks, at which time such payments shall cease unless the civil defense volunteer shall have submitted to such physical and other examination as shall be required to establish that because of such disability it is impossible for him to perform each and every duty of any occupation, in which case further weekly benefits shall be payable during the period of such total disability, up to a maximum period of disability of 104 weeks from the date of injury. The weekly benefit is \$45.00 but not to exceed  $66 \frac{2}{3}$  % of the wages received from regular employment at the date of injury or, in the case of a civil defense volunteer who was self-employed at the date of injury, of an assumed wage which shall be deemed to be the entire net income from self-employment minus investment income for the last calendar year preceding the date of the injury. Where a civil defense volunteer is not employed at the date of injury, where he has had no income from self-employment for a period of 1 month prior to the date of injury, or where he refuses or is unable to furnish satisfactory proof of his net income from self-employment the weekly benefit is \$15.00. No weekly benefits shall accrue and be payable until the civil defense volunteer has been disabled 7 days, which period shall be termed the waiting period. The day that the civil defense volunteer is injured shall count as 1 whole day of the waiting period.

(b) Medical and hospital care. If the injury sustained by the civil defense volunteer requires medical or hospital care, payment shall be made for the expense of such medical,

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surgical and other treatment and hospital service as shall be necessary to cure and relieve the civil defense volunteer of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible; but the aggregate cost of all such attendance and treatment shall not exceed the sum of \$750.00 for any one injury. All fees and other charges for such physicians' and surgeons' treatment and hospital treatment shall be reasonable and based on the usual fees and charges which prevail in the same community for similar physicians', surgeons' and hospital services.

(c) Death. If death results from the injury within 90 days following the date of injury the sum of \$3,000.00 shall be paid to the spouse of the civil defense volunteer, if living, otherwise to the surviving child or children, share and share alike, if any, otherwise to the legal representative or representatives of the estate of the civil defense volunteer. Such payment shall be in addition to any weekly benefits to which the civil defense volunteer may have been entitled under subsection (a) of this section. If death occurs after 90 days following the date of the injury or within such 90-day period and from a cause other than the injury but during the period of total disability for which weekly benefits are payable, an amount equal to 4 weekly benefit payments shall be payable to the beneficiary previously designated herein. No payment of a fractional weekly benefit shall be made for the week in which death occurs.

„L.1952, c. 12, p. 54, s. 3. Amended by L.1969, c. 296, s. 1, eff. Jan. 16, 1970.

### **App.A:9-57.4. Benefits unpaid at time of death**

If any benefits due to a civil defense volunteer under this act are unpaid at the time of his death, such benefits shall be payable to the beneficiary designated in the preceding section for the payment of death benefits.

L.1952, c. 12, p. 56, s. 4.

### **App.A:9-57.5. Minors deemed sui juris; labor law**

Civil defense volunteers who are minors shall be deemed to be sui juris for the purpose of receiving benefits under the provisions of this act. Work as a civil defense volunteer shall not be deemed as employment or in violation of any of the provisions of the labor law.

L.1952, c. 12, p. 56, s. 5.

### **App.A:9-57.6. Benefits not assignable; exemption**

Benefits payable under this act shall not be assignable and shall be exempt from all claims of creditors and from levy, execution or attachment.

L.1952, c. 12, p. 56, s. 6.

### **App.A:9-57.7. Persons entitled to benefits**

Benefits as provided in this act shall be the exclusive remedy of a civil defense volunteer, his or her spouse, dependents, or legal representative or representatives, for any injury, disease or death arising out of and in the course of civil defense volunteer service, as against the State, any political subdivision of this State, any civil defense agency or any person or other agency acting under governmental authority in furtherance of civil defense activities, with or without negligence. A member of a civil defense agency of the Federal Government or of another State, who may perform services within this State, whether pursuant to a mutual aid compact

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or otherwise, shall not be entitled to benefits under the provisions of this act.

L.1952, c. 12, p. 56, s. 7.

### **App.A:9-57.8. Workmen's compensation benefits preclude benefits hereunder**

No benefits for injury under the provisions of this act shall be payable to any civil defense volunteer or to the dependents of a deceased civil defense volunteer otherwise entitled to receive workmen's compensation under the provisions of chapter fifteen of Title 34 of the Revised Statutes or under any Federal Workmen's Compensation Law.

L.1952, c. 12, p. 57.

### **App.A:9-57.9. Notice of claim**

Written notice of claim for benefits under this act must be filed with the local defense council or with the district or regional office with which the injured civil defense volunteer is registered or with the Director of Civil Defense within thirty days after the date of injury or, if death results therefrom, within thirty days after death. Failure to give notice within the time hereinbefore set forth shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

L.1952, c. 12, p. 57, s. 9.

### **App.A:9-57.10. Submission of notice of claim; contents**

The notice of claim may be submitted personally or sent by registered mail. It shall contain the name and address of the civil defense volunteer and of the local defense council or district or regional office with which he is registered, and state the time, place, nature and cause of the injury. The notice shall be signed by the civil defense volunteer or someone authorized to act on his behalf or, in case of death, by any person having an interest in the claim or someone authorized to act on behalf of such person.

L.1952, c. 12, p. 57, s. 10.

### **App.A:9-57.11. Physical examination of claimants**

After an injury, the civil defense volunteer, if so requested by the local defense council or by such other agency or agencies as shall be charged, under the provisions of this act, with the responsibility of determining the benefits payable to such claimant, must submit himself for physical examination and X-ray at some reasonable time and place within this State, and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State. If the civil defense volunteer requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the civil defense volunteer to submit to such examination shall deprive him of the right to any benefits under this act during the continuance of such refusal. When a right to benefits is thus suspended no benefits shall be payable in respect to the period of suspension.

L.1952, c. 12, p. 57, s. 11.

### **App.A:9-57.12. Refusal of claimant to accept proffered medical and surgical treatment**

Whenever it shall appear to the local defense council, or to such other agency or agencies as shall be charged, under the provisions of this act, with the responsibility of determining the benefits payable, that recovery of an injured civil defense volunteer is being prejudiced by

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virtue of his refusal to accept proffered medical and surgical treatment deemed necessary by the physician selected by them or by his failure or neglect to comply with the instructions of the physician in charge of the case, such modification may be made in the benefits payable under this act as shall be justified by the facts.

L.1952, c. 12, p. 58, s. 12.

### **App.A:9-57.13. Proof of claim; forms**

Upon receipt of written notice of claim, forms will be furnished to the claimant for filing proofs of claim. Written proof of claim must be submitted on these forms to the local defense council or district or regional office of the Director of Civil Defense within ninety days after the termination of the period for which weekly benefits are payable and in case of claim for any other benefits within ninety days after the date of such loss. If such forms are not furnished within thirty days after receipt of such notice, the claimant shall be deemed to have complied with the requirements of this section as to proof of loss upon submitting, within the time for filing proofs of claim, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

L.1952, c. 12, p. 58, s. 13.

### **App.A:9-57.14. Process of claims; investigation of claims; rules and regulations; employees; payment of benefits**

It shall be the responsibility of the local defense council or the district or regional office of the Director of Civil Defense, as the case may be, to process all claims for which notice is received pursuant to this act. Such claims must then be approved by the chairman of the local defense council before they are submitted for final approval to a Claim Committee consisting of the Director of Civil Defense, the Commissioner of Banking and Insurance, the Commissioner of Labor and Industry, the State Auditor and the State Treasurer, or their duly appointed representatives. This committee or its duly authorized representative may investigate any and all claims for benefits under this act and shall make a final determination of the benefits to be paid or allowed to any claimant. For the purposes of this act such committee shall have the power to make, amend, modify and repeal rules and regulations for the processing, review and determination of claims, and to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties; and the committee may also, in its discretion, arrange with any domestic carrier or carriers to investigate any or all such claims and to liquidate and pay such claims as are valid. The committee shall from time to time authorize the State Treasurer to pay from the special fund for civil defense volunteers any benefit or other amounts due hereunder and to reimburse such carrier or carriers for benefit payments so made together with reasonable allowance for the services so rendered.

L.1952, c. 12, p. 58, s. 14.

### **App.A:9-57.15. Special fund for civil defense volunteers**

15. There is hereby created a fund which shall be known as the special fund for civil defense volunteers to provide for the payment of weekly benefits for total disability, expenses of medical and hospital care and death benefits under this act and the expenses of administration. Such fund shall consist of any moneys appropriated therefor or credited thereto including any financial contributions received from the United States Government for such

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purposes. The State Treasurer shall be the custodian of this special fund. The State Treasurer may deposit any portion of the fund not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of State funds by him. Interest earned by such portion of the fund deposited by the State Treasurer shall be collected by him and placed to the credit of the fund.

Any moneys remaining in the fund after satisfaction of each of the claims for injuries occurring before the effective date of P.L.1995, c.383 and payable under this section shall be deposited in the General Fund.

L.1952,c.12,s.15; amended 1995,c.383,s.7.

### **App.A:9-57.16. Insurance or reinsurance**

16. Funds credited to the special fund for the purposes of this act may be used to effect insurance or reinsurance with the war damage corporation or with any other authority or instrumentality, public or private, or otherwise to distribute the liability for benefits payable to those civil defense volunteers whose benefits, in accordance with P.L.1995, c.383, are payable from the special fund.

L.1952,c.12,s.16; amended 1995,c.383,s.8.

### **App.A:9-57.17. Special fund the sole source for payment of benefits**

17. The special fund for civil defense volunteers created by this act shall be the sole and exclusive source for the payment of benefits provided by this act for civil defense volunteers who were injured before the effective date of P.L.1995, c.383.

L.1952,c.12,s.17; amended 1995,c.383,s.9.

### **App.A:9-57.18. Reserves**

Within five years after the direction by the Legislature by joint resolution to such effect, the Claim Committee shall determine the amount of outstanding liabilities of the special fund and shall establish reasonable reserves to pay to claimants weekly benefits for total disability, expenses of medical and hospital care and death benefits, and to meet the cost of administering any unpaid claims and the same shall become a charge against the fund. Any balance in the fund after the establishment of such reserves shall lapse into the State treasury.

L.1952, c. 12, p. 60, s. 18.

### **App.A:9-57.19. Expense of administering act**

The entire expense of administering this act shall be paid out of the special fund and charged thereto. Approval of the Director of the Division of Budget and Accounting shall be required for all such expenditures except those for claims approved by the Claim Committee under section fourteen hereof.

L.1952, c. 12, p. 60, s. 19.

### **App.A:9-57.20. Reduction of benefits where United States furnishes benefits**

Should the United States Government or any agent thereof, in accordance with any Federal statute or rule or regulation, furnish monetary assistance, benefits or other temporary or permanent relief to civil defense volunteers or to civil defense volunteers and their dependents for injuries arising out of and in the course of authorized civil defense service, then the amount

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of benefits which the civil defense volunteer or his dependents are otherwise entitled to receive under this act shall be reduced by the amount of monetary assistance, benefits or other temporary or permanent relief the civil defense volunteer or his dependents have received or will receive from the United States or any agent thereof as a result of the injury.

L.1952, c. 12, p. 60, s. 20.

### **App.A:9-57.21. Medical, surgical or hospital treatment furnished by United States precludes similar treatment under act**

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States Government or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured civil defense volunteer or will reimburse such civil defense volunteer for the expense of such treatment, then the civil defense volunteer shall have no right to receive payment for or reimbursement of the expense of such medical, surgical or hospital care under the provisions of this act.

L.1952, c. 12, p. 61, s. 21.

### **App.A:9-57.22. No benefits payable where United States will furnish equivalent benefits in absence of benefits under act**

If the payment of benefits under the provisions of this act to a civil defense volunteer or his dependents prevents such civil defense volunteer or his dependents from receiving equivalent assistance, benefits or other temporary or permanent relief under the provisions of a Federal statute or rule or regulation, then the civil defense volunteer and his dependents shall have no right to and shall not receive any benefits under the provisions of this act for any injury for which the United States Government or any agent thereof will furnish equivalent assistance, benefits or other temporary or permanent relief in the absence of the payment of benefits under this act.

L.1952, c. 12, p. 61, s. 22.

### **App.A:9-57.23. False statements or representations**

If for the purpose of obtaining any benefit or payment under the provisions of this act or for the purpose of influencing any determination regarding any benefit payment, either for himself or another, any person, including officials charged with the responsibility of approving all claims, shall willfully make a false statement or representation or fail to disclose a material fact of which he has knowledge, he shall be guilty of a misdemeanor. In addition to the other penalties provided by this act, any person who for the purpose of obtaining any benefit or payment under this act, or for the purpose of influencing any determination regarding any benefit payment, knowingly makes a false statement with regard to a material fact, shall not be entitled to receive any benefits, cash or medical, for the disability claimed.

L.1952, c. 12, p. 61, s. 23

### **App.A:9-57.24. Partial invalidity**

If any section, subsection, paragraph, sentence, or clause of this act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this act.

L.1952, c. 12, p. 62, s. 24.

### **App.A:9-57.25. Civil defense forces of other states; powers, duties and privileges**

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The civil defense forces of any other State, which is a party to the Interstate Civil Defense and Disaster Compact ratified on behalf of the State of New Jersey by chapter eight of the laws of one thousand nine hundred and fifty-one, while operating within the limits of this State under the terms and conditions of said compact, shall have the same powers (including that of arrest), duties, rights, privileges and immunities as if they were performing their duties in the State in which they are normally employed or rendering services.

L.1953, c. 117, p. 1303, s. 1.

### **App.A:9-57.26. Emergency management volunteers and their dependents; disability, death, medical and hospital benefits**

The provisions of chapter 12 of the laws of 1952, supplemental to the act of which this act is amendatory and supplementary, providing disability, death and medical and hospital benefits, in certain cases, to emergency management volunteers and their dependents, shall apply in the same manner to such volunteers and their dependents under the provisions of this amendatory and supplementary act.

L.1953, c.438, s.25; amended 1989,c.222,s.16.

### **App.A:9-57.27. Repeal**

Sections seven and ten of chapter two hundred fifty-one of the laws of one thousand nine hundred and forty-two are repealed.

L.1953, First Sp.Sess., c. 438, p. 2416, s. 26.

### **App.A:9-58. "Director of Civil Defense" defined**

As used in this act the term "Director of Civil Defense" means the civilian defense director referred to in section five of the act to which this act is a supplement.

L.1951, c. 72, p. 461, s. 1.

### **App.A:9-59. Mutual aid agreements with other states**

The Governor, and the Director of Civil Defense subject to the approval of the Governor, are authorized and empowered to enter into and implement on behalf of this State mutual aid agreements, compacts or arrangements in relation to civil defense with other States, their political subdivisions or their civil defense authorities.

L.1951, c. 72, p. 461, s. 2.

### **App.A:9-60. Mutual aid agreements between political subdivisions**

Subject to the approval of the Director of Civil Defense and to the rules and regulations heretofore or hereafter promulgated pursuant to authority contained in the act to which this act is a supplement, two or more political subdivisions of this State may enter into mutual aid agreements for reciprocal aid and assistance in furtherance of any of the purposes of the act to which this act is a supplement.

L.1951, c. 72, p. 461, s. 3.

### **App.A:9-61. Powers and duties of members of civil defense forces**

Notwithstanding any inconsistent provision of law, members of civil defense forces in this State and members of the civil defense forces of other States or of the Federal Government performing civil defense services at any place in this State pursuant to agreements, compacts

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or arrangements for mutual aid and assistance, to which the State or a political subdivision thereof is a party, shall possess the same powers, duties, rights, immunities and privileges they would ordinarily possess if performing their duties in the State or political subdivision in which normally employed or rendering service.

L.1951, c. 72, p. 461, s. 4.

### **App.A:9-62. Acceptance of services, equipment, supplies, or funds from Federal government**

Whenever the Federal Government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

L.1951, c. 72, p. 462, s. 5.

### **App.A:9-63. Acceptance of services, equipment, supplies, or funds from individuals, firms or corporations**

Whenever any person, firm, or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of civil defense, the State, acting through the Governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer.

L.1951, c. 72, p. 462, s. 6.