

## CHAPTER 63

AN ACT concerning emergency preparedness, supplementing chapter 9 of Appendix A, and amending P.L.1989, c.222.

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

C.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, 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.

C.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;

(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.

3. Section 18 of P.L.1989, c.222 (C.App.A:9-43.1) is amended to read as follows:

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

18. 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).

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; and

(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).

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.

4. This act shall take effect on the first day of the seventh month next following enactment, but the Director of the State Office of Emergency Management and the Commissioner of the Department of Environmental Protection may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 8, 2017.