

CHAPTER 1B
RULES IMPLEMENTING THE EMERGENCY
SERVICES ACT OF 1972

Authority

Unless otherwise expressly noted, all provisions of this chapter were adopted pursuant authority of N.J.S.A. 52:14E-1 et seq., and were filed and became effective on July 26, 1973, R.1973 d.203. See: 5 N.J.R. 284(a). Subsequent revisions were filed and became effective April 13, 1976, as R.1976 d.109. See: 8 N.J.R. 251(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

13:1B-1.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the Emergency Services Act of 1972, N.J.S.A. 52:14E-1 et seq., any amendments and supplements thereto and any rules and regulations promulgated thereunder.

"Council" means the Governor's Advisory Council for Emergency Services.

"Emergency" means any flood, hurricane, storm, tornado, high water, wind-driven water, tidal wave, drought, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety and property of the citizens of this State.

"Fund" means the Emergency Services Fund created pursuant to N.J.S.A. 52:14E-5.

13:1B-1.2 Governor's Advisory Council for Emergency Services

(a) The Governor's Advisory Council for Emergency Services shall consist of the Attorney General, who shall be the

presiding officer, the Chief of Staff of the Department of Defense, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the President of the Public Utility Commission, or their designees.

(b) Whenever any member shall designate a person to act as his or her representative on the council, the appointment shall be made in writing and to the secretary to the council designated pursuant to N.J.A.C. 13:1B-1.5.

13:1B-1.3 Emergency Services Fund

The Emergency Services Fund shall consist of such funds as the Legislature may appropriate, such additional sums as may be granted or donated to the fund from any public or private source, and any income to the fund from investments authorized pursuant to N.J.S.A. 52:14B-6.

13:1B-1.4 Administration of Fund

(a) The fund shall be administered by the State Treasurer.

1. All monies appropriated for, earned by or otherwise made available to the fund shall be deposited to the credit of the fund in such depositories as the State Treasurer may select and shall be held unless otherwise provided by law for the purposes of the Act.

2. Such portions of the fund as are not required for immediate disbursement to carry out the provisions of the Act may be invested and reinvested in the manner provided for by law in the trust funds in the State treasury.

3. The State Treasurer shall provide the Council with an accounting of the fund semiannually to inform them of amounts available for disbursement.

4. The State Treasurer shall make payments out of the fund upon certification by the Council and warrant of the Director of the Division of Budget and Accounting.

13:1B-1.5 Powers and functions of Council

(a) The Council shall perform the following functions and exercise the following powers:

1. Review, evaluate and recommend to the Legislature any necessary changes in any existing compact between this State and the Federal government or between this State and any other State created for the purposes set forth in this Act, or develop such compacts where they do not exist.

2. Develop, review, evaluate and periodically recommend changes in emergency master plans.

3. Encourage and coordinate comprehensive services available through private organizations and intercommunity cooperations.

4. Authorize expenditures from the fund for units of local government, state agencies or private persons or corporations upon approval of the Governor in order to provide emergency relief deemed appropriate or to reimburse emergency expenditures.

5. Utilize the manpower facilities and materials of the various State departments for the purposes of the Act.

6. Designate a Secretary to the Governor's Advisory Council for Emergency Services as the person primarily responsible for disseminating information concerning the Act and for receiving and reviewing applications for emergency relief and reimbursement of emergency expenditures prior to authorization of payment by the Council.

13:1B-1.6 Meetings; votes necessary for validity of acts

(a) The Council shall hold an annual organizational meeting and shall meet at such other times as may be necessary to fulfill the requirements of the Act and upon convocation by the Governor pursuant to a declaration of emergency by him.

(b) The concurrence of four members of the Council shall be necessary to the validity of all acts of the Council.

13:1B-1.7 Procedure for application for reimbursement of emergency expenditures

(a) Every application for reimbursement pursuant to the Act shall include the following:

1. A signed statement from the applicant containing a narrative description of the causes or chain of events that led to the determination of an emergency, the dates and duration of the emergency, and a description in summary form on the events that transpired during the course of the emergency;

2. An itemization of all expenses incurred as a result of the emergency;

3. A statement setting forth the steps that have been taken to alleviate the emergency or causes thereof, for which reimbursement is requested.

(b) Where an applicant requests reimbursement for expenditures incurred in dealing with more than one emergency situation, the applicant shall assemble and collate the narrative and fiscal material relating to each emergency separately.

(c) The Council shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the applicant to receive payment pursuant to the provisions of the Act.

(d) When payment has been approved by the Council, the Secretary will inform the applicant and request that a Form 100, certified by a Certified Public Accountant, or appropriate fiscal officer, be submitted for referral to the Governor and the Bureau of Budget and Accounting in the Department of Treasury.

13:1B-1.8 Procedure for application for emergency relief

(a) Every application for emergency relief shall include the following:

1. A signed statement from the applicant describing the nature of the emergency and the events that led to the emergency.

2. An estimate of anticipated expenses.

3. A statement setting forth the steps that the applicant intends to take to alleviate the emergency or causes thereof.

(b) The Council shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the applicant to receive payment pursuant to the provisions of the Act.

(c) The Council shall require an accounting of the actual expenditures made by recipient pursuant to a grant by the Council, including but not limited to audits and reports signed by appropriate fiscal officers or certified public accountants. If the amount of the grant exceeds the amount of actual expenditures, the recipient shall reimburse such excess to the fund.

13:1B-1.9 Application to Secretary to Governor's Advisory Council for Emergency Services; exception

All requests for information, application forms and copies of the regulations and all completed applications shall be directed to the Secretary to the Governor's Advisory Council for Emergency Services, Division of Law, State House Annex, Trenton, New Jersey 08625, except where expediency requires immediate Council action and the Secretary is not available, in which case application may be made to the Governor or any member of the Council.