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A2593 Requires designated fire command structure in municipal emergency operations plans involving mutual aid responses to fires. 2nd Reading in Assembly to Concur with Gov Recommendations

Identical Bill Number: [S1397](#)
Last Session Bill Number: [A1463](#)

[Wisniewski, John S.](#) as Primary Sponsor
[Prieto, Vincent](#) as Primary Sponsor
[Giblin, Thomas P.](#) as Primary Sponsor
[Russo, David C.](#) as Primary Sponsor
[McHose, Alison Littell](#) as Co-Sponsor
[DeAngelo, Wayne P.](#) as Co-Sponsor
[Bucco, Anthony M.](#) as Co-Sponsor
[Chiusano, Gary R.](#) as Co-Sponsor
[DeCroce, BettyLou](#) as Co-Sponsor
[Singleton, Troy](#) as Co-Sponsor
[Benson, Daniel R.](#) as Co-Sponsor
[Lampitt, Pamela R.](#) as Co-Sponsor
[Bucco, Anthony R.](#) as Co-Sponsor
[Oroho, Steven V.](#) as Co-Sponsor
[Norcross, Donald](#) as Co-Sponsor

2/21/2012 Introduced, Referred to Assembly Law and Public Safety Committee
9/24/2012 Reported out of Assembly Committee, 2nd Reading
10/18/2012 Passed by the Assembly (79-0-0)
10/25/2012 Received in the Senate without Reference, 2nd Reading
2/7/2013 Substituted for S1397
2/7/2013 Passed Senate (Passed Both Houses) (36-0)
4/4/2013 Cond. Veto Rec'd Assembly, 1st Reading/Governor Recommend.
4/4/2013 2nd Reading in the Assembly on Concur. w/Gov.'s Recommend.

Statement - ALP 9/24/12 - 1 pages [PDF Format](#) [HTML Format](#)
Introduced - 3 pages [PDF Format](#) [HTML Format](#)
Veto - Conditional Veto - 3 pages [PDF Format](#) [HTML Format](#)
Reprint - 3 pages [PDF Format](#) [HTML Format](#)

Committee Voting:

ALP 9/24/2012 - r/favorably - Yes {9} No {2} Not Voting {0} Abstains {0} - [Roll Call](#)

Session Voting:

Asm. 10/18/2012 - 3RDG FINAL PASSAGE - Yes {79} No {0} Not Voting {1} Abstains {0} - [Roll Call](#)
Sen. 2/7/2013 - SUBSTITUTE FOR S1397 - Yes {0} No {0} Not Voting {40} - Voice
Vote Passed
Sen. 2/7/2013 - 3RDG FINAL PASSAGE - Yes {36} No {0} Not Voting {4} - [Roll Call](#)

[First Reprint]
ASSEMBLY, No. 2593
STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2012

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman DAVID C. RUSSO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman McHose, Assemblymen DeAngelo, A.M.Bucco, Chiusano, Assemblywoman B.DeCroce, Assemblymen Singleton, Benson, Assemblywoman Lampitt, Senators A.R.Bucco, Oroho and Norcross

SYNOPSIS

Requires Director of Division of Fire Safety to review preparation of local fire mutual aid plans and determine necessity of designated fire command structure.

CURRENT VERSION OF TEXT

As amended on April 4, 2013 by the General Assembly pursuant to the Governor's recommendations.

AN ACT concerning certain municipal emergency management plans ¹[and amending P.L.2003, c.28]¹.

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

¹[1. Section 4 of P.L.2003, c.28 (C.52:14E-14) is amended to read as follows:

4. Each municipality or fire district, as the case may be, in this State shall prepare and adopt a local fire mutual aid plan. The plan shall set forth policies and procedures to coordinate the effective utilization of fire service resources in those instances where the implementation of the local fire mutual aid plan is determined to be necessary or appropriate. Each local fire mutual aid plan shall be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents.

Each local fire mutual aid plan shall provide for a command structure that affords appropriate command support for the incident commander. Deputy chiefs and battalion chiefs shall be included in the local and county fire mutual aid plan to respond to any emergency, to supply command support, or to be assigned to the command structure.

Each local fire mutual aid plan shall be adopted no later than one year after the effective date of this act. Following adoption, each municipality or fire district shall file a copy of its local fire mutual aid plan with the county fire coordinator. In any instance where a local fire mutual aid plan provides for the provision of assistance and fire service resources by or to a political subdivision of another state, the municipality or fire district also shall file a copy of that plan with the State fire coordinator. Each local fire mutual aid plan shall be reviewed and updated every two years.

(cf: P.L.2003, c.28, s.4)]¹

¹1. The Director of the Division of Fire Safety in the Department of Community Affairs shall undertake a review of the laws, rules, and regulations concerning the preparation and adoption of local fire mutual aid plans, and the coordination and deployment of fire service resources during an emergency where mutual aid is necessary or appropriate. The director shall develop findings and recommendations on whether revisions to existing procedures concerning local fire mutual aid plans are necessary, including whether a statutorily delineated chain of command is appropriate and needed. The director shall report such findings and recommendations to the Governor no later than six months from the date of enactment of this act.¹

2. This act shall take effect ¹[on the first day of the fourth month following enactment] immediately¹.

ASSEMBLY BILL No. 2593

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2593 with my recommendations for reconsideration.

Under current law, municipalities and fire districts prepare and adopt local fire mutual aid plans to coordinate the effective use of resources. These plans are designed to ensure that proper planning criteria, command support, and coordination measures are established to guide fire fighters when more than one municipality, fire district, or fire department responds to an emergency. This bill would amend current law to explicitly require local fire mutual aid plans to establish a command structure that includes deputy chiefs and battalion chiefs.

I support the sponsors' efforts to ensure that a clearly designated and delineated command structure is established prior to emergency situations necessitating mutual aid. Without question, proper planning and effective preparedness are essential to preserving and protecting our citizens in times of emergency. Indeed, New Jersey's emergency preparedness and response capabilities were never more tested than they were immediately before, during, and after Superstorm Sandy. Despite the incomparable severity of Sandy, the collective efforts of our municipal, county, and State-level fire, police, EMS, and emergency

management personnel demonstrated, once again, the unparalleled professionalism, efficiency, dedication, and selflessness of our emergency first responders.

Nonetheless, I am concerned that this bill may not afford municipalities and fire districts sufficient flexibility to establish plans best suited to their individual needs. Moreover, I am concerned that by explicitly delineating the chain of command in State statute, current municipal arrangements concerning incident command support could be unnecessarily disrupted. One of the most pertinent lessons learned from Superstorm Sandy is that State and local first responders need to have the authority to react with agility to the rapidly changing circumstances that accompany catastrophic events. Unfortunately, without further study and analysis, I cannot be certain that the changes proposed in this bill advance that goal.

Accordingly, I recommend that the Director of the Division of Fire Safety in the Department of Community Affairs undertake a review of the laws, rules, and regulations concerning the preparation and adoption of local fire mutual aid plans, and the coordination and deployment of fire service resources during an emergency where mutual aid is necessary or appropriate. The Director shall develop findings and recommendations on whether revisions to existing procedures concerning local fire mutual aid plans are necessary, including whether a statutorily delineated chain of command is appropriate and necessary. The Director shall report such findings and recommendations directly to me no later than six months after the enactment of this bill.

Therefore, I herewith return Assembly Bill No. 2593 and recommend that it be amended as follows:

Page 2, Title, Line 2: Delete "amending" and insert "supplementing"

Page 2, Section 1, Lines 7-34: Delete in their entirety

Page 2, Line 35: Insert new section 1: "1. The Director of the Division of Fire Safety in the Department of Community Affairs shall undertake a review of the laws, rules, and regulations concerning the preparation and adoption of local fire mutual aid plans, and the coordination and deployment of fire service resources during an emergency where mutual aid is necessary or appropriate. The Director shall develop findings and recommendations on whether revisions to existing procedures concerning local fire mutual aid plans are necessary, including whether a statutorily delineated chain of command is appropriate and needed. The Director shall report such findings and recommendations to the Governor no later than six months from the date of enactment of this act."

Page 2, Section 2, Line 36: Delete "on the first day of the fourth month" and insert "immediately."

Page 2, Section 2, Line 37: Delete in its entirety

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor