

State of New Jersey
Executive Department

July 30, 1998

SENATE BILL NO. 402

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 402 with my recommendations for reconsideration.

A. Summary of Bill

This bill amends N.J.S.A. 15:8-4 by expanding the authority of fire police to control crowds and traffic at public events and mandating fire police training offered by the Division of Fire Safety.

Fire police are certain designated members of organized volunteer fire companies who perform certain police duties at fires or fire drills, such as protecting property, maintaining fire lines and performing traffic duties at the fire station or fire scene. This bill would allow fire police to perform crowd control and traffic duties at public events under certain circumstances. The bill also mandates that the fire police take a two-day course approved by the Division of Fire Safety in the Department of Community Affairs. This course is presently being offered on a volunteer basis at no charge.

B. Recommended Action

I recognize the value and experience that fire police can offer to a county or municipality, but I am concerned that the bill does not clearly delineate the authority and respective responsibilities between the police and fire departments. To address this concern, I am proposing amendments to clarify that a duly authorized police officer shall approve and supervise the fire police officers' duties in appropriate circumstances, but shall not diminish the statutory powers of a fire police officer in the performance of his fire management duties as outlined in N.J.S.A. 40A:14-54.1.

Therefore, I herewith return Senate Bill No. 402 and recommend that it be amended as follows:

Page 2, Line 27:

Delete "." after "drill" and insert ", until the arrival of a duly authorized police officer, who shall assume responsibility for the supervision of the performance of traffic duties, preservation of evidence and all other law enforcement duties.
Nothing in this paragraph shall

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diminish the powers of the chief or other superior officer of any volunteer fire company in the exercise of his duties pursuant to section 1 of P.L. 1981, c.435 (C.40A:14-54.1)."

Page 3, Line 33:

After "call," insert "until the arrival of a duly authorized police officer,".

Page 2, Line 35:

Delete "until the arrival of a duly authorized police officer."

Page 2, Line 35:

After "public," insert "subject to the approval of and supervision by the chief law enforcement officer of the municipality in which the public event takes place, or the Superintendent of State Police if the municipality does not have a police department."

Respectfully,
/s/ Christine Todd Whitman
GOVERNOR

[seal]

Attest:
/s/ John J. Farmer, Jr.
Chief Counsel to the Governor

(This document was created by Edith Beckett from copy provided by the staff of the Governor's Office.)