

52:27D-118.17 to 52:27D-118.23 ✓

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-118.17 to 52:27D-118.23

"Municipal Police and Fire
Fighters Assistance Act"

LAWS OF: 1985

CHAPTER: 295

Bill No: A3561

Sponsor(s): Girgenti and others

Date Introduced: April 15, 1985

Committee: **Assembly:** Revenue, Finance and Appropriations

Senate: Revenue, Finance and Appropriations

Amended during passage: Yes Substituted for S1047 (Senate committee substitute, Senate committee statement, and original bill attached). Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** May 6, 1985

Senate: June 17, 1985

Date of Approval: August 15, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 5-6-85 and senate amendments, adopted 5-13-85 (with statements)

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

(OVER)

See newspaper clippings--attached:

"Kean inks bill to beef up fire companies," 8-16-85 Trenton Times.

"Assembly ok's extra \$8M to hire more firefighters," 5-7-85 Trenton Times.

8-15-85
[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3561

STATE OF NEW JERSEY

INTRODUCED APRIL 15, 1985

By Assemblymen GIRGENTI, PELLECCHIA, KERN, VILLANE,
FELICE, MAZUR and KLINE

AN ACT concerning additional fire services for certain municipalities, supplementing P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), and making an appropriation therefor.

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

1 1. As used in this act:

2 a. "Emergency equipment" means any item used for the purpose
3 of providing life safety and shall include but shall not be limited to
4 boots, helmets, ****[Scott air packs]**** ***self-contained breathing*
5 *apparatuses***, fire hoses, extrication tools, insurance, maintenance
6 of and repairs to fire apparatus and vehicles, utility costs for build-
7 ings, training, and the cost of hazardous materials units. It shall
8 not include the purchase of any vehicle or building.

9 b. "Governing fire organization" means a municipality, fire
10 district, fire company or fire department responsible for providing
11 fire protection in any given municipality.

1 2. In addition to the amounts appropriated in any State fiscal
2 year beginning after June 30, 1985 pursuant to the provisions of
3 P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) and P. L.,
4 c. ..., (C.) (now pending before the Legislature as Senate
5 Bill 2751 or Assembly Bill 3330 of 1985), there shall be appropriated
6 such funds as are required for providing additional fire services in
7 certain municipalities as follows:

8 a. 65% of any additional amount appropriated for additional fire
9 services shall be apportioned to municipalities that both maintain

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted May 6, 1985.**

****—Assembly amendments adopted May 6, 1985.**

*****—Senate amendments adopted May 13, 1985.**

10 paid or part-paid fire departments and qualify for aid pursuant to
 11 P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) to provide a uniform
 12 percentage of increase in the amount apportioned to these munici-
 13 palities. In order to receive funds under this subsection, a munici-
 14 pality shall provide matching funds from other sources equal to
 15 25% of the amount provided under this subsection.

16 b. (1) The remaining amount appropriated for additional fire
 17 services shall be available to provide assistance to municipalities
 18 that qualify for aid pursuant to P. L. 1979, c. 118 (C. 52:27D-118.1
 19 et seq.) but are provided with fire protection by a governing fire
 20 organization made up exclusively of volunteers and to provide
 21 assistance to municipalities which are not qualified for aid pursuant
 22 to P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), except that a munici-
 23 pality that is ineligible to receive a revenue sharing distribution
 24 pursuant to P. L. 1976, c. 73 (C. 54A:10-1 et seq.) from the State
 25 in the year 1985 shall be ineligible for assistance under this sub-
 26 section. Each municipality eligible to receive assistance under this
 27 subsection shall receive an amount not to exceed that portion of the
 28 total amount available to all such municipalities as the munici-
 29 pality's population bears to the total population of all such munici-
 30 palities according to the most recent federal decennial census.

31 (2) In order to receive funds under this subsection, a munici-
 32 pality that maintains a paid or part-paid fire department and
 33 qualifies for aid pursuant to P. L. 1979, c. 118 (C. 52:27D-118.1 et
 34 seq.) shall provide funds from other sources equal to 25% of the
 35 amount provided under this subsection; a municipality that main-
 36 tains a paid or part-paid fire department and does not qualify for
 37 aid pursuant to P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) shall
 38 provide funds from other sources at least equal to the amount
 39 provided under this subsection; and a municipality that is provided
 40 with fire protection by a governing fire organization made up
 41 exclusively of volunteers shall provide funds from other sources
 42 equal to 10% of the amount provided under this subsection.

43 c. The amounts apportioned under subsections a. and b. of this
 44 section shall be used by the municipalities to which they are appro-
 45 priated as follows:

46 (1) A municipality that maintains a paid fire department shall
 47 use the amount exclusively to employ a member or members holding
 48 the rank of firefighter or equivalent title, in addition to the number
 49 of such members employed by the municipality and regularly
 50 assigned ***[to active uniformed firefighting duties]*** *as active*
 50A *uniformed firefighters** on January 31, 1985.

51 (2) A municipality that is provided with fire protection by a

52 governing fire organization made up exclusively of volunteers shall
 53 use the amount exclusively to purchase emergency equipment. As a
 54 condition of receiving assistance under this act, a municipality shall
 55 fund governing fire organizations that are made up exclusively of
 56 volunteers and that provide the municipality with fire protection
 57 in the same amount as it funded them on January 31, 1985, except
 58 that if a municipality does not fund the governing fire organization
 59 it shall not be required to do so in order to receive assistance under
 60 this act. The municipality shall distribute the funds for purchasing
 61 emergency equipment that it receives under this section to the
 62 governing fire organizations that provide fire protection in the
 63 municipality, based upon the proportion of the municipal population
 64 served by each governing fire organization.

65 (3) A municipality ****or fire district**** that maintains a part-
 66 paid fire department shall use the amount according to the provi-
 67 sions of paragraph (1), paragraph (2), or a combination of para-
 68 graphs (1) and (2) of this subsection, as it deems to be appropriate.

69 **(4) For any State fiscal year during which a municipality subject*
 70 *to the provisions of Title II of the Revised Statutes is unable to*
 71 *promulgate or implement an eligibility list for the employment of*
 72 *firefighters pursuant to this act as the result of the decision of any*
 73 *State or federal court, department or agency, that municipality may*
 74 *use the moneys apportioned thereto to defray the costs of overtime*
 75 *service on the part of currently employed full-time active uniformed*
 76 *firefighters.**

1 3. In the event that any funds remain undistributed after all
 2 eligible municipalities ****or fire districts**** have had an opportu-
 3 nity to enter into a contract pursuant to this supplementary act,
 4 there shall be established a discretionary fund, and eligible munici-
 5 palities ****or fire districts**** may make application for such funds
 6 as still remain undistributed as determined by the director. Any
 7 funds paid pursuant to this section shall be for the purposes of
 8 augmenting or upgrading fire services in the State.

1 4. Each firefighter employed under this act shall wear the uniform
 2 of the municipality ****or fire district**** and a shoulder patch of a
 3 kind approved by the Director of the Division of Local Government
 4 services, containing an insignia indicative of the State's support of
 5 the program.

1 5. In addition to the other powers and duties expressed in P. L.
 2 1979, c. 118 (C. 52:27D-118.1 et seq.), the Director of the Division
 3 of Local Government Services shall adopt specific regulations,
 4 pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410
 5 (C. 52:14B-1 et seq.), to govern provision of assistance under this

6 act to qualifying and nonqualifying municipalities ***or fire dis-
 7 tricts*** for additional fire services. In addition to other matters
 8 that the director may find appropriate, the regulations shall:

9 a. Require the municipality ***or fire district*** to enter into a
 10 contract in a form prescribed by the director under which the mu-
 11 nicipality ***or fire district*** shall agree to provide its share of
 12 the cost of employing additional firefighters, if appropriate, and
 13 further agrees to maintain its fire department or to fund govern-
 14 ing fire organizations that provide it with fire protection, which-
 15 ever is appropriate, at the level maintained as of January 31, 1985
 15A as a condition of continued assistance;

16 b. Identify the particular costs of employing additional fire-
 17 fighters, generally limited to training, salary, benefits and equip-
 18 ment (exclusive of vehicles), and the particular costs of purchasing
 19 emergency equipment, for which assistance may be provided;

20 c. Contain the design of the shoulder patch that additional fire-
 21 fighters are required to wear under section **[3]** **4** of this
 22 act.

1 6. The funds that a qualifying municipality ***or fire district***
 2 acquires pursuant to this act shall be appropriated by the munici-
 3 pality ***or fire district*** in compliance with the "Local Budget
 4 Law" (N. J. S. 40A:4-1 et seq.). Notwithstanding any provisions
 5 of the "Local Budget Law," any municipality ***or fire district***
 6 qualifying for State aid under the provisions of this act may antic-
 6A ipate the receipt of the amount of State aid certified to it by the
 7 director and may file such amendments or corrections in its local
 8 budget as may be required to properly reflect the amount certified.

1 *7. Moneys appropriated pursuant to this act shall not be used
 2 to defray administrative expenses.*

1 ***[7.]*** *8.* There is appropriated from the General Fund to the
 2 Department of Community Affairs the amount of \$8 million to
 3 carry out the provisions of this act.

1 ***[8.]*** *9.* This act shall take effect immediately.

16 b. Identify the particular costs of employing additional fire-
 17 fighters, generally limited to training, salary, benefits and equip-
 18 ment (exclusive of vehicles), and the particular costs of purchasing
 19 emergency equipment, for which assistance may be provided;

20 c. Contain the design of the shoulder patch that additional fire-
 21 fighters are required to wear under section 3 of this act.

1 6. The funds that a qualifying municipality acquires pursuant to
 2 this act shall be appropriated by the municipality in compliance
 3 with the "Local Budget Law" (N. J. S. 40A:4-1 et seq.). Notwith-
 4 standing any provisions of the "Local Budget Law," any munici-
 5 pality qualifying for State aid under the provisions of this act may
 6 anticipate the receipt of the amount of State aid certified to it by the
 7 director and may file such amendments or corrections in its local
 8 budget as may be required to properly reflect the amount certified.

1 7. There is appropriated from the General Fund to the Depart-
 2 ment of Community Affairs the amount of \$8 million to carry out
 3 the provisions of this act.

1 8. This act shall take effect immediately.

STATEMENT

This bill supplements the "Safe and Clean Neighborhoods Act of 1979," P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) to provide for additional fire services in certain municipalities. The bill appropriates \$8,000,000.00, allocating 65% of that amount to municipalities which qualify for "Safe and Clean Neighborhoods" funding and maintain paid or part-paid fire departments, and 35% to municipalities which do not so qualify and which are served by volunteer fire companies. The former shall provide a 25% "match" in order to receive funding; the latter shall provide a 10% "match." A municipality which is ineligible for State revenue sharing shall not receive assistance under this bill.

The amount appropriated shall be allocated among the each appropriate municipality according to the ratio of its population to the total population of all recipient municipalities. A municipality with a paid or part-paid fire department shall use the funds to hire full time firefighters. A municipality with a volunteer fire company or companies shall use the funds to help the company or companies purchase certain emergency equipment. All recipient municipalities shall enter into a contract with the Director of the Division of Local Government Services, in the Department of Community Affairs, regulating the use of the funds.

A3561 (1985)

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3561
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1985

PROVISIONS:

Assembly Bill No. 3561, as amended, supplements the "Safe and Clean Neighborhoods Act of 1979," P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), to provide for additional local fire services throughout the State. The bill is intended to complement Senate Bill No. 2751, which provides for the apportionment of an additional \$25 million to municipalities for additional police protection.

The appropriation is allocated as follows: 65% to municipalities which qualify for "Safe and Clean Neighborhoods" funding and maintain paid or part-paid fire departments; and 35% to municipalities which qualify for "Safe and Clean Neighborhoods" and which are served by volunteer fire companies and to municipalities which do not qualify for "Safe and Clean Neighborhoods." A municipality which is ineligible for State revenue sharing shall not receive assistance under this bill.

Eligible municipalities are required to provide an amount equivalent to:

- a. 25% of the apportionment for a municipality which maintains a paid or part-paid department and qualifies for the "Safe and Clean" program;
- b. 50% of the apportionment for a municipality which maintains a paid or part-paid department and does not qualify for the "Safe and Clean" program; and
- c. 10% of the apportionment for a municipality served exclusively by volunteers.

All municipalities falling under the 65% category shall receive a uniform percentage increase in their "Safe and Clean" moneys. Any other qualified municipality shall receive funding in relation to the size of its population within the group eligible for 35% of the funding.

A municipality with a paid fire department shall use the funds to hire full-time firefighters. A municipality with a volunteer fire company or companies shall use the funds to help the company or companies purchase certain emergency equipment. A municipality with a part-paid

company shall use the funds for firefighters, equipment, or both. All recipient municipalities shall enter into a contract with the Director of the Division of Local Government Services, in the Department of Community Affairs, regulating the use of the funds.

COMMITTEE AMENDMENTS:

At the suggestion of the sponsor, the committee amended the bill to (1) clarify language as to uniformed firefighters; (2) allow for payment of overtime to full-time (Civil Service) uniformed firefighters; and (3) no part of the appropriation may be used for administrative expenses.

FISCAL IMPACT:

The bill appropriates \$8,000,000.00 allocated as follows:

1st tier—65% \$5,200,000 42 municipalities

2nd tier—35% \$2,800,000 517 municipalities

The committee favorably releases the bill, as amended.

to

ADOPTED

Assembly Bill No. 3561
MAY 6 1985 (Sponsored by Assemblyman Girgenti)

Amend:

Page	Sec.	Line	
1	1	4	Omit "Scott air packs" insert "self-contained breathing apparatuses"
4	5	21	Omit "3" insert "4"

STATEMENT

The purpose of these Assembly Amendments is to correct two references in the bill.

Note to printer:

There were 2 sets of amendments adopted in A 3561 by 5/6, committee amendments and floor amendments. Do not print a 1st OCK - instead print a 2nd OCK and your legend on the bottom should indicate

A 3561's adopted 5/6 and
 A 3561's adopted 5/6

Call me if you have any questions
 VPL

ADOPTED

MAY 13 1985

dk

Senate Amendments
proposed by Senator Laskin 5/13/
to

Assembly Bill No. 3561 2OCR (Ty)
sponsored by Assemblyman Girgenti

Amend:

Page	Sec.	Line	
3	2	65	After "municipality" insert "or fire district"
3	3	2	After "municipalities" insert "or fire districts"
3	3	4	After "municipalities" insert " or fire districts"
3	4	2	After "municipality" insert " or fire district"
3	5	6	After "municipalities" insert "or fire districts"
3	5	9	After "municipality" insert "or fire district"
3	5	10	After "municipality" insert "or fire district"
4	6	1	After "municipality" insert "or fire district"
4	6	2	After "municipality" insert "or fire district"
4	6	5	After "pality" insert "or fire district"

STATEMENT

The purpose of these amendments is to ensure that fire districts will qualify for assistance under this bill.

ADOPTED
MAY 13 1985

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3561

with Assembly committee amendments and Assembly amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1985

PROVISIONS:

This bill supplements the "Safe and Clean Neighborhoods Act of 1979," P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), to provide for additional local fire services throughout the State. The bill is intended to complement Senate Bill No. 2751, which provides for the apportionment of an additional \$25 million to municipalities for additional police protection.

The \$8 million appropriation in this bill is allocated as follows: 65% to municipalities which qualify for "Safe and Clean Neighborhoods" funding and maintain paid or part-paid fire departments; and 35% to municipalities which qualify for "Safe and Clean Neighborhoods" and which are served by volunteer fire companies and to municipalities which do not qualify for "Safe and Clean Neighborhoods." A municipality which is ineligible for State revenue sharing shall not receive assistance under this bill.

Eligible municipalities are required to match State funds as follows:

- a. 25% of the apportionment for a municipality which maintains a paid or part-paid department and qualifies for the "Safe and Clean" program;
- b. 50% of the apportionment for a municipality which maintains a paid or part-paid department and does not qualify for the "Safe and Clean" program; and
- c. 10% of the apportionment for a municipality served exclusively by volunteers.

All eligible municipalities maintaining paid or part-paid fire departments shall receive a uniform percentage increase in their "Safe and Clean" monies. Any other qualified municipality shall receive funding in relation to the size of its population within the group eligible for 35% of the funding.

A municipality with a paid fire department shall use the funds to hire full-time firefighters or, under certain circumstances, for overtime

compensation to current firefighters. A municipality with a volunteer fire company or companies shall use the funds to help the company or companies purchase certain emergency equipment. A municipality with a part-paid company shall use the funds for firefighters, equipment, or both. No funds are to be used for administrative expenses. All recipient municipalities shall enter into a contract with the Director of the Division of Local Government Services, in the Department of Community Affairs, regulating the use of the funds.

FISCAL IMPACT:

The bill appropriates \$8,000,000.00 to be allocated as follows:

1st tier—65%	\$5,200,000	42 municipalities
2nd tier—35%	\$2,800,000	517 municipalities

OTHER LEGISLATION:

This bill is identical to the Senate Committee Substitute for Senate Bill No. 1047, as that bill was amended by the committee and reported favorably.

SENATE, No. 1047

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1984

By Senators GRAVES, CODEY, CAUFIELD, LESNIAK, LYNCH,
STOCKMAN, HIRKALA, LIPMAN, RAND, CONTILLO,
O'CONNOR and FELDMAN

Referred to Committee on Law, Public Safety and Defense

AN ACT to provide additional police and fire services to certain
municipalities.

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

1 1. The Municipal Police and Firefighter Assistance Fund estab-
2 lished by P. L. , c. (C.) (now pending before the
3 Legislature as Senate Bill No. 1110 of 1984) shall be used to enable
4 municipalities in this State that qualify pursuant to the provisions
5 of this act to increase municipal police and fire services. Three-
6 fourths of the moneys in the fund shall be allocated for increasing
7 municipal police services, and one-fourth of the moneys in the fund
8 shall be allocated for increasing municipal fire services. In order
9 to qualify for funds to increase police services, a municipality in
10 this State shall have a police department with regularly employed,
11 full-time sworn police officers. In order to qualify for funds to
12 increase fire services, a municipality shall have either a paid or
13 part-paid fire department, or a volunteer fire company that is deter-
14 mined by the Attorney General to be underequipped because of a
15 fiscal crisis in the municipality.

1 2. In order to receive funds under this act for increasing the
2 number of police officers or the membership of a paid or part-paid
3 fire department and force, a qualified municipality shall enter into
4 a contract with the Attorney General for funds sufficient to provide
5 one or both of the following:

6 a. For each additional sworn police officer hired pursuant to the
7 provisions of this act, a salary equal to the salary that the munici-
8 pality otherwise pays to newly hired full-time, sworn police
9 officers holding the rank of patrolman or equivalent title and all
10 benefits, uniforms, and equipment for each additional, sworn police
11 officer.

12 b. For each additional member of a paid fire department and
13 force hired pursuant to the provisions of this act, a salary equal
14 to the salary that the municipality otherwise pays to newly hired,
15 full-time paid members of the fire department and force holding
16 the rank of firefighter or equivalent title and all benefits, uniforms
17 and equipment for each additional member.

1 3. a. A contract shall be contingent upon:

2 (1) The qualified municipality maintaining, throughout the
3 period of a contract for an additional police officer, the number of
4 regularly employed, full-time, sworn police officers employed on
5 the date on which the contract for an additional police officer takes
6 effect;

7 (2) The qualified municipality maintaining, throughout the
8 period of a contract for an additional member of a paid fire
9 department and force or an additional paid member of a part-paid
10 fire department and force, the number of regularly employed
11 members of a paid fire department and force or paid members of
12 a part-paid fire department and force employed on the date on
13 which the contract for an additional member takes effect.

14 b. If at any time in the duration of the contract, the number of
15 regularly employed police officers or members of a paid fire depart-
16 ment and force or paid members of a part-paid fire department and
17 force falls below the number of officers or members employed on
18 the date on which the contract took effect, the Attorney General
19 shall terminate all further funding of the program for that munici-
20 pality for the remainder of the period of the contract; provided,
21 however, that the funding shall not be terminated if the Attorney
22 General determines that a fiscal crisis in the municipality prevents
23 the municipality from complying with the requirements of this
24 section.

1 4. A contract between a qualified municipality and the Attorney
2 General for increasing the size of a police force or increasing the
3 membership of a paid or part-paid fire department and force shall
4 be for a period of three years. In entering into contracts with
5 qualified municipalities for additional police officers or additional
6 members of a paid or part-paid fire department and force, the
6A Attorney General shall give first priority to municipalities

7 described in subsections a., b., c., d., and e. of section 5 of this act.
8 Next, he shall give priority to those municipalities which he deter-
9 mines to be most in need of assistance. In renewing contracts, the
10 Attorney General shall give first priority to municipalities de-
11 scribed in subsections a., b., c., d., and e. of section 5 of this act.
12 Upon the termination of a contract for additional police officers or
13 additional members of a paid or part-paid fire department and
14 force with a qualifying municipality other than a municipality
15 described in subsections a., b., c., d., or e. of section 5 of this act,
16 the Attorney General, when entering into future contracts, shall
17 give priority to those qualified municipalities that are most in need
18 of assistance and that previously have not received funds for
19 additional police officers or additional members of a paid or part-
20 paid fire department and force.

1 5. That portion of the moneys in the Municipal Police and Fire-
2 fighter Assistance Fund allocated for increasing municipal police
3 services shall be apportioned among the municipalities that meet
4 the qualifications enumerated in section 1 of this act for receiving
5 funds to increase municipal police services in the following manner:

6 a. A qualified municipality with a population of over 300,000 in a
7 county of the first class shall receive funds sufficient to provide for
8 the number of additional sworn police officers requested by the
9 municipality not to exceed a total of 100 additional, sworn police
10 officers;

11 b. A qualified municipality with a population of over 200,000 in
12 a county of the first class shall receive funds sufficient to provide
13 for the number of additional sworn police officers requested by the
14 municipality not to exceed a total of 75 additional, sworn police
15 officers;

16 c. A qualified municipality with a population of over 130,000 in
17 a county of the second class shall receive funds sufficient to provide
18 for the number of additional sworn police officers requested by the
19 municipality not to exceed a total of 70 additional sworn police
20 officers;

21 d. A qualified municipality with a population of more than 40,000
22 but less than 90,000 shall receive funds sufficient to provide for
23 the number of additional sworn police officers requested by the
24 municipality not to exceed a total of 30 additional sworn police
25 officers;

26 e. A qualified municipality with a population of more than
27 91,000 but less than 110,000 in a county of the second class shall
28 receive funds to provide for the number of additional sworn police

29 officers requested by the municipality not to exceed a total of
30 35 additional sworn police officers;

31 f. Any other qualified municipality shall receive funds to provide
32 for the number of additional sworn police officers requested by the
33 municipality not to exceed a total of 10 additional sworn police
34 officers.

1 6. That portion of the moneys in the Municipal Police and Fire-
2 fighter Assistance Fund allocated for increasing municipal fire
3 services shall be apportioned among municipalities having a paid
4 or part-paid fire department and force so that a municipality may
5 receive funds to provide for up to the number of additional mem-
6 bers that will bring the membership of the fire department and
7 force to the level at which it stood on January 1, 1982.

1 7. Each police officer and each firefighter who is appointed in a
2 municipality pursuant to the provisions of this act shall wear the
3 uniform of the municipality and shall, in addition, wear a shoulder
4 patch or insignia of a kind approved by the Attorney General and
5 symbolizing the State's support of the program.

1 8. If the Attorney General determines that a volunteer fire com-
2 pany is underequipped because of a fiscal crisis in the municipality
3 served by the volunteer fire company, he may make a grant to the
4 municipality from that portion of the Municipal Police and Fire-
5 fighter Assistance Fund allocated for increasing municipal fire
6 services, for the purpose of paying for all or part of a piece of
7 firefighting equipment which he determines to be needed by the
8 volunteer fire company in order to provide adequate fire safety to
9 the municipality or municipalities it serves.

1 9. Any funds received and expended by a municipality pursuant
2 to P. L. , c. (C.) (now pending before the Legis-
3 lature as this bill) shall be an exception to the budget limitation
4 for municipalities for the purposes of P. L. 1976, c. 68 (C.
5 40A:4-45.1 et seq.).

1 10. A police officer, a member of a paid fire department and force,
2 or a paid member of a part-paid fire department and force,
3 appointed in a municipality pursuant to the provisions of this act,
4 shall meet the same qualifications and shall have the same rights
5 and responsibilities, including seniority rights, as newly hired,
6 full-time sworn police officers in the police department of that
7 municipality or newly hired, full-time members of the paid fire
8 department and force or paid members of the part-paid fire depart-
9 ment and force of the municipality.

1 11. Any police officer or member of a paid or part-paid fire
2 department and force who is appointed in a municipality pursuant

3 to the provisions of this act shall be deemed a municipal employee
4 and not a State employee for purposes of any claim for liability
5 arising from an action undertaken in the course of his official
6 duties.

1 12. Pursuant to the "Administrative Procedure Act," P. L. 1968,
2 c. 410 (C. 52:14B-1 et seq.), the Attorney General shall adopt rules
3 for the implementation of this act.

1 13. This act shall take effect immediately but shall remain inop-
2 erative until the enactment of Senate Bill No. 1110 of 1984 (now
3 pending before the Legislature).

STATEMENT

The purpose of this bill is to create a program for providing additional police and fire services to certain municipalities. To qualify, a municipality would be required to have a police department made up of regularly employed, full-time, sworn police officers or a paid or part-paid fire department. Certain municipalities with volunteer fire companies would also qualify for limited assistance.

Participation in the program is voluntary. In order to receive funds a municipality would enter into a three-year contract with the Attorney General. According to the contract, the municipality would receive funds sufficient to pay for benefits, uniforms, equipment, and salaries at the rate otherwise paid by the municipality to a newly hired patrolman or fireman. For the duration of the contract, the municipality would be required to maintain its police force or its fire department, excluding the additional officers provided under the terms of the contract, at the same level that existed when the contract took effect. Should the municipality allow the number of police officers in its regular force to decrease, the Attorney General would terminate the contract and all funding, unless the Attorney General determined that the municipality was prevented from complying with the contract by a fiscal crisis.

The bill provides that any funds received and expended by a municipality under the program would be an exception to the budget limitation for municipalities for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

The bill further provides that the Attorney General, when entering into contracts, shall give priority to certain large urban municipalities specified in the bill and to other municipalities that are most in need of assistance. In renewing contracts, he would give priority again to large, urban municipalities and then to other

municipalities most in need of assistance that previously had not received funding.

The bill would also permit the Attorney General to make grants for equipment to municipalities served by volunteer fire companies if he determines the volunteer fire company to be underequipped because of a fiscal crisis in the municipality.

Finally, the bill provides that a police officer or firefighter appointed under the program be deemed a municipal employee for the purpose of any claim for liability arising from an action undertaken in the course of his official duties.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1047

STATE OF NEW JERSEY

ADOPTED MARCH 1, 1984

By Senators GRAVES, CONTILLO, CAUFIELD, BASSANO and
BUBBA

AN ACT to provide additional police and fire services to certain
municipalities.

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

1 1. This act shall be known and may be cited as the Municipal
2 Police and Firefighter Assistance Act.

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of the Department
3 of Community Affairs.

4 b. "Department" means the Department of Community Affairs.

5 c. "Fund" means the Municipal Police and Firefighter Assis-
6 tance Fund established in this act.

7 d. "Emergency equipment" means any item used for the pur-
8 pose of providing life safety and shall include but shall not be
9 limited to boots, helmets, Scott air packs, fire hoses extrication
10 tools, insurance, maintenance of and repairs to fire apparatus and
11 vehicles, utility costs for buildings, training, and the cost of haz-
12 ardous materials units. It shall not include the purchase of any
13 vehicle or building.

14 e. "Governing fire organization" means a municipality, fire dis-
15 trict, fire company or fire department responsible for providing
16 fire protection in any given municipality.

1 3. There is created in the Department of Community Affairs a
2 special fund to be known as the Municipal Police and Firefighter
3 Assistance Fund. The fund shall be used to enable municipalities
4 in this State that qualify pursuant to the provisions of this act to

5 increase police and fire services by increasing the membership of
6 police departments, increasing the membership of paid fire depart-
7 ments, and increasing the paid membership of part-paid fire de-
8 partments, and to enable governing fire organizations that qualify
9 pursuant to the provisions of this act to purchase emergency
10 equipment.

1 4. a. In order to qualify for funds under this act for increasing
2 the number of police officers in its police department, a municipality
3 shall:

4 (1) Have a police department with regularly employed, full-
5 time, sworn police officers; and

6 (2) Enter with the commissioner into a contract which shall have
7 a duration of three years, which shall be renewable, and in which
8 the municipality shall agree:

9 (a) To use moneys received from the fund for the sole purpose
10 of adding a police officer or officers holding the rank of patrolman
11 or equivalent title to its police department; and

12 (b) To use moneys received from the fund to pay the salary of
13 each additional police officer at a rate established in section 6 of
14 this act and to pay for all benefits, uniforms and equipment for
15 each additional officer; and

16 (c) That if the municipality wishes to spend on a police officer
17 who has been added to its police department under this act an
18 amount over and above the maximum amount provided by the
19 State pursuant to section 6 of this act, the additional amount shall
20 be paid for out of the municipal budget; and

21 (d) To maintain, throughout the period of the contract for an
22 additional police officer or additional police officers the number of
23 regularly employed, full-time, sworn police officers employed by
24 the municipality on the date on which the contract for an additional
25 police officer is signed; and

26 (e) To comply with any other requirement established by rule
27 by the commissioner.

28 b. If, at any time in the duration of the contract, the commis-
29 sioner determines that the municipality is failing to comply with
30 the requirements of subsection a. of this section, he shall terminate
31 all funds to provide additional police officers to the municipality;
32 except that if the commissioner determines that a fiscal crisis in
33 the municipality, as defined by him in rules, prohibits the munic-
34 ipality from meeting the requirements of subsection a. of this sec-
35 tion, or that a decrease in population will result in a decrease in
36 the number of additional police officers for which a municipality
37 qualifies, he is authorized to continue the funding on a complete

38 or partial basis as he deems appropriate. This subsection shall
39 not be construed to permit a regularly employed member of a
40 police department with more seniority than an additional police
41 officer hired under this act to be laid off prior to the laying off of
42 the additional police officer.

1 5. A municipality that is qualified to receive funds for increasing
2 the number of police officers in its police department pursuant to
3 the requirements of subsection a. of section 4 of this act shall
4 receive funds sufficient to provide for the number of additional,
5 sworn police officers requested by the municipality, not to exceed
6 a total of one additional police officer for each 5,000 of its popula-
7 tion as shown by the last preceding federal decennial census.

1 6. For each additional police officer hired by a municipality under
2 this act, the State shall provide the municipality with funds suffi-
3 cient to pay for the salary of the additional police officer in an
4 amount equivalent to the salary otherwise paid by the municipality
5 to a regular police officer with equivalent experience and qualifica-
6 tions, and the costs of all benefits, uniforms and equipment for the
7 additional officer; however, the maximum amount provided by the
8 State for each additional police officer shall not exceed the maxi-
9 mum salary plus benefits of a State trooper minus his subsidy.

1 7. a. In order to qualify for funds under this act for increasing
2 the membership of a paid fire department and force or the paid
3 membership of a part-paid fire department and force, a munici-
4 pality shall:

5 (1) Have either a paid or part-paid fire department; and

6 (2) Enter with the commissioner into a contract which shall
7 have a duration of three years, which shall be renewable, and in
8 which the municipality shall agree:

9 (a) To use moneys received from the fund for the sole purpose
10 of adding a member or members holding the rank of firefighter or
11 equivalent title to its paid fire department and force or adding a
12 paid member or members holding the rank of firefighter or equiva-
13 lent title to its part-paid fire department and force; and

14 (b) To use moneys received from the fund to pay the salary of
15 each additional member at a rate established in section 9 of this
16 act and to pay for all benefits, uniforms and equipment for each
17 additional member; and

18 (c) That if the municipality wishes to spend on a member who
19 has been added to its paid fire department and force or on a paid
20 member who has been added to its part-paid fire department and
21 force under this act an amount over and above the maximum
22 amount provided by the State pursuant to section 9 of this act, this

23 additional amount shall be paid for out of the municipal budget;
24 and

25 (d) To maintain, throughout the period of the contract for an
26 additional member of a paid fire department and force or a paid
27 member of a part-paid fire department and force the number of
28 regularly employed members of a paid fire department and force
29 or paid members of a part-paid fire department and force em-
30 ployed by the municipality on the date on which the contract for
31 an additional member is signed; and

32 (e) To comply with any other requirement established by rule
33 by the commissioner.

34 b. If, at any time in the duration of the contract, the commis-
35 sioner determines that the municipality is failing to comply with
36 the requirements of subsection a. of this section, he shall terminate
37 all funds to provide additional members to a paid fire department
38 and force or additional paid members to a part-paid fire depart-
39 ment and force; except that if the commissioner determines that
40 a fiscal crisis in the municipality, as defined by him in rules, pro-
41 hibits the municipality from meeting the requirements of subsec-
42 tion a. of this section, or that a decrease in population will result
43 in a decrease in the number of additional firefighters for which a
44 municipality qualifies, he is authorized to continue the funding on
45 a complete or partial basis as he deems appropriate. This sub-
46 section shall not be construed to permit a regularly employed mem-
47 ber of a paid fire department and force or a paid member of a
48 part-paid fire department and force with more seniority than an
49 additional member hired under this act to be laid off prior to the
50 laying off of the additional member.

1 8. A municipality that is qualified to receive funds for increasing
2 the membership of a paid fire department and force or the paid
3 membership of a part-paid fire department and force pursuant to
4 the requirements of subsection a. of section 7 of this act shall re-
5 ceive funds sufficient to provide for the number of additional mem-
6 bers requested by the municipality, not to exceed a total of one
7 additional member for each 7,500 of its population as shown by the
8 last preceding federal decennial census.

1 9. For each additional member of a paid fire department and
2 force and each paid member of a part-paid fire department and
3 force hired by a municipality under this act, the State shall pro-
4 vide the municipality with funds sufficient to pay for the salary
5 of the additional member in an amount equivalent to the salary
6 otherwise paid by the municipality to a regular member with equiv-
7 alent experience and qualifications, and the costs of all benefits,

8 uniforms and equipment for the additional officer; however, the
9 maximum amount provided by the State for each additional mem-
10 ber shall not exceed the maximum salary plus benefits of a State
11 trooper, minus his subsidy.

1 10. a. In order to qualify for funds under this act for emergency
2 equipment, a municipality shall:

3 (1) Be provided with fire protection by a governing fire organiza-
4 tion made up in whole or in part of volunteers; and

5 (2) Enter with the commissioner into a contract, which shall
6 have a duration of three years, which shall be renewable, and in
7 which the municipality shall agree:

8 (a) Throughout the period of the contract for funds to purchase
9 emergency equipment, to fund governing fire organizations made
10 up in whole or in part of volunteers that provide the municipality
11 with fire protection in the same amount as it funded them on the
12 date on which the contract was signed; and

13 (b) To distribute the funds it receives for purchasing emergency
14 equipment under this act to the governing fire organizations that
15 are made up in whole or in part of volunteers and that provide fire
16 protection in the municipality, based on the proportion of the
17 municipal population served by each governing fire organization;
18 and

19 (c) To ensure that funds received under this section are used
20 for the sole purpose of purchasing specifically itemized emergency
21 equipment; and

22 (d) To comply with any other requirement established by rule
23 by the commissioner.

24 b. If, at any time in the duration of the contract, the commis-
25 sioner determines that the municipality is failing to comply with
26 the requirements of subsection a. of this section, he shall terminate
27 all funds to provide emergency equipment to the municipality;
28 except that if the commissioner determines that a fiscal crisis in
29 the municipality as defined by him in rules, prohibits the munic-
30 ipality from meeting the requirements of subsection a. of this sec-
31 tion, or that a decrease in population will result in a decrease in the
32 funding for which a municipality qualifies, he is authorized to con-
33 tinue the funding on a complete or partial basis as he deems ap-
34 propriate.

1 11. A municipality qualified to receive funds for purchasing
2 emergency equipment pursuant to the requirements of subsection
3 a. of section 10 of this act shall annually receive funds according
4 to the following formula:

For a municipality with a population based upon the last preceding federal decennial census and served by a governing fire organization made up in whole or in part of volunteers, of this amount:

	A municipality shall receive:
0 to 1,000	\$ 1,500.00
1,001 to 2,000	2,000.00
2,001 to 3,000	2,500.00
3,001 to 4,500	3,000.00
4,500 to 6,000	3,500.00
6,001 to 8,000	4,000.00
8,001 to 10,000	4,500.00
10,001 to 12,500	5,000.00
12,501 to 15,000	5,500.00
15,001 to 17,500	6,000.00
17,501 to 20,000	6,500.00
20,001 to 25,000	7,000.00
25,001 to 30,000	7,500.00
30,001 to 40,000	8,000.00
40,001 to 50,000	8,500.00
50,001 to 60,000	9,000.00
60,001 to 70,000	9,500.00
70,001 to 80,000	10,000.00
80,001 to 90,000	10,500.00
over 90,001	11,000.00

1 12. Each police officer and each firefighter who is appointed in a
 2 municipality pursuant to the provisions of this act shall wear the
 3 uniform of the municipality and shall, in addition, wear a shoulder
 4 patch or insignia of a kind approved by the commissioner and
 5 symbolizing the State's support of the program.

1 13. Any funds received and expended by a municipality pur-
 2 suant to P. L. , c. (C.) (now pending before
 3 the Legislature as Senate Committee Substitute for Senate Bill
 4 No. 1047) shall be an exception to the budget limitation for mu-
 5 nicipalities for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1
 6 et seq.).

1 14. A police officer, a member of a paid fire department and
 2 force, or a paid member of a part-paid fire department and force,
 3 appointed in a municipality pursuant to the provisions of this act,

4 shall meet the same qualifications and shall have the same rights
5 and responsibilities, including seniority rights, as newly hired, full-
6 time sworn police officers in the police department of that munici-
7 pality or newly hired, full-time members of the paid fire depart-
8 ment and force or paid members of the part-paid fire department
9 and force of the municipality.

1 15. Any police officer or member of a paid or part-paid fire de-
2 partment and force who is appointed in a municipality pursuant
3 to the provisions of this act shall be deemed a municipal employee
4 and not a State employee for purposes of any claim for liability
5 arising from an action undertaken in the course of his official duties.

1 16. Pursuant to the "Administrative Procedure Act," P. L. 1968,
2 c. 410 (C. 52:14B-1 et seq.), the commissioner shall adopt rules
3 for the implementation of this act.

1 17. This act shall take effect on the 181st day following enact-
2 ment.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1047

STATE OF NEW JERSEY

DATED: MARCH 7, 1985

The Senate Law, Public Safety and Defense Committee reported a Senate Committee Substitute for Senate Bill No. 1047 Scs.

The committee substitute revises Senate Bill No. 1047 Scs to remove those portions of the bill that allocate funds to municipalities for additional police services. It also revises the portions of Senate Bill No. 1047 Scs that allocate funds to municipalities for additional fire services.

Under the substitute, \$8 million for additional fire services would be distributed under the "Safe and Clean Neighborhoods Act of 1979," P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.). Municipalities that qualify under the existing standards of the Safe and Clean Program and that maintain paid or part-paid fire departments will share 65% of the \$8 million. These funds will be allocated among the safe and clean towns to provide a uniform rate of increase in their safe and clean funding, and will be available with a local match of \$1.00 for every \$4.00 of State assistance.

The remaining 35% of the \$8 million appropriation will provide assistance to towns that do not meet existing safe and clean standards, provided that they are eligible for State Revenue Sharing, and to safe and clean towns that have volunteer fire departments. These municipalities will receive funds in proportion to the size of their populations according to the latest federal census. Those towns in this group that have paid or part-paid fire departments will be required to provide a \$1.00 match for every \$1.00 of State aid. Those with volunteer fire departments will be required to provide \$1.00 for every \$10.00 of State aid.

Those municipalities with paid fire departments are required to use the money exclusively to hire additional firefighters regularly assigned to active firefighting duties. Municipalities with volunteer fire departments are required to use the funds to purchase emergency equipment. Municipalities with part-paid departments are permitted to use the funds for either additional firefighters or emergency equipment.

The committee substitute authorizes the Director of the Division of Local Government Services to establish a discretionary fund from the monies that remain after all eligible municipalities have had an opportunity to obtain funds under the act. The discretionary fund will be allocated by the director to towns upon application for the purpose of augmenting or upgrading fire services in the State.

The committee substitute requires firefighters hired under the act to wear a shoulder patch indicating State support, requires the Director of the Division of Local Government Services to adopt regulations to implement the act, allows municipalities to anticipate funds allocated under this bill in their budgets, and contains an appropriation of \$8 million.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956

TRENTON, N.J. 08625

Release: THURS., AUGUST 15, 1985

Governor Thomas H. Kean today signed legislation appropriating \$8 million to help municipalities hire full-time firefighters, provide overtime compensation to firemen, or to purchase emergency firefighting equipment.

Kean signed the bill at a public ceremony held at the Burlington County Fire Training Academy in Westampton Township. The legislation, A-3561, was sponsored by Assemblyman John Girgenti, D-Passaic.

Kean also signed S-2995, sponsored by Senator John Caufield, D-Essex, to close a loophole in the State's insurance premium tax law which had permitted out-of-state companies to avoid premium taxes by establishing subsidiaries in New Jersey. One result of this loophole had been a decrease in revenue to the New Jersey Firemen's Relief Association, a group which pays death benefits to families of volunteer and paid firemen and maintains a nursing home for retired firemen.

Of the total \$8 million appropriation, \$5.2 million --- 65 percent --- will be allocated to the 42 municipalities eligible for funds under the State's Safe and Clean Neighborhoods Program. The remaining \$2.8 million will be allocated to 517 municipalities which qualify for the Safe and Clean Neighborhoods Programs but which are served by volunteer fire departments, or to municipalities which do not qualify for the Safe and Clean Neighborhoods Program.

-more-

A-3561 AND S-2995 SIGNED

PAGE TWO

AUGUST 15, 1985

"The protection of life and property is one of the most basic, fundamental responsibilities of government," Kean said. "While fire protection is essentially a function of local government, the State has an obligation to provide assistance when and where needed to assure that the people in a community are adequately served and protected."

"Firefighters --- whether paid or volunteer --- place themselves at risk each and every time an alarm sounds," Kean said. "And, they accept that risk in response to the highest calling of all --- the safety and protection of others."

The Governor noted that the presence in many areas of New Jersey of toxic or hazardous chemical sites "has brought an added element of risk to firefighting."

"Many of these substances, should they flare up, require other than conventional techniques to extinguish and it is vital that firefighting forces in these areas be at full manpower strength and be equipped with modern devices to battle such blazes," Kean said.

Under the terms of the appropriations bill, the 42 Safe and Clean Neighborhoods Program municipalities will be required to match the State aid on a one-to-four basis.

-more-

A-3561 AND S-2995 SIGNED

PAGE THREE

AUGUST 15, 1985

Municipalities which are not eligible for the Safe and Clean Neighborhoods Program and which maintain a paid or part paid fire department must match the State aid on a one-to-one basis. Municipalities which do qualify for the Safe and Clean Neighborhoods Program and are served by a volunteer fire department must match the State aid on a one-to-one basis.

The legislation requires, further, that Safe and Clean Neighborhoods municipalities served by a volunteer department must use the funds exclusively for the purchase of equipment.

The remaining municipalities may use the funds to hire additional firemen to purchase equipment, or to pay overtime costs.

The premium tax law bill signed by Kean corrects a problem which arose when out-of-state insurance companies formed New Jersey subsidiaries to handle New Jersey business, thus being able to qualify for a break on their premium tax liability.

It has been estimated that this loophole has resulted in a loss of State revenues of some \$30 million since 1982.

#

#

#