

40A:14-54 /

~~XXXXXXXXXXXX~~

LEGISLATIVE HISTORY CHECKLIST

(Fire chief--shall have authority at fire scene)

NJSA 40A:14-54.1

LAWS 1981

CHAPTER 435

Bill No. A-238/A-768

Sponsor(s) Deverin

Date Introduced Pre-filed

Committee: Assembly Municipal Gov't

Senate Law, Public Safety & Defense

Amended during passage, ^{Yes} According to Governor's recommendations Assembly Committee Substitute 2nd (OCR) enacted

Date of Passage: Assembly June 26, 1980

Re-enacted 1-4-82

Senate Feb. 26, 1981

Re-enacted 1-4-82

Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement Yes

Original & Assembly Substitute Sponsor's statements (attached)-- Sponsor's statement on A768 identical to statements on AS

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note No

Veto Message Yes

Message on signing No

Following were printed:

Reports No

Hearings No

6/22/81

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY SUBSTITUTE FOR

ASSEMBLY, Nos. 238 and 768

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1980

By Assemblymen DEVERIN, MARKERT, SAXTON, LESNIAK,
SNEDEKER, RAND, WEIDEL and SCHUCK

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning municipal fire departments and supplementing
chapter 14 of Title 40A of the New Jersey Statutes.

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

1 1. The chief *****[*], public safety director, fire director,*]***** or
2 other superior officer of any municipal paid or part-paid fire depart-
3 ment or volunteer fire company**, or a State fire warden,** who is
4 charged with the duty of supervising or directing operations at
5 the scene of any fire shall be the sole authority within fire lines
6 established by said fire chief *****[*], public safety director, fire
7 director,*]***** or other superior fire officer**, or State fire war-
8 den,** at the scene of such fire with respect to all firefighting opera-
9 tions relating to the protection of lives and property endangered
10 by such fire, and within said fire lines such authority shall supersede
11 that of any municipal police authority. **The authority hereby
12 invested in the chief *****[*], public safety director, fire director,*]***
13 or other superior officer**, or State fire warden,** shall terminate
14 at such time as he shall declare the fire *****[under control*]***
15 ***out***. ****Nothing in this act shall affect the powers possessed
16 by the Governor under the various emergency acts nor the powers
17 possessed by any State agency to protect the public health, welfare
18 and safety.*********

1 2. This act shall take effect immediately.

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

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ASSEMBLY, No. 238

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblymen MARKERT, SAXTON, SNEDEKER, RAND,
WEIDEL and SCHUCK

AN Act concerning municipal fire departments and volunteer companies and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1 1. The chief or other superior officer of any municipal paid or
2 part-paid fire department or volunteer company who is charged
3 with the duty of supervising or directing operations at the scene
4 of any fire shall be the sole authority at the scene of such fire with
5 respect to all firefighting operations relating to the protection of
6 lives and property endangered by such fire, and such authority shall
7 supersede that of any municipal police authority.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to invest in the chief or other superior officer of a paid or part-paid fire department or volunteer company, supervising or directing operations at the scene of a fire, the sole authority for protecting lives and property endangered by the fire.

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ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, Nos. 238 and 768

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1980

By Assemblymen DEVERIN, MARKERT, SAXTON, LESNIAK,
SNEDEKER, RAND, WEIDEL and SCHUCK

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning municipal fire departments and supplementing
chapter 14 of Title 40A of the New Jersey Statutes.

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

1 1. The chief or other superior officer of any municipal paid or
2 part-paid fire department or volunteer fire company who is charged
3 with the duty of supervising or directing operations at the scene of
4 any fire shall be the sole authority within fire lines established by
5 said fire chief or other superior fire officer at the scene of such fire
6 with respect to all firefighting operations relating to the protection
7 of lives and property endangered by such fire, and within said fire
8 lines such authority shall supersede that of any municipal police
9 authority.

1 2. This act shall take effect immediately.

STATEMENT

This bill invests in the chief or other superior officer of a paid or part-paid fire department or volunteer company supervising or directing operations at the scene of a fire, the sole authority for protecting lives and property endangered by the fire. The fire authority supersedes that of any municipal police authority. The bill has endeavored to define "scene of fire" as tightly as possible, limiting "scene of fire" to fire lines drawn by the fire chief or other superior fire officer.

The bill is supported by the League of Municipalities which suggests that it is "necessary in making a distinction as to who is in charge . . . [in] emergency situations . . .".

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 238

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

This bill invests in the chief or other superior officer of a paid or part-paid fire department or volunteer company, supervising or directing operations at the scene of a fire, the sole authority for protecting lives and property endangered by the fire. Such authority supersedes that of the municipal police authority.

The committee amendments define "scene of fire" as tightly as possible, limiting "scene of fire" to fire lines drawn by the chief or other superior officer.

The committee amendments also bring the bill into conformity with Assembly Bill No. 768, reported, June 16, 1980, by the Assembly Judiciary Committee.

The N. J. League of Municipalities suggests that the bill "is necessary in making a distinction as to who is in charge in an emergency situation."

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, Nos. 238 and 768
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 1981

As amended in committee, this bill invests in the chief, public safety director, fire director, or other superior officer of a paid or part-paid fire department or volunteer company supervising or directing operations at the scene of a fire, the sole authority for protecting lives and property endangered by the fire. The fire authority supersedes that of any municipal police authority. The bill has endeavored to define "scene of fire" as tightly as possible, limiting "scene of fire" to fire lines drawn by the fire chief, public safety director, fire director, or other superior fire officer.

The bill was amended to specifically include fire directors and public safety directors who are in charge of fire departments in cities where such officers have authority at the scene of fires. The bill was also amended to provide that such authority terminates once the fire official in charge declares the fire under control.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 17, 1981

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY BILLS No. 238 and 768 (OCR)

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Substitute For Assembly Bills No. 238 and 768 (OCR) with my objection, for reconsideration.

This bill would provide that a chief or other superior fire officer is to have sole authority within established fire lines. This authority would supersede that of any municipal police authority.

I am concerned that this bill may limit the State's power in certain catastrophic fires involving hazardous chemicals or civil defense emergencies. In these fires, there is often a need for highly specialized training which is sometimes not possessed by municipal fire departments.

The sentiments of many chiefs have been conveyed to me concerning this bill. There is a perceived need to clarify municipal authority at a fire. However, such a clarification should not, at the same time, confuse State powers in fire emergencies.

Accordingly, I return Assembly Substitute For Assembly Bills Nos. 238 and 768 (OCR) with my objections for reconsideration.

Amend as follows:

Page 1, Section 1, Line 15: After "out." add "Nothing in this act shall affect the powers possessed by the Governor under the various emergency acts nor the powers possessed by any State agency to protect the public health, welfare and safety."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

Chief of Staff, Secretary