

40A: 14 - 156

LEGISLATIVE FACT SHEET

ON *Police maintenance in other
"contiguous" municipalities*

N.J.R.S. 40A: 14 - 156

(1972 Amendment)

LAWS OF 1972

CHAPTER 4

SENATE 453

ASSEMBLY

INTRODUCED *Jan. 24, 1972*

BY *Bateman, Crabel, Schraffo,
Janzman, Lynch*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING *none discovered*

VETO *no*

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SENATE, No. 453

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1972

By Senators BATEMAN, CRABIEL, SCHIAFFO,
TANZMAN and LYNCH

Referred to Committee on Judiciary

AN ACT concerning mutual aid and assistance agreements among municipalities for fire and police protection in certain cases and amending N. J. S. 40A:14-26 and N. J. S. 40A:14-156.

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

1 1. N. J. S. 40A:14-26 is amended to read as follows:

2 40A:14-26. In the event of an emergency the chief or head of any
3 municipal fire department or force or the mayor or chief executive
4 officer of any municipality may request from the chief or the head
5 of the fire department or force of any other *contiguous* municipality
6 assistance to protect life and property outside the normal terri-
7 torial jurisdiction of the department to which such request is
8 directed.

9 *The chief or head of the fire department or force upon whom such*
10 *a request for assistance is made shall provide such personnel and*
11 *equipment as requested to the extent possible without endangering*
12 *person or property within its own municipality.*

13 *Any municipality receiving assistance shall pay to the fire depart-*
14 *ment or force providing the assistance a sum computed at the rate*
15 *of \$3.00 for each member and \$35.00 for each equipped fire*
16 *apparatus for each hour supplied unless terms and conditions for*
17 *payment are otherwise provided for in an agreement between the*
18 *several municipalities.*

19 *Volunteer fire departments shall be required to respond to such*
20 *requests for assistance only to the extent they have agreed to do so*
21 *in an agreement with a paid fire department or force or a*
22 *municipality.*

23 If any member or officer of such other fire department or force
24 in rendering such assistance shall suffer any casualty or death he

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

25 or his [next of kin] *designee or legal representative* shall be en-
26 titled to all salary, pension rights, workmen's compensation and
27 other benefits as if such casualty or death occurred in the per-
28 formance of his duties in his own municipality or other jurisdiction
29 in which his duties are normally carried on.

1 2. N. J. S. 40A:14-156 is amended to read as follows:

2 40A:14-156. In the event of an emergency the chief or other head
3 of any municipal police department or force or any park police
4 department or system or the mayor or chief executive officer of the
5 municipality may request, from the chief or other head of the police
6 department or force of any *contiguous* municipality, assistance out-
7 side the territorial jurisdiction of the department to which such
8 request is directed for police aid, in order to protect life and prop-
9 erty or to assist in suppressing a riot or disorder and while so
10 acting, the members of the police department or force supplying
11 such aid shall have the same powers and authority as have the
12 members of the police department or force of the municipality in
13 which such aid is being rendered.

14 *The chief or head of the police department or force upon whom*
15 *such a request for assistance is made shall provide such personnel*
16 *and equipment as requested to the extent possible without endanger-*
17 *ing person or property within its own municipality.*

18 *Any municipality receiving assistance shall pay to the police de-*
19 *partment or force providing the assistance a sum computed at the*
20 *rate of \$3.00 for each member and \$5.00 for each vehicle for each*
21 *hour supplied unless terms and conditions for payment are other-*
22 *wise provided for in an agreement between the several*
23 *municipalities.*

24 If any member or officer of such other police department or force
25 in rendering such assistance shall suffer a casualty or death, he or
26 his *designee or legal representative* shall be entitled to all [pension
27 and compensation rights] *salary, pension rights, workmen's com-*
28 *pensation and other benefits* as if such casualty or death occurred
29 in the performance of his duties in his own municipality or other
30 territorial jurisdiction in which his duties are normally carried on.

1 3. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO
SENATE, No. 453

STATE OF NEW JERSEY

DATED: JANUARY 31, 1972

This bill would require a fire or police department requested for help by a department or the mayor of a contiguous municipality to respond to the extent it could without endangering its own municipality. At present there is no requirement that they respond to such a request.

A rate of \$3.00 for each policeman or fireman, \$5.00 for each police vehicle and \$35.00 for each fire apparatus per hour is also provided. At present there is no required compensation.

Volunteer fire departments are exempt from having to respond to requests unless they have agreed to do so.

The bill also extends the benefits a policeman who is injured or killed while in another municipality will receive. Besides pension and compensation rights he would get his salary, workmen's compensation and other benefits.

The numbers of policemen and firemen who live outside of the municipality for which they work is increasing. The law should be changed to reflect these conditions.

Requiring municipalities to respond to calls for help will make the resolution of an emergency faster than if someone must make a decision to respond.

Setting rates for the use of other municipality's men and equipment is only recognition of the fact that this method of obtaining extra help is being used more frequently and should be compensated.

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 15, 1972

S 453

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law three bills which eliminate the requirement that police and firemen must reside in the municipality in which they serve. To do so, the Governor signed Senate bill 2326 (1971), sponsored by Senator James H. Wallwork (R., Essex); Senate bill 452 and Senate bill 453 (1972), sponsored by Senator Raymond H. Bateman (R., Somerset).

In signing the bills the Governor said that they provide a solution to the problem by creating realistic laws capable of being enforced. He pointed out that under the existing laws, residency within a municipality for police and firemen will be encouraged on a voluntary basis and stressed that a workable system of mutual assistance is provided to protect municipalities in times of emergency.

Under the terms of the bills, S-452 prohibits making residency a condition of employment for police and firemen. It stipulates, however, that in instances where a resident of a municipality and a non-resident receive the same score on a civil service examination for appointment or promotion, the resident will be appointed or promoted prior to the non-resident.

"This will provide an incentive for police and firemen to reside in the municipality on a voluntary basis without any reduction in quality," the Governor said. He added that "preferences for veterans will not be diminished by this provision."

The second bill sponsored by Senator Bateman, S-453, provides for mutual assistance in times of emergency between adjoining municipalities on a mandatory basis. The Governor noted that past experience has shown that municipalities usually resort to assistance from neighboring municipalities in times of emergency rather than attempting to recall off-duty police and firemen.

"Mutual assistance has proven to be the best method of securing a complete package of manpower, equipment and vehicles in the shortest period of time," the Governor said. The bill also provides for reimbursement between municipalities on a per-hour basis for services where the municipalities themselves have not agreed to their own terms. The bill has a safeguard that no municipality will be required to render assistance to such an extent that its own residents or their property would be endangered.

The bill sponsored by Senator Wallwork, S-2326, strips any references to residency requirements from a number of the general statutes concerning police and firemen. It is anticipated that the removal of the non-residency requirement will permit some departments to be improved by upgrading the calibre of appointments and by filling existing vacancies.

In addition, the Governor signed Senate bill 2243 (1972), sponsored by Senator Harry Sears (R., Morris), which amends the existing law to allow municipal utilities to function on the same basis as the county solid waste disposal facilities. This law will strengthen municipal utilities authorities and will enable them to do what must be done in this vital and necessary area.

Also signed into law was Senate bill S-986, sponsored by Senator Wayne Dumont (R., District 15), which reduces the residency requirement from three years to one year for persons 65 years of age or older to qualify for the senior citizens' property tax deductions. The deductions apply to persons having an income of \$5,000 or less. The signing of this bill is in keeping with the recent changes in the law to increase the amount of the senior citizens' tax deductions from \$80 to \$160 annually as part of a program by the Cahill Administration to assist senior citizens in maintaining their homes while preserving their personal dignity and self-respect.

The Governor also signed Assembly bill 2569, sponsored by Assemblywoman Elizabeth Cox (R., District 9B), which provides for the termination of leases in

the death of the lessee.

Another bill signed into law was Assembly bill 2180, sponsored by Assemblywoman Josephine Margetts (R., District 10A), designating the violet as the state flower.

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