

40A:14-156.1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-156.1 to 40A:14-156.4 (Mutual aid agreements)

Laws of 1976 Chapter 45

Bill No. S1036

Sponsor(s) Greenberg

Date Introduced February 3, 1976

Committee: Assembly County Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes ~~NO~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly June 28, 1976

Senate June 10, 1976

Date of approval July 1, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes No

Senate Yes ~~No~~

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes No

Hearings Yes No

For background see:

974.90 N.J. County & Municipal Government Study Commission.
p766 Aspects of law enforcement in New Jersey. Trenton, 1976.
1976a (Twelfth report by the Commission)

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SENATE, No. 1036

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1976

By Senator GREENBERG

Referred to Committee on County and Municipal Government

AN ACT concerning intermunicipal police **and fire** assistance agreements 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 governing bodies of two or more municipalities may by
2 reciprocal ordinances enter into agreements with each other for
3 mutual police **or fire** aid in case of emergency. Such agreements
4 may provide for:

5 a. The reimbursement of the municipality or municipalities
6 rendering such aid, for any damage to police **or fire** equipment or
7 other property, and for payment to any member of a police force
7A **or fire department and force or volunteer fire company** for
8 injuries sustained while serving pursuant to such agreements or
9 to a surviving spouse or other dependent if death results;

10 b. A joint meeting of the municipalities entering into such agree-
11 ments, for the selection of necessary officers or personnel, or for
12 such other matters as are mutually deemed necessary; and

13 c. The acquisition of lands, and the establishment and mainte-
14 nance of a central office. Real and personal property so acquired
15 shall be held by such municipalities as tenants in common.

1 2. Members of a police force **or fire department and force*
1A *or volunteer fire company** in any municipality entering into
2 any agreement hereunder, while on duty rendering assistance to
3 any other municipality entering into said agreement, shall have the
4 same powers, authority and immunities as have the members of the
5 police force **or fire department and force or volunteer fire com-*
6 *pany, as the case may be,** of the municipality in which such
7 assistance is being rendered.

1 3. If any member of a police force **or fire department and*
1A *force or volunteer fire company** summoned pursuant to an
2 agreement to render assistance suffers injury or death in the per-
3 formance of his duties, he or his designee or legal representative
4 shall be entitled to such salary, pension rights, workmen's com-
5 pensation or other benefits as would have accrued if such injury or
6 death had occurred in the performance of duties in the territorial
7 jurisdiction in which the duties were normally performed.

1 4. The county disaster control coordinator for the county in
2 which a municipality entering into such agreements is situated may
3 by express order suspend operation of an agreement entered into
4 pursuant to this act as to that municipality upon declaration of an
5 emergency pursuant to P. L. 1942, c. 251 (C. App. A :9-33 et seq.),
6 as amended and supplemented by P. L. 1953, c. 438, or any regula-
7 tion promulgated thereunder.

1 5. This act shall take effect immediately.

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2 agreement to render assistance suffers injury or death in the per-
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STATEMENT

This bill is made necessary by section 2 of P. L. 1972, c. 4 (N. J. S. 40A:14-156) under which the chief or head of any municipal police department is required to render emergency police assistance to any contiguous municipality or county park police department or system when such aid is requested by the mayor or chief executive of a contiguous municipality or by the chief or head of the police department of said municipality. P. L. 1972, c. 4, however restricted the mandatory rendering of such mutual police assistance to contiguous municipalities.

This bill authorizes the governing bodies of two or more non-contiguous municipalities, by reciprocal ordinances, to enter into agreements for the provision of mutual police assistance in emergency situations. Such agreements may include provisions for:

(1) Reimbursement by the recipient municipality for aid rendered or damage to police equipment or other property, and payments to policemen for injuries sustained therewith, or to their designees or legal representatives if death results;

(2) Joint meetings for selection of necessary officers or personnel, or other related matters; and

(3) Acquisition of lands, the establishment and maintenance of a central office, and the holding of such properties as tenants in common.

In rendering assistance to other municipalities, police members shall have all the powers, authority and immunities as they would otherwise enjoy while serving within their own jurisdiction.

Any member suffering injury or death in performing such services, or his designee or legal representatives, shall be entitled to such benefits as said member would be eligible for injuries or death sustained within his own jurisdiction.

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Under the provisions of C. App. A:9-33, the Governor is entitled to assume control over all civilian (including police) activities in certain specified local or war emergencies. Upon the declaration of such emergencies, the authority of the county coordinator supersedes that of the local officials in the municipalities concerned, and therefore automatically overrides the provisions of any mutual aid agreement. By the terms of this bill, mutual aid agreements concluded pursuant to the provisions of this act would continue in force, unless the civil disaster control coordinator for the county, acting on behalf of the Governor, expressly orders otherwise.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
SENATE, No. 1036
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 1976

Senate Bill No. 1036 authorizes the governing bodies of two or more municipalities, by reciprocal ordinances, to enter into agreements for the provision of mutual police assistance in emergency situations. Such agreements may include provisions for:

(1) Reimbursement by the recipient municipality for aid rendered, and payments for damages to police equipment or other property or to any member of a police force injured in the course of such duty, or to their designees or legal representatives if death results;

(2) Joint meetings for selection of necessary officers or personnel, or for consideration of any other related matters; and

(3) Acquisition of lands, the establishment and maintenance of a central office, and the holding of such properties as tenants in common.

Any member of a police force rendering assistance to another municipality pursuant to this bill, shall have all the powers, authority and immunities of the members of the police force of the municipality to which assistance is rendered.

Any member suffering injury, or a designee or legal representative, in the case of the death of such member, while rendering such emergency, shall be entitled to all such benefits as said member, or a designee or legal representative, would receive if injury or death occurred in the performance of duty in the municipality of regular employment.

Section 4 of Senate Bill 1036 provides for the suspension of the operations of any such agreement in a particular municipality only upon express order of the county disaster control coordinator for the county in which said municipality is situated. Such order shall be issued pursuant to the declaration of emergency under P. L. 1942, c. 251 (C. App. A:9-33 et seq.) or a regulation promulgated thereunder. Under C. App. A:9-33, the Governor may assume control over all civil

(including) police activities in specified local or war emergencies. Upon declaration of such an emergency, the authority of the county coordinator supersedes that of the local officials of the municipalities concerned.

Senate Bill 1036 is directed toward remedying two sets of problems. First, as a result of the amendments to N. J. S. 40A:14-156 made by P. L. 1972, c. 4, that section of law, concerning mutual police assistance between contiguous municipalities, has been construed in some quarters as depriving municipalities of the authority to directly request assistance from noncontiguous municipalities for police or fire emergencies. Moreover, the ascribed legislative intent of P. L. 1972, c. 4 is viewed, insofar as emergency police assistance is concerned, as delimiting the authority of municipalities under the Interlocal Services Act (P. L. 1973, c. 208; C. 40:8A-1 et seq.). This lack of clear statutory authority, in turn, raises questions as to the powers, immunities, benefits and compensation of members of a police force of a noncontiguous municipality when rendering such assistance. Second, partly in response to the aforementioned situation, civil defense regulations have been issued pursuant to C. App. A:9-33 et seq., empowering the county disaster control coordinator to call upon, direct and coordinate the police forces of noncontiguous municipalities in such emergency situations. Indeed, section 4 g. of chapter III of the Civil Defense Disaster Control Plan, (1973 Rev.) declares it to be unlawful for any municipality to request assistance directly from noncontiguous municipalities.

While Senate Bill No. 1036 allows any municipality in the State to enter into agreements with any one or more other municipalities in the State for the rendering of mutual police assistance in emergencies, the bill's immediate objective is to deal with the problems of noncontiguous municipalities. In so doing, the bill also limits the authority of county disaster control coordinators to suspend the operations of mutual assistance agreements between noncontiguous municipalities.

The committee considers the provisions of this bill, as amended, to be consistent with and supplementary to the compulsory assistance provisions of N. J. S. 40A:14-26 and N. J. S. 40A:14-156.

The Senate committee amendments extend the comprehensive scheme of mutual assistance contained in Senate Bill No. 1036 to fire emergencies.

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FROM THE OFFICE OF THE GOVERNOR

JULY 2, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne has signed into law a bill which permits municipalities to enter into agreements for police and fire assistance in cases of emergencies.

The measure, S-1036, sponsored by Senator Martin L. Greenberg, D-Essex, permits municipalities to enact reciprocal ordinances to provide for such aid.

Present law provides for such mutual assistance between contiguous municipalities. The new law supplements the statute by extending the coverage to non-contiguous municipalities.

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