

40A:14-2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 351

NJSA: 40A:14-2 (County fire marshal — allows creation of arson investigation unit)

BILL NO: S912 (Substituted for A1803)

SPONSOR(S): Palaia and Bark

DATE INTRODUCED: March 23, 1998

COMMITTEE: ASSEMBLY: Local Government & Housing

SENATE: Community & Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: June 10, 1999 *Re-enacted:* January 10, 2000

SENATE: June 21, 1999 *Re-enacted:* January 10, 2000

DATE OF APPROVAL: January 14, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#): 2nd Reprint
(Amendments during passage denoted by superscript numbers)

S912

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: ASSEMBLY: [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A1803

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S912

COMMITTEE STATEMENT: ASSEMBLY: [Yes](#)
Identical to Senate Statement for S912

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

[VETO MESSAGE:](#) [Yes](#)

GOVERNOR'S PRESS RELEASE ON CONDITIONAL VETO:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 351, *approved January 14, 2000*

Senate, No. 912 (*Second Reprint*)

1 **AN ACT** concerning the powers and duties of county fire marshals,
2 amending N.J.S.40A:14-2, supplementing chapter 14 of Title 40A
3 of the New Jersey Statutes and repealing N.J.S.40A:14-4 and
4 N.J.S.40A:14-5.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

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

10 40A:14-2. County Fire Marshal; powers and duties.

11 The county fire marshal shall act in an advisory capacity to all of
12 the fire companies in the county, conduct² or assist in, when
13 requested by the incident commander or fire chief of the department
14 having jurisdiction,² investigations pertaining to the cause and origins
15 of fires, conduct² or review² studies pertaining to the elimination of
16 fire hazards and [in reference thereto make recommendations to the
17 board of chosen freeholders. The said board may act upon such
18 recommendations and take action for the abatement of fire hazards],
19 subject to the approval of the board of chosen freeholders, have
20 authority to enforce the provisions of the "Uniform Fire Safety Act,"
21 P.L.1983, c.383 (C.52:27D-192 et seq.). The county fire marshal shall
22 report to the² appropriate authority, as determined by the² entity with
23 control over the executive functions of the county. The term "entity
24 with control over the executive functions of the county" means:

25 a. in counties other than those that have adopted a form of
26 government pursuant to the provisions of P.L.1972, c.154 (C.40:41A-
27 1 et seq.), the board of freeholders, unless such a county has created
28 the position of county administrator pursuant to (N.J.S.40A:9-42), in
29 which case the term means the county administrator;

30 b. in counties that have adopted a form of government pursuant to
31 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
32 executive, the county manager, the county supervisor or the board
33 president, depending upon the county form of government.

34 The county fire marshal, subject to the approval of the **[said]** board
35 of chosen freeholders, may:

36 (1) **[**regulate the use, storage, sale and disposal of inflammable or
37 combustible materials;**]**(deleted by amendment)

38 (2) **[**provide for the protection of life and property from danger of

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALH committee amendments adopted January 21, 1999.

² Senate amendments adopted in accordance with Governor's recommendations December 13, 1999.

1 fires and explosions; and】 (deleted by amendment)

2 (3) 【provide for the inspection of fire hazards in buildings, docks,
3 wharves, warehouses and other places.】(deleted by amendment)

4 (4) accept the responsibility to be the enforcing agency for a
5 municipality or fire district under the "Uniform Fire Safety Act,"
6 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by
7 ordinance of the municipality or resolution of the fire district;

8 (5) act as training administrator of county fire training facilities and
9 coordinate training programs with fire departments, agencies and
10 established training committees;

11 (6) offer assistance to families, units of government and mental
12 health agencies including law enforcement for intervention in juvenile
13 fire setting incidents;

14 (7) provide for the prevention of fire hazards and initiate programs
15 for public awareness; and

16 (8) provide municipal fire departments with such assistance as
17 necessary to coordinate, control or extinguish any ²fire situation or
18 other² emergency situation ²for which a fire department has
19 responsibility by local ordinance² when requested by the incident
20 commander or fire chief of the department having jurisdiction.

21 (cf: N.J.S.40A:4-2)

22

23 2. (New section) a. The board of freeholders of any county which
24 has created the office of county fire marshal, other than a county in
25 which a county arson investigation unit has been established in the
26 county prosecutor's office, may by ordinance or resolution, as
27 appropriate, create an arson investigation unit within the office of
28 county fire marshal and provide for the maintenance, regulation and
29 control thereof. The arson investigation unit¹, subject to the approval
30 and supervision of the county prosecutor or, if the Attorney General
31 has exercised jurisdiction in the matter, the Attorney General,¹ shall be
32 responsible for conducting investigations of arson, suspicious fires or
33 explosions in those municipalities within the county that have not
34 created an arson investigation unit pursuant to the provisions of
35 section 1 of P.L.1981, c.409 (C.40A:14-7.1).

36 b. Before any county fire marshal or assistant fire marshal shall be
37 assigned to an arson investigation unit, that person shall have
38 successfully completed an appropriate course of training approved by
39 the Police Training Commission and an arson investigation training
40 course approved by the Department of Law and Public Safety.

41 c. Any county fire marshal or assistant fire marshal who is assigned
42 to an arson investigation unit pursuant to this section shall attend and
43 successfully complete in-service training programs ¹for certified arson
44 investigators¹ as required by the Division of Criminal Justice.

45 d. Any county fire marshal or assistant fire marshal who is assigned
46 to an arson investigation unit pursuant to this section shall have the

1 same powers and authority of a police officer within the municipality
2 while engaging in the actual performance of arson investigation duties.

3

4 3. N.J.S.40A:14-4 and N.J.S.40A:14-5 are hereby repealed.

5

6 4. This act shall take effect immediately.

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11 Authorizes certain changes to office of county fire marshal and allows
12 creation of arson investigation unit therein.

SENATE, No. 912

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Authorizes certain changes to office of county fire marshal and allows creation of arson investigation unit therein.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/1998)

S912 PALAIA, BARK

2

1 AN ACT concerning the powers and duties of county fire marshals,
2 amending N.J.S.40A:14-2, supplementing chapter 14 of Title 40A
3 of the New Jersey Statutes and repealing N.J.S.40A:14-4 and
4 N.J.S.40A:14-5.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

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

10 40A:14-2. County Fire Marshal; powers and duties.

11 The county fire marshal shall; act in an advisory capacity to all of
12 the fire companies in the county, conduct investigations pertaining to
13 the cause and origins of fires, conduct studies pertaining to the
14 elimination of fire hazards and [in reference thereto make
15 recommendations to the board of chosen freeholders. The said board
16 may act upon such recommendations and take action for the abatement
17 of fire hazards], subject to the approval of the board of chosen
18 freeholders, have authority to enforce the provisions of the "Uniform
19 Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). The county
20 fire marshal shall report to the entity with control over the executive
21 functions of the county. The term "entity with control over the
22 executive functions of the county" means:

23 a. in counties other than those that have adopted a form of
24 government pursuant to the provisions of P.L.1972, c.154 (C.40:41A-
25 1 et seq.), the board of freeholders, unless such a county has created
26 the position of county administrator pursuant to (N.J.S.40A:9-42), in
27 which case the term means the county administrator;

28 b. in counties that have adopted a form of government pursuant to
29 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
30 executive, the county manager, the county supervisor or the board
31 president, depending upon the county form of government.

32 The county fire marshal, subject to the approval of the **[said]** board
33 of chosen freeholders, may:

34 (1) **[regulate the use, storage, sale and disposal of inflammable or**
35 **combustible materials;](deleted by amendment)**

36 (2) **[provide for the protection of life and property from danger of**
37 **fires and explosions; and](deleted by amendment)**

38 (3) **[provide for the inspection of fire hazards in buildings, docks,**
39 **wharves, warehouses and other places.](deleted by amendment)**

40 (4) accept the responsibility to be the enforcing agency for a
41 municipality or fire district under the "Uniform Fire Safety Act,"
42 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by

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 underlined thus is new matter.

S912 PALAIA, BARK

- 1 ordinance of the municipality or resolution of the fire district;
2 (5) act as training administrator of county fire training facilities and
3 coordinate training programs with fire departments, agencies and
4 established training committees;
5 (6) offer assistance to families, units of government and mental
6 health agencies including law enforcement for intervention in juvenile
7 fire setting incidents;
8 (7) provide for the prevention of fire hazards and initiate programs
9 for public awareness; and
10 (8) provide municipal fire departments with such assistance as
11 necessary to coordinate, control or extinguish any emergency situation
12 when requested by the incident commander or fire chief of the
13 department having jurisdiction.

14 (cf: N.J.S.40A:4-2)

15

16 2. (New section) a. The board of freeholders of any county which
17 has created the office of county fire marshal, other than a county in
18 which a county arson investigation unit has been established in the
19 county prosecutor's office, may by ordinance or resolution, as
20 appropriate, create an arson investigation unit within the office of
21 county fire marshal and provide for the maintenance, regulation and
22 control thereof. The arson investigation unit shall be responsible for
23 conducting investigations of arson, suspicious fires or explosions in
24 those municipalities within the county that have not created an arson
25 investigation unit pursuant to the provisions of section 1 of P.L.1981,
26 c.409 (C.40A:14-7.1).

27 b. Before any county fire marshal or assistant fire marshal shall be
28 assigned to an arson investigation unit, that person shall have
29 successfully completed an appropriate course of training approved by
30 the Police Training Commission and an arson investigation training
31 course approved by the Department of Law and Public Safety.

32 c. Any county fire marshal or assistant fire marshal who is assigned
33 to an arson investigation unit pursuant to this section shall attend and
34 successfully complete in-service training programs as required by the
35 Division of Criminal Justice.

36 d. Any county fire marshal or assistant fire marshal who is assigned
37 to an arson investigation unit pursuant to this section shall have the
38 same powers and authority of a police officer within the municipality
39 while engaging in the actual performance of arson investigation duties.

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41 3. N.J.S.40A:14-4 and N.J.S.40A:14-5 are hereby repealed.

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43 4. This act shall take effect immediately.

STATEMENT

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This bill would eliminate the powers and duties of county fire marshals that have become antiquated over time and conflict with other State regulations. Powers such as the power to inspect fire hazards in buildings, docks, wharves, warehouses and other places no longer pertain due to adoption the New Jersey State "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would also amend existing law to more accurately reflect the duties that county fire marshals perform.

While the bill would require the county fire marshal to report to the entity with control over the executive functions of the county, it would retain the power of boards of chosen freeholders to establish an office of county fire marshal. Furthermore, the bill would require board approval before an office of county fire marshal could engage in the powers and duties that could be bestowed by this bill.

- These powers and duties include the ability to:
- accept the responsibility to be the enforcing agency for a municipality or fire district under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by ordinance of the municipality or resolution of the fire district;
 - act as training administrator of county fire training facilities and coordinate training programs with fire departments, agencies and established training committees;
 - offer assistance to families, units of government and mental health agencies including law enforcement for intervention in juvenile fire setting incidents;
 - provide for the prevention of fire hazards and initiate programs for public awareness; and
 - provide municipal fire departments with such assistance as necessary to coordinate, control or extinguish any emergency situation when requested by the incident commander or fire chief of the department having jurisdiction.

The bill would also authorize boards of freeholders to create an arson investigation unit within the office of county fire marshal, which unit would be responsible for conducting investigations of arson, suspicious fires or explosions in those municipalities that have not created a municipal arson investigation unit under existing law. Because current law only allows a municipality to create an arson investigation unit if the municipality has established a paid or part-paid fire department or force, all municipalities that have volunteer fire departments are unable to create arson investigation units.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

SENATE, No. 912

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Assembly Local Government and Housing Committee reports favorably, with committee amendments, Senate Bill No. 912.

This bill would eliminate the powers and duties of county fire marshals that have become antiquated over time and that conflict with other State regulations. Powers such as the power to inspect fire hazards in buildings, docks, wharves, warehouses and other places no longer pertain due to the adoption of the New Jersey State "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would also amend existing law to more accurately reflect the duties that county fire marshals perform.

While the bill would require the county fire marshal to report to the entity with control over the executive functions of the county, it would retain the power of boards of chosen freeholders to establish an office of county fire marshal. Furthermore, the bill would require board approval before an office of county fire marshal could engage in the powers and duties that could be bestowed by this bill.

These powers and duties include the ability to:

accept the responsibility to be the enforcing agency for a municipality or fire district under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by ordinance of the municipality or resolution of the fire district;

act as training administrator of county fire training facilities and coordinate training programs with fire departments, agencies and established training committees;

offer assistance to families, units of government and mental health agencies including law enforcement for intervention in juvenile fire setting incidents;

provide for the prevention of fire hazards and initiate programs for public awareness; and

provide municipal fire departments with such assistance as necessary to coordinate, control or extinguish any emergency situation when requested by the incident commander or fire chief of the department having jurisdiction.

The bill would also authorize boards of freeholders to create an arson investigation unit within the office of county fire marshal, which unit would be responsible for conducting investigations of arson, suspicious fires or explosions in those municipalities that have not created a municipal arson investigation unit under existing law. Because current law only allows a municipality to create an arson investigation unit if the municipality has established a paid or part-paid fire department or force, all municipalities that have volunteer fire departments are unable to create arson investigation units.

The committee amended the bill, upon the recommendation of the Department of Law and Public Safety, to include language to ensure that the activities of an arson investigation unit created in the office of the county fire marshal are conducted with the approval and supervision of the county prosecutor or the Attorney General. The committee also followed the department's recommendation to include amendatory language specifying the required in-service training program for certified arson investigators.

As amended, this bill is identical to Assembly, No. 1803, also amended and reported by the committee at this meeting.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 912

STATE OF NEW JERSEY

DATED: MAY 14, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 912.

This bill would eliminate the powers and duties of county fire marshals that have become antiquated over time and that conflict with other State regulations. Powers such as the power to inspect fire hazards in buildings, docks, wharves, warehouses and other places no longer pertain due to the adoption of the New Jersey State "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would also amend existing law to more accurately reflect the duties that county fire marshals perform.

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act as training administrator of county fire training facilities and coordinate training programs with fire departments, agencies and established training committees;

offer assistance to families, units of government and mental health agencies including law enforcement for intervention in juvenile fire setting incidents;

provide for the prevention of fire hazards and initiate programs for public awareness; and

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created a municipal arson investigation unit under existing law. Because current law only allows a municipality to create an arson investigation unit if the municipality has established a paid or part-paid fire department or force, all municipalities that have volunteer fire departments are unable to create arson investigation units.

ASSEMBLY, No. 1803

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MARCH 9, 1998

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

SYNOPSIS

Authorizes certain changes to office of county fire marshal and allows creation of arson investigation unit therein.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/1998)

A1803 ROBERTS, GEIST

2

1 AN ACT concerning the powers and duties of county fire marshals,
2 amending N.J.S.40A:14-2, supplementing chapter 14 of Title 40A
3 of the New Jersey Statutes and repealing N.J.S.40A:14-4 and
4 N.J.S.40A:14-5.

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6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

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

10 40A:14-2. County Fire Marshal; powers and duties.

11 The county fire marshal shall: act in an advisory capacity to all of
12 the fire companies in the county, conduct investigations pertaining to
13 the cause and origins of fires, conduct studies pertaining to the
14 elimination of fire hazards and [in reference thereto make
15 recommendations to the board of chosen freeholders. The said board
16 may act upon such recommendations and take action for the
17 abatement of fire hazards] , subject to the approval of the board of
18 chosen freeholders, have authority to enforce the provisions of the
19 "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).
20 The county fire marshal shall report to the entity with control over the
21 executive functions of the county. The term "entity with control over
22 the executive functions of the county" means:

23 a. in counties other than those that have adopted a form of
24 government pursuant to the provisions of P.L.1972, c.154 (C.40:41A-
25 1 et seq.), the board of freeholders, unless such a county has created
26 the position of county administrator pursuant to (N.J.S.40A:9-42), in
27 which case the term means the county administrator;

28 b. in counties that have adopted a form of government pursuant
29 to the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
30 executive, the county manager, the county supervisor or the board
31 president, depending upon the county form of government.

32 The county fire marshal, subject to the approval of the **[said]** board
33 of chosen freeholders, may:

34 (1) **[regulate the use, storage, sale and disposal of inflammable or**
35 **combustible materials;](deleted by amendment)**

36 (2) **[provide for the protection of life and property from danger of**
37 **fires and explosions; and] (deleted by amendment)**

38 (3) **[provide for the inspection of fire hazards in buildings, docks,**
39 **wharves, warehouses and other places.](deleted by amendment)**

40 (4) accept the responsibility to be the enforcing agency for a
41 municipality or fire district under the "Uniform Fire Safety Act,"
42 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by

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 underlined thus is new matter.

1 ordinance of the municipality or resolution of the fire district;

2 (5) act as training administrator of county fire training facilities and
3 coordinate training programs with fire departments, agencies and
4 established training committees;

5 (6) offer assistance to families, units of government and mental
6 health agencies including law enforcement for intervention in juvenile
7 fire setting incidents;

8 (7) provide for the prevention of fire hazards and initiate programs
9 for public awareness; and

10 (8) provide municipal fire departments with such assistance as
11 necessary to coordinate, control or extinguish any emergency situation
12 when requested by the incident commander or fire chief of the
13 department having jurisdiction.

14 (cf: N.J.S.40A:4-2)

15

16 2. (New section) a. The board of freeholders of any county which
17 has created the office of county fire marshal, other than a county in
18 which a county arson investigation unit has been established in the
19 county prosecutor's office, may by ordinance or resolution, as
20 appropriate, create an arson investigation unit within the office of
21 county fire marshal and provide for the maintenance, regulation and
22 control thereof. The arson investigation unit shall be responsible for
23 conducting investigations of arson, suspicious fires or explosions in
24 those municipalities within the county that have not created an arson
25 investigation unit pursuant to the provisions of section 1 of P.L.1981,
26 c.409 (C.40A:14-7.1).

27 b. Before any county fire marshal or assistant fire marshal shall be
28 assigned to an arson investigation unit, that person shall have
29 successfully completed an appropriate course of training approved by
30 the Police Training Commission and an arson investigation training
31 course approved by the Department of Law and Public Safety.

32 c. Any county fire marshal or assistant fire marshal who is assigned
33 to an arson investigation unit pursuant to this section shall attend and
34 successfully complete in-service training programs as required by the
35 Division of Criminal Justice.

36 d. Any county fire marshal or assistant fire marshal who is assigned
37 to an arson investigation unit pursuant to this section shall have the
38 same powers and authority of a police officer within the municipality
39 while engaging in the actual performance of arson investigation duties.

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41 3. N.J.S.40A:14-4 and N.J.S.40A:14-5 are hereby repealed.

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43 4. This act shall take effect immediately.

STATEMENT

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This bill would eliminate the powers and duties of county fire marshals that have become antiquated over time and conflict with other State regulations. Powers such as the power to inspect fire hazards in buildings, docks, wharves, warehouses and other places no longer pertain due to adoption the New Jersey State "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would also amend existing law to more accurately reflect the duties that county fire marshals perform.

While the bill would require the county fire marshal to report to the entity with control over the executive functions of the county, it would retain the power of boards of chosen freeholders to establish an office of county fire marshal. Furthermore, the bill would require board approval before an office of county fire marshal could engage in the powers and duties that could be bestowed by this bill.

These powers and duties include the ability to:

accept the responsibility to be the enforcing agency for a municipality or fire district under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by ordinance of the municipality or resolution of the fire district;

act as training administrator of county fire training facilities and coordinate training programs with fire departments, agencies and established training committees;

offer assistance to families, units of government and mental health agencies including law enforcement for intervention in juvenile fire setting incidents;

provide for the prevention of fire hazards and initiate programs for public awareness; and

provide municipal fire departments with such assistance as necessary to coordinate, control or extinguish any emergency situation when requested by the incident commander or fire chief of the department having jurisdiction.

The bill would also authorize boards of freeholders to create an arson investigation unit within the office of county fire marshal, which unit would be responsible for conducting investigations of arson, suspicious fires or explosions in those municipalities that have not created a municipal arson investigation unit under existing law. Because current law only allows a municipality to create an arson investigation unit if the municipality has established a paid or part-paid fire department or force, all municipalities that have volunteer fire departments are unable to create arson investigation units.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1803

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Assembly Local Government and Housing Committee reports favorably, with committee amendments, Assembly Bill No. 1803.

This bill would eliminate the powers and duties of county fire marshals that have become antiquated over time and conflict with other State regulations. Powers such as the power to inspect fire hazards in buildings, docks, wharves, warehouses and other places no longer pertain due to adoption the New Jersey State "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would also amend existing law to more accurately reflect the duties that county fire marshals perform.

While the bill would require the county fire marshal to report to the entity with control over the executive functions of the county, it would retain the power of boards of chosen freeholders to establish an office of county fire marshal. Furthermore, the bill would require board approval before an office of county fire marshal could engage in the powers and duties that could be bestowed by this bill.

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provide municipal fire departments with such assistance as necessary to coordinate, control or extinguish any emergency situation when requested by the incident commander or fire chief of the department having jurisdiction.

The bill would also authorize boards of freeholders to create an

arson investigation unit within the office of county fire marshal, which unit would be responsible for conducting investigations of arson, suspicious fires or explosions in those municipalities that have not created a municipal arson investigation unit under existing law. Because current law only allows a municipality to create an arson investigation unit if the municipality has established a paid or part-paid fire department or force, all municipalities that have volunteer fire departments are unable to create arson investigation units.

The committee amended the bill, upon the recommendation of the Department of Law and Public Safety, to include language to ensure that the activities of an arson investigation unit created in the office of the county fire marshal are conducted with the approval and supervision of the county prosecutor or the Attorney General. The committee also followed the department's recommendation to include amendatory language specifying the required in-service training program for certified arson investigators.

As amended, this bill is identical to Senate, No.912, also amended and reported by the committee at this meeting.

**SENATE BILL NO. 912
(First Reprint)**

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 912 (First Reprint) with my recommendations for reconsideration.

A. SUMMARY OF THE BILL

The bill amends existing law in order to more accurately reflect the role of the county fire marshal. The powers and duties of county fire marshals would be amended by the bill to require county fire marshals to conduct investigations pertaining to the cause and origins of fires, and conduct studies pertaining to the elimination of fire hazards.

The bill also provides that approval of the board of chosen freeholders (“freeholder board”) is required before the county fire marshal may engage in the following newly specified powers and duties contained in the bill: (1) accept the responsibility, if requested to do so by ordinance of the municipality or by the resolution of the fire district, to be the enforcing agency for a municipality or fire district under the “Uniform Fire Safety Act”; (2) act as training administrator of county training facilities and coordinate training programs with fire departments, agencies and established training committees; (3) offer assistance to families, governmental units and mental health agencies for intervention in juvenile fire safety incidents; (4) provide for the prevention of fire hazards and initiate programs for public awareness; and (5) assist municipal fire departments in coordinating, controlling or extinguishing any emergency situation when requested to do so.

The bill further authorizes a freeholder board to create an arson investigation unit, within the office of the county fire marshal, in those counties in which the prosecutor does not have such a unit. The arson investigation unit will be subject to the approval of the county prosecutor or the Attorney General, depending upon which entity has exercised jurisdiction in the matter being investigated.

The bill also mandates that certain training be completed before a county fire marshal or assistant fire marshal is assigned to an arson investigation unit. An appropriate course of training must be approved by the Police Training Commission and the Department of Law and Public Safety.

B. RECOMMENDED ACTION

I commend the sponsors for their work on this legislation that amends existing law in order to more accurately reflect the role of county fire marshals.

In that regard, and after a unanimous vote on the bill in both the Senate and Assembly, the sponsors have requested that I issue a Conditional Veto in order to allow the part time fire marshals that serve our State's smaller counties to have greater flexibility within the new mandates.

I am issuing this Conditional Veto of the bill in order to clarify the responsibilities of all of our State's county fire marshals by: (1) allowing a fire marshal to make a choice of whether to conduct or assist in an investigation pertaining to the cause and origin of a fire when requested by the fire department having jurisdiction over it; (2) changing the entity to whom the fire marshal reports from the entity with control over the executive functions of the county to an authority designated by that entity; and (3) limiting the emergency situations for which a fire marshal may be required to render coordination and control to those for which a fire department has responsibility by way of local ordinance.

I hope that these technical changes will enable all county fire marshals to carry out their important duties in a more efficient manner in order to better ensure the safety of the citizens of our State.

Therefore, I herewith return Senate Bill No. 912 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 12:

After "conduct" insert "or assist in, when requested by the incident commander or fire chief of the department having jurisdiction,"

Page 2, Section 1, Line13:

After "conduct" insert "or review"

Page 2, Section 1, Line 20:

After "the" insert "appropriate authority, as determined by the"

Page 3, Section 1, Line12:

After "any" insert "fire situation or other"; after "situation" insert "for which a fire department has responsibility by local ordinance"

Respectfully,

Christine Todd Whitman
Governor

Attest:

Richard S. Mroz
Chief Counsel

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
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RELEASE: September 23, 1999

Gov. Christie Whitman today conditionally vetoed the following pieces of legislation:

SCS For S-1220, sponsored by the late Senator Wynona M. Lipman (D- Essex/Union) and Senator Joseph A. Palaia (R-Monmouth) and Assembly Members William D. Payne (D-Essex/Union) and Joseph V. Doria, Jr. (D-Hudson), establishes an at-risk youth mentoring program for public school students in the Department of Labor (DOL). The bill appropriates \$750,000 from the work First New Jersey - Work Activities account in the Department of Human Services to the Workforce Development Partnership Fund in the DOL to implement the provisions of the bill.

The Governor commended the sponsors of the legislation, especially the late Senator Lipman, for their efforts to establish a mentoring program for at-risk youth. She said the recommendations in her conditional veto would enhance the program's effectiveness. The Governor recommended that the bill be amended to create a three-year pilot program to allow for evaluation of the program's success and its role in relation to other public and private mentoring programs that are currently offered to at-risk youth. She said the mentoring programs also should use existing resources. The Governor recommended that the programs be designed to utilize public and private community organizations that provide employment, mental health, substance abuse, and family planning services to provide training for mentors and services for the at-risk youth served by the mentoring program. In order to provide for the effective use of available funds, Gov. Whitman recommended that the DOL have the authority to provide grants of up to \$50,000 instead of \$25,000 and that the maximum number of students served by a program be increased from 25 to 50 students.

S-2008, sponsored by Senator Diane B. Allen (R-Burlington/Camden) and Assembly Member Guy R. Gregg (R-Sussex/Hunterdon/Morris), would have amended current law to reduce the surcharge levied annually on workers' compensation insurance policy holders and self-insured employers. The bill would have modified the assignment formula to reduce the estimate used to calculate the surcharge from 150% to 125% of the estimated cost of the program. Use of an overestimate ensures that moneys will be sufficient to cover any unanticipated claims against the fund. In her conditional veto, the Governor recommended limiting the assessment formula to 100% of estimated administrative costs and requiring the Commissioner of Labor to submit an informational copy of the assessment to the Joint Budget Oversight Committee. The Governor said her action will serve to reduce the financial burden on employers and avoid overfunding, while maintaining adequate reserves for benefit payments and administrative costs.

S-912, sponsored by Senators Joseph A. Palaia (R-Monmouth) and Martha W. Bark (R-Atlantic/Burlington/Camden) and Assembly Members Joseph J. Roberts, Jr. (D-Camden/Gloucester) and George E. Geist (R-Camden/Gloucester), would have authorized certain changes to the offices of the county fire marshals and allowed for the creation of arson investigation units. The bill would have amended current laws to require county fire marshals to conduct investigations pertaining to the

elimination of fire hazards. The bill would also have amended certain statutorily defined responsibilities of a county fire marshal that a freeholder board is authorized to approve.

In her conditional veto, the Governor said that after a unanimous vote on the bill in both the Senate and Assembly, the sponsors requested that she issue a conditional veto in order to allow the part time fire marshals that serve the state's smaller counties to have greater flexibility within the new mandates. She commended the sponsors for their work in amending existing law in order to more accurately reflect the role of county fire marshals. The Governor recommended amending the bill to allow the fire marshals to determine whether to conduct or assist in an investigation pertaining to the cause and origin of a fire when requested by the fire department having jurisdiction over it.

She also recommended changing the entity to whom the fire marshal reports from the entity with control over the executive functions of the county to an authority designated by that entity. Also, the Governor recommended limiting situations for which a fire marshal may be required to render coordination and control to those for which a fire department has responsibility by way of local ordinance.

S-235, sponsored by Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Nicholas Asselta (R- Cape May/Atlantic/Cumberland) and John C. Gibson (R-Cape May/Atlantic/Cumberland), would have made certain changes in the requirements for an enforcement of cancellation of mortgages of record. Currently, when a mortgage is paid and satisfied, a mortgagee (lender) must request the mortgage be canceled as of record by the county recording officer (typically the county clerk). Upon payment of the requisite fee, the county clerk marks the mortgage cancelled and returns a copy to the mortgagee. The bill would have placed additional requirements upon the mortgagee/lender by mandating that the lender send the borrower the following three items at the same time the lender requests the mortgage cancellation from the county clerk: (1) the original mortgage noted marked "paid in full."; (2) a copy of the mortgage marked "canceled"; and (3) a copy of the mortgagee's letter to the county recording officer requesting that the mortgage be canceled of record.

In her conditional veto, the Governor said ensuring that New Jersey citizens and their families will be free from unwarranted clouds on the titles to their property is a worthy goal. However, she said, several financial institutions, lending institutions and the New Jersey State Bar Association have expressed concern that this bill will place New Jersey in a unique position by requiring lenders to send copies of canceled mortgages and original promissory notes to borrowers.

The Governor recommended the deletion of the requirement that mortgagees forward mortgages with the original note and a copy of the mortgage marked canceled. She recommended retaining the requirement that mortgagees forward to mortgagors copies of their transmittal letters requesting cancellation of mortgages by county recording officers.

S-1492, establishes a Physician-Dentist Fellowship and Education Program within the University of Medicine and Dentistry (UMDNJ) to provide health care to persons with developmental disabilities. The program will train physicians and dentists in providing medical and dental services to individuals with developmental disabilities to ensure that these services are accessible and available to such individuals. The training will occur at the residency, post-doctoral fellowship and continuing education

levels. The bill would have appropriated a \$5 million grant to the UMDNJ for the costs associated with the program.

The Governor commended the sponsors of the bill for addressing the serious health care needs of the developmentally disabled community by establishing the program. She said, however, that it was essential that the program be administered by an agency that has the expertise to effectively respond to the unique needs of the state's developmentally disabled community. She said the Department of Human Services, working through the Division of Developmental Disabilities, has significant experience in identifying those needs.

The Governor recommended that the funds to administer the program be appropriated to DHS to ensure that the DHS and UMDNJ work together to achieve the program's goals. In addition to taking advantage of DHS, Gov. Whitman said she believed it was important that the program utilize existing resources at UMDNJ, as well as other institutions, to assist in providing training to physicians and dentists in caring for the developmentally disabled. Further, the Governor said, she believed the state can make a significant commitment and accomplish the objectives of this program with a \$2.5 million appropriation rather than a \$5 million appropriation.

The bill was sponsored by Senators Jack Sinagra (R-Middlesex) and C. Louis Bassano (R-Essex/Union) and Assembly Members Nilsa Cruz- Perez (D-Camden/Gloucester) and Charlotte Vandervalk (R-Bergen).

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Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
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RELEASE: January 14, 2000

S-279 (Girgenti) (Russo) - Clarifies duties and responsibilities of municipal prosecutors.

S-504 (Ciesla/Matheussen) (Blee/Malone) - Requires public school districts to provide transportation to all nonpublic schools in certain situations.

S-912 (Palaia/Bark) (Roberts/Geist) - Authorizes certain charges to office of county fire marshal and allows creation of arson investigation unit therein.

SCS for S-1196 (Kosco/Bryant/Furnari) (Cohen/DiGaetano) - Amends "Check Cashers Regulatory Act" to make it a crime to cash a check for consideration without a license and requires the revocation of license under certain circumstances; amends "Casino Control Act" to require casino licensees to file suspicious transaction report.

S-1492 (Sinagra/Bassano) (Cruz-Perez/Vandervalk) - "Physician- Dentist Fellowship and Education Program to Provide Health Care to Persons with Developmental Disabilities," appropriates \$2,500,000.

S-2217 (Gormley) (LeFevre/Blee) - Clarifies that cooperative to condominium conversions are not subject to realty transfer fee.

AS for SCS for S-949 (Blee/Cruz-Perez/Previte/Bryant/Gormley) (Jones/Asselta) - Makes Division of Criminal Justice investigators and probation officers eligible for body armor grants.

A-2965 (Bodine/Gregg) (Sinagra/Vitale) - Clarifies that only large water systems are required annually to mail drinking water quality information to customers; requires certain entities to post water quality test results.

A-3270 (Malone/Cottrell) (Singer/Allen) - Requires a board of education providing certain services to nonpublic school pupils to provide consultation with representatives of the nonpublic school on any change in the provision of services.

A-3408 (Biondi/Heck) (Kavanaugh/Robertson) - Provides sales tax exemptions for certain purchases by flood victims of Hurricane Floyd.

A-3571 (Blee) (Bryant/Matheussen) - Revises certain procedures for the receipt of State matching funds against contributions and donations made to institutions of higher education and institutional foundations.

S-1842 (Singer/Bark) (Malone/Conaway) - Establishes a special license plate to aid Deborah Hospital Foundation.

S-1869 (O'Connor) (Asselta/Gregg) - Makes permanent the Vietnam Veterans' Memorial Fund contribution gross income tax return check-off.

SCS for S-2034 (Ciesla/Codey) (Moran/Impeveduto) - Establishes certain licensing requirements for limousine drivers and additional requirements for owners of limousines.

A-2055 (Weinberg/Zisa) (Bassano/Singer) - Establishes Prostate Cancer Awareness, Education and Research Program in DHSS; appropriates \$1 million.

A-3245 (Lance/Gregg) (Schluter) - Appropriates \$200,000 for deer control research.

A-3410 (Lance/Smith) (Lynch) - Authorizes municipalities to establish grant programs to provide relief to certain real property owners for damages due to floods, hurricanes and other natural disasters.

A-3568 (Felice/Doria) (Bassano/Codey) - Continues health service corporation member on Individual Health Coverage and Small Employer Health Benefits Program boards.

A-3622 (Kramer) (Inverso) - Excludes certain hedge fund activity income of corporations of foreign nations from taxation under the corporation business tax.

A-3636 (DeCroce/Ciesla) - Exempts motor carrier employees from the State's statutory overtime wage rate requirements.