

ASSEMBLY, No. 4048

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Expands authority of emergency management departments in requesting assistance outside normal territorial jurisdictions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2020)

1 AN ACT concerning emergency management, and amending various
2 parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1993, c.58 (C.26:2K-60) is amended to read
8 as follows:

9 1. In the event of an emergency, the chief executive officer or a
10 designee of any volunteer first aid, ambulance or rescue squad, or
11 any municipal emergency management coordinator, or the mayor or
12 chief executive officer of any municipality may request assistance
13 from the chief executive officer or a designee of any volunteer first
14 aid, ambulance or rescue squad located in and serving another
15 municipality for the protection and preservation of life within the
16 territorial jurisdiction served by the squad, official, or officer
17 requesting the assistance.

18 The chief executive officer or a designee of the volunteer first
19 aid, ambulance or rescue squad located in and normally serving a
20 contiguous municipality to whom such a request for assistance is
21 made shall, except as hereinafter otherwise set forth, provide such
22 personnel and equipment as requested to the extent possible without
23 endangering any person or property within the municipality in
24 which the assisting squad is located and which it normally serves.

25 The members of any squad providing assistance shall have, while
26 so acting, the same rights and immunities as they otherwise enjoy in
27 the performance of their normal duties in the municipality, or other
28 territorial jurisdiction, in which the squad is located and which it
29 normally serves.

30 If any member of the assisting first aid, ambulance or rescue
31 squad shall, in rendering such assistance, suffer any injury or death,
32 the member or his designee or legal representative shall be entitled
33 to all salary, pension rights, workers compensation and other
34 benefits to which the member would be entitled if the casualty or
35 death had occurred in the performance of the member's duties in the
36 municipality, or other territorial jurisdiction, in which the squad is
37 located and which it normally serves.

38 (cf: P.L.1993, c.58, s.1)

39

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

41 40A:14-26. In the event of an emergency , the chief or head of
42 any municipal fire department and force, volunteer fire company,
43 municipal police department and force or park police department
44 and force, or first aid or ambulance squad, corps or company, or any
45 municipal emergency management coordinator, or the mayor or

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 chief executive officer of any municipality may request from the
2 chief or the head of the fire department and force or volunteer fire
3 company of any other municipality assistance to protect life and
4 property outside the normal territorial jurisdiction of the department
5 or company to which such request is directed.

6 The chief or head of the fire department and force **[,]** or
7 volunteer fire company of any contiguous municipality **[,]** to whom
8 such a request for assistance is made shall, except as hereinafter
9 otherwise set forth, provide such personnel and equipment as
10 requested to the extent possible without endangering person or
11 property within the municipality **[rendering]** in which the fire
12 department and force or volunteer fire company normally provides
13 such assistance.

14 The members of any department and force or company providing
15 assistance hereunder shall have, while so acting, the same powers
16 and authority as have the members of the fire department and force
17 or volunteer fire company of the municipality, or other territorial
18 jurisdiction, in which such aid is rendered. Said members shall also
19 have, while so acting, such rights and immunities as they otherwise
20 enjoy in the performance of their normal duties in the municipality,
21 or other territorial jurisdiction, **[rendering]** in which the fire
22 department and force or volunteer fire company normally provides
23 such assistance.

24 Any municipality receiving assistance hereunder shall pay to the
25 fire department and force **[,]** or volunteer fire company **[,]**
26 providing the assistance a sum computed at the rate of **[\$3.00]** \$3
27 for each member and **[\$35.00]** \$35 for each equipped fire apparatus
28 for each hour supplied unless terms and conditions for payment are
29 otherwise provided for in an agreement between the several
30 municipalities.

31 Volunteer fire companies of contiguous municipalities shall be
32 required to respond to such requests for assistance only to the extent
33 they have agreed to do so in an agreement with a paid fire
34 department and force or a municipality.

35 If any member of **[such other]** the assisting fire department and
36 force **[,]** or volunteer fire company shall, in rendering such
37 assistance, suffer any casualty or death, he or his designee or legal
38 representative shall be entitled to all salary, pension rights,
39 **[workmen's]** workers' compensation and other benefits to which
40 such member would be entitled if such casualty or death occurred in
41 the performance of his duties in the municipality, or other territorial
42 jurisdiction, **[rendering]** in which the fire department and force or
43 volunteer fire company normally provides such assistance.

44 (cf: P.L.1977, c.400, s.1)

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

47 40A:14-156. In the event of an emergency, the chief or other

1 head of any municipal police department and force or any park
2 police department or system, municipal fire department and force,
3 volunteer fire company, or first aid or ambulance squad, corps or
4 company, or any municipal emergency management coordinator, or
5 the mayor or chief executive officer of the municipality may request
6 **[,]** from the chief or other head of the police department and force
7 of any other municipality**[,]** assistance for police aid outside the
8 territorial jurisdiction of the department and force to which such
9 request is directed **[for police aid]**, in order to protect life and
10 property or to assist in suppressing a riot or disorder, and while so
11 acting, the members of the police department and force supplying
12 such aid shall have the same powers and authority as have the
13 members of the police department and force of the municipality in
14 which such aid is being rendered. Said members shall also have,
15 while so acting, such rights and immunities as they may otherwise
16 enjoy in the performance of their normal duties in the municipality,
17 or other territorial jurisdiction, **[rendering]** in which the police
18 department and force normally provides such assistance.

19 The chief or head of the police department and force to whom
20 such a request for assistance is made shall, in the case of a
21 contiguous municipality, provide such personnel and equipment as
22 requested to the extent possible without endangering person or
23 property within the municipality **[rendering]** in which the
24 department and force normally provides such assistance.

25 Any municipality receiving assistance hereunder shall pay to the
26 police department and force providing the assistance a sum
27 computed at the rate of **[\$3.00]** \$3 for each member and **[\$5.00]**
28 \$5 for each vehicle for each hour supplied unless terms and
29 conditions for payment are otherwise provided for in an agreement
30 between the several municipalities.

31 If any member of **[such other]** the assisting police department
32 and force in rendering such assistance shall suffer a casualty or
33 death, he or his designee or legal representative shall be entitled to
34 all salary, pension rights, **[workmen's]** workers' compensation and
35 other benefits to which such member or officer would be entitled if
36 such casualty or death occurred in the performance of his normal
37 duties in the municipality, or other territorial jurisdiction
38 **[rendering]** , in which the department and force normally provides
39 such assistance.

40 (cf: P.L.1977, c.400, s.2)

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42 4. Section 1 of P.L.1976, c.45 (C.40A:14-156.1) is amended to
43 read as follows:

44 1. The governing bodies of two or more municipalities may by
45 reciprocal ordinances enter into agreements with each other for
46 mutual police or fire aid or emergency management assistance in
47 case of emergency. Such agreements may provide for:

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

8 b. A joint meeting of the municipalities entering into such
9 agreements, for the selection of necessary officers or personnel, or
10 for such other matters as are mutually deemed necessary; and

11 c. The acquisition of lands, and the establishment and
12 maintenance of a central office. Real and personal property so
13 acquired shall be held by such municipalities as tenants in common.

14 The governing body of a municipality may enter into an
15 agreement with any authority created pursuant to an interstate
16 compact for mutual police or fire aid or emergency management
17 assistance in case of emergency. The agreement may contain
18 provisions similar to the provisions in agreements between
19 municipalities as provided above.

20 (cf: P.L.1997, c.79, s.1)

21

22 5. Section 2 of P.L.1976, c.45 (C.40A:14-156.2) is amended to
23 read as follows:

24 2. Members of a police force or fire department and force or
25 volunteer fire company, or emergency management personnel, in
26 any municipality entering into any agreement hereunder, while on
27 duty rendering assistance to any other municipality or interstate
28 authority created pursuant to an interstate compact entering into
29 said agreement, shall have the same powers, authority and
30 immunities as have the members of the police force or fire
31 department and force or volunteer fire company, or emergency
32 management personnel, as the case may be, of the municipality in
33 which such assistance is being rendered or of the authority for
34 which such assistance is being rendered.

35 (cf: P.L.1997, c.79, s.2)

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37 6. Section 3 of P.L.1976, c.45 (C.40A:14-156.3) is amended to
38 read as follows:

39 3. If any member of a police force or fire department and force
40 or volunteer fire company, or emergency management official or
41 volunteer, summoned pursuant to an agreement to render assistance
42 suffers injury or death in the performance of his duties, he or his
43 designee or legal representative shall be entitled to such salary,
44 pension rights, **workmen's** workers' compensation or other
45 benefits as would have accrued if such injury or death had occurred
46 in the performance of duties in the territorial jurisdiction in which
47 the duties were normally performed.

48 (cf: P.L.1976, c.45, s.3)

1 7. This act shall take effect immediately.

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STATEMENT

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6 This bill expands the authority of emergency management
7 departments in requesting assistance outside their normal territorial
8 jurisdictions. Under the bill's provisions, any municipal emergency
9 management coordinator is authorized to request assistance from
10 the chief executive officer or his or her designee of any volunteer
11 first aid, ambulance, or rescue squad; chief or other head of the fire
12 department and force or fire company; or chief or other head of the
13 police department and force located in and serving another
14 municipality.

15 The bill also provides emergency management personnel with
16 the same statutory protections afforded to members of police forces,
17 fire departments and forces, and volunteer fire companies in the
18 event of injury or death while rendering assistance outside of their
19 normal operating jurisdiction. If an individual were to suffer any
20 injury or death, the individual or the individual's designee or legal
21 representative would be entitled to the salary, pension rights,
22 workers' compensation or other benefits as would be available if
23 the injury or death occurred in the territorial jurisdiction in which
24 the individual normally performed his or her duties.