

COPY NO. 1

LEGISLATIVE HISTORY OF R. S. 34:15-43
(Workmen's Compensation - Volunteer Firemen - 1951 to 1958 amendments)

*for materials
see copy 2*

Laws 1951 - Chapter 211 - S. 70.

Introduced February 5, 1951 by Mr. Herbert.

Not amended during passage.

Bill had statement (Photostat of original bill with statement enclosed).

Laws 1952 - Chapter 317 - S. 315.

Introduced March 24 by Mr. Wallace.

Bill had statement. (Photostat of original bill showing added wording and statement enclosed).

Conditionally vetoed by Governor. (Photostat of Governor's Veto enclosed).

Passed both houses with Governor's recommendations.

Laws 1953 - Chapter 414 - A. 517.

Introduced March 6 by Mr. Jones.

No statement. (Photostat of original bill showing added wording enclosed).

Conditionally vetoed by Governor. (Photostat of Veto Message enclosed).

Re-enacted by both houses with recommended Governor's amendment.

Laws 1955 - Chapter 102 - A. 494.

Introduced April 25 by Mr. Field.

No statement on the bill.

Not amended during passage.

This bill adds the word "drill" in second paragraph.

Laws 1956 - Chapter 160 - A. 409.

Introduced April 9 by Mr. Coff.

Not amended during passage.

No statement on the bill.

This act added the underlined words:

34:15-43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, ...

Laws 1958 - Chapter 149 - A. 11.

Introduced January 14 by Bowkley, Barkalow, Saballo & Werner.

No statement on the bill.

Bill was amended in Senate. (Photostat of original bill and Senate amendments enclosed).

No hearings or reports were located on the bills.

We searched the following without success:

N.J. State Firemen's Association. Proceedings, Annual Convention, 1950-1958.

March 1964

[OFFICIAL COPY REPRINT]

SENATE, No. 70

L 1951 c. 211

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1951

By Mr. HERBERT

Referred to Committee on Counties and Municipalities

AN ACT concerning workmen's compensation, and amending section 34:15-43 of
the Revised Statutes.

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

1 1. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad
7 worker doing public first aid or rescue duty under the control or supervision
8 of any commission, council or any other governing body of any municipality
9 or any board of fire commissioners of such municipality or of any fire dis-
10 trict within the State, who may be injured in line of duty shall be compen-
11 sated under and by virtue of the provisions of this article and article two
12 of this chapter (sections 34:15-7 et seq.), but no person holding an elective
13 office shall be entitled to compensation. Nor shall any former employee who
14 has been retired on pension by reason of injury or disability be entitled
15 under this section to compensation for such injury or disability; *provided,*
16 *however,* that such employee, despite retirement, shall, nevertheless, be en-

17 titled to the medical, surgical and other treatment and hospital services as
18 set forth in section 34:15-15 of the Revised Statutes.

19 As used in this section, the terms "doing public fire duty" and "who
20 may be injured in line of duty," as applied to active volunteer firemen, shall
21 be deemed to include participation in any authorized public showing, exhibi-
22 tion, or parade of said volunteer firemen either with or without their fire
23 apparatus.

24 Every active volunteer fireman shall be deemed to be doing public fire
25 duty under the control or supervision of any such commission, council,
26 governing body, board of fire commissioners or fire district within the mean-
27 ing of this section, if such control or supervision is provided for by statute,
28 or if the fire company of which he is a member receives contributions from,
29 or a substantial part of its expenses or equipment are paid for by, the munic-
30 ipality, or board of fire commissioners of the fire district or if such fire
31 company has been or hereafter shall be designated by ordinance as the fire
32 department of the municipality.

33 Every active volunteer, first aid or rescue squad worker shall be deemed
34 to be doing public first aid or rescue duty under the control or supervision of
35 any such commission, council, governing body, board of fire commissioners or
36 fire district within the meaning of this section if such control or supervision
37 is provided for by statute, or if the first aid or rescue squad of which he is a
38 member receives or is eligible to receive contributions from, or a substan-
39 tial part of its expenses or equipment are paid for by, the municipality, or
40 board of fire commissioners of the fire district, or if such first aid or rescue
41 squad has been or hereafter shall be designated by ordinance as the first aid
42 or rescue squad of the municipality.

43 Nothing herein contained shall be construed as affecting or changing in
44 any way the provisions of any statute providing for sick, disability, vacation
45 or other leave for public employees or any provision of any retirement or
46 pension fund provided by law.

1 2. This act shall take effect July first, one thousand nine hundred and
2 fifty-one.

570 (1951)

Sponsor's

STATEMENT

The purpose of this bill is to clarify the language in section 34:15-43 of the Revised Statutes as it appertains to active volunteer firemen. This section was amended by P. L. 1948, chapter 430, effective July first, 1948. In view of a construction placed upon the language of this section in connection with the application of a volunteer fireman for workmen's compensation, arising out of an accident which occurred July 4, 1948, this bill is required to widen the construction therein given and to bring it in harmony with the original intent of the 1948 amendment.

SENATE, No. 315

L1952 c317

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1952

By Mr. WALLACE

Referred to Committee on Labor, Industries and Social Welfare

An Act relating to workmen's compensation, and amending section 34:15-43 of the Revised Statutes.

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

1 1. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad worker
7 doing public first aid or rescue duty under the control or supervision of any
8 commission, council or any other governing body of any municipality,
9 any board of fire commissioners of such municipality or of any fire district
10 within the State, or of the board of managers of any State institution, and
11 every county fire marshal, who may be injured in line of duty shall be com-
12 pensated under and by virtue of the provisions of this article and article
13 two of this chapter (sections 34:15-7 et seq.). No former employee who has
14 been retired on pension by reason of injury or disability shall be entitled
15 under this section to compensation for such injury or disability; *provided*,
16 *however*, that such employee, despite retirement, shall, nevertheless, be en-
17 titled to the medical, surgical and other treatment and hospital services as
18-19 set forth in section 34:15-15 of the Revised Statutes.

20 As used in this section, the terms "doing public fire duty" and "who may
21 be injured in line of duty," as applied to active volunteer firemen, or county
22 fire marshals, shall be deemed to include participation in any authorized
23 public showing, exhibition, or parade of said volunteer firemen either with
23A or without their fire apparatus.

24 Every active volunteer fireman shall be deemed to be doing public fire
25 duty under the control or supervision of any such commission, council, gov-
26 erning body, board of fire commissioners or fire district or board of managers
27 of any State institution within the meaning of this section, if such control or
28 supervision is provided for by statute or by rule or regulation of the board
29 of managers or the superintendent of such State institution, or if the fire
30 company of which he is a member receives contributions from, or a substan-
31 tial part of its expenses or equipment are paid for by, the municipality, or
32 board of fire commissioners of the fire district or if such fire company has
33 been or hereafter shall be designated by ordinance as the fire department of
34 the municipality.

35 Every active volunteer, first aid or rescue squad worker shall be deemed
36 to be doing public first aid or rescue duty under the control or supervision
37 of any such commission, council, governing body, board of fire commissioners
38 or fire district within the meaning of this section if such control or super-
39 vision is provided for by statute, or if the first aid or rescue squad of which
40 he is a member receives or is eligible to receive contributions from, or a sub-
41 stantial part of its expenses or equipment are paid for by, the municipality,
42 or board of fire commissioners of the fire district, or if such first aid or rescue
43 squad has been or hereafter shall be designated by ordinance as the first aid
44 or rescue squad of the municipality.

45 Nothing herein contained shall be construed as affecting or changing in
46 any way the provisions of any statute providing for sick, disability, vacation
47 or other leave for public employees or any provision of any retirement or
48 pension fund provided by law.

1 2. This act shall take effect immediately.

47 or other leave for public employees or any provision of any retirement or
48 pension fund provided by law.

1 2. This act shall take effect immediately.

Sponsor's

STATEMENT

S315 (1952)

It has been the general practice in State institutions to recruit volunteer companies from among the employees for the purpose of fire fighting duty. Some of the institutions have reciprocal agreements with neighboring communities under the terms of which the volunteer companies provide mutual assistance where the conditions arise.

In a recent case, employees of one of the State institutions, who were members of its volunteer fire company, were injured while responding to a call for help in fighting a fire in a neighboring municipality which had a mutual assistance arrangement with that institution. A question has arisen as to workmen's compensation coverage for these State employees under the circumstances.

The purpose of this amendment is to remove any doubt regarding the obligation of a State institution to provide compensation for any of its employees who may be injured in the actual performance of fire fighting duty in accordance with rules and regulations promulgated by the institution authorities.

herewith Senate Bill No. 313
h the recommendation that
ill (Official Copy Reprint) as

ne 2, delete the comma after

ne 6, change the words "one
years".

ine 7, delete the period and
and provided further, that no
heretofore been instituted in
ie validity of any such deed,
ment in writing."

tfully,

RED E. DRISCOLL,
Governor.

Secretary to the Governor.

OF NEW JERSEY, }
UTIVE DEPARTMENT, }
May 27, 1952. }

L No 314

on I, paragraph 14(b) of the
urning herewith, for recon-
ons, Senate Bill No. 314.

decrees or judgments hereto-
close any municipal liens, tax
rtificates, where the plaintiff
quired by R. S. 54:5-99, pro-
ent municipal liens had been
encement of the action, if all
ens shall have in fact been
edings shall heretofore have
pecting the validity of any

Under Senate Bill No. 314 such subsequent municipal
liens may have been paid even after entry of the final decree
or judgment. It would therefore be difficult for anyone to
ascertain the exact status of a foreclosure decree or judg-
ment from the court records, although an interested person
might be able to determine from the municipal tax records
whether the municipal liens in question had actually been
paid. For certainty and convenience, it would be best for
the bill to provide that there be some record of such pay-
ment in the proceedings themselves.

Accordingly, I am returning herewith Senate Bill No. 314
for reconsideration and with the recommendation that
amendment be made to the bill (Official Copy Reprint) as
follows:

On page 1, section 1, line 10, delete the period and
insert the following: "*, and provided further*, that an
affidavit shall have been filed in the foreclosure pro-
ceedings showing that all such subsequent municipal
liens had been paid and the date or dates of such pay-
ments; *and provided further*, that any such decree or
judgment shall be valid in all other respects."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
May 27, 1952. }

SENATE BILL No. 315

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the
State Constitution, I am returning herewith, for recon-
sideration and with my objections, Senate Bill No. 315.

This is one of three bills amending Section 34:15-43 of
the Revised Statutes. The bills are: Senate Bills Nos. 298
and 315 and Assembly Bill No. 651. I am returning Senate

Bills Nos. 298 and 315 with recommendations for amendments which will make them consistent. In order to carry out the intent of Senate Bill No. 298 with respect to county fire marshals, I am suggesting an appropriate amendment to carry the necessary provision in the first section of Senate Bill No. 315, and have in a separate message conformed the amendments of Senate Bill No. 298 by striking out all of its first section which deals with the same matter.

In order to carry out the intent of Assembly Bill No. 651, which is to cover persons holding elective office under the Workmen's Compensation Act in the same way as those holding appointive offices, positions and employments are now covered, I am proposing an appropriate amendment to Senate Bill No. 315. In a separate message returning Assembly Bill No. 651 to the House of origin, certain further observations concerning the application of its provisions are set forth.

Accordingly, I am returning herewith Senate Bill No. 315 for reconsideration, and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 10, after the word "institution," insert the following: "and every county fire marshal,".

On page 1, section 1, lines 13 and 14, strike out the words "but no person holding elective office shall be entitled to compensation. Nor shall any" and insert in lieu thereof the following: ". No".

On page 1, section 1, line 15, after the word "disability" insert the word "shall".

On page 2, section 1, line 21, after the word "firemen," insert the words "or county fire marshals,".

Respectfully,

[SEAL]
Attest:

LEON S. MILMED,

Counsel and Acting Secretary to the Governor.

STATE OF N
EXECUTIVE

ASSEMBLY JOINT RESOLUTION

To the General Assembly:

I am returning herewith, without Joint Resolution No. 11 for the file.

By Joint Resolution No. 10, of 1939, the Legislature designated No. 24 as the "Military Order of the Highway" as a memorial and in services of the members of the Military Heart.

Assembly Joint Resolution No. 11 is in relation to this highway. It designates No. 24 as a freeway to be known as the Military Heart. The resolution contains no repeal of the route. The State Highway accordingly, have before him to the Legislature.

I am, accordingly, returning Assembly Joint Resolution No. 11 herewith, without my approval.

Respectful

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Counsel and Acting Secretary to the Governor.

ASSEMBLY, No. 517

L/953 c. 414

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. JONES

Referred to Committee on Labor and Industries

AN ACT relating to workmen's compensation, and amending section 34:15-43 of
the Revised Statutes.

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

1 1. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad worker
7 doing public first aid or rescue duty under the control or supervision of any
8 commission, council or any other governing body of any municipality,
9 any board of fire commissioners of such municipality or of any fire district
10 within the State, or of the board of managers of any State institution, and
11 every county fire marshal and assistant county fire marshal, who may be
12 injured in line of duty shall be compensated under and by virtue of the pro-
13 visions of this article and article two of this chapter (sections 34:15-7 et seq.).
14 No former employee who has been retired on pension by reason of injury or
15 disability shall be entitled under this section to compensation for such in-
16 jury or disability: *provided, however, that such employee, despite retire-*
17 *ment, shall, nevertheless, be entitled to the medical, surgical and other treat-*

18 ment and hospital services as set forth in section 34:15-15 of the Revised
19 Statutes.

20 As used in this section, the terms "doing public fire duty" and "who may
21 be injured in line of duty," as applied to active volunteer firemen, county fire
22 marshals or assistant county fire marshals, shall be deemed to include par-
23 ticipation in any authorized public showing, exhibition, or parade of said
24 volunteer firemen or marshals either with or without their fire apparatus and
25 to include also the rendering of assistance in case of fire in any political
26 subdivision or territory of another State of the United States or on prop-
27 erty ceded to the Federal Government while such assistance is being ren-
27A dered and while going to and returning from the place in which it is ren-
27B dered.

28 Every active volunteer fireman shall be deemed to be doing public fire
29 duty under the control or supervision of any such commission, council, gov-
30 erning body, board of fire commissioners or fire district or board of managers
31 of any State institution within the meaning of this section, if such control or
32 supervision is provided for by statute or by rule or regulation of the board
33 of managers or the superintendent of such State institution, or if the fire
34 company of which he is a member receives contributions from, or a substan-
35 tial part of its expenses or equipment are paid for by, the municipality, or
36 board of fire commissioners of the fire district or if such fire company has
37 been or hereafter shall be designated by ordinance as the fire department of
38 the municipality.

39 Every active volunteer, first aid or rescue squad worker shall be deemed
40 to be doing public first aid or rescue duty under the control or supervision
41 of any such commission, council, governing body, board of fire commissioners
42 or fire district within the meaning of this section if such control or super-
43 vision is provided for by statute, or if the first aid or rescue squad of which
44 he is a member receives or is eligible to receive contributions from, or a sub-
45 stantial part of its expenses or equipment are paid for by, the municipality,
46 or board of fire commissioners of the fire district, or if such first aid or rescue

47 squad has been or hereafter shall be designated by ordinance as the first aid
48 or rescue squad of the municipality.

49 Nothing herein contained shall be construed as affecting or changing in
50 any way the provisions of any statute providing for sick, disability, vacation
51 or other leave for public employees or any provision of any retirement or
52 pension fund provided by law.

1 2. This act shall take effect immediately.

amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 2, section 1, delete lines 32 to 35, inclusive, in their entirety and insert in lieu thereof the following: "served by him in any jail, workhouse or penitentiary, the court imposing such sentence of imprisonment to the State Prison may, in its discretion, direct that the sentence to imprisonment in the State Prison shall be served concurrently with the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary and that the prisoner shall be immediately taken to the State Prison by the sheriff, there to serve such sentence to imprisonment in the State Prison and the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary, concurrently, in accordance with law."

Respectfully,

[SEAL]
Attest:

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 17, 1953. }

ASSEMBLY BILL No. 517

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 517.

The purpose of this bill is to add to the existing law on workmen's compensation, coverage for out-of-State service and for service on federal property by volunteer firemen. The Attorney General reports a similar bill has been enacted in New York. Assembly Bill No. 354, which has been approved and is now Chapter 340 of the Laws of 1953, added assistant county fire marshals to the group of covered firemen. The present bill conflicts with this earlier enactment and an amendment is necessary in order that they may conform.

Accordingly, I am returning herewith Assembly Bill No. 517 for reconsideration and with the amendments be made to the bill (Copy) as follows:

Page 1, section 1, line 11, after "and" insert the words "and assistant"

Page 2, section 1, line 20, delete

Page 2, section 1, line 21, after "or" insert the words "or assistant county fire marshals"

Page 2, section 1, line 22, after "marshals"

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

ASSEMBLY BILL No. 517

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 517.

I am in accord with the object of the bill to grant to municipalities establishing full authority to determine upon the compensation of their firemen. However, the bill requires a technical clarifying nature.

to the bill (Second Official Copy
on 1, delete lines 32 to 35, inclusive, in
d insert in lieu thereof the following:
n any jail, workhouse or penitentiary,
ag such sentence of imprisonment to
may, in its discretion, direct that the
sonment in the State Prison shall be
tly with the balance of the sentence
d by such prisoner in the jail, work-
tiary and that the prisoner shall be
n to the State Prison by the sheriff,
ch sentence to imprisonment in the
the balance of the sentence then being
prisoner in the jail, workhouse or
currently, in accordance with law."

Respectfully,
ALFRED E. DRISCOLL,
Governor.
SON, JR.,
the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 17, 1953. }

SEMBLY BILL No. 517

ably:
V, Section I, paragraph 14 (b) of the
m returning herewith, for reconsider-
ections, Assembly Bill No. 517.

bill is to add to the existing law on
ion, coverage for out-of-State service
deral property by volunteer firemen.
l reports a similar bill has been en-
sembly Bill No. 354, which has been
hapter 340 of the Laws of 1953, added
marshals to the group of covered fire-
conflicts with this earlier enactment
necessary in order that they may con-

Accordingly, I am returning herewith Assembly Bill No. 517 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Page 1, section 1, line 11, after the word "marshal" insert the words "and assistant county fire marshal,".

Page 2, section 1, line 20, delete "or".

Page 2, section 1, line 21, after "marshals" insert "or assistant county fire marshals".

Page 2, section 1, line 22, after "firemen" insert "or marshals".

Respectfully,
[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 17, 1953. }

ASSEMBLY BILL No. 524

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 524.

I am in accord with the object of this measure, i.e., to grant to municipalities establishing a joint municipal court full authority to determine upon the name of the court. However, the bill requires a technical amendment of a clarifying nature.

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1955

By Mr. FIELD

Referred to Committee on Labor and Industrial Relations

AN ACT relating to workmen's compensation, and amending section 34:15-43 of
the Revised Statutes.

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

1 1. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad worker
7 doing public first aid or rescue duty under the control or supervision of any
8 commission, council or any other governing body of any municipality,
9 any board of fire commissioners of such municipality or of any fire district
10 within the State, or of the board of managers of any State institution, and
11 every county fire marshal and assistant county fire marshal, who may be
12 injured in line of duty shall be compensated under and by virtue of the pro-
13 visions of this article and article 2 of this chapter (sections 34:15-7 et seq.).
14 No former employee who has been retired on pension by reason of injury or
15 disability shall be entitled under this section to compensation for such in-
16 jury or disability; provided, however, that such employee, despite retire-
17 ment, shall, nevertheless, be entitled to the medical, surgical and other treat-

18 ment and hospital services as set forth in section 34:15-15 of the Revised
19 Statutes.

20 As used in this section, the terms "doing public fire duty" and "who may
21 be injured in line of duty," as applied to active volunteer firemen, county fire
22 marshals or assistant county fire marshals, shall be deemed to include par-
23 ticipation in any authorized public drill, showing, exhibition, or parade of
24 said volunteer firemen or marshals either with or without their fire appa-
25 ratus and to include also the rendering of assistance in case of fire in any
26 political subdivision or territory of another State of the United States or on
27 property ceded to the Federal Government while such assistance is being ren-
28 dered and while going to and returning from the place in which it is ren-
29 dered.

30 Every active volunteer fireman shall be deemed to be doing public fire
31 duty under the control or supervision of any such commission, council, gov-
32 erning body, board of fire commissioners or fire district or board of managers
33 of any State institution within the meaning of this section, if such control or
34 supervision is provided for by statute or by rule or regulation of the board
35 of managers or the superintendent of such State institution, or if the fire
36 company of which he is a member receives contributions from, or a substan-
37 tial part of its expenses or equipment are paid for by, the municipality, or
38 board of fire commissioners of the fire district or if such fire company has
39 been or hereafter shall be designated by ordinance as the fire department of
40 the municipality.

41 Every active volunteer, first aid or rescue squad worker shall be deemed
42 to be doing public first aid or rescue duty under the control or supervision
43 of any such commission, council, governing body, board of fire commissioners
44 or fire district within the meaning of this section if such control or super-
45 vision is provided for by statute, or if the first aid or rescue squad of which
46 he is a member receives or is eligible to receive contributions from, or a sub-
47 stantial part of its expenses or equipment are paid for by, the municipality,
48 or board of fire commissioners of the fire district, or if such first aid or rescue

49 squad has been or hereafter shall be designated by ordinance as the first aid
50 or rescue squad of the municipality.

51 Nothing herein contained shall be construed as affecting or changing in
52 any way the provisions of any statute providing for sick, disability, vacation
53 or other leave for public employees or any provision of any retirement or
54 pension fund provided by law.

1 2. This act shall take effect immediately.

APPROVED 11/28/56

ASSEMBLY, No. 409

STATE OF NEW JERSEY

INTRODUCED APRIL 9, 1956

By Mr. GOFF

Referred to Committee on Labor and Industrial Relations

AN ACT concerning workmen's compensation, and amending sections 34:15-36
and 34:15-43 of the Revised Statutes.

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

1 1. Section 34:15-36 of the Revised Statutes is amended to read as fol-
2 lows:

3 34:15-36. Definitions; willful negligence; employer; employee; casual
4 employment.

5 "Willful negligence" within the intent of this chapter shall consist of (1)
6 deliberate act or deliberate failure to act, or (2) such conduct as evidences
7 reckless indifference to safety, or (3) intoxication, operating as the proximate
8 cause of injury.

9 "Employer" is declared to be synonymous with master, and includes nat-
10 tural persons, partnerships, and corporations; "employee" is synonymous
11 with servant, and includes all natural persons, including officers of corpora-
12 tions, who perform service for [another] an employer for financial consid-
13 eration, exclusive of casual employments, which shall be defined, if in connec-
14 tion with the employer's business, as employment the occasion for which
15 arises by chance or is purely accidental; or if not in connection with any busi-
16 ness of the employer, as employment not regular, periodic or recurring; pro

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

17 vided, however, that forest firewardens and forest fire fighters employed by
18 the State of New Jersey shall, in no event, be deemed casual employees.

19 A person engaged in the vending, selling or offering for sale or deliver-
20 ing directly to the general public newspapers, magazines or periodicals or
21 acting as sales agent or distributor as an independent contractor of or for
22 any such newspaper, magazine or periodical shall not be considered an em-
23 ployee within the provisions of this chapter.

1 2. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every *officer, appointed or elected, and every* employee of the
4 State, county, municipality or any board or commission, or any other govern-
5 ing body, including boards of education, *and governing bodies of service dis-*
5A *tricts*, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad worker
7 doing public first aid or rescue duty under the control or supervision of any
8 commission, council or any other governing body of any municipality,
9 any board of fire commissioners of such municipality or of any fire district
10 within the State, or of the board of managers of any State institution, and
11 every county fire marshal and assistant county fire marshal, who may be
12 injured in line of duty shall be compensated under and by virtue of the pro-
13 visions of this article and article 2 of this chapter (sections 34:15-7 et seq.).
14 No former employee who has been retired on pension by reason of injury or
15 disability shall be entitled under this section to compensation for such in-
16 jury or disability; provided, however, that such employee, despite retire-
17 ment, shall, nevertheless, be entitled to the medical, surgical and other treat-
18 ment and hospital services as set forth in section 34:15-15 of the Revised
19 Statutes.

20 As used in this section, the terms "doing public fire duty" and "who may
21 be injured in line of duty," as applied to active volunteer firemen, county fire
22 marshals or assistant county fire marshals, shall be deemed to include par-
23 ticipation in any authorized public drill, showing, exhibition, or parade of

24 said volunteer firemen or marshals either with or without their fire appa-
25 ratus and to include also the rendering of assistance in case of fire in any
26 political subdivision or territory of another State of the United States or on
27 property ceded to the Federal Government while such assistance is being ren-
28 dered and while going to and returning from the place in which it is ren-
29 dered.

30 Every active volunteer fireman shall be deemed to be doing public fire
31 duty under the control or supervision of any such commission, council, gov-
32 erning body, board of fire commissioners or fire district or board of managers
33 of any State institution within the meaning of this section, if such control or
34 supervision is provided for by statute or by rule or regulation of the board
35 of managers or the superintendent of such State institution, or if the fire
36 company of which he is a member receives contributions from, or a substan-
37 tial part of its expenses or equipment are paid for by, the municipality, or
38 board of fire commissioners of the fire district or if such fire company has
39 been or hereafter shall be designated by ordinance as the fire department of
40 the municipality.

41 Every active volunteer, first aid or rescue squad worker shall be deemed
42 to be doing public first aid or rescue duty under the control or supervision
43 of any such commission, council, governing body, board of fire commissioners
44 or fire district within the meaning of this section if such control or super-
45 vision is provided for by statute, or if the first aid or rescue squad of which
46 he is a member receives or is eligible to receive contributions from, or a sub-
47 stantial part of its expenses or equipment are paid for by, the municipality,
48 or board of fire commissioners of the fire district, or if such first aid or rescue
49 squad has been or hereafter shall be designated by ordinance as the first aid
50 or rescue squad of the municipality.

51 Nothing herein contained shall be construed as affecting or changing in
52 any way the provisions of any statute providing for sick, disability, vacation
53 or other leave for public employees or any provision of any retirement or
54 pension fund provided by law.

1 3. This act shall take effect immediately.

APPROVED 12-16-58
[OFFICIAL COPY REPRINT]

L 1958 c. 149

ASSEMBLY, No. 11

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1958

By Assemblyman BOWKLEY

Referred to Committee on Institutions, Public Health and Welfare

AN ACT concerning workmen's compensation, and amending sections 34:15-43
and 34:15-74 of the Revised Statutes.

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

1 1. Section 34:15-43 of the Revised Statutes is amended to read as follows:

2 34:15-43. Every officer, appointed or elected, and every employee of the
3 State, county, municipality or any board or commission, or any other govern-
4 ing body, including boards of education, and governing bodies of service
5 districts, and also each and every active volunteer fireman doing public fire
6 duty and also each and every active volunteer, first aid or rescue squad
7 worker, *including each and every authorized worker who is not a member of*
8 *the volunteer fire company within which the first aid or rescue squad may*
9 *have been created*, doing public first aid or rescue duty under the control
10 or supervision of any commission, council or any other governing body of
11 any municipality, any board of fire commissioners of such municipality or of
12 any fire district within the State, or of the board of managers of any State
13 institution, and every county fire marshal and assistant county fire marshal,
14 who may be injured in line of duty shall be compensated under and by virtue
15 of the provisions of this article and article 2 of this chapter (sections 34:15-7
16 et seq.). No former employee who has been retired on pension by reason of
17 injury or disability shall be entitled under this section to compensation

18 for such injury or disability; provided, however, that such employee, despite
19 retirement, shall, nevertheless, be entitled to the medical, surgical and other
20 treatment and hospital services as set forth in section 34:15-15 of the Re-
21 vised Statutes.

22 As used in this section, the terms "doing public fire duty" and "who
23 may be injured in line of duty," as applied to active volunteer firemen, county
24 fire marshals or assistant county fire marshals, shall be deemed to include
25 participation in any authorized *construction, installation, alteration, main-*
26 *tenance or repair work upon the premises, apparatus or other equipment*
27 *owned or used by the fire company, participation in any authorized public*
28 *drill, showing, exhibition, or parade of said volunteer firemen or marshals*
29 *either with or without their fire apparatus and to include also the rendering*
30 *of assistance in case of fire and, when authorized, in connection with other*
31 *events affecting the public health or safety, in any political subdivision or*
32 *territory of another State of the United States or on property ceded to the*
33 *Federal Government while such assistance is being rendered and while going*
34 *to and returning from the place in which it is rendered.*

35 Every active volunteer fireman shall be deemed to be doing public fire
36 duty under the control or supervision of any such commission, council,
37 governing body, board of fire commissioners or fire district or board of
38 managers of any State institution within the meaning of this section, if
39 such control or supervision is provided for by statute or by rule or regula-
40 tion of the board of managers or the superintendent of such State institution,
41 or if the fire company of which he is a member receives contributions from,
42 or a substantial part of its expenses or equipment are paid for by, the mu-
43 nicipality, or board of fire commissioners of the fire district or if such fire
44 company has been or hereafter shall be designated by ordinance as the fire
45 department of the municipality.

46 Every active volunteer, first aid or rescue squad worker, *including every*
47 *authorized worker who is not a member of the volunteer fire company within*
48 *which the first aid or rescue squad may have been created,* shall be deemed
49 to be doing public first aid or rescue duty under the control or supervision

50 of any such commission, council, governing body, board of fire commissioners
 51 or fire district within the meaning of this section if such control or super-
 52 vision is provided for by statute, or if the first aid or rescue squad of which
 53 he is a member *or authorized worker* receives or is eligible to receive contri-
 54 butions from, or a substantial part of its expenses or equipment are paid for
 55 by, the municipality, or board of fire commissioners of the fire district, or
 56 if such first aid or rescue squad has been or hereafter shall be designated
 57 by ordinance as the first aid or rescue squad of the municipality.

57A *As used in this section and in section 34:15-74 of this chapter, the term*
 57B *"authorized worker" shall mean and include, in addition to an active volunteer*
 57C *fireman and an active volunteer first aid or rescue squad worker, any person*
 57D *performing any public fire duty or public first aid or rescue squad duty, as the*
 57E *same are defined in this section, at the request of the chief or acting chief of a*
 57F *fire company or the president or person in charge of a first aid or rescue squad*
 57G *for the time being.*

58 Nothing herein contained shall be construed as affecting or changing in
 59 any way the provisions of any statute providing for sick, disability, vaca-
 60 tion or other leave for public employees or any provision of any retirement
 61 or pension fund provided by law.

1 2. Section 34:15-74 of the Revised Statutes is amended to read as follows:

2 34:15-74. The governing body of every municipality and the committee
 3 of every fire district shall provide compensation insurance for volunteer fire-
 4 men doing public fire duty and volunteer first aid and emergency squad
 5 workers doing public first aid and rescue duty under the control or super-
 6 vision of any commission, council or other governing body of the munici-
 7 pality or any board of fire commissioners of such municipality or of any fire
 8 district, and the board of chosen freeholders shall provide compensation in-
 9 surance for county fire marshals and assistant county fire marshals, within
 10 the meaning of section 34:15-43 of this chapter. Such insurance shall pro-
 11 vide compensation for every such fireman *or authorized first aid or rescue*
 12 *squad worker* or county fire marshal or assistant county fire marshal who

13 shall be a member of any first aid or rescue squad created within the fire
14 company of which he is a member *or authorized first aid or rescue squad*
15 *worker*, or composed of members *and authorized first aid or rescue squad*
16 *workers* of different fire companies in the same municipality for injuries re-
17 ceived while acting in response to any call made upon such squad, for first
18 aid or rescue work, whether such call be made because of a fire or otherwise.

1 3. This act shall take effect immediately.