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HEARINGS: No

NEWSPAPER ARTICLES: No

SENATE, No. 454

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Passaic)

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

Senators Bucco and Vitale

SYNOPSIS

Raises maximum age for appointment for exempt firemen to 45.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S454 GIRGENTI, KOSCO

2

1 AN ACT concerning exempt firemen and amending N.J.S.40A:14-56
2 and N.J.S.40A:14-59.

3

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

6

7 1. N.J.S.40A:14-56 is amended to read as follows:

8 40A:14-56. **[Members]** A member of the fire department and force
9 of a municipality shall be entitled to an exempt fireman certificate
10 when it appears that at the time of his appointment he was **[a resident**
11 **of the municipality, a citizen of the United States,]** of good moral
12 character and was not under 18 or over **[40] 45** years of age and that
13 he had performed during a period of seven years, 60% of fire duty, in
14 each year, respectively. Any member who otherwise would be eligible
15 for an exempt fireman certificate, but who, as the result of an injury or
16 injuries incurred out of or in the course of fire duty, is permanently
17 unable to fulfill the seven year performance requirement set forth in
18 this section, shall be entitled to an exempt fireman certificate if, at the
19 time he incurred the injury or injuries, the member had performed
20 during a period of five years, 60% of fire duty, in each year,
21 respectively. In cases where the appointment was made during the
22 war years the age limit shall be extended 10 years. Service in the
23 United States Armed Forces during **[said] the** war years shall be
24 considered as fire duty service.

25 Service in more than one municipal fire department, for separate
26 periods not concurrent, amounting in the aggregate to seven years,
27 shall be deemed equivalent to seven years service in a single municipal
28 fire department and any fireman so serving shall be entitled to an
29 exempt fireman certificate from the department and force in the
30 municipality wherein he is serving at the time when he becomes
31 entitled to **[said] the** certificate. The prior service shall be certified by
32 the chief executive officer of the municipality or municipalities wherein
33 **[said] the** member served and attested by the municipal clerk or
34 clerks.

35 (cf: P.L.1983, c.413, s.1)

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37 2. N.J.S.40A:14-59 is amended to read as follows:

38 40A:14-59. The governing body of a municipality shall issue
39 exempt fireman certificates to members of the fire department and
40 force entitled thereto[, within 90 days of the date of attaining
41 eligibility]. The certificate shall be issued in **[triplicate] quadruplicate,**
42 in form, substantially as follows:

43

EXEMPT FIREMAN CERTIFICATE

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

Matter underlined thus is new matter.

S454 GIRGENTI, KOSCO

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It is hereby certified that a member of the fire department and force, has qualified for and is entitled to this certificate of exemption pursuant to law.

Date of appointment Date when member became entitled to exemption Record of prior service (if any)
Date of issue

.....

Official in charge of fire
department and force.

Attest: (seal)

.....

Municipal Clerk Chief Executive Officer
of Municipality

Filed in the office of the clerk of county.

Date

.....

County Clerk.

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Firemen's Association[. The] , one copy shall be transmitted to the exempt fireman's department to be kept as a permanent record, and the

1 remaining copy shall be delivered to the member. There shall be no
2 fee for issuance of the certificate and it shall be signed by the official
3 in charge of the fire department and force and the chief executive
4 officer of the municipality. The municipal clerk shall affix the
5 municipal seal, attest the certificate and cause the filing and delivery
6 of the copies.

7 (cf: P.L.1972, c.127, s.1)

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9 3. This act shall take effect immediately.

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STATEMENT

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14 This bill raises the maximum qualifying age for exempt firemen.
15 Under the provisions of N.J.S.40A:14-56, a fireman must be appointed
16 before the age of 41 in order to be eligible to earn an exempt fireman
17 certificate. This bill would amend that section of law to provide that
18 a fireman who was appointed before the age of 46 would be eligible to
19 earn an exempt fireman's certificate.

20 The bill also removes the residency and citizenship requirement.

21 In addition, the bill amends N.J.S.40A:14-59 to eliminate the
22 requirement that a exempt fireman's certificate must be issued within
23 90 days of that fireman's eligibility date. The 90 day time frame is
24 administratively and procedurally difficult to meet and, at least in one
25 instance, was responsible for an eligible fireman being denied his
26 exempt certificate. The bill further amends the section to reflect the
27 current practice of issuing exempt fireman certificates in quadruplicate
28 form. In its present form, the section provides for the distribution of
29 three of the copies of the certificate. The amendment directs that the
30 fourth be transmitted to the exempt fireman's department and be kept
31 by the department as part of its permanent records.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 454

STATE OF NEW JERSEY

DATED: MARCH 20, 2000

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 454.

This bill raises the maximum qualifying age for exempt firemen. Under the provisions of N.J.S.40A:14-56, a fireman must be appointed before the age of 41 in order to be eligible to earn an exempt fireman certificate. This bill would amend that section of law to provide that a fireman who was appointed before the age of 46 would be eligible to earn an exempt fireman's certificate.

The bill also removes the residency and citizenship requirement.

In addition, the bill amends N.J.S.40A:14-59 to eliminate the requirement that an exempt fireman's certificate must be issued within 90 days of that fireman's eligibility date. The 90-day time frame is administratively and procedurally difficult to meet and was responsible, in at least one instance, for an eligible fireman being denied an exempt certificate. The bill further amends that section to reflect the current practice of issuing exempt fireman certificates in quadruplicate form. In its current form, the section provides for the distribution of three of the copies of the certificate. Under the provisions of this bill, the fourth copy would be transmitted to the exempt fireman's department and be kept by the department as part of its permanent records.

This bill was prefiled for introduction in the 2000 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 454

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2000

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 454.

Senate Bill No. 454 raises the maximum qualifying age at which a firefighter must have been appointed in order to qualify for an exempt fireman certificate from 40 to 45 years old. The bill also removes the requirements that a firefighter must have been a municipal resident and United States citizen upon appointment as a firefighter in order to qualify for a certificate.

In addition, the bill amends N.J.S.40A:14-59 to eliminate the requirement that an exempt fireman's certificate be issued within 90 days of the firefighter's eligibility date. The 90-day time frame is administratively and procedurally difficult to meet and, in at least one instance, was responsible for an eligible firefighter being denied a certificate. The bill further amends the section to reflect the current practice of issuing exempt fireman certificates in quadruplicate form. Currently, the municipality is required to distribute three copies of the certificate within 90 days of the date of eligibility as follows: 1) one copy is filed with the clerk of the county where it was issued; 2) one copy is issued to the New Jersey State Firemen's Association; and 3) one copy is issued to the firefighter. Under the bill, a fourth copy is to be transmitted to the exempt firefighter's department to be maintained as part of the department's permanent records.

The bill is identical to Assembly Bill No. 1704, also reported by the committee on this same date.

SENATE, No. 454

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Passaic)

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

Senators Bucco, Vitale, Assemblymen Wisniewski and Steele

SYNOPSIS

Raises maximum age for appointment for exempt firemen to 45.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 11/21/2000)

S454 GIRGENTI, KOSCO

2

1 AN ACT concerning exempt firemen and amending N.J.S.40A:14-56
2 and N.J.S.40A:14-59.

3

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

6

7 1. N.J.S.40A:14-56 is amended to read as follows:

8 40A:14-56. **[Members]** A member of the fire department and force
9 of a municipality shall be entitled to an exempt fireman certificate
10 when it appears that at the time of his appointment he was **[a resident**
11 **of the municipality, a citizen of the United States,]** of good moral
12 character and was not under 18 or over **[40] 45** years of age and that
13 he had performed during a period of seven years, 60% of fire duty, in
14 each year, respectively. Any member who otherwise would be eligible
15 for an exempt fireman certificate, but who, as the result of an injury or
16 injuries incurred out of or in the course of fire duty, is permanently
17 unable to fulfill the seven year performance requirement set forth in
18 this section, shall be entitled to an exempt fireman certificate if, at the
19 time he incurred the injury or injuries, the member had performed
20 during a period of five years, 60% of fire duty, in each year,
21 respectively. In cases where the appointment was made during the
22 war years the age limit shall be extended 10 years. Service in the
23 United States Armed Forces during **[said] the** war years shall be
24 considered as fire duty service.

25 Service in more than one municipal fire department, for separate
26 periods not concurrent, amounting in the aggregate to seven years,
27 shall be deemed equivalent to seven years service in a single municipal
28 fire department and any fireman so serving shall be entitled to an
29 exempt fireman certificate from the department and force in the
30 municipality wherein he is serving at the time when he becomes
31 entitled to **[said] the** certificate. The prior service shall be certified
32 by the chief executive officer of the municipality or municipalities
33 wherein **[said] the** member served and attested by the municipal clerk
34 or clerks.

35 (cf: P.L.1983, c.413, s.1)

36

37 2. N.J.S.40A:14-59 is amended to read as follows:

38 40A:14-59. The governing body of a municipality shall issue
39 exempt fireman certificates to members of the fire department and
40 force entitled thereto**[, within 90 days of the date of attaining**
41 **eligibility]**. The certificate shall be issued in **[triplicate]**
42 quadruplicate, in form, substantially as follows:

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

Matter underlined thus is new matter.

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EXEMPT FIREMAN CERTIFICATE

It is hereby certified that a member of the fire department and force, has qualified for and is entitled to this certificate of exemption pursuant to law.

Date of appointment Date when member became entitled to exemption Record of prior service (if any) Date of issue

.....

Official in charge of fire department and force.

Attest: (seal)
.....

Municipal Clerk Chief Executive Officer
of Municipality

Filed in the office of the clerk of county.

Date
.....

County Clerk.

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Firemen's Association[. The] one copy shall be transmitted to the

S454 GIRGENTI, KOSCO

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1 exempt fireman's department to be kept as a permanent record, and the
2 remaining copy shall be delivered to the member. There shall be no
3 fee for issuance of the certificate and it shall be signed by the official
4 in charge of the fire department and force and the chief executive
5 officer of the municipality. The municipal clerk shall affix the
6 municipal seal, attest the certificate and cause the filing and delivery
7 of the copies.
8 (cf: P.L.1972, c.127, s.1)
9
10 3. This act shall take effect immediately.

P.L. 2000, CHAPTER 172, *approved January 8, 2001*
Senate, No. 454

1 AN ACT concerning exempt firemen and amending N.J.S.40A:14-56
2 and N.J.S.40A:14-59.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.40A:14-56 is amended to read as follows:

8 40A:14-56. **[Members]** A member of the fire department and force
9 of a municipality shall be entitled to an exempt fireman certificate
10 when it appears that at the time of his appointment he was **[a resident**
11 **of the municipality, a citizen of the United States,]** of good moral
12 character and was not under 18 or over **[40]** 45 years of age and that
13 he had performed during a period of seven years, 60% of fire duty, in
14 each year, respectively. Any member who otherwise would be eligible
15 for an exempt fireman certificate, but who, as the result of an injury or
16 injuries incurred out of or in the course of fire duty, is permanently
17 unable to fulfill the seven year performance requirement set forth in
18 this section, shall be entitled to an exempt fireman certificate if, at the
19 time he incurred the injury or injuries, the member had performed
20 during a period of five years, 60% of fire duty, in each year,
21 respectively. In cases where the appointment was made during the
22 war years the age limit shall be extended 10 years. Service in the
23 United States Armed Forces during **[said]** the war years shall be
24 considered as fire duty service.

25 Service in more than one municipal fire department, for separate
26 periods not concurrent, amounting in the aggregate to seven years,
27 shall be deemed equivalent to seven years service in a single municipal
28 fire department and any fireman so serving shall be entitled to an
29 exempt fireman certificate from the department and force in the
30 municipality wherein he is serving at the time when he becomes
31 entitled to **[said]** the certificate. The prior service shall be certified
32 by the chief executive officer of the municipality or municipalities
33 wherein **[said]** the member served and attested by the municipal clerk
34 or clerks.

35 (cf: P.L.1983, c.413, s.1)

36
37 2. N.J.S.40A:14-59 is amended to read as follows:

38 40A:14-59. The governing body of a municipality shall issue
39 exempt fireman certificates to members of the fire department and
40 force entitled thereto[, within 90 days of the date of attaining
41 eligibility]. The certificate shall be issued in **[triplicate]**

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

Matter underlined thus is new matter.

1 quadruplicate, in form, substantially as follows:

2 EXEMPT FIREMAN CERTIFICATE

3

4 It is hereby certified that a member of the fire
5 department and force, has qualified for and is entitled to this certificate
6 of exemption pursuant to law.

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8 Date of appointment Date when member became entitled to
9 exemption Record of prior service (if any)
10 Date of issue

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16 Official in charge of fire

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18 department and force.

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22 Attest: (seal)

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28 Municipal Clerk Chief Executive Officer

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30 of Municipality

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34 Filed in the office of the clerk of county.

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36 Date

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40 County Clerk.

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44 Within 60 days of issuance one copy of the certificate shall be filed
45 with the county clerk of the county wherein it was issued. At the time
46 of issuance one copy shall be transmitted to the New Jersey State

1 Firemen's Association[. The] one copy shall be transmitted to the
2 exempt fireman's department to be kept as a permanent record, and the
3 remaining copy shall be delivered to the member. There shall be no
4 fee for issuance of the certificate and it shall be signed by the official
5 in charge of the fire department and force and the chief executive
6 officer of the municipality. The municipal clerk shall affix the
7 municipal seal, attest the certificate and cause the filing and delivery
8 of the copies.

9 (cf: P.L.1972, c.127, s.1)

10

11 3. This act shall take effect immediately.

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16 Raises maximum age for appointment for exempt firemen to 45.

CHAPTER 172

AN ACT concerning exempt firemen and amending N.J.S.40A:14-56 and N.J.S.40A:14-59.

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

1. N.J.S.40A:14-56 is amended to read as follows:

Exempt fireman certificate; eligibility.

40A:14-56. A member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was of good moral character and was not under 18 or over 45 years of age and that he had performed during a period of seven years, 60% of fire duty, in each year, respectively. Any member who otherwise would be eligible for an exempt fireman certificate, but who, as the result of an injury or injuries incurred out of or in the course of fire duty, is permanently unable to fulfill the seven-year performance requirement set forth in this section, shall be entitled to an exempt fireman certificate if, at the time he incurred the injury or injuries, the member had performed during a period of five years, 60% of fire duty, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United States Armed Forces during the war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to seven years, shall be deemed equivalent to seven years' service in a single municipal fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to the certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein the member served and attested by the municipal clerk or clerks.

2. N.J.S.40A:14-59 is amended to read as follows:

Issuance of exempt fireman certificates.

40A:14-59. The governing body of a municipality shall issue exempt fireman certificates to members of the fire department and force entitled thereto. The certificate shall be issued in quadruplicate, in form, substantially as follows:

EXEMPT FIREMAN CERTIFICATE

It is hereby certified that a member of the fire department and force, has qualified for and is entitled to this certificate of exemption pursuant to law.

Date of appointment Date when member became entitled to exemption Record of prior service (if any) Date of issue

.....
Official in charge of fire department and force.

Attest: (seal)

.....
Municipal Clerk Chief Executive Officer of Municipality

Filed in the office of the clerk of county.

Date
.....
County Clerk.

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Firemen's Association, one copy shall be transmitted to the exempt fireman's department to be kept as a permanent record, and the remaining copy shall be delivered to the member. There shall be no fee for issuance of the certificate and it shall be signed by the official in charge of the fire department and force and the chief executive officer of the municipality. The municipal clerk shall affix the municipal seal, attest the certificate and cause the filing and delivery of the copies.

3. This act shall take effect immediately.

Approved January 8, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: January 9, 2001

Governor Whitman today signed the following legislation:

S-968, sponsored by Senators Vitale (D-Middlesex) and Bennett (R-Monmouth) and Assembly Members Weinberg (D-Bergen) and Zisa (D-Bergen), creates the new third-degree offense of endangering an injured victim.

S-1383, sponsored by Senators Bucco (R-Morris) and Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Gregg (R-Sussex/Hunterdon/Morris) and Carroll (R-Morris), creates the Lake Hopatcong Commission and appropriates \$3 million.

S-572, sponsored by Senators Robertson (R-Essex/Passaic) and Codey (D-Essex) and Assembly Member O'Toole (R-Essex/Union), permits simulated voting for minors at polling places.

S-454, sponsored by Senators Girgenti (D-Passaic) and Kosco (R-Bergen) and Assembly Member Wisniewski (D-Middlesex), raises the maximum age for appointment for exempt firemen to age 45. Additionally, the bill removes the residency and citizenship requirements for qualification for an exempt fireman certificate.

A-1710, sponsored by Assembly Members Wisniewski (D-Middlesex) and Kelly (R-Bergen/Essex/Passaic) and Senators Bucco (R-Morris) and Girgenti (D-Passaic), makes a designated command structure a required element in municipal and county Emergency Operations Plans involving responses to mutual-aid fires.

A-2271, sponsored by Assembly Members Russo (R-Bergen/Passaic) and Zecker (R-Essex/Passaic) and Senator Bennett (R-Monmouth), clarifies certain duties of the municipal prosecutor with respect to zoning and building code violations.