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ASSEMBLY, No. 2107

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblymen Arnone, Connors, Conaway and Holzapfel

SYNOPSIS

Revises the Emergency Services Length of Service Award Program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2000)

A2107 BAGGER

2

1 AN ACT concerning the Emergency Services Length of Service Award
2 Program and amending and supplementing P.L.1997, c.388.

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

6
7 1. Section 6 of P.L.1997, c.388 (C.40A:14-188) is amended to
8 read as follows:

9 6. No emergency service organization shall be required to provide
10 a length of service award for its active volunteer members pursuant to
11 the provisions of this act. Any length of service award provided to an
12 active volunteer member shall be governed by the provisions of this
13 act. No length of service award program shall be provided under the
14 provisions of this act unless the following requirements are met:

15 a. An active volunteer member shall be eligible to participate in a
16 length of service award program immediately upon the commencement
17 of the active volunteer member's performance of active emergency
18 services in any emergency service organization, and shall be eligible to
19 vest in any length of service award program provided under the
20 provisions of this act if the active volunteer member has completed at
21 least five years of emergency service in any emergency service
22 organization in the State or has completed two years of emergency
23 service subsequent to the establishment of the program and has served
24 10 or more years in an emergency service organization in the State,
25 which has been credited pursuant to subsection d. of this section.

26 b. Under a length of service award program, a year of active
27 emergency service commencing after the establishment of the program
28 shall be credited for each calendar year in which an active volunteer
29 member accumulates a number of points that are granted in accordance
30 with a schedule adopted by the sponsoring agency. The program shall
31 provide that points shall be granted for activities designated by the
32 sponsoring agency, which activities may include the following:

- 33 (1) Training courses;
34 (2) Drills;
35 (3) Sleep-in or standby. A "standby" means line of duty activity of
36 the volunteer fire company, lasting for four hours, not falling under
37 one of the other categories;
38 (4) Completion of a one-year elected or appointed position in the
39 organization;
40 (5) Election as a delegate to an emergency service convention;
41 (6) Attendance at official meetings of the sponsoring agency;
42 (7) Participation in emergency responses; or
43 (8) Miscellaneous activities including participation in inspections

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.

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1 and other non-emergency fire, first aid or rescue activities not
2 otherwise listed.

3 c. If provided for in the enabling ordinance or resolution adopted
4 pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185), a length of
5 service award program may provide for the crediting of not more than
6 10 years of active emergency service periods prior to the establishment
7 of such a program. Such credit may be granted to the active volunteer
8 over as many years as deemed appropriate by the sponsoring agency,
9 except that the total amount contributed in any one year shall not
10 exceed the maximum amount allowed by law to be contributed by a
11 sponsoring agency.

12 d. To provide credit for service prior to the establishment of the
13 service award program, pursuant to subsection c. of this section, each
14 sponsoring agency shall review the prior membership rosters of the
15 emergency service organizations subject to the program to determine
16 the number of years' credit for each participant who is entitled to
17 credit. In making the analysis, the standards for active service set forth
18 in subsection b. of this section and adopted by the sponsoring agency
19 shall be used. The amount of the contribution provided to participants
20 for past service may differ from the amount of the current contribution
21 provided for under the plan. The definition of years of active
22 emergency service shall be determined by the bylaws of the
23 participating emergency service organization at the time service was
24 earned. Approval for such prior service shall require certification by
25 the duly designated persons, as determined and defined by the
26 sponsoring agency of the participating emergency service organization.
27 If an active volunteer member requests credit for service in more than
28 one volunteer participating emergency service organization, each such
29 emergency service organization shall provide a certification for the
30 appropriate number of years. That credit may be awarded at the
31 discretion of the sponsoring agency of the plan in which the volunteer
32 member seeks to apply the credit. In no event, however, shall a
33 participant be credited for the same year of active emergency service
34 in more than one service award program.

35 e. [In computing credit for those active volunteer members who
36 also serve as paid employees within a local government unit of the
37 State, credit shall not be given for activities performed during the
38 individual's regularly assigned work periods.] (Deleted by amendment,
39 P.L. _____, c. _____ (C. _____) (now pending before the Legislature as
40 this bill).

41 f. An active volunteer member whose name does not appear on the
42 approved certification list or who is denied credit for service prior to
43 the establishment of the service award program may appeal within 30
44 days of posting of the list or within 30 days of denial of past service
45 credit. The appeal shall be in writing and mailed to the clerk or
46 secretary of the governing body of that local government unit, which

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1 shall investigate the appeal. The decision of a participating emergency
2 service organization shall be subject to appropriate judicial review.
3 (cf: P.L.1997, c.388, s.6)

4

5 2. (New section) a. In addition to any other penalties provided by
6 law, any person who knowingly violates any provision of P.L. 1997,
7 c.388 (C.40A:14-183 et al.) shall:

8 (1) be subject to a fine no less than \$100 and no more than \$1,150;

9 (2) forfeit all benefits to which he may be entitled under P.L.1997,
10 c.388 (C.40A:14-183 et al.); and

11 (3) be prohibited from serving in a volunteer or paid position with
12 any emergency service organization in this State.

13 b. In addition to the penalties provided for in subsection a. of this
14 section, any person who knowingly misrepresents the credit earned by
15 a volunteer as provided for in section 6 of P.L.1997, c.388 (C.40A:14-
16 188) or knowingly includes an individual on an annual certification list,
17 as provided for in section 9 of P.L.1997, c.388 (C.40A:14-191), who
18 is not a qualified member of an emergency service organization, shall
19 be subject to a fine of no less than \$100 and no more than \$1,150 for
20 each individual whose credit or status was misrepresented.

21

22 3. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would revise the Emergency Services Length of Service
28 Award Program (LOSAP). Under the bill, the program would no
29 longer prohibit active volunteer members, who also serve as paid
30 employees of the municipalities they serve, from computing credit for
31 activities performed during regularly assigned work periods.

32 The bill also would shorten the length of service needed to be
33 eligible to vest in LOSAP to two years for individuals who have served
34 10 or more years in an emergency service organization prior to the
35 establishment of LOSAP in their community. Persons who have not
36 served 10 years would still be required to serve five years before being
37 eligible to vest in LOSAP.

38 In addition, the bill would establish penalties for an individual who
39 knowingly violates the provisions of LOSAP. If a person violates any
40 provision of the act, he would be fined an amount no less than \$100 or
41 more than \$1,150, be prohibited from serving as a volunteer or paid
42 member for any emergency service organization in the State and have
43 to forfeit all benefits to which he may be entitled under LOSAP. If a
44 person knowingly misrepresents the amount of credit earned by a
45 volunteer or includes an unqualified individual on an annual
46 certification list for LOSAP, the person will be fined no less than \$100

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5

1 or more than \$1,150 for each individual whose credit or status was
2 misrepresented. Under current law, a person who is convicted of an
3 offense involving dishonesty or of a crime of the third degree or above
4 is also required to forfeit public office and is prohibited from holding
5 public office in the future.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2107

STATE OF NEW JERSEY

DATED: JUNE 1, 2000

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2107.

Assembly Bill No. 2107 revises the Emergency Services Volunteer Length of Service Award Program (LOSAP) law to permit active volunteer members who also are paid employees of the municipality in which they volunteer to compute credit for activities performed during regularly assigned work periods.

The bill also shortens the length of service needed to be eligible to vest in LOSAP to two years for individuals who have served 10 or more years in an emergency service organization prior to the establishment of a LOSAP in their community. Persons who have not served 10 years continue to be required to serve five years before being eligible to vest in LOSAP.

In addition, the bill establishes penalties for an individual who knowingly violates the provisions of LOSAP. A person who violates any provision of the act will be fined no less than \$100 or more than \$1,150, prohibited from serving as a volunteer or paid member for any emergency service organization in the State and required to forfeit all benefits accrued under LOSAP. A person who knowingly misrepresents the amount of credit earned by a volunteer or includes an unqualified individual on an annual certification list for LOSAP will be fined no less than \$100 or more than \$1,150 for each individual whose credit or status was misrepresented. Under current law, a person who violates the provisions of LOSAP also may be required to forfeit public office and be prohibited from holding public office in the future if convicted of an offense involving dishonesty or a crime of the third degree or above.

A LOSAP may be established by a municipality or fire district, with voter approval, to provide tax-deferred benefits to active volunteer members of emergency service organizations. Emergency service organizations are defined as fire companies or first aid organizations.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2107

STATE OF NEW JERSEY

DATED: JANUARY 22, 2001

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2107.

This bill revises the Emergency Services Volunteer Length of Service Award Program (LOSAP) law to permit active volunteer members who also are paid employees of the municipality in which they serve as a volunteer to compute credit for activities performed during regularly assigned work periods.

The bill also shortens the length of service needed to be eligible to vest in LOSAP to two years for individuals who have served 10 or more years in an emergency service organization prior to the establishment of a LOSAP in their community. Persons who have not served 10 years prior to the establishment of the program continue to be required to serve five years before being eligible to vest in LOSAP.

In addition, the bill establishes penalties for an individual who knowingly violates the provisions of LOSAP. A person who violates any provision of the bill would be fined no less than \$100 or more than \$1,150, prohibited from serving as a volunteer or paid member for any emergency service organization in the State and required to forfeit all benefits accrued under LOSAP. A person who knowingly misrepresents the amount of credit earned by a volunteer or includes an unqualified individual on an annual certification list for LOSAP would be fined no less than \$100 or more than \$1,150 for each individual whose credit or status was misrepresented. Under current law, a person who violates the provisions of LOSAP also may be required to forfeit public office and be prohibited from holding public office in the future if convicted of an offense involving dishonesty or a crime of the third degree or above.

A LOSAP may be established by a municipality or fire district, with voter approval, to provide tax-deferred benefits to active volunteer members of emergency service organizations. Emergency service organizations are defined as fire companies or first aid organizations.

STATEMENT TO
ASSEMBLY, No. 2107

with Senate Floor Amendments
(Proposed By Senator BENNETT)

ADOPTED: MARCH 26, 2001

Assembly Bill No. 2107 revises the Emergency Services Volunteer Length of Service Award Program (LOSAP) law to permit active volunteer members who also are paid employees of the municipality in which they serve as a volunteer to compute credit for activities performed during regularly assigned work periods. The bill also establishes penalties for an individual who knowingly violates the provisions of LOSAP.

These Senate amendments delete a provision of the bill that shortens the length of service needed to be eligible to vest in LOSAP.

A LOSAP may be established by a municipality or fire district, with voter approval, to provide tax-deferred benefits to active volunteer members of emergency service organizations. Emergency service organizations are defined as fire companies or first aid organizations.

[First Reprint]

ASSEMBLY, No. 2107

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblymen Arnone, Connors, Conaway and Holzapfel

SYNOPSIS

Revises the Emergency Services Length of Service Award Program.

CURRENT VERSION OF TEXT

As amended by the Senate on March 26, 2001.



(Sponsorship Updated As Of: 6/30/2000)

A2107 [1R] BAGGER

2

1 AN ACT concerning the Emergency Services Length of Service Award
2 Program and amending and supplementing P.L.1997, c.388.

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

6
7 1. Section 6 of P.L.1997, c.388 (C.40A:14-188) is amended to
8 read as follows:

9 6. No emergency service organization shall be required to provide
10 a length of service award for its active volunteer members pursuant to
11 the provisions of this act. Any length of service award provided to an
12 active volunteer member shall be governed by the provisions of this
13 act. No length of service award program shall be provided under the
14 provisions of this act unless the following requirements are met:

15 a. An active volunteer member shall be eligible to participate in a
16 length of service award program immediately upon the commencement
17 of the active volunteer member's performance of active emergency
18 services in any emergency service organization, and shall be eligible to
19 vest in any length of service award program provided under the
20 provisions of this act if the active volunteer member has completed at
21 least five years of emergency service in any emergency service
22 organization in the State ¹**[or has completed two years of emergency**
23 **service subsequent to the establishment of the program and has served**
24 **10 or more years in an emergency service organization in the State,**
25 **which has been credited pursuant to subsection d. of this section]**¹.

26 b. Under a length of service award program, a year of active
27 emergency service commencing after the establishment of the program
28 shall be credited for each calendar year in which an active volunteer
29 member accumulates a number of points that are granted in accordance
30 with a schedule adopted by the sponsoring agency. The program shall
31 provide that points shall be granted for activities designated by the
32 sponsoring agency, which activities may include the following:

- 33 (1) Training courses;
34 (2) Drills;
35 (3) Sleep-in or standby. A "standby" means line of duty activity of
36 the volunteer fire company, lasting for four hours, not falling under
37 one of the other categories;
38 (4) Completion of a one-year elected or appointed position in the
39 organization;
40 (5) Election as a delegate to an emergency service convention;
41 (6) Attendance at official meetings of the sponsoring agency;

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 **Senate floor amendments adopted March 26, 2001.**

1 (7) Participation in emergency responses; or

2 (8) Miscellaneous activities including participation in inspections
3 and other non-emergency fire, first aid or rescue activities not
4 otherwise listed.

5 c. If provided for in the enabling ordinance or resolution adopted
6 pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185), a length of
7 service award program may provide for the crediting of not more than
8 10 years of active emergency service periods prior to the establishment
9 of such a program. Such credit may be granted to the active volunteer
10 over as many years as deemed appropriate by the sponsoring agency,
11 except that the total amount contributed in any one year shall not
12 exceed the maximum amount allowed by law to be contributed by a
13 sponsoring agency.

14 d. To provide credit for service prior to the establishment of the
15 service award program, pursuant to subsection c. of this section, each
16 sponsoring agency shall review the prior membership rosters of the
17 emergency service organizations subject to the program to determine
18 the number of years' credit for each participant who is entitled to
19 credit. In making the analysis, the standards for active service set forth
20 in subsection b. of this section and adopted by the sponsoring agency
21 shall be used. The amount of the contribution provided to participants
22 for past service may differ from the amount of the current contribution
23 provided for under the plan. The definition of years of active
24 emergency service shall be determined by the bylaws of the
25 participating emergency service organization at the time service was
26 earned. Approval for such prior service shall require certification by
27 the duly designated persons, as determined and defined by the
28 sponsoring agency of the participating emergency service organization.
29 If an active volunteer member requests credit for service in more than
30 one volunteer participating emergency service organization, each such
31 emergency service organization shall provide a certification for the
32 appropriate number of years. That credit may be awarded at the
33 discretion of the sponsoring agency of the plan in which the volunteer
34 member seeks to apply the credit. In no event, however, shall a
35 participant be credited for the same year of active emergency service
36 in more than one service award program.

37 e. [In computing credit for those active volunteer members who
38 also serve as paid employees within a local government unit of the
39 State, credit shall not be given for activities performed during the
40 individual's regularly assigned work periods.] (Deleted by amendment,
41 P.L. _____, c. _____ (C. _____) (now pending before the Legislature as
42 this bill).

43 f. An active volunteer member whose name does not appear on the
44 approved certification list or who is denied credit for service prior to
45 the establishment of the service award program may appeal within
46 30 days of posting of the list or within 30 days of denial of past service

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1 credit. The appeal shall be in writing and mailed to the clerk or
2 secretary of the governing body of that local government unit, which
3 shall investigate the appeal. The decision of a participating emergency
4 service organization shall be subject to appropriate judicial review.
5 (cf: P.L.1997, c.388, s.6)

6

7 2. (New section) a. In addition to any other penalties provided by
8 law, any person who knowingly violates any provision of P.L.1997,
9 c.388 (C.40A:14-183 et al.) shall:

10 (1) be subject to a fine no less than \$100 and no more than \$1,150;

11 (2) forfeit all benefits to which he may be entitled under P.L.1997,
12 c.388 (C.40A:14-183 et al.); and

13 (3) be prohibited from serving in a volunteer or paid position with
14 any emergency service organization in this State.

15 b. In addition to the penalties provided for in subsection a. of this
16 section, any person who knowingly misrepresents the credit earned by
17 a volunteer as provided for in section 6 of P.L.1997, c.388 (C.40A:14-
18 188) or knowingly includes an individual on an annual certification list,
19 as provided for in section 9 of P.L.1997, c.388 (C.40A:14-191), who
20 is not a qualified member of an emergency service organization, shall
21 be subject to a fine of no less than \$100 and no more than \$1,150 for
22 each individual whose credit or status was misrepresented.

23

24 3. This act shall take effect immediately.

P.L. 2001, CHAPTER 272, *approved December 26, 2001*
Assembly, No. 2107 (*First Reprint*)

1 **AN ACT** concerning the Emergency Services Length of Service Award
2 Program and amending and supplementing P.L.1997, c.388.

3

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

6

7 1. Section 6 of P.L.1997, c.388 (C.40A:14-188) is amended to
8 read as follows:

9 6. No emergency service organization shall be required to provide
10 a length of service award for its active volunteer members pursuant to
11 the provisions of this act. Any length of service award provided to an
12 active volunteer member shall be governed by the provisions of this
13 act. No length of service award program shall be provided under the
14 provisions of this act unless the following requirements are met:

15 a. An active volunteer member shall be eligible to participate in a
16 length of service award program immediately upon the commencement
17 of the active volunteer member's performance of active emergency
18 services in any emergency service organization, and shall be eligible to
19 vest in any length of service award program provided under the
20 provisions of this act if the active volunteer member has completed at
21 least five years of emergency service in any emergency service
22 organization in the State ¹[or has completed two years of emergency
23 service subsequent to the establishment of the program and has served
24 10 or more years in an emergency service organization in the State,
25 which has been credited pursuant to subsection d. of this section]¹.

26 b. Under a length of service award program, a year of active
27 emergency service commencing after the establishment of the program
28 shall be credited for each calendar year in which an active volunteer
29 member accumulates a number of points that are granted in accordance
30 with a schedule adopted by the sponsoring agency. The program shall
31 provide that points shall be granted for activities designated by the
32 sponsoring agency, which activities may include the following:

33 (1) Training courses;

34 (2) Drills;

35 (3) Sleep-in or standby. A "standby" means line of duty activity of
36 the volunteer fire company, lasting for four hours, not falling under
37 one of the other categories;

38 (4) Completion of a one-year elected or appointed position in the
39 organization;

40 (5) Election as a delegate to an emergency service convention;

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 Senate floor amendments adopted March 26, 2001.

1 (6) Attendance at official meetings of the sponsoring agency;
2 (7) Participation in emergency responses; or
3 (8) Miscellaneous activities including participation in inspections
4 and other non-emergency fire, first aid or rescue activities not
5 otherwise listed.

6 c. If provided for in the enabling ordinance or resolution adopted
7 pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185), a length of
8 service award program may provide for the crediting of not more than
9 10 years of active emergency service periods prior to the establishment
10 of such a program. Such credit may be granted to the active volunteer
11 over as many years as deemed appropriate by the sponsoring agency,
12 except that the total amount contributed in any one year shall not
13 exceed the maximum amount allowed by law to be contributed by a
14 sponsoring agency.

15 d. To provide credit for service prior to the establishment of the
16 service award program, pursuant to subsection c. of this section, each
17 sponsoring agency shall review the prior membership rosters of the
18 emergency service organizations subject to the program to determine
19 the number of years' credit for each participant who is entitled to
20 credit. In making the analysis, the standards for active service set forth
21 in subsection b. of this section and adopted by the sponsoring agency
22 shall be used. The amount of the contribution provided to participants
23 for past service may differ from the amount of the current contribution
24 provided for under the plan. The definition of years of active
25 emergency service shall be determined by the bylaws of the
26 participating emergency service organization at the time service was
27 earned. Approval for such prior service shall require certification by
28 the duly designated persons, as determined and defined by the
29 sponsoring agency of the participating emergency service organization.
30 If an active volunteer member requests credit for service in more than
31 one volunteer participating emergency service organization, each such
32 emergency service organization shall provide a certification for the
33 appropriate number of years. That credit may be awarded at the
34 discretion of the sponsoring agency of the plan in which the volunteer
35 member seeks to apply the credit. In no event, however, shall a
36 participant be credited for the same year of active emergency service
37 in more than one service award program.

38 e. [In computing credit for those active volunteer members who
39 also serve as paid employees within a local government unit of the
40 State, credit shall not be given for activities performed during the
41 individual's regularly assigned work periods.] (Deleted by amendment,
42 P.L. _____, c. _____ (C. _____) (now pending before the Legislature as
43 this bill).

44 f. An active volunteer member whose name does not appear on the
45 approved certification list or who is denied credit for service prior to
46 the establishment of the service award program may appeal within

1 30 days of posting of the list or within 30 days of denial of past service
2 credit. The appeal shall be in writing and mailed to the clerk or
3 secretary of the governing body of that local government unit, which
4 shall investigate the appeal. The decision of a participating emergency
5 service organization shall be subject to appropriate judicial review.
6 (cf: P.L.1997, c.388, s.6)

7

8 2. (New section) a. In addition to any other penalties provided by
9 law, any person who knowingly violates any provision of P.L.1997,
10 c.388 (C.40A:14-183 et al.) shall:

11 (1) be subject to a fine no less than \$100 and no more than \$1,150;

12 (2) forfeit all benefits to which he may be entitled under P.L.1997,
13 c.388 (C.40A:14-183 et al.); and

14 (3) be prohibited from serving in a volunteer or paid position with
15 any emergency service organization in this State.

16 b. In addition to the penalties provided for in subsection a. of this
17 section, any person who knowingly misrepresents the credit earned by
18 a volunteer as provided for in section 6 of P.L.1997, c.388 (C.40A:14-
19 188) or knowingly includes an individual on an annual certification list,
20 as provided for in section 9 of P.L.1997, c.388 (C.40A:14-191), who
21 is not a qualified member of an emergency service organization, shall
22 be subject to a fine of no less than \$100 and no more than \$1,150 for
23 each individual whose credit or status was misrepresented.

24

25 3. This act shall take effect immediately.

26

27

28

29

30 Revises the Emergency Services Length of Service Award Program.

CHAPTER 272

AN ACT concerning the Emergency Services Length of Service Award Program and amending and supplementing P.L.1997, c.388.

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

1. Section 6 of P.L.1997, c.388 (C.40A:14-188) is amended to read as follows:

C.40A:14-188 Provision of length of service award program not required; program requirements.

6. No emergency service organization shall be required to provide a length of service award for its active volunteer members pursuant to the provisions of this act. Any length of service award provided to an active volunteer member shall be governed by the provisions of this act. No length of service award program shall be provided under the provisions of this act unless the following requirements are met:

a. An active volunteer member shall be eligible to participate in a length of service award program immediately upon the commencement of the active volunteer member's performance of active emergency services in any emergency service organization, and shall be eligible to vest in any length of service award program provided under the provisions of this act if the active volunteer member has completed at least five years of emergency service in any emergency service organization in the State

b. Under a length of service award program, a year of active emergency service commencing after the establishment of the program shall be credited for each calendar year in which an active volunteer member accumulates a number of points that are granted in accordance with a schedule adopted by the sponsoring agency. The program shall provide that points shall be granted for activities designated by the sponsoring agency, which activities may include the following:

- (1) Training courses;
- (2) Drills;
- (3) Sleep-in or standby. A "standby" means line of duty activity of the volunteer fire company, lasting for four hours, not falling under one of the other categories;
- (4) Completion of a one-year elected or appointed position in the organization;
- (5) Election as a delegate to an emergency service convention;
- (6) Attendance at official meetings of the sponsoring agency;
- (7) Participation in emergency responses; or
- (8) Miscellaneous activities including participation in inspections and other non-emergency fire, first aid or rescue activities not otherwise listed.

c. If provided for in the enabling ordinance or resolution adopted pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185), a length of service award program may provide for the crediting of not more than 10 years of active emergency service periods prior to the establishment of such a program. Such credit may be granted to the active volunteer over as many years as deemed appropriate by the sponsoring agency, except that the total amount contributed in any one year shall not exceed the maximum amount allowed by law to be contributed by a sponsoring agency.

d. To provide credit for service prior to the establishment of the service award program, pursuant to subsection c. of this section, each sponsoring agency shall review the prior membership rosters of the emergency service organizations subject to the program to determine the number of years' credit for each participant who is entitled to credit. In making the analysis, the standards for active service set forth in subsection b. of this section and adopted by the sponsoring agency shall be used. The amount of the contribution provided to participants for past service may differ from the amount of the current contribution provided for under the plan. The definition of years of active emergency service shall be determined by the bylaws of the participating emergency service organization at the time service was earned. Approval for such prior service shall require certification by the duly designated persons, as determined and defined by the sponsoring agency of the participating emergency service organization. If an active volunteer member requests credit for service in more than one volunteer participating emergency service organization, each such emergency service organization shall provide a certification for the appropriate number of years. That credit may be awarded at the discretion of the sponsoring agency of the plan in which the volunteer member seeks to apply the credit. In no event,

however, shall a participant be credited for the same year of active emergency service in more than one service award program.

e. (Deleted by amendment, P.L.2001, c.272).

f. An active volunteer member whose name does not appear on the approved certification list or who is denied credit for service prior to the establishment of the service award program may appeal within 30 days of posting of the list or within 30 days of denial of past service credit. The appeal shall be in writing and mailed to the clerk or secretary of the governing body of that local government unit, which shall investigate the appeal. The decision of a participating emergency service organization shall be subject to appropriate judicial review.

C.40A:14-194.1 Additional penalties, fines.

2. a. In addition to any other penalties provided by law, any person who knowingly violates any provision of P.L.1997, c.388 (C.40A:14-183 et al.) shall:

(1) be subject to a fine of no less than \$100 and no more than \$1,150;

(2) forfeit all benefits to which he may be entitled under P.L.1997, c.388 (C.40A:14-183 et al.); and

(3) be prohibited from serving in a volunteer or paid position with any emergency service organization in this State.

b. In addition to the penalties provided for in subsection a. of this section, any person who knowingly misrepresents the credit earned by a volunteer as provided for in section 6 of P.L.1997, c.388 (C.40A:14-188) or knowingly includes an individual on an annual certification list, as provided for in section 9 of P.L.1997, c.388 (C.40A:14-191), who is not a qualified member of an emergency service organization, shall be subject to a fine of no less than \$100 and no more than \$1,150 for each individual whose credit or status was misrepresented.

3. This act shall take effect immediately.

Approved December 26, 2001.