



**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes

Identical to Assembly Statement to S22

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

# SENATE, No. 22

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Co-Sponsored by:**

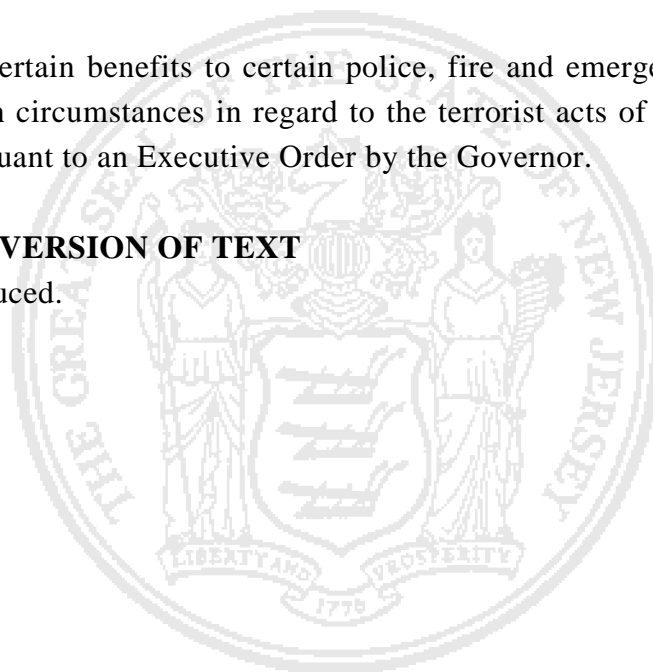
**Senators Kosco, Palaia, Ciesla, Matheussen, Martin, Cardinale, Kyrillos, Littell, Robertson, Zane, Bark, Connors, Bucco, Inverso, Allen, Cafiero, O'Toole, Gormley, Singer, Kavanaugh, McNamara, Bryant, Adler, Turner, Lynch, Vitale, Lesniak, Rice, James, O'Connor, Sacco, Kenny, Girgenti, Furnari, Baer, Assemblymen Asselta, Felice, Corodemus and Assemblywoman Greenstein**

### **SYNOPSIS**

Assures certain benefits to certain police, fire and emergency personnel under certain circumstances in regard to the terrorist acts of September 11, 2001 or pursuant to an Executive Order by the Governor.

### **CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/4/2002)**

1 AN ACT concerning certain police, fire and other emergency personnel  
2 and amending R.S.34:15-43 and P.L.1999, c.251.

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

6  
7 1. R.S.34:15-43 is amended to read as follows:

8 34:15-43. Every officer, appointed or elected, and every employee  
9 of the State, county, municipality or any board or commission, or any  
10 other governing body, including boards of education, and governing  
11 bodies of service districts, individuals who are under the general  
12 supervision of the Palisades Interstate Park Commission and who work  
13 in that part of the Palisades Interstate Park which is located in this  
14 State, and also each and every member of a volunteer fire company  
15 doing public fire duty and also each and every active volunteer, first  
16 aid or rescue squad worker, including each and every authorized  
17 worker who is not a member of the volunteer fire company within  
18 which the first aid or rescue squad may have been created, doing  
19 public first aid or rescue duty under the control or supervision of any  
20 commission, council, or any other governing body of any municipality,  
21 any board of fire commissioners of such municipality or of any fire  
22 district within the State, or of the board of managers of any State  
23 institution, every county fire marshal and assistant county fire marshal,  
24 every special, reserve or auxiliary policeman doing volunteer public  
25 police duty under the control or supervision of any commission,  
26 council or any other governing body of any municipality, every  
27 emergency management volunteer doing emergency management  
28 service for the State and any person doing volunteer work for the  
29 Division of Parks and Forestry, the Division of Fish [ , Game] and  
30 Wildlife, or the New Jersey Natural Lands Trust, as authorized by the  
31 Commissioner of Environmental Protection, or for the New Jersey  
32 Historic Trust, who may be injured in line of duty shall be  
33 compensated under and by virtue of the provisions of this article and  
34 article 2 of this chapter (R.S.34:15-7 et seq.). No former employee  
35 who has been retired on pension by reason of injury or disability shall  
36 be entitled under this section to compensation for such injury or  
37 disability; provided, however, that such employee, despite retirement,  
38 shall, nevertheless, be entitled to the medical, surgical and other  
39 treatment and hospital services as set forth in R.S.34:15-15.

40 Benefits available under this section to emergency management  
41 volunteers and volunteers participating in activities of the Division of  
42 Parks and Forestry, the Division of Fish [ , Game] and Wildlife, the  
43 New Jersey Natural Lands Trust or the New Jersey Historic Trust,

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

**Matter underlined thus is new matter.**

1 shall not be paid to any claimant who has another single source of  
2 injury or death benefits that provides the claimant with an amount of  
3 compensation that exceeds the compensation available to the claimant  
4 under R.S.34:15-1 et seq.

5 As used in this section, the terms "doing public fire duty" and "who  
6 may be injured in line of duty," as applied to members of volunteer fire  
7 companies, county fire marshals or assistant county fire marshals, and  
8 the term "doing public first aid or rescue duty," as applied to active  
9 volunteer first aid or rescue squad workers, shall be deemed to include  
10 participation in any authorized construction, installation, alteration,  
11 maintenance or repair work upon the premises, apparatus or other  
12 equipment owned or used by the fire company or the first aid or rescue  
13 squad, participation in any State, county, municipal or regional search  
14 and rescue task force or team, participation in any authorized public  
15 drill, showing, exhibition, fund raising activity or parade, and to  
16 include also the rendering of assistance in case of fire and, when  
17 authorized, in connection with other events affecting the public health  
18 or safety, in any political subdivision or territory of another state of  
19 the United States or on property ceded to the federal government  
20 while such assistance is being rendered and while going to and  
21 returning from the place in which it is rendered.

22 Also, as used in this section, "doing public police duty" and "who  
23 may be injured in line of duty" as applied to special, reserve or  
24 auxiliary policemen, shall be deemed to include participation in any  
25 authorized public drill, showing, exhibition or parade, and to include  
26 also the rendering of assistance in connection with other events  
27 affecting the public health or safety in the municipality, and also, when  
28 authorized, in connection with any such events in any political  
29 subdivision or territory of this or any other state of the United States  
30 or on property ceded to the federal government while such assistance  
31 is being rendered and while going to and returning from the place in  
32 which it is rendered.

33 As used in this section, the terms "doing emergency management  
34 service" and "who may be injured in the line of duty" as applied to  
35 emergency management volunteers mean participation in any activities  
36 authorized pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.),  
37 including participation in any State, county, municipal or regional  
38 search and rescue task force or team, except that the terms shall not  
39 include activities engaged in by a member of an emergency  
40 management agency of the United States Government or of another  
41 state, whether pursuant to a mutual aid compact or otherwise.

42 Every member of a volunteer fire company shall be deemed to be  
43 doing public fire duty under the control or supervision of any such  
44 commission, council, governing body, board of fire commissioners or  
45 fire district or board of managers of any State institution within the  
46 meaning of this section, if such control or supervision is provided for

1 by statute or by rule or regulation of the board of managers or the  
2 superintendent of such State institution, or if the fire company of  
3 which he is a member receives contributions from, or a substantial part  
4 of its expenses or equipment are paid for by, the municipality, or board  
5 of fire commissioners of the fire district or if such fire company has  
6 been or hereafter shall be designated by ordinance as the fire  
7 department of the municipality.

8 Every active volunteer, first aid or rescue squad worker, including  
9 every authorized worker who is not a member of the volunteer fire  
10 company within which the first aid or rescue squad may have been  
11 created, shall be deemed to be doing public first aid or rescue duty  
12 under the control or supervision of any such commission, council,  
13 governing body, board of fire commissioners or fire district within the  
14 meaning of this section if such control or supervision is provided for  
15 by statute, or if the first aid or rescue squad of which he is a member  
16 or authorized worker receives or is eligible to receive contributions  
17 from, or a substantial part of its expenses or equipment are paid for by,  
18 the municipality, or board of fire commissioners of the fire district, or  
19 if such first aid or rescue squad has been or hereafter shall be  
20 designated by ordinance as the first aid or rescue squad of the  
21 municipality.

22 As used in this section and in R.S.34:15-74, the term "authorized  
23 worker" shall mean and include, in addition to an active volunteer  
24 fireman and an active volunteer first aid or rescue squad worker, any  
25 person performing any public fire duty or public first aid or rescue  
26 squad duty, as the same are defined in this section, at the request of  
27 the chief or acting chief of a fire company or the president or person  
28 in charge of a first aid or rescue squad for the time being.

29 A member of a volunteer fire company, active volunteer first aid or  
30 rescue squad worker, county fire marshal, assistant county fire  
31 marshal, special, reserve or auxiliary policeman or emergency  
32 management volunteer serving a volunteer organization duly created  
33 and under the control or supervision of any commission, council or any  
34 other governing body of any municipality, any board of fire  
35 commissioners of that municipality or of any fire district within the  
36 State, or of the board of managers of any State institution, who  
37 participated in a search and rescue task force or team in response to  
38 the terrorist attacks of September 11, 2001 without the authorization  
39 of that volunteer organization's governing body and who suffered  
40 injury or death as a result of participation in that search and rescue  
41 task force or team shall be deemed an employee of this State for the  
42 purpose of workers' compensation benefits as would have accrued if  
43 the injury or death had occurred in the performance of the duties of  
44 the volunteer company or squad of which he was a member.

45 Whenever a member of a volunteer fire company, active volunteer  
46 first aid or rescue squad worker, county fire marshal, assistant county

1 fire marshal, special, reserve or auxiliary policeman or emergency  
2 management volunteer serving a volunteer organization duly created  
3 and under the control or supervision of any commission, council or any  
4 other governing body of any municipality, any board of fire  
5 commissioners of that municipality or of any fire district within the  
6 State, or of the board of managers of any State institution, participates  
7 in a national, multi-state, State, municipal or regional search and  
8 rescue task force or team without the authorization of that volunteer  
9 organization's governing body but pursuant to a Declaration of  
10 Emergency by the Governor of the State of New Jersey specifically  
11 authorizing volunteers to respond immediately to the emergency  
12 without requiring the authorization of the volunteer company or  
13 squad, and the member of the volunteer fire company, active volunteer  
14 first aid or rescue squad worker, county fire marshal, assistant county  
15 fire marshal, special, reserve or auxiliary policeman or emergency  
16 management volunteer suffers injury or death as a result of  
17 participation in that search and rescue task force or team, he shall be  
18 deemed an employee of this State for the purpose of workers'  
19 compensation benefits as would have accrued if the injury or death had  
20 occurred in the performance of the duties of the volunteer company or  
21 squad of which he was a member.

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

26 (cf: P.L.1999, c.251, s.2)

27

28 2. Section 1 of P.L.1999, c.251 (C.40A:14-199) is amended to  
29 read as follows:

30 1. Whenever a law enforcement officer, firefighter, emergency  
31 medical technician or paramedic employed by a municipality, county  
32 [.] or fire district of this State or the State participates in a national,  
33 multi-state, State, county, municipal or regional search and rescue task  
34 force or team, and that law enforcement officer, firefighter, emergency  
35 medical technician or paramedic suffers injury or death as a result of  
36 his participation in such search and rescue task force or team, he or his  
37 designee or legal representative shall be entitled to the salary, pension  
38 rights, worker's compensation, or other benefits as would have  
39 accrued if the injury or death had occurred in the performance of  
40 duties in the territorial jurisdiction in which he is employed.

41 As used in this section, "participate" and "participation" shall  
42 include taking part in meetings, training sessions, emergency drills, fire  
43 control, debris removal, emergency responses and such other similar  
44 activities of a search and rescue task force or team whether as an  
45 employment duty of the territorial jurisdiction of employment or as a  
46 volunteer, and shall include travel to and from such activities.

1 In addition, such officer, firefighter, emergency medical technician  
2 or paramedic shall have the same powers, authority and immunities as  
3 law enforcement officers, firefighters, emergency medical technicians  
4 and paramedics, as the case may be, in the municipality in which the  
5 assistance is being rendered.

6 A law enforcement officer, firefighter, emergency medical  
7 technician or paramedic employed by a municipality, county or fire  
8 district of this State or the State who participated in a search and  
9 rescue task force or team in response to the terrorist attacks of  
10 September 11, 2001 without the authorization of the municipality,  
11 county or fire district or the State and who suffered injury or death as  
12 a result of participation in that search and rescue task force or team  
13 shall be deemed an employee of this State for the purpose of payment  
14 of workers' compensation benefits as would have accrued if the injury  
15 or death had occurred in the performance of duties in the territorial  
16 jurisdiction in which he is employed.

17 Whenever a law enforcement officer, firefighter, emergency medical  
18 technician or paramedic employed by a municipality, county or fire  
19 district of this State or the State participates in a national, multi-state,  
20 State, county, municipal or regional search and rescue task force or  
21 team without the authorization of the municipality, county or fire  
22 district or the State but pursuant to a Declaration of Emergency by the  
23 Governor of the State of New Jersey specifically authorizing  
24 volunteers to respond immediately to the emergency without requiring  
25 the authorization of the municipality, county or fire district or the  
26 State, and the law enforcement officer, firefighter, emergency medical  
27 technician or paramedic suffers injury or death as a result of  
28 participation in the search and rescue task force or team, he shall be  
29 deemed an employee of this State for the purpose of payment of  
30 workers' compensation benefits as would have accrued if the injury or  
31 death had occurred in the performance of duties in the territorial  
32 jurisdiction in which he is employed.

33 (cf: P.L.1999, c.251, s.1)

34  
35 3. This act shall take effect immediately.

36  
37  
38 STATEMENT

39  
40 This bill provides that the cost of workers' compensation benefits  
41 for injury or death to volunteer fire, police, first aid, rescue or  
42 emergency management personnel who assist as part of a search and  
43 rescue task force or team performing services within or without this  
44 State are to be paid by the State rather than the volunteer organization  
45 or the duly designated entity normally responsible for such benefits if  
46 the volunteer did not receive the appropriate authorization to



1 participate and these services occurred in response to the terrorist  
2 attacks of September 11, 2001 or, in the future, pursuant to a  
3 Declaration of Emergency by the Governor of the State of New Jersey  
4 specifically authorizing volunteers to respond immediately to the  
5 emergency without requiring the authorization of the organization's  
6 governing body.

7 The bill also provides that the cost of workers' compensation  
8 benefits for injury or death to those law enforcement officers,  
9 firefighters, emergency medical technicians or paramedics employed  
10 by New Jersey's municipalities, counties, fire districts or the State to  
11 assist as part of a search and rescue task force or team who perform  
12 services within or without this State are to be paid by the State rather  
13 than the county, municipality or fire district by whom they are  
14 regularly employed if that person has not received the authorization of  
15 his employer to participate and these services occurred in response to  
16 the terrorist attacks of September 11, 2001 or, in the future, pursuant  
17 to a Declaration of Emergency by the Governor of the State of New  
18 Jersey specifically authorizing volunteers to respond immediately to  
19 the emergency without requiring the authorization of the county,  
20 municipality or fire district.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**SENATE, No. 22**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Assembly Labor Committee reports favorably  
Assembly, No. 24.

This bill provides that the cost of workers' compensation benefits for injury or death to volunteer fire, police, first aid, rescue or emergency management personnel who assist as part of a search and rescue task force or team performing services within or without this State are to be paid by the State rather than the volunteer organization or the duly designated entity normally responsible for such benefits if the volunteer did not receive the appropriate authorization to participate and these services occurred in response to the terrorist attacks of September 11, 2001 or, in the future, pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the organization's governing body.

The bill also provides that the cost of workers' compensation benefits for injury or death to those law enforcement officers, firefighters, emergency medical technicians or paramedics employed by New Jersey's municipalities, counties, fire districts or the State to assist as part of a search and rescue task force or team who perform services within or without this State are to be paid by the State rather than the county, municipality or fire district by whom they are regularly employed if that person has not received the authorization of his employer to participate and these services occurred in response to the terrorist attacks of September 11, 2001 or, in the future, pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the county, municipality or fire district.

**ASSEMBLY, No. 24**

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**STATE OF NEW JERSEY**

**209th LEGISLATURE**

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INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Assemblyman NICHOLAS ASSELTA**  
**District 1 (Cape May, Atlantic and Cumberland)**  
**Assemblyman NICHOLAS R. FELICE**  
**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

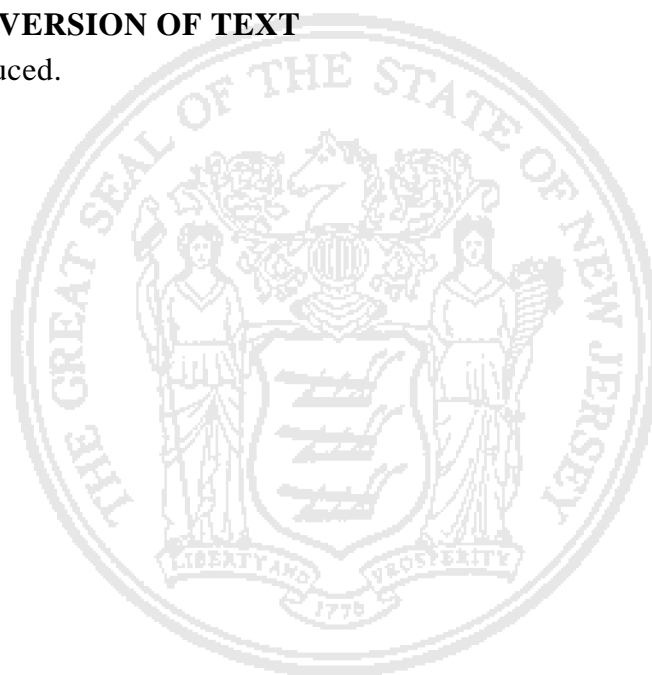
**Assemblyman Corodemus and Assemblywoman Greenstein**

**SYNOPSIS**

Assures certain benefits to certain police, fire and emergency personnel under certain circumstances in regard to the terrorist acts of September 11, 2001 or pursuant to an Executive Order by the Governor.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/4/2002)**

1 AN ACT concerning certain police, fire and other emergency personnel  
2 and amending R.S.34:15-43 and P.L.1999, c.251.

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

6  
7 1. R.S.34:15-43 is amended to read as follows:

8 34:15-43. Every officer, appointed or elected, and every employee  
9 of the State, county, municipality or any board or commission, or any  
10 other governing body, including boards of education, and governing  
11 bodies of service districts, individuals who are under the general  
12 supervision of the Palisades Interstate Park Commission and who work  
13 in that part of the Palisades Interstate Park which is located in this  
14 State, and also each and every member of a volunteer fire company  
15 doing public fire duty and also each and every active volunteer, first  
16 aid or rescue squad worker, including each and every authorized  
17 worker who is not a member of the volunteer fire company within  
18 which the first aid or rescue squad may have been created, doing  
19 public first aid or rescue duty under the control or supervision of any  
20 commission, council, or any other governing body of any municipality,  
21 any board of fire commissioners of such municipality or of any fire  
22 district within the State, or of the board of managers of any State  
23 institution, every county fire marshal and assistant county fire marshal,  
24 every special, reserve or auxiliary policeman doing volunteer public  
25 police duty under the control or supervision of any commission,  
26 council or any other governing body of any municipality, every  
27 emergency management volunteer doing emergency management  
28 service for the State and any person doing volunteer work for the  
29 Division of Parks and Forestry, the Division of Fish [ , Game] and  
30 Wildlife, or the New Jersey Natural Lands Trust, as authorized by the  
31 Commissioner of Environmental Protection, or for the New Jersey  
32 Historic Trust, who may be injured in line of duty shall be  
33 compensated under and by virtue of the provisions of this article and  
34 article 2 of this chapter (R.S.34:15-7 et seq.). No former employee  
35 who has been retired on pension by reason of injury or disability shall  
36 be entitled under this section to compensation for such injury or  
37 disability; provided, however, that such employee, despite retirement,  
38 shall, nevertheless, be entitled to the medical, surgical and other  
39 treatment and hospital services as set forth in R.S.34:15-15.

40 Benefits available under this section to emergency management  
41 volunteers and volunteers participating in activities of the Division of  
42 Parks and Forestry, the Division of Fish [ , Game] and Wildlife, the  
43 New Jersey Natural Lands Trust or the New Jersey Historic Trust,

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

**Matter underlined thus is new matter.**

1 shall not be paid to any claimant who has another single source of  
2 injury or death benefits that provides the claimant with an amount of  
3 compensation that exceeds the compensation available to the claimant  
4 under R.S.34:15-1 et seq.

5 As used in this section, the terms "doing public fire duty" and "who  
6 may be injured in line of duty," as applied to members of volunteer fire  
7 companies, county fire marshals or assistant county fire marshals, and  
8 the term "doing public first aid or rescue duty," as applied to active  
9 volunteer first aid or rescue squad workers, shall be deemed to include  
10 participation in any authorized construction, installation, alteration,  
11 maintenance or repair work upon the premises, apparatus or other  
12 equipment owned or used by the fire company or the first aid or rescue  
13 squad, participation in any State, county, municipal or regional search  
14 and rescue task force or team, participation in any authorized public  
15 drill, showing, exhibition, fund raising activity or parade, and to  
16 include also the rendering of assistance in case of fire and, when  
17 authorized, in connection with other events affecting the public health  
18 or safety, in any political subdivision or territory of another state of  
19 the United States or on property ceded to the federal government  
20 while such assistance is being rendered and while going to and  
21 returning from the place in which it is rendered.

22 Also, as used in this section, "doing public police duty" and "who  
23 may be injured in line of duty" as applied to special, reserve or  
24 auxiliary policemen, shall be deemed to include participation in any  
25 authorized public drill, showing, exhibition or parade, and to include  
26 also the rendering of assistance in connection with other events  
27 affecting the public health or safety in the municipality, and also, when  
28 authorized, in connection with any such events in any political  
29 subdivision or territory of this or any other state of the United States  
30 or on property ceded to the federal government while such assistance  
31 is being rendered and while going to and returning from the place in  
32 which it is rendered.

33 As used in this section, the terms "doing emergency management  
34 service" and "who may be injured in the line of duty" as applied to  
35 emergency management volunteers mean participation in any activities  
36 authorized pursuant to P.L.1942, c.251 (C.App. A:9-33 et seq.),  
37 including participation in any State, county, municipal or regional  
38 search and rescue task force or team, except that the terms shall not  
39 include activities engaged in by a member of an emergency  
40 management agency of the United States Government or of another  
41 state, whether pursuant to a mutual aid compact or otherwise.

42 Every member of a volunteer fire company shall be deemed to be  
43 doing public fire duty under the control or supervision of any such  
44 commission, council, governing body, board of fire commissioners or  
45 fire district or board of managers of any State institution within the  
46 meaning of this section, if such control or supervision is provided for

1 by statute or by rule or regulation of the board of managers or the  
2 superintendent of such State institution, or if the fire company of  
3 which he is a member receives contributions from, or a substantial part  
4 of its expenses or equipment are paid for by, the municipality, or board  
5 of fire commissioners of the fire district or if such fire company has  
6 been or hereafter shall be designated by ordinance as the fire  
7 department of the municipality.

8 Every active volunteer, first aid or rescue squad worker, including  
9 every authorized worker who is not a member of the volunteer fire  
10 company within which the first aid or rescue squad may have been  
11 created, shall be deemed to be doing public first aid or rescue duty  
12 under the control or supervision of any such commission, council,  
13 governing body, board of fire commissioners or fire district within the  
14 meaning of this section if such control or supervision is provided for  
15 by statute, or if the first aid or rescue squad of which he is a member  
16 or authorized worker receives or is eligible to receive contributions  
17 from, or a substantial part of its expenses or equipment are paid for by,  
18 the municipality, or board of fire commissioners of the fire district, or  
19 if such first aid or rescue squad has been or hereafter shall be  
20 designated by ordinance as the first aid or rescue squad of the  
21 municipality.

22 As used in this section and in R.S.34:15-74, the term "authorized  
23 worker" shall mean and include, in addition to an active volunteer  
24 fireman and an active volunteer first aid or rescue squad worker, any  
25 person performing any public fire duty or public first aid or rescue  
26 squad duty, as the same are defined in this section, at the request of  
27 the chief or acting chief of a fire company or the president or person  
28 in charge of a first aid or rescue squad for the time being.

29 A member of a volunteer fire company, active volunteer first aid or  
30 rescue squad worker, county fire marshal, assistant county fire  
31 marshal, special, reserve or auxiliary policeman or emergency  
32 management volunteer serving a volunteer organization duly created  
33 and under the control or supervision of any commission, council or any  
34 other governing body of any municipality, any board of fire  
35 commissioners of that municipality or of any fire district within the  
36 State, or of the board of managers of any State institution, who  
37 participated in a search and rescue task force or team in response to  
38 the terrorist attacks of September 11, 2001 without the authorization  
39 of that volunteer organization's governing body and who suffered  
40 injury or death as a result of participation in that search and rescue  
41 task force or team shall be deemed an employee of this State for the  
42 purpose of workers' compensation benefits as would have accrued if  
43 the injury or death had occurred in the performance of the duties of  
44 the volunteer company or squad of which he was a member.

45 Whenever a member of a volunteer fire company, active volunteer  
46 first aid or rescue squad worker, county fire marshal, assistant county

1 fire marshal, special, reserve or auxiliary policeman or emergency  
2 management volunteer serving a volunteer organization duly created  
3 and under the control or supervision of any commission, council or any  
4 other governing body of any municipality, any board of fire  
5 commissioners of that municipality or of any fire district within the  
6 State, or of the board of managers of any State institution, participates  
7 in a national, multi-state, State, municipal or regional search and  
8 rescue task force or team without the authorization of that volunteer  
9 organization's governing body but pursuant to a Declaration of  
10 Emergency by the Governor of the State of New Jersey specifically  
11 authorizing volunteers to respond immediately to the emergency  
12 without requiring the authorization of the volunteer company or  
13 squad, and the member of the volunteer fire company, active volunteer  
14 first aid or rescue squad worker, county fire marshal, assistant county  
15 fire marshal, special, reserve or auxiliary policeman or emergency  
16 management volunteer suffers injury or death as a result of  
17 participation in that search and rescue task force or team, he shall be  
18 deemed an employee of this State for the purpose of workers'  
19 compensation benefits as would have accrued if the injury or death had  
20 occurred in the performance of the duties of the volunteer company or  
21 squad of which he was a member.

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

26 (cf: P.L.1999, c.251, s.2)

27

28 2. Section 1 of P.L.1999, c.251 (C.40A:14-199) is amended to  
29 read as follows:

30 1. Whenever a law enforcement officer, firefighter, emergency  
31 medical technician or paramedic employed by a municipality, county  
32 [.] or fire district of this State or the State participates in a national,  
33 multi-state, State, county, municipal or regional search and rescue task  
34 force or team, and that law enforcement officer, firefighter, emergency  
35 medical technician or paramedic suffers injury or death as a result of  
36 his participation in such search and rescue task force or team, he or his  
37 designee or legal representative shall be entitled to the salary, pension  
38 rights, worker's compensation, or other benefits as would have  
39 accrued if the injury or death had occurred in the performance of  
40 duties in the territorial jurisdiction in which he is employed.

41 As used in this section, "participate" and "participation" shall  
42 include taking part in meetings, training sessions, emergency drills, fire  
43 control, debris removal, emergency responses and such other similar  
44 activities of a search and rescue task force or team whether as an  
45 employment duty of the territorial jurisdiction of employment or as a  
46 volunteer, and shall include travel to and from such activities.

1 In addition, such officer, firefighter, emergency medical technician  
2 or paramedic shall have the same powers, authority and immunities as  
3 law enforcement officers, firefighters, emergency medical technicians  
4 and paramedics, as the case may be, in the municipality in which the  
5 assistance is being rendered.

6 A law enforcement officer, firefighter, emergency medical  
7 technician or paramedic employed by a municipality, county or fire  
8 district of this State or the State who participated in a search and  
9 rescue task force or team in response to the terrorist attacks of  
10 September 11, 2001 without the authorization of the municipality,  
11 county or fire district or the State and who suffered injury or death as  
12 a result of participation in that search and rescue task force or team  
13 shall be deemed an employee of this State for the purpose of payment  
14 of workers' compensation benefits as would have accrued if the injury  
15 or death had occurred in the performance of duties in the territorial  
16 jurisdiction in which he is employed.

17 Whenever a law enforcement officer, firefighter, emergency medical  
18 technician or paramedic employed by a municipality, county or fire  
19 district of this State or the State participates in a national, multi-state,  
20 State, county, municipal or regional search and rescue task force or  
21 team without the authorization of the municipality, county or fire  
22 district or the State but pursuant to a Declaration of Emergency by the  
23 Governor of the State of New Jersey specifically authorizing  
24 volunteers to respond immediately to the emergency without requiring  
25 the authorization of the municipality, county or fire district or the  
26 State, and the law enforcement officer, firefighter, emergency medical  
27 technician or paramedic suffers injury or death as a result of  
28 participation in the search and rescue task force or team, he shall be  
29 deemed an employee of this State for the purpose of payment of  
30 workers' compensation benefits as would have accrued if the injury or  
31 death had occurred in the performance of duties in the territorial  
32 jurisdiction in which he is employed.

33 (cf: P.L.1999, c.251, s.1)

34  
35 3. This act shall take effect immediately.

36  
37  
38 STATEMENT

39  
40 This bill provides that the cost of workers' compensation benefits  
41 for injury or death to volunteer fire, police, first aid, rescue or  
42 emergency management personnel who assist as part of a search and  
43 rescue task force or team performing services within or without this  
44 State are to be paid by the State rather than the volunteer organization  
45 or the duly designated entity normally responsible for such benefits if  
46 the volunteer did not receive the appropriate authorization to



1 participate and these services occurred in response to the terrorist  
2 attacks of September 11, 2001 or, in the future, pursuant to a  
3 Declaration of Emergency by the Governor of the State of New Jersey  
4 specifically authorizing volunteers to respond immediately to the  
5 emergency without requiring the authorization of the organization's  
6 governing body.

7 The bill also provides that the cost of workers' compensation  
8 benefits for injury or death to those law enforcement officers,  
9 firefighters, emergency medical technicians or paramedics employed  
10 by New Jersey's municipalities, counties, fire districts or the State to  
11 assist as part of a search and rescue task force or team who perform  
12 services within or without this State are to be paid by the State rather  
13 than the county, municipality or fire district by whom they are  
14 regularly employed if that person has not received the authorization of  
15 his employer to participate and these services occurred in response to  
16 the terrorist attacks of September 11, 2001 or, in the future, pursuant  
17 to a Declaration of Emergency by the Governor of the State of New  
18 Jersey specifically authorizing volunteers to respond immediately to  
19 the emergency without requiring the authorization of the county,  
20 municipality or fire district.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 24

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Labor Committee reports favorably Assembly, No. 24.

This bill provides that the cost of workers' compensation benefits for injury or death to volunteer fire, police, first aid, rescue or emergency management personnel who assist as part of a search and rescue task force or team performing services within or without this State are to be paid by the State rather than the volunteer organization or the duly designated entity normally responsible for such benefits if the volunteer did not receive the appropriate authorization to participate and these services occurred in response to the terrorist attacks of September 11, 2001 or, in the future, pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the organization's governing body.

The bill also provides that the cost of workers' compensation benefits for injury or death to those law enforcement officers, firefighters, emergency medical technicians or paramedics employed by New Jersey's municipalities, counties, fire districts or the State to assist as part of a search and rescue task force or team who perform services within or without this State are to be paid by the State rather than the county, municipality or fire district by whom they are regularly employed if that person has not received the authorization of his employer to participate and these services occurred in response to the terrorist attacks of September 11, 2001 or, in the future, pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the county, municipality or fire district.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 24**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JANUARY 17, 2002

**SUMMARY**

**Synopsis:** Assures certain benefits to certain police, fire and emergency personnel under certain circumstances in regard to the terrorist acts of September 11, 2001 or pursuant to an Executive Order by the Governor.

**Type of Impact:** Indeterminate

**Agencies Affected:** Department of Labor, Division of Workers' Compensation

**Office of Legislative Services Estimate**

| <b>Fiscal Impact</b> | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> |
|----------------------|---------------|---------------|---------------|
| <b>State Cost</b>    | Indeterminate | Indeterminate | Indeterminate |

- ! The bill establishes that the State will pay the cost of workers' compensation benefits of volunteer fire, police, first aid, rescue or emergency management personnel who assisted in response to the terrorist attacks of September 11, 2001 if the volunteer did not receive the appropriate authorization to participate in these services.
- ! The Department of Labor informally indicates that to date 27 actual claims have been filed due to the events of September 11, 2001. Of those claims, 18 are workers' compensation claims and nine are claims filed for dependency benefits.
- ! The Department of Labor informally indicates that only a small number of claims may be filed as a result of the events of September 11, 2001.

**BILL DESCRIPTION**

Assembly Bill No. 24 of 2001 provides that the cost of workers' compensation benefits for injury or death to volunteer fire, police, first aid, rescue or emergency management personnel who assist as part of a search and rescue task force or team performing services within or without this State are to be paid by the State rather than the volunteer organization or the duly designated entity normally responsible for such benefits if the volunteer did not receive the appropriate authorization to participate and these services occurred in response to the terrorist

attacks of September 11, 2001 or, in the future, pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the organization's governing body.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) finds that there is no current information available to provide an accurate number on the individuals who will fit the criteria addressed in the bill. Therefore, the estimate is indeterminate at this time.

Section: *Commerce, Labor and Industry*

Analyst: *Sonya Hough*  
*Assistant Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

P.L. 2001, CHAPTER 325, *approved January 5, 2002*

Senate, No. 22

1 **AN ACT** concerning certain police, fire and other emergency personnel  
2 and amending R.S.34:15-43 and P.L.1999, c.251.

3

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

6

7 1. R.S.34:15-43 is amended to read as follows:

8 34:15-43. Every officer, appointed or elected, and every employee  
9 of the State, county, municipality or any board or commission, or any  
10 other governing body, including boards of education, and governing  
11 bodies of service districts, individuals who are under the general  
12 supervision of the Palisades Interstate Park Commission and who work  
13 in that part of the Palisades Interstate Park which is located in this  
14 State, and also each and every member of a volunteer fire company  
15 doing public fire duty and also each and every active volunteer, first  
16 aid or rescue squad worker, including each and every authorized  
17 worker who is not a member of the volunteer fire company within  
18 which the first aid or rescue squad may have been created, doing  
19 public first aid or rescue duty under the control or supervision of any  
20 commission, council, or any other governing body of any municipality,  
21 any board of fire commissioners of such municipality or of any fire  
22 district within the State, or of the board of managers of any State  
23 institution, every county fire marshal and assistant county fire marshal,  
24 every special, reserve or auxiliary policeman doing volunteer public  
25 police duty under the control or supervision of any commission,  
26 council or any other governing body of any municipality, every  
27 emergency management volunteer doing emergency management  
28 service for the State and any person doing volunteer work for the  
29 Division of Parks and Forestry, the Division of Fish [ , Game] and  
30 Wildlife, or the New Jersey Natural Lands Trust, as authorized by the  
31 Commissioner of Environmental Protection, or for the New Jersey  
32 Historic Trust, who may be injured in line of duty shall be  
33 compensated under and by virtue of the provisions of this article and  
34 article 2 of this chapter (R.S.34:15-7 et seq.). No former employee  
35 who has been retired on pension by reason of injury or disability shall  
36 be entitled under this section to compensation for such injury or  
37 disability; provided, however, that such employee, despite retirement,  
38 shall, nevertheless, be entitled to the medical, surgical and other  
39 treatment and hospital services as set forth in R.S.34:15-15.

40 Benefits available under this section to emergency management  
41 volunteers and volunteers participating in activities of the Division of

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

**Matter underlined thus is new matter.**

1 Parks and Forestry, the Division of Fish [, Game] and Wildlife, the  
2 New Jersey Natural Lands Trust or the New Jersey Historic Trust,  
3 shall not be paid to any claimant who has another single source of  
4 injury or death benefits that provides the claimant with an amount of  
5 compensation that exceeds the compensation available to the claimant  
6 under R.S.34:15-1 et seq.

7 As used in this section, the terms "doing public fire duty" and "who  
8 may be injured in line of duty," as applied to members of volunteer fire  
9 companies, county fire marshals or assistant county fire marshals, and  
10 the term "doing public first aid or rescue duty," as applied to active  
11 volunteer first aid or rescue squad workers, shall be deemed to include  
12 participation in any authorized construction, installation, alteration,  
13 maintenance or repair work upon the premises, apparatus or other  
14 equipment owned or used by the fire company or the first aid or rescue  
15 squad, participation in any State, county, municipal or regional search  
16 and rescue task force or team, participation in any authorized public  
17 drill, showing, exhibition, fund raising activity or parade, and to  
18 include also the rendering of assistance in case of fire and, when  
19 authorized, in connection with other events affecting the public health  
20 or safety, in any political subdivision or territory of another state of  
21 the United States or on property ceded to the federal government  
22 while such assistance is being rendered and while going to and  
23 returning from the place in which it is rendered.

24 Also, as used in this section, "doing public police duty" and "who  
25 may be injured in line of duty" as applied to special, reserve or  
26 auxiliary policemen, shall be deemed to include participation in any  
27 authorized public drill, showing, exhibition or parade, and to include  
28 also the rendering of assistance in connection with other events  
29 affecting the public health or safety in the municipality, and also, when  
30 authorized, in connection with any such events in any political  
31 subdivision or territory of this or any other state of the United States  
32 or on property ceded to the federal government while such assistance  
33 is being rendered and while going to and returning from the place in  
34 which it is rendered.

35 As used in this section, the terms "doing emergency management  
36 service" and "who may be injured in the line of duty" as applied to  
37 emergency management volunteers mean participation in any activities  
38 authorized pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.),  
39 including participation in any State, county, municipal or regional  
40 search and rescue task force or team, except that the terms shall not  
41 include activities engaged in by a member of an emergency  
42 management agency of the United States Government or of another  
43 state, whether pursuant to a mutual aid compact or otherwise.

44 Every member of a volunteer fire company shall be deemed to be  
45 doing public fire duty under the control or supervision of any such  
46 commission, council, governing body, board of fire commissioners or

1 fire district or board of managers of any State institution within the  
2 meaning of this section, if such control or supervision is provided for  
3 by statute or by rule or regulation of the board of managers or the  
4 superintendent of such State institution, or if the fire company of  
5 which he is a member receives contributions from, or a substantial part  
6 of its expenses or equipment are paid for by, the municipality, or board  
7 of fire commissioners of the fire district or if such fire company has  
8 been or hereafter shall be designated by ordinance as the fire  
9 department of the municipality.

10 Every active volunteer, first aid or rescue squad worker, including  
11 every authorized worker who is not a member of the volunteer fire  
12 company within which the first aid or rescue squad may have been  
13 created, shall be deemed to be doing public first aid or rescue duty  
14 under the control or supervision of any such commission, council,  
15 governing body, board of fire commissioners or fire district within the  
16 meaning of this section if such control or supervision is provided for  
17 by statute, or if the first aid or rescue squad of which he is a member  
18 or authorized worker receives or is eligible to receive contributions  
19 from, or a substantial part of its expenses or equipment are paid for by,  
20 the municipality, or board of fire commissioners of the fire district, or  
21 if such first aid or rescue squad has been or hereafter shall be  
22 designated by ordinance as the first aid or rescue squad of the  
23 municipality.

24 As used in this section and in R.S.34:15-74, the term "authorized  
25 worker" shall mean and include, in addition to an active volunteer  
26 fireman and an active volunteer first aid or rescue squad worker, any  
27 person performing any public fire duty or public first aid or rescue  
28 squad duty, as the same are defined in this section, at the request of  
29 the chief or acting chief of a fire company or the president or person  
30 in charge of a first aid or rescue squad for the time being.

31 A member of a volunteer fire company, active volunteer first aid or  
32 rescue squad worker, county fire marshal, assistant county fire  
33 marshal, special, reserve or auxiliary policeman or emergency  
34 management volunteer serving a volunteer organization duly created  
35 and under the control or supervision of any commission, council or any  
36 other governing body of any municipality, any board of fire  
37 commissioners of that municipality or of any fire district within the  
38 State, or of the board of managers of any State institution, who  
39 participated in a search and rescue task force or team in response to  
40 the terrorist attacks of September 11, 2001 without the authorization  
41 of that volunteer organization's governing body and who suffered  
42 injury or death as a result of participation in that search and rescue  
43 task force or team shall be deemed an employee of this State for the  
44 purpose of workers' compensation benefits as would have accrued if  
45 the injury or death had occurred in the performance of the duties of  
46 the volunteer company or squad of which he was a member.

1 Whenever a member of a volunteer fire company, active volunteer  
2 first aid or rescue squad worker, county fire marshal, assistant county  
3 fire marshal, special, reserve or auxiliary policeman or emergency  
4 management volunteer serving a volunteer organization duly created  
5 and under the control or supervision of any commission, council or any  
6 other governing body of any municipality, any board of fire  
7 commissioners of that municipality or of any fire district within the  
8 State, or of the board of managers of any State institution, participates  
9 in a national, multi-state, State, municipal or regional search and  
10 rescue task force or team without the authorization of that volunteer  
11 organization's governing body but pursuant to a Declaration of  
12 Emergency by the Governor of the State of New Jersey specifically  
13 authorizing volunteers to respond immediately to the emergency  
14 without requiring the authorization of the volunteer company or  
15 squad, and the member of the volunteer fire company, active volunteer  
16 first aid or rescue squad worker, county fire marshal, assistant county  
17 fire marshal, special, reserve or auxiliary policeman or emergency  
18 management volunteer suffers injury or death as a result of  
19 participation in that search and rescue task force or team, he shall be  
20 deemed an employee of this State for the purpose of workers'  
21 compensation benefits as would have accrued if the injury or death had  
22 occurred in the performance of the duties of the volunteer company or  
23 squad of which he was a member.

24 Nothing herein contained shall be construed as affecting or  
25 changing in any way the provisions of any statute providing for sick,  
26 disability, vacation or other leave for public employees or any  
27 provision of any retirement or pension fund provided by law.  
28 (cf: P.L.1999, c.251, s.2)

29

30 2. Section 1 of P.L.1999, c.251 (C.40A:14-199) is amended to  
31 read as follows:

32 1. Whenever a law enforcement officer, firefighter, emergency  
33 medical technician or paramedic employed by a municipality, county  
34 [,] or fire district of this State or the State participates in a national,  
35 multi-state, State, county, municipal or regional search and rescue task  
36 force or team, and that law enforcement officer, firefighter, emergency  
37 medical technician or paramedic suffers injury or death as a result of  
38 his participation in such search and rescue task force or team, he or his  
39 designee or legal representative shall be entitled to the salary, pension  
40 rights, worker's compensation, or other benefits as would have  
41 accrued if the injury or death had occurred in the performance of  
42 duties in the territorial jurisdiction in which he is employed.

43 As used in this section, "participate" and "participation" shall  
44 include taking part in meetings, training sessions, emergency drills, fire  
45 control, debris removal, emergency responses and such other similar  
46 activities of a search and rescue task force or team whether as an



1 employment duty of the territorial jurisdiction of employment or as a  
2 volunteer, and shall include travel to and from such activities.

3 In addition, such officer, firefighter, emergency medical technician  
4 or paramedic shall have the same powers, authority and immunities as  
5 law enforcement officers, firefighters, emergency medical technicians  
6 and paramedics, as the case may be, in the municipality in which the  
7 assistance is being rendered.

8 A law enforcement officer, firefighter, emergency medical  
9 technician or paramedic employed by a municipality, county or fire  
10 district of this State or the State who participated in a search and  
11 rescue task force or team in response to the terrorist attacks of  
12 September 11, 2001 without the authorization of the municipality,  
13 county or fire district or the State and who suffered injury or death as  
14 a result of participation in that search and rescue task force or team  
15 shall be deemed an employee of this State for the purpose of payment  
16 of workers' compensation benefits as would have accrued if the injury  
17 or death had occurred in the performance of duties in the territorial  
18 jurisdiction in which he is employed.

19 Whenever a law enforcement officer, firefighter, emergency medical  
20 technician or paramedic employed by a municipality, county or fire  
21 district of this State or the State participates in a national, multi-state,  
22 State, county, municipal or regional search and rescue task force or  
23 team without the authorization of the municipality, county or fire  
24 district or the State but pursuant to a Declaration of Emergency by the  
25 Governor of the State of New Jersey specifically authorizing  
26 volunteers to respond immediately to the emergency without requiring  
27 the authorization of the municipality, county or fire district or the  
28 State, and the law enforcement officer, firefighter, emergency medical  
29 technician or paramedic suffers injury or death as a result of  
30 participation in the search and rescue task force or team, he shall be  
31 deemed an employee of this State for the purpose of payment of  
32 workers' compensation benefits as would have accrued if the injury or  
33 death had occurred in the performance of duties in the territorial  
34 jurisdiction in which he is employed.

35 (cf: P.L.1999, c.251, s.1)

36

37 3. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42 This bill provides that the cost of workers' compensation benefits  
43 for injury or death to volunteer fire, police, first aid, rescue or  
44 emergency management personnel who assist as part of a search and  
45 rescue task force or team performing services within or without this  
46 State are to be paid by the State rather than the volunteer organization

1 or the duly designated entity normally responsible for such benefits if  
2 the volunteer did not receive the appropriate authorization to  
3 participate and these services occurred in response to the terrorist  
4 attacks of September 11, 2001 or, in the future, pursuant to a  
5 Declaration of Emergency by the Governor of the State of New Jersey  
6 specifically authorizing volunteers to respond immediately to the  
7 emergency without requiring the authorization of the organization's  
8 governing body.

9 The bill also provides that the cost of workers' compensation  
10 benefits for injury or death to those law enforcement officers,  
11 firefighters, emergency medical technicians or paramedics employed  
12 by New Jersey's municipalities, counties, fire districts or the State to  
13 assist as part of a search and rescue task force or team who perform  
14 services within or without this State are to be paid by the State rather  
15 than the county, municipality or fire district by whom they are  
16 regularly employed if that person has not received the authorization of  
17 his employer to participate and these services occurred in response to  
18 the terrorist attacks of September 11, 2001 or, in the future, pursuant  
19 to a Declaration of Emergency by the Governor of the State of New  
20 Jersey specifically authorizing volunteers to respond immediately to  
21 the emergency without requiring the authorization of the county,  
22 municipality or fire district.

23

24

25

26

27 Assures certain benefits to certain police, fire and emergency  
28 personnel under certain circumstances in regard to the terrorist acts of  
29 September 11, 2001 or pursuant to an Executive Order by the  
30 Governor.

## CHAPTER 325

AN ACT concerning certain police, fire and other emergency personnel and amending R.S.34:15-43 and P.L.1999, c.251.

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

1. R.S.34:15-43 is amended to read as follows:

Compensation for injury in line of duty.

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, individuals who are under the general supervision of the Palisades Interstate Park Commission and who work in that part of the Palisades Interstate Park which is located in this State, and also each and every member of a volunteer fire company doing public fire duty and also each and every active volunteer, first aid or rescue squad worker, including each and every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty under the control or supervision of any commission, council, or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, every county fire marshal and assistant county fire marshal, every special, reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, every emergency management volunteer doing emergency management service for the State and any person doing volunteer work for the Division of Parks and Forestry, the Division of Fish and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection, or for the New Jersey Historic Trust, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (R.S.34:15-7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in R.S.34:15-15.

Benefits available under this section to emergency management volunteers and volunteers participating in activities of the Division of Parks and Forestry, the Division of Fish and Wildlife, the New Jersey Natural Lands Trust or the New Jersey Historic Trust, shall not be paid to any claimant who has another single source of injury or death benefits that provides the claimant with an amount of compensation that exceeds the compensation available to the claimant under R.S.34:15-1 et seq.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to members of volunteer fire companies, county fire marshals or assistant county fire marshals, and the term "doing public first aid or rescue duty," as applied to active volunteer first aid or rescue squad workers, shall be deemed to include participation in any authorized construction, installation, alteration, maintenance or repair work upon the premises, apparatus or other equipment owned or used by the fire company or the first aid or rescue squad, participation in any State, county, municipal or regional search and rescue task force or team, participation in any authorized public drill, showing, exhibition, fund raising activity or parade, and to include also the rendering of assistance in case of fire and, when authorized, in connection with other events affecting the public health or safety, in any political subdivision or territory of another state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

Also, as used in this section, "doing public police duty" and "who may be injured in line of duty" as applied to special, reserve or auxiliary policemen, shall be deemed to include participation in any authorized public drill, showing, exhibition or parade, and to include also the rendering of assistance in connection with other events affecting the public health or safety in the municipality, and also, when authorized, in connection with any such events in any political subdivision or territory of this or any other state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning

from the place in which it is rendered.

As used in this section, the terms "doing emergency management service" and "who may be injured in the line of duty" as applied to emergency management volunteers mean participation in any activities authorized pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), including participation in any State, county, municipal or regional search and rescue task force or team, except that the terms shall not include activities engaged in by a member of an emergency management agency of the United States Government or of another state, whether pursuant to a mutual aid compact or otherwise.

Every member of a volunteer fire company shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district or board of managers of any State institution within the meaning of this section, if such control or supervision is provided for by statute or by rule or regulation of the board of managers or the superintendent of such State institution, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker, including every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member or authorized worker receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

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

A member of a volunteer fire company, active volunteer first aid or rescue squad worker, county fire marshal, assistant county fire marshal, special, reserve or auxiliary policeman or emergency management volunteer serving a volunteer organization duly created and under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of that municipality or of any fire district within the State, or of the board of managers of any State institution, who participated in a search and rescue task force or team in response to the terrorist attacks of September 11, 2001 without the authorization of that volunteer organization's governing body and who suffered injury or death as a result of participation in that search and rescue task force or team shall be deemed an employee of this State for the purpose of workers' compensation benefits as would have accrued if the injury or death had occurred in the performance of the duties of the volunteer company or squad of which he was a member.

Whenever a member of a volunteer fire company, active volunteer first aid or rescue squad worker, county fire marshal, assistant county fire marshal, special, reserve or auxiliary policeman or emergency management volunteer serving a volunteer organization duly created and under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of that municipality or of any fire district within the State, or of the board of managers of any State institution, participates in a national, multi-state, State, municipal or regional search and rescue task force or team without the authorization of that volunteer organization's governing body but pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the volunteer company or squad, and the member of the volunteer fire company, active volunteer first aid or rescue squad

worker, county fire marshal, assistant county fire marshal, special, reserve or auxiliary policeman or emergency management volunteer suffers injury or death as a result of participation in that search and rescue task force or team, he shall be deemed an employee of this State for the purpose of workers' compensation benefits as would have accrued if the injury or death had occurred in the performance of the duties of the volunteer company or squad of which he was a member.

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

2. Section 1 of P.L.1999, c.251 (C.40A:14-199) is amended to read as follows:

C.40A:14-199 Immunities, benefits of search, rescue teams.

1. Whenever a law enforcement officer, firefighter, emergency medical technician or paramedic employed by a municipality, county or fire district of this State or the State participates in a national, multi-state, State, county, municipal or regional search and rescue task force or team, and that law enforcement officer, firefighter, emergency medical technician or paramedic suffers injury or death as a result of his participation in such search and rescue task force or team, he or his designee or legal representative shall be entitled to the salary, pension rights, worker's compensation, or other benefits as would have accrued if the injury or death had occurred in the performance of duties in the territorial jurisdiction in which he is employed.

As used in this section, "participate" and "participation" shall include taking part in meetings, training sessions, emergency drills, fire control, debris removal, emergency responses and such other similar activities of a search and rescue task force or team whether as an employment duty of the territorial jurisdiction of employment or as a volunteer, and shall include travel to and from such activities.

In addition, such officer, firefighter, emergency medical technician or paramedic shall have the same powers, authority and immunities as law enforcement officers, firefighters, emergency medical technicians and paramedics, as the case may be, in the municipality in which the assistance is being rendered.

A law enforcement officer, firefighter, emergency medical technician or paramedic employed by a municipality, county or fire district of this State or the State who participated in a search and rescue task force or team in response to the terrorist attacks of September 11, 2001 without the authorization of the municipality, county or fire district or the State and who suffered injury or death as a result of participation in that search and rescue task force or team shall be deemed an employee of this State for the purpose of payment of workers' compensation benefits as would have accrued if the injury or death had occurred in the performance of duties in the territorial jurisdiction in which he is employed.

Whenever a law enforcement officer, firefighter, emergency medical technician or paramedic employed by a municipality, county or fire district of this State or the State participates in a national, multi-state, State, county, municipal or regional search and rescue task force or team without the authorization of the municipality, county or fire district or the State but pursuant to a Declaration of Emergency by the Governor of the State of New Jersey specifically authorizing volunteers to respond immediately to the emergency without requiring the authorization of the municipality, county or fire district or the State, and the law enforcement officer, firefighter, emergency medical technician or paramedic suffers injury or death as a result of participation in the search and rescue task force or team, he shall be deemed an employee of this State for the purpose of payment of workers' compensation benefits as would have accrued if the injury or death had occurred in the performance of duties in the territorial jurisdiction in which he is employed.

3. This act shall take effect immediately.

Approved January 5, 2002.