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LAW/RWH

P.L.2014, CHAPTER 64, *approved November 13, 2014*
Senate, No. 1092

1 AN ACT concerning exempt firemen and amending N.J.S.40A:14-55
2 and N.J.S.40A:14-56.

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

6
7 1. N.J.S.40A:14-55 is amended to read as follows:

8 40A:14-55. Definitions relating to fire departments and exempt
9 firemen

10 "Fire department and force", "fire department or force" or "fire
11 department" means the officers and members organized to fight
12 fires in the municipality;

13 "Fire duty" means active participation in the usual duties of a
14 fireman under the direction and supervision of the official in charge
15 of the fire department and force;

16 "60% of duty" means actual recorded attendance and rendering
17 of fire service at not less than 60% of regular alarms of fire
18 answerable by the members during any calendar year; the total
19 number of alarms used in computing said percentage may include
20 not more than 20 fire drills called at the direction of the official in
21 charge of the fire department and force.

22 "50% of duty" means actual recorded attendance and rendering
23 of fire service at not less than 50% of regular alarms of fire
24 answerable by the members during any calendar year; the total
25 number of alarms used in computing said percentage may include
26 not more than 20 fire drills called at the direction of the official in
27 charge of the fire department and force.

28 (cf: N.J.S.40A:14-55)

29

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

31 40A:14-56. A member of the fire department and force of a
32 municipality shall be entitled to an exempt fireman certificate when
33 it appears that at the time of his appointment he was of good moral
34 character and was not under 18 or over 45 years of age and that he
35 had performed during a period of seven years, 60% of fire duty or
36 after January 1, 2009, 50% of fire duty, in each year, respectively.

37 Any member who otherwise would be eligible for an exempt
38 fireman certificate, but who, as the result of an injury or injuries
39 incurred out of or in the course of fire duty, is permanently unable
40 to fulfill the seven-year performance requirement set forth in this
41 section, shall be entitled to an exempt fireman certificate if, at the

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 time he incurred the injury or injuries, the member had performed
2 during a period of five years, 60% of fire duty or after January 1,
3 2009, 50% of fire duty, in each year, respectively. In cases where
4 the appointment was made during the war years the age limit shall
5 be extended 10 years. Service in the United States Armed Forces
6 during the war years shall be considered as fire duty service.

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

17 (cf: P.L.2000, c.172, s.1)

18

19 3. This act shall take effect immediately and shall be
20 retroactive to January 1, 2009.

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STATEMENT

24

25 This bill reduces the amount of fire duty that a municipal
26 firefighter must perform in order to receive an exempt fireman
27 certificate. Current law sets the amount of fire duty as recorded
28 attendance and rendering of fire service at not less than 60% of
29 regular alarms of fire answerable by the members during any
30 calendar year. This bill reduces that amount to not less than 50%
31 for service provided after January 1, 2009.

32 Generally, a municipal firefighter who, at the time of
33 appointment was of good moral character and not under 18 or over
34 45 years of age, is entitled to receive an exempt fireman certificate
35 upon performing over a seven-year period, 60% of fire duty, in each
36 of the seven years. The certificate entitles a firefighter to a death
37 benefit provided by the State Fireman's Association which is
38 funded by a 2% tax on fire insurance premiums paid by out-of-state
39 companies. In addition, the certificate bestows certain tenure
40 protections statutorily afforded to exempt firemen who are employed
41 by a public entity.

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46 Reduces amount of fire duty required in order to receive exempt
47 fireman certificate.

SENATE, No. 1092

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

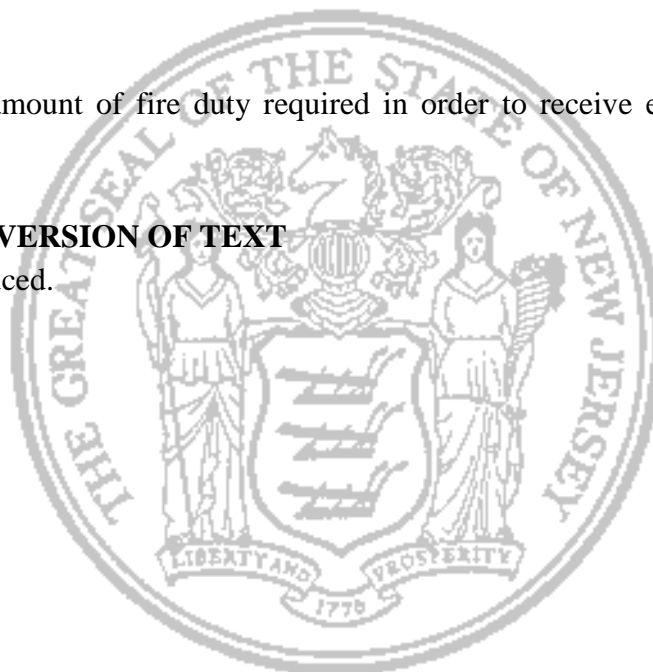
Senator Beck, Assemblyman Chivukula and Assemblywoman McHose

SYNOPSIS

Reduces amount of fire duty required in order to receive exempt fireman certificate.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/30/2014)

1 AN ACT concerning exempt firemen and amending N.J.S.40A:14-55
2 and N.J.S.40A:14-56.

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

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14 fireman under the direction and supervision of the official in charge
15 of the fire department and force;

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27 charge of the fire department and force.

28 (cf: N.J.S.40A:14-55)

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

31 40A:14-56. A member of the fire department and force of a
32 municipality shall be entitled to an exempt fireman certificate when
33 it appears that at the time of his appointment he was of good moral
34 character and was not under 18 or over 45 years of age and that he
35 had performed during a period of seven years, 60% of fire duty or
36 after January 1, 2009, 50% of fire duty, in each year, respectively.

37 Any member who otherwise would be eligible for an exempt
38 fireman certificate, but who, as the result of an injury or injuries
39 incurred out of or in the course of fire duty, is permanently unable
40 to fulfill the seven-year performance requirement set forth in this
41 section, shall be entitled to an exempt fireman certificate if, at the
42 time he incurred the injury or injuries, the member had performed
43 during a period of five years, 60% of fire duty or after January 1,
44 2009, 50% of fire duty, in each year, respectively. In cases where
45 the appointment was made during the war years the age limit shall

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 be extended 10 years. Service in the United States Armed Forces
2 during the war years shall be considered as fire duty service.

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

13 (cf: P.L.2000, c.172, s.1)

14

15 3. This act shall take effect immediately and shall be
16 retroactive to January 1, 2009.

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STATEMENT

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21 This bill reduces the amount of fire duty that a municipal
22 firefighter must perform in order to receive an exempt fireman
23 certificate. Current law sets the amount of fire duty as recorded
24 attendance and rendering of fire service at not less than 60% of
25 regular alarms of fire answerable by the members during any
26 calendar year. This bill reduces that amount to not less than 50%
27 for service provided after January 1, 2009.

28 Generally, a municipal firefighter who, at the time of
29 appointment was of good moral character and not under 18 or over
30 45 years of age, is entitled to receive an exempt fireman certificate
31 upon performing over a seven-year period, 60% of fire duty, in each
32 of the seven years. The certificate entitles a firefighter to a death
33 benefit provided by the State Fireman's Association which is
34 funded by a 2% tax on fire insurance premiums paid by out-of-state
35 companies. In addition, the certificate bestows certain tenure
36 protections statutorily afforded to exempt firemen who are employed
37 by a public entity.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1092

STATE OF NEW JERSEY

DATED: JUNE 19, 2014

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1092.

Senate Bill No. 1092 reduces the amount of fire duty that a volunteer firefighter is required to perform to receive an exempt fireman certificate.

Under current law, a volunteer firefighter who, at the time of appointment, was of good moral character and between 18 and 45 years of age is entitled to receive an exempt fireman certificate upon performing over a seven-year period, 60% of fire duty, in each of those seven years. The law defines "60% of duty" as actual recorded attendance and rendering of fire service at not less than 60% of regular alarms of fire answerable by the members of the fire department or force during any calendar year. This bill reduces the amount of fire duty required in each year to 50% for service provided after January 1, 2009.

This change parallels a change made to the New Jersey State Firemen's Association Constitution and by-laws effective in 2010 that reduced the percentage of fire duty required to qualify for death benefits from 60 to 50 percent.

An exempt fireman certificate affords volunteer firefighters employed by a public entity certain statutory tenure protections.

ASSEMBLY, No. 1537

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Reduces amount of fire duty required in order to receive exempt fireman certificate.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1537 RIBLE, COUGHLIN

2

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28 (cf: P.L.1971, c.197, s.1)

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38 fireman certificate, but who, as the result of an injury or injuries
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42 time he incurred the injury or injuries, the member had performed
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35 companies. In addition, the certificate bestows certain tenure
36 protections statutorily afforded to exempt firemen who are employed
37 by a public entity.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1537

STATE OF NEW JERSEY

DATED: MARCH 10, 2014

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 1537.

As reported by the committee, Assembly Bill No. 1537 reduces the amount of fire duty that a municipal firefighter is required to perform in order to receive an exempt fireman certificate.

Current law sets the amount of fire duty as recorded attendance and rendering of fire service at not less than 60 percent of regular fire alarms answerable by the members during any calendar year. This bill reduces that amount to not less than 50 percent for service provided after January 1, 2009.

Generally, a municipal firefighter, who at the time of appointment was of good moral character and not under 18 or over 45 years of age, is entitled to receive an exempt fireman certificate upon performing over a seven-year period 60 percent of fire duty, in each of the seven years. The certificate provides certain tenure protections that are statutorily afforded to exempt firemen who are employed by a public entity.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.