

34:15-43; 34:15-74 to 34:15-16

LEGISLATIVE HISTORY CHECKLIST

(Workers' compensation coverage provides to special policemen doing volunteer police duty)

INJSA 34:15-43; 34:15-74 to 34:15-76

LAWS OF 1978 CHAPTER 145

Bill No. S343

Sponsor(s) Vreeland

Date Introduced Pre-filed

Committee: Assembly Labor

Senate County, & Municipal Govt, Revenue, Finance & Appropriatio

Amended during passage Yes ~~xx~~ <sup>xx</sup> Amendments during passage denoted by asterisks

Date of Passage: Assembly June 26, 1978

Senate June 8, 1978

Date of approval Nov. 22, 1978

Following statements are attached if available:

Sponsor statement	Yes	<del>xx</del>	Below
Committee Statement: Assembly	<del>xx</del>		No
Senate	Yes	<del>xx</del>	1-26-78 & 5-25-78
Fiscal Note	<del>Yes</del>		No
Veto Message	<del>Yes</del>		No
Message on signing	<del>Yes</del>		No

Following were printed:

Reports	<del>Yes</del>		No
Hearings	<del>Yes</del>		No

Sponsor's statement:

This bill provides workers' compensation insurance coverage to certain special police.

EJ

9/1/78 MAY 1978

CHAPTER 145 LAWS OF N. J. 1978  
APPROVED 11-22-78

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 343

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Senator VREELAND

AN ACT concerning workers' compensation coverage for certain special\*, *reserve or auxiliary\** policemen and amending **\*\*[R. S.]\*\*** **\*\*sections\*\*** 34:15-43 **\*\*[and R. S.]\*\*** **\*\*\***, **\*\*** 34:15-74**\*\***, 34:15-75 and 34:15-76 of the Revised Statutes**\*\***.

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

1 1. R. S. 34:15-43 is amended to read as follows:  
2 34:15-43. Every officer, appointed or elected, and every employee  
3 of the State, county, municipality or any board of commission, or  
4 any other governing body, including boards of education, and  
5 governing bodies of service districts, and also each and every  
6 member of a volunteer fire company doing public fire duty and also  
7 each and every active volunteer, first aid or rescue squad worker,  
8 including each and every authorized worker who is not a member  
9 of the volunteer fire company within which the first aid or rescue  
10 squad may have been created, doing public first aid or rescue duty  
11 under the control or supervision of any commission, council, or any  
12 other governing body of any municipality, any board of fire com-  
13 missioners of such municipality or of any fire district within the  
14 State, or of the board of managers of any State institution, **[and]**  
15 every county fire marshal and assistant county fire marshal *and*  
16 *every special\*, reserve or auxiliary\* policeman doing volunteer*  
17 *public police duty under the control or supervision of any com-*  
18 *mission, council or any other governing body of any municipality,*  
19 who may be injured in line of duty shall be compensated under and  
20 by virtue of the provisions of this article and article 2 of this  
21 chapter (sections 34:15-7 et seq.). No former employee who has  
22 been retired on pension by reason of injury or disability shall be  
23 entitled under this section to compensation for such injury or dis-  
24 ability; provided, however, that such employee, despite retirement,

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

25 shall, nevertheless, be entitled to the medical, surgical and other  
26 treatment and hospital services as set forth in R. S. 34:15-15.

27 As used in this section, the terms "doing public fire duty" and  
28 "who may be injured in line of duty," as applied to members of  
29 volunteer fire companies, county fire marshals or assistant county  
30 fire marshals, and the term "doing public first aid or rescue duty,"  
31 as applied to active volunteer first aid or rescue squad workers, shall  
32 be deemed to include participation in any authorized construction;  
33 installation, alteration, maintenance or repair work upon the  
34 premises, apparatus or other equipment owned or used by the fire  
35 company or the first aid or rescue squad, participation in any  
36 authorized public drill, showing, exhibition, fund raising activity  
37 or parade, and to include also the rendering of assistance in case  
38 of fire and, when authorized, in connection with other events affect-  
39 ing the public health or safety, in any political subdivision or ter-  
40 ritory of another State of the United States or on property ceded  
41 to the Federal Government while such assistance is being rendered  
42 and while going to and returning from the place in which it is  
43 rendered.

44 *Also, as used in this section, "doing public police duty" and "who*  
45 *may be injured in line of duty" as applied to special\*, reserve or*  
46 *auxiliary\* policemen, shall be deemed to include participation in*  
47 *any authorized public drill, showing, exhibition or parade, and to*  
48 *include also the rendering of assistance in connection with other*  
49 *events affecting the public health or safety in the municipality,*  
50 *and also, when authorized, in connection with any such events in*  
51 *any political subdivision or territory of this or any other State of*  
52 *the United States or on property ceded to the Federal Government*  
53 *while such assistance is being rendered and while going to and*  
54 *returning from the place in which it is rendered.*

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

67 Every active volunteer, first aid or rescue squad worker, includ-  
 68 ing every authorized worker who is not a member of the volunteer  
 69 fire company within which the first aid or rescue squad may have  
 70 been created, shall be deemed to be doing public first aid or rescue  
 71 duty under the control or supervision of any such commission,  
 72 council, governing body, board of fire commissioners or fire district  
 73 within the meaning of this section if such control or supervision is  
 74 provided for by statute, or if the first aid or rescue squad of which  
 75 he is a member or authorized worker receives or is eligible to  
 76 receive contributions from, or a substantial part of its expenses or  
 77 equipment are paid for by, the municipality, or board of fire com-  
 78 missioners of the fire district, or if such first aid or rescue squad  
 79 has been or hereafter shall be designated by ordinance as the first  
 80 aid or rescue squad of the municipality.

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

89 Nothing herein contained shall be construed as affecting or chang-  
 90 ing in any way the provisions of any statute providing for sick,  
 91 disability, vacation or other leave for public employees or any pro-  
 92 vision of any retirement or pension fund provided by law.

93 2. R. S. 34:15-74 is amended to read as follows:

94 34:15-74. Except as otherwise provided in this section, the  
 95 governing body of every municipality and the committee of every  
 96 fire district shall provide compensation insurance for\*, *reserve or*  
 97 *auxiliary\* special policemen doing volunteer public police duty, for*  
 98 volunteer firemen doing public fire duty and volunteer first aid and  
 99 emergency squad workers doing public first aid and rescue duty  
 100 under the control or supervision of any commission, council or  
 101 other governing body of the municipality or any board of fire com-  
 102 missioners of such municipality or of any fire district, and the  
 103 board of chosen freeholders shall provide compensation insurance  
 104 for county fire marshals and assistant county fire marshals, within  
 105 the meaning of section 34:15-43 of this chapter. Such insurance  
 106 shall provide compensation for every such *special\*, reserve or*  
 107 *auxiliary\* policeman, \*\*and for every such\*\** fireman or authorized  
 108 first aid or rescue squad worker or county fire marshal or assistant  
 109 county fire marshal who shall be a member of any first aid or rescue

17A squad created within the fire company of which he is a member or  
 18 authorized first aid or rescue squad worker, or composed of mem-  
 19 bers and authorized first aid or rescue squad workers of different  
 20 fire companies in the same municipality for injuries received while  
 21 acting in response to any call made upon such squad, for first aid or  
 22 rescue work, whether such call be made because of a fire or other-  
 23 wise.

24 The provisions of this section shall not require the governing  
 25 body of any municipality or the committee of any fire district which  
 26 contributes to the support of a volunteer fire company or volunteer  
 27 first aid or rescue squad serving said municipality or district but  
 28 located, or its headquarters maintained, without said municipality  
 29 or district to provide compensation insurance for the members of  
 30 said company or squad who are covered by compensation insurance  
 31 carried by the municipality or district within which said company  
 32 or squad is located, or its headquarters maintained, whenever  
 33 evidence of such insurance coverage is supplied to or otherwise  
 34 obtained by said governing body or committee, nor shall the pro-  
 35 visions of this section require the governing body of any mu-  
 36 nicipality or the committee of any fire district to provide  
 37 compensation insurance whenever evidence that a fire company has  
 38 obtained its own insurance coverage is provided to the governing  
 39 body or committee.

1 \*\*3. R. S. 34:15-75 is amended to read as follows:

2 34:15-75. Compensation for injury and death, either or both, of  
 3 any volunteer fireman, county fire marshal, assistant county fire  
 4 marshal, volunteer first aid or rescue squad worker, volunteer  
 5 driver of any municipally-owned or operated ambulance, or of any  
 6 forest fire warden or forest fire fighter employed by the State of  
 7 New Jersey, or of any member of a board of education, *or of any*  
 8 *special reserve or auxiliary policeman doing volunteer public police*  
 9 *duty under the control or supervision of any commission, council*  
 10 *or any other governing body of any municipality, shall be based*  
 11 upon a weekly salary or compensation conclusively presumed to  
 12 be received by such person in an amount sufficient to entitle him,  
 13 or, in the event of his death, his dependents, to receive the maxi-  
 14 mum compensation by this chapter authorized.

1 4. R. S. 34:15-76 is amended to read as follows:

2 34:15-76. All payments of compensation to volunteer firemen,  
 3 county fire marshals, assistant county fire marshals, volunteer  
 4 first aid or rescue squad workers, volunteer drivers of any munici-  
 5 pally-owned or operated ambulance, *or special, reserve or auxiliary*

6 *policeman doing volunteer public police duty under the control or*  
7 *supervision of any commission, council or any other governing*  
8 *body of any municipality, shall be governed by and be subject to the*  
9 *provisions of this chapter. The premiums therefor shall be paid*  
10 *from the tax levy, and the insurance shall protect such persons*  
11 *from loss by reason of injury or death suffered while engaged in the*  
12 *performance of duty.\*\**

1 **\*\*[3.]\*\* \*\*5.\*\*** This act shall take effect immediately.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**SENATE, No. 343**

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**STATE OF NEW JERSEY**

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DATED: JANUARY 26, 1978

This bill would amend sections 43 and 74 of chapter 15 of Title 34 of the Revised Statutes. These sections establish the eligibility for workmen's compensation of appointed and elected officers and employees and certain other individuals in special categories with the State, counties and municipalities. Among these aforementioned individuals in special categories are members of volunteer fire companies, volunteer first aid or rescue squad workers, county fire marshals and assistant county fire marshals.

This bill would add to those covered "every special policeman doing volunteer public police duty" who might be injured in the line of duty. The governing body of any municipality may appoint special policemen pursuant to N. J. S. 40A:14-145, and, insofar as these individuals serve on a "volunteer" basis—that is, without pay—they are not covered by workmen's compensation. One municipality finds that it is difficult to recruit special police, who serve as back-up for the regular police force, because of the lack of compensation for injury in line of duty.

The League of Municipalities has "no objection" to the bill.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 343**  
with committee amendments

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**STATE OF NEW JERSEY**

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DATED: MAY 25, 1978

This bill extends eligibility for workmen's compensation to "every special policeman doing volunteer public police duty." The special policemen involved are serving on a "volunteer" basis—that is without pay—and are not covered by workmen's compensation. This same eligibility is currently extended to, among other categories of individuals, volunteer firemen, first aid or rescue squad workers, and county fire marshals or assistant county fire marshals, doing public fire, first aid or rescue duty.

The terms "doing public fire duty" or "doing public first aid or rescue duty" and "injured in the line of duty" are currently defined by statute. These terms as would apply to special policemen are defined in like manner in the bill.

**FISCAL IMPACT**

As in the case with firemen, first aid or rescue squad workers, compensation insurance is a requirement on the municipality, fire district or county governing body. Thus, as special police are newly eligible for workmen's compensation a cost will be incurred. While a fiscal note is not available on this bill it is expected that any cost would be minimal.

**COMMITTEE AMENDMENTS**

Committee amendments are technical in nature, clarifying the term special policeman so as to ensure eligibility of special policeman, whether called such or by another name.