

40A:14-199 et al
LEGISLATIVE HISTORY CHECK
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LAWS OF: 1999 CHAPTER: 251

NJSA: 40A:14-199 et al (Immunities & benefits to persons who participate in search & rescue)

BILL NO: A2302 (Substituted for S1262)

SPONSOR(S): Asselta and Gibson

DATE INTRODUCED: July 27, 1998

COMMITTEE: ASSEMBLY: Law and Public Safety

SENATE: ----

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: June 24, 1999

SENATE: July 1, 1999

DATE OF APPROVAL: October 15, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#): First Reprint
(Amendments during passage denoted by superscript numbers)

A2302

[SPONSORS STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: ASSEMBLY: [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1262

[SPONSORS STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)
Bill and Sponsors Statement identical to A2302

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: [Yes](#)
Identical to Assembly Statement for A2302

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING](#): [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

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No

P.L. 1999, CHAPTER 251, *approved October 15, 1999*
Assembly, No. 2302 (*First Reprint*)

1 AN ACT concerning certain police, fire and emergency services
2 ¹[and] ¹ supplementing Title 40A of the New Jersey Statutes
3 ¹and amending R.S.34:15-43¹.

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

7
8 1. Whenever a law enforcement officer, firefighter, emergency
9 medical technician or paramedic employed by a municipality, county,
10 fire district or the State ¹[is appointed to or training for appointment
11 to] participates in¹ a State, county, municipal or regional ¹[urban]¹
12 search and rescue task force or team, and that law enforcement officer,
13 firefighter, emergency medical technician or paramedic suffers injury
14 or death ¹[in the performance of his duties] as a result of his
15 participation in such search and rescue task force or team¹, he or his
16 designee or legal representative shall be entitled to the salary, pension
17 rights, worker's compensation, or other benefits as would have
18 accrued if the injury or death had occurred in the performance of
19 duties in the territorial jurisdiction in which ¹[the duties were normally
20 performed] he is employed.

21 As used in this section, "participate" and "participation" shall
22 include taking part in meetings, training sessions, emergency drills,
23 emergency responses and such other similar activities of a search and
24 rescue task force or team whether as an employment duty of the
25 territorial jurisdiction of employment or as a volunteer, and shall
26 include travel to and from such activities¹.

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

32
33 ¹2. R.S.34:15-43 is amended to read as follows:

34 34:15-43. Every officer, appointed or elected, and every employee
35 of the State, county, municipality or any board or commission, or any

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted December 3, 1998.

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

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

39 As used in this section, the terms "doing public fire duty" and "who
40 may be injured in line of duty," as applied to members of volunteer fire
41 companies, county fire marshals or assistant county fire marshals, and
42 the term "doing public first aid or rescue duty," as applied to active
43 volunteer first aid or rescue squad workers, shall be deemed to include
44 participation in any authorized construction, installation, alteration,
45 maintenance or repair work upon the premises, apparatus or other
46 equipment owned or used by the fire company or the first aid or rescue

1 squad, participation in any State, county, municipal or regional search
2 and rescue task force or team, participation in any authorized public
3 drill, showing, exhibition, fund raising activity or parade, and to
4 include also the rendering of assistance in case of fire and, when
5 authorized, in connection with other events affecting the public health
6 or safety, in any political subdivision or territory of another state of
7 the United States or on property ceded to the federal government
8 while such assistance is being rendered and while going to and
9 returning from the place in which it is rendered.

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

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

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

42 Every active volunteer, first aid or rescue squad worker, including
43 every authorized worker who is not a member of the volunteer fire
44 company within which the first aid or rescue squad may have been
45 created, shall be deemed to be doing public first aid or rescue duty
46 under the control or supervision of any such commission, council,

1 governing body, board of fire commissioners or fire district within the
2 meaning of this section if such control or supervision is provided for
3 by statute, or if the first aid or rescue squad of which he is a member
4 or authorized worker receives or is eligible to receive contributions
5 from, or a substantial part of its expenses or equipment are paid for by,
6 the municipality, or board of fire commissioners of the fire district, or
7 if such first aid or rescue squad has been or hereafter shall be
8 designated by ordinance as the first aid or rescue squad of the
9 municipality.

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

17 Nothing herein contained shall be construed as affecting or changing
18 in any way the provisions of any statute providing for sick, disability,
19 vacation or other leave for public employees or any provision of any
20 retirement or pension fund provided by law.¹
21 (cf: P.L.1997, c.199, s.2)

22

23 ¹**[2.] 3.**¹ This act shall take effect immediately.

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27

28 Provides immunities and other benefits to persons who participate in
29 search and rescue teams.

ASSEMBLY, No. 2302

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JULY 27, 1998

Sponsored by:

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

**Assemblyman Holzapfel, Assemblywoman Heck, Assemblymen Cottrell,
Kelly, Malone and LeFevre**

SYNOPSIS

Provides immunities and other benefits to persons who participate in urban search and rescue teams.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/1998)

1 AN ACT concerning certain police, fire and emergency services and
2 supplementing Title 40A of the New Jersey Statutes.

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

6
7 1. Whenever a law enforcement officer, firefighter, emergency
8 medical technician or paramedic employed by a municipality, county,
9 fire district or the State is appointed to or training for appointment to
10 a State, county, municipal or regional urban search and rescue task
11 force or team, and that law enforcement officer, firefighter, emergency
12 medical technician or paramedic suffers injury or death in the
13 performance of his duties, he or his designee or legal representative
14 shall be entitled to the salary, pension rights, worker's compensation,
15 or other benefits as would have accrued if the injury or death had
16 occurred in the performance of duties in the territorial jurisdiction in
17 which the duties were normally performed.

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

23
24 2. This act shall take effect immediately.

25

26

27 STATEMENT

28

29 Under the provisions of this bill, State and local law enforcement
30 officers, firefighters, emergency medical technicians and paramedics
31 who are appointed to or training for appointment to a State, county,
32 municipal or regional urban search and rescue task force or team and
33 who are injured or killed in the performance of their duties would be
34 entitled to the same salary, pension rights and other benefits as if the
35 injury or death had occurred in the jurisdiction where that person is
36 normally employed. The bill also provides the officer, firefighter,
37 emergency medical technician or paramedic with the same powers,
38 authority and immunities as law enforcement officers, firefighters,
39 emergency medical technicians and paramedics in the municipality
40 where the assistance is being rendered. Similar task forces or teams
41 organized by the federal government are composed of multi-agency
42 personnel who respond to disasters such as Hurricane Andrew and the
43 Oklahoma City bombing.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2302

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2302.

Under the provisions of Assembly Bill No. 2302, as amended and released by the committee, State and local law enforcement officers, firefighters, emergency medical technicians and paramedics who are participating in a State, county, municipal or regional search and rescue task force or team and who are injured or killed in association with participation in that search and rescue task force or team are entitled to the same salary, pension rights and other benefits as if the injury or death had occurred in the jurisdiction where those persons are normally employed. The amended bill defines "participate" and "participation" to include taking part in meetings, training sessions, emergency drills, 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, including travel to and from such activities.

The bill also provides the officer, firefighter, emergency medical technician or paramedic with the same powers, authority and immunities as law enforcement officers, firefighters, emergency medical technicians and paramedics in the municipality where the assistance is being rendered.

The committee amendments define "participate" and "participation." The amendments also amend R.S.34:15-43 of the Workers' Compensation Statute to include participation in a search and rescue task force or team. Other committee amendments are clarifying and technical in nature.

It is the committee's understanding that similar task forces or teams organized by the federal government are composed of multi-agency personnel who respond to disasters such as Hurricane Andrew and the Oklahoma City bombing.

SENATE, No. 1262

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 29, 1998

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

SYNOPSIS

Provides immunities and other benefits to persons who participate in urban search and rescue teams.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain police, fire and emergency services and
2 supplementing Title 40A of the New Jersey Statutes.

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

6
7 1. Whenever a law enforcement officer, firefighter, emergency
8 medical technician or paramedic employed by a municipality, county,
9 fire district or the State is appointed to or training for appointment to
10 a State, county, municipal or regional urban search and rescue task
11 force or team, and that law enforcement officer, firefighter, emergency
12 medical technician or paramedic suffers injury or death in the
13 performance of his duties, he or his designee or legal representative
14 shall be entitled to the salary, pension rights, worker's compensation,
15 or other benefits as would have accrued if the injury or death had
16 occurred in the performance of duties in the territorial jurisdiction in
17 which the duties were normally performed.

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

23
24 2. This act shall take effect immediately.

25
26
27 STATEMENT

28
29 Under the provisions of this bill, State and local law enforcement
30 officers, firefighters, emergency medical technicians and paramedics
31 who are appointed to or training for appointment to a State, county,
32 municipal or regional urban search and rescue task force or team and
33 who are injured or killed in the performance of their duties would be
34 entitled to the same salary, pension rights and other benefits as if the
35 injury or death had occurred in the jurisdiction where that person is
36 normally employed. The bill also provides the officer, firefighter,
37 emergency medical technician or paramedic with the same powers,
38 authority and immunities as law enforcement officers, firefighters,
39 emergency medical technicians and paramedics in the municipality
40 where the assistance is being rendered. Similar task forces or teams
41 organized by the federal government are composed of multi-agency
42 personnel who respond to disasters such as Hurricane Andrew and the
43 Oklahoma City bombing.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1262

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1998

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1262.

Under the provisions of this bill, as amended and released by the committee, State and local law enforcement officers, firefighters, emergency medical technicians and paramedics who are participating in a State, county, municipal or regional search and rescue task force or team and who are injured or killed in association with participation in that search and rescue task force or team are entitled to the same salary, pension rights and other benefits as if the injury or death had occurred in the jurisdiction where those persons are normally employed. The amended bill defines "participate" and "participation" to include taking part in meetings, training sessions, emergency drills, 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, including travel to and from such activities.

The bill also provides the officer, firefighter, emergency medical technician or paramedic with the same powers, authority and immunities as law enforcement officers, firefighters, emergency medical technicians and paramedics in the municipality where the assistance is being rendered.

The committee amendments define "participate" and "participation." The amendments also amend R.S.34:15-43 of the Workers' Compensation Statute to include participation in a search and rescue task force or team. Other committee amendments are clarifying and technical in nature.

It is the committee's understanding that similar task forces or teams organized by the federal government are composed of multi-agency personnel who respond to disasters such as Hurricane Andrew and the Oklahoma City bombing.

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Stephanie Bell
609-777-2600

RELEASE: October 15, 1999

Governor Christie Whitman today signed the following legislation:

A-1447, sponsored by Assembly Speaker Jack Collins, requires legislative counsel to provide prime sponsors of legislation with advice of legal defects at the same time the counsel provides a written response to a request for a confidential written opinion on a bill.

A-170, sponsored by Assembly Members John Kelly (R-Bergen/Essex/Passaic) and Louis Romano (D-Hudson), eliminates the dual-licensing requirement for rooming and boarding houses and it increases the fee that may be charged by the Department of Community Affairs to license rooming and boarding houses.

A-1670, sponsored by Assemblywomen Marion Crecco (R-Essex/Passaic) and Charlotte Vandervalk (R-Bergen) and Senator Diane Allen (R- Burlington/Camden), establishes the neighborhood-Based Child Care Incentive Demonstration Program. This program expands the availability of safe, affordable child care to low and middle income families by encouraging the use of volunteer networks in the delivery of neighborhood-based child care services. The demonstration program, administered by the Department of Human Services, will operate in five counties, two of which will be in municipalities targeted by the Governor's Urban Coordinating Council.

A-2023, sponsored by Assembly Members Arline Friscia (D-Middlesex) and Reed Gusciora (D-Mercer), requires public employers to promptly pay amounts due certain employee annuity programs to ensure there is no loss of interest earnings . This bill would ensure that amounts payable by an employer on behalf of an employee be transmitted on, and credited as of, the fifth day after the employee is paid for that pay period.

A-3025, sponsored by Assemblymen Jerry Green (D- Middlesex/Somerset/Union) and John Kelly (R-Bergen/Essex/Passaic) and Senators Andrew Ciesla (R-Monmouth/Ocean) and John Matheussen (R-Camden/Gloucester), makes various changes to the "Map Filing Law." The bill eliminates the requirement that outside tract line monuments be installed by the developer prior to filing a map and it requires the developer to post a guarantee, to ensure that that developer eventually installs the outbound monuments.

A-307, sponsored by Assemblywoman Nia Gill (D-Essex) and LeRoy J. Jones, Jr. (D-Essex), allows senior citizens with personal lines of insurance to designate third parties to receive insurance cancellation and nonrenewal notices. Envelopes including such information must be labeled clearly "Important Insurance Policy Information; Open Immediately."

A-2636, sponsored by Assembly Members Anthony Impreveduto (D- Bergen/Hudson) and Joseph R. Malone III (R- Burlington/Monmouth/Ocean), eliminates prohibition against a school official action on certain matters. The bill specifically defines "personal involvement" and provides that no school official can act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the official or his family member.

A-2050, sponsored by Assembly Members Nicholas Felice (R-Bergen/Passaic) and Carol Murphy (R-Essex/Morris/Passaic) and Senator Peter Inverso (R-Mercer/Middlesex), clarifies sales and use tax imposition upon prepaid telephone calling cards. The bill requires that sellers collect sales tax for the value of the card and remit it to the state.

A-2255, sponsored by Assemblymen Christopher "Kip" Bateman (R- Morris/Somerset) and Neil Cohen (D-Union) and Senator Peter Inverso (R-Mercer/Middlesex), makes certain changes in the "New Jersey Licensed Lenders Act." The bill changes the definition of "principal amount" as applied to secondary mortgage loans. The bill prohibits including the amount of discount points in the amount to be financed. In addition, the bill increases the cap on the application fee for sales finance companies from \$300 to \$500.

A-2302, sponsored by Assemblymen Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Jack Gibson (R-Cape May/Atlantic/Cumberland) and Senators James Cafiero (R-Cape May/Atlantic/Cumberland) and John Matheussen (R-Camden/Gloucester), provides immunities and other benefits to personnel who participate in search and rescue teams. The bill also ensures that members of search and rescue teams accrue their employment benefits while working with the teams.

A-2393, sponsored by Assemblymen Christopher "Kip" Bateman (R- Morris/Somerset) and Neil Cohen (D-Union) and Senator Walter Kavanaugh (R-Morris/Somerset), simplifies certain banking procedures to conform the state's laws to federal ones.

A-2469, sponsored by Assembly Speaker Jack Collins (R-Salem/Cumberland/Gloucester) and Assemblyman Neil Cohen (D-Union), makes permanent the \$5 instant rebate program for purchases of trigger locks that the Governor introduced as part of her anti- school violence initiatives.

A-2806, sponsored by Assemblymen Alan Augustine (R-Middlesex/Morris/Somerset/Union) and Christopher "Kip" Bateman (R- Morris/Somerset) and Senator Walter Kavanaugh (R-Morris/Somerset), provides standards for retention of records of certain financial institutions. The bill will assist regulators in their supervisory role as well as prevent fraud against financial institutions.

A-3040, sponsored by Assemblymen Paul DiGaetano (R-Bergen/Essex/Passaic) and Neil Cohen (D-Union), clarifies the tenant rebate provisions of the NJ SAVER and Homestead Rebate Act. The clarification ensures that benefits provided to tenants who are 65 years of age or older, or who are eligible to claim a deduction as a blind or disabled taxpayer, are equal to the benefits provided to other eligible tenants.

A-722, sponsored by Assembly Members Paul Kramer (R-Mercer/Middlesex) and Barbara Wright (R-Mercer/Middlesex), establishes a regulatory scheme for certain private facilities under contract with

the Department of Corrections. The bill enhances communications between halfway houses and municipal officials and residents and supplements the criteria used to determine whether an inmate is eligible for a halfway house. Primarily, the bill establishes: community relations advisory boards, a procedure for notifying local law enforcement officials of an inmates transfer to their community, supplements the department's regulations regarding the procedure for reporting an escape and codifies and supplements the department's regulations that set forth criteria used to determine whether an inmate is eligible for a halfway house.