

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 3/12/08

P.L. 2005, CHAPTER 366, *approved January 12, 2006*
Assembly, No. 1810 (*First Reprint*)

1 **AN ACT** requiring permanent full-time county fire marshals and
2 assistant fire marshals who are authorized by counties to
3 coordinate, control or extinguish fires to be enrolled in PFRS and
4 amending N.J.S.40A:14-1 and N.J.S.40A:14-2.
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. N.J.S. 40A:14-1 is amended to read as follows:
10 40A:14-1. County fire marshal; appointment; salary.

11 The board of chosen freeholders of any county, by resolution, may
12 create the office of county fire marshal and such assistant fire marshals
13 as deemed necessary and appoint a person or persons to hold such
14 office on a permanent, full-time basis or on a part-time basis for a term
15 of three years commencing January 15, except that the first appointee's
16 term of office shall terminate on January 15 following his appointment.
17 The board of chosen freeholders shall fix the amount of the annual
18 salary of the county fire marshal and the assistant fire marshals, if any.

19 Any permanent, full-time county fire marshal and any such assistant
20 fire marshal given approval by the board of chosen freeholders to
21 engage in activities provided in N.J.S.40A:14-2b.(8) shall be enrolled
22 as members in the Police and Firemen's Retirement System of New
23 Jersey ¹P.L. 1944, c.255 (C.43:16A-1 et seq.).¹ as long as the person
24 or persons holding such office meet all other requirements for
25 membership. Any current fire marshals and assistant county fire
26 marshals engaged in activities provided in N.J.S.40A:14-2b.(8) at the
27 time that this amendment takes effect shall be exempt from any age
28 requirement for enrollment in the Police and Firemen's Retirement
29 System of New Jersey. Any permanent, full-time county fire marshal
30 and assistant fire marshal given approval by the board of chosen
31 freeholders on or after October 1, 2001 to engage in activities
32 provided in N.J.S.40A:14-2b.(8) shall be enrolled as a member in the
33 Police and Firemen's Retirement System effective upon the date when
34 such approval by the board of chosen freeholders was given.

35 ¹The cost of enrollment of a full-time county fire marshall or
36 assistant fire marshall in the Police and Firemen's Retirement System
37 of New Jersey pursuant to the provisions of this section shall not be
38 the responsibility of the State.¹
39 (P.L.1991,c.60,s.1.)

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 Senate SBA committee amendments adopted January 5, 2006.

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

2 40A:14-2. County Fire Marshal; powers and duties.

3 The county fire marshal shall: act in an advisory capacity to all of
4 the fire companies in the county, conduct or assist in, when requested
5 by the incident commander or fire chief of the department having
6 jurisdiction, investigations pertaining to the cause and origins of fires,
7 conduct or review studies pertaining to the elimination of fire hazards
8 and, subject to the approval of the board of chosen freeholders, have
9 authority to enforce the provisions of the "Uniform Fire Safety Act,"
10 P.L.1983, c.383 (C.52:27D-192 et seq.). The county fire marshal shall
11 report to the appropriate authority, as determined by the entity with
12 control over the executive functions of the county. The term "entity
13 with control over the executive functions of the county" means:

14 a. in counties other than those that have adopted a form of
15 government pursuant to the provisions of P.L.1972, c.154
16 (C.40:41A-1 et seq.), the board of freeholders, unless such a county
17 has created the position of county administrator pursuant to
18 (N.J.S.40A:9-42), in which case the term means the county
19 administrator;

20 b. in counties that have adopted a form of government pursuant to
21 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
22 executive, the county manager, the county supervisor or the board
23 president, depending upon the county form of government.

24 The county fire marshal, subject to the approval of the board of
25 chosen freeholders, may:

26 (1) (Deleted by amendment, P.L.1999, c.351).

27 (2) (Deleted by amendment, P.L.1999, c.351).

28 (3) (Deleted by amendment, P.L.1999, c.351).

29 (4) accept the responsibility to be the enforcing agency for a
30 municipality or fire district under the "Uniform Fire Safety Act,"
31 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by
32 ordinance of the municipality or resolution of the fire district;

33 (5) act as training administrator of county fire training facilities and
34 coordinate training programs with fire departments, agencies and
35 established training committees;

36 (6) offer assistance to families, units of government and mental
37 health agencies including law enforcement for intervention in juvenile
38 fire setting incidents;

39 (7) provide for the prevention of fire hazards and initiate programs
40 for public awareness; and

41 (8) provide municipal fire departments with such assistance as
42 necessary to coordinate, control or extinguish any fire situation or
43 other emergency situation for which a fire department has
44 responsibility by local ordinance when requested by the incident
45 commander or fire chief of the department having jurisdiction. If a
46 permanent, full-time county fire marshal or assistant fire marshal is

1 given authorization by the board of chosen freeholders to conduct
2 activities as provided in this paragraph, such county fire marshal and
3 assistant fire marshal shall be enrolled as a member in the Police and
4 Firemen's Retirement System of New Jersey as set forth in
5 N.J.S.40A:14-1.

6 (cf: P.L.1999, c.351, s.1)

7

8 3. This act shall take effect immediately.

9

10

11

12

13 Requires permanent, full-time county fire marshals and assistant
14 marshals authorized to coordinate, control or extinguish fires to be
15 enrolled in PFRS.

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman JOHN S. WISNIEWSKI

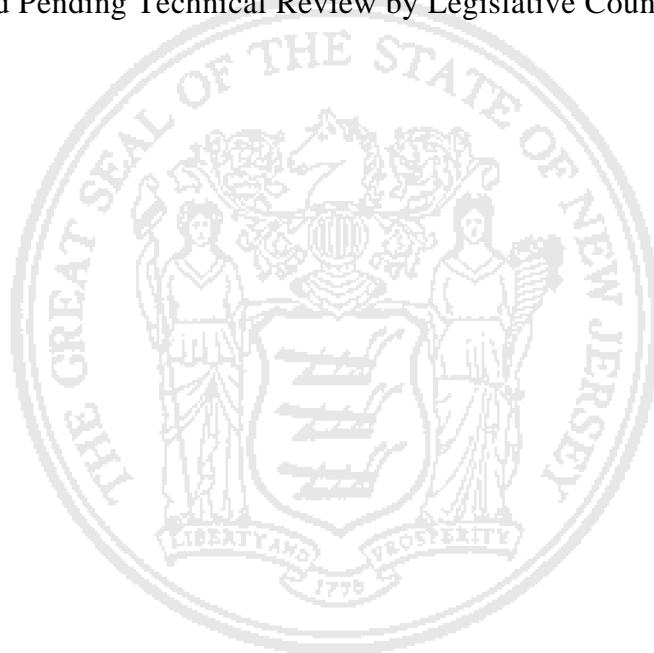
District 19 (Middlesex)

SYNOPSIS

Requires permanent, full-time county fire marshals and assistant marshals authorized to coordinate, control or extinguish fires to be enrolled in PFRS.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring permanent full-time county fire marshals and
2 assistant fire marshals who are authorized by counties to
3 coordinate, control or extinguish fires to be enrolled in PFRS and
4 amending N.J.S.40A:14-1 and N.J.S.40A:14-2.

5

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

8

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

10 40A:14-1. County fire marshal; appointment; salary.

11 The board of chosen freeholders of any county, by resolution, may
12 create the office of county fire marshal and such assistant fire marshals
13 as deemed necessary and appoint a person or persons to hold such
14 office on a permanent, full-time basis or on a part-time basis for a term
15 of three years commencing January 15, except that the first appointee's
16 term of office shall terminate on January 15 following his appointment.
17 The board of chosen freeholders shall fix the amount of the annual
18 salary of the county fire marshal and the assistant fire marshals, if any.

19 Any permanent, full-time county fire marshal and any such assistant
20 fire marshal given approval by the board of chosen freeholders to
21 engage in activities provided in N.J.S.40A:14-2b.(8) shall be enrolled
22 as members in the Police and Firemen's Retirement System of New
23 Jersey as long as the person or persons holding such office meet all
24 other requirements for membership. Any current fire marshals and
25 assistant county fire marshals engaged in activities provided in
26 N.J.S.40A:14-2b.(8) at the time that this amendment takes effect shall
27 be exempt from any age requirement for enrollment in the Police and
28 Firemen's Retirement System of New Jersey. Any permanent, full-time
29 county fire marshal and assistant fire marshal given approval by the
30 board of chosen freeholders on or after October 1, 2001 to engage in
31 activities provided in N.J.S.40A:14-2b.(8) shall be enrolled as a
32 member in the Police and Firemen's Retirement System effective upon
33 the date when such approval by the board of chosen freeholders was
34 given.

35 (cf: P.L.1991,c.60,s.1.)

36

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

38 40A:14-2. County Fire Marshal; powers and duties.

39 The county fire marshal shall: act in an advisory capacity to all of
40 the fire companies in the county, conduct or assist in, when requested
41 by the incident commander or fire chief of the department having
42 jurisdiction, investigations pertaining to the cause and origins of fires,
43 conduct or review studies pertaining to the elimination of fire hazards

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.

1 and, subject to the approval of the board of chosen freeholders, have
2 authority to enforce the provisions of the "Uniform Fire Safety Act,"
3 P.L.1983, c.383 (C.52:27D-192 et seq.). The county fire marshal shall
4 report to the appropriate authority, as determined by the entity with
5 control over the executive functions of the county. The term "entity
6 with control over the executive functions of the county" means:

7 a. in counties other than those that have adopted a form of
8 government pursuant to the provisions of P.L.1972, c.154
9 (C.40:41A-1 et seq.), the board of freeholders, unless such a county
10 has created the position of county administrator pursuant to
11 (N.J.S.40A:9-42), in which case the term means the county
12 administrator;

13 b. in counties that have adopted a form of government pursuant to
14 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
15 executive, the county manager, the county supervisor or the board
16 president, depending upon the county form of government.

17 The county fire marshal, subject to the approval of the board of
18 chosen freeholders, may:

19 (1) (Deleted by amendment, P.L.1999, c.351).

20 (2) (Deleted by amendment, P.L.1999, c.351).

21 (3) (Deleted by amendment, P.L.1999, c.351).

22 (4) accept the responsibility to be the enforcing agency for a
23 municipality or fire district under the "Uniform Fire Safety Act,"
24 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by
25 ordinance of the municipality or resolution of the fire district;

26 (5) act as training administrator of county fire training facilities and
27 coordinate training programs with fire departments, agencies and
28 established training committees;

29 (6) offer assistance to families, units of government and mental
30 health agencies including law enforcement for intervention in juvenile
31 fire setting incidents;

32 (7) provide for the prevention of fire hazards and initiate programs
33 for public awareness; and

34 (8) provide municipal fire departments with such assistance as
35 necessary to coordinate, control or extinguish any fire situation or
36 other emergency situation for which a fire department has
37 responsibility by local ordinance when requested by the incident
38 commander or fire chief of the department having jurisdiction. If a
39 permanent, full-time county fire marshal or assistant fire marshal is
40 given authorization by the board of chosen freeholders to conduct
41 activities as provided in this paragraph, such county fire marshal and
42 assistant fire marshal shall be enrolled as a member in the Police and
43 Firemen's Retirement System of New Jersey as set forth in
44 N.J.S.40A:14-1.

45 (cf: P.L. 1999, c.351, s.1.)

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 The purpose of this bill is to protect and govern the terms and
7 conditions of employment for members of the fire service by providing
8 equal pension benefits to those employed in the fire service who
9 perform comparable duties. Pursuant to the laws of the State of New
10 Jersey, members of the fire service are generally enrolled in the Police
11 and Firemen's Retirement System (PFRS). However, fire marshals are
12 enrolled in Public Employees' Retirement System. The addition of
13 N.J.S.A.40A:14-2b.(8) has created an environment where county fire
14 marshals, if authorized by the board of chosen freeholders, perform
15 duties within the definition of "firemen" which is set forth in PFRS
16 statutes N.J.S.A.43:16A-1. Thus, if the county fire marshal is
17 authorized to perform comparable duties to a fireman then such fire
18 marshal will receive equal benefits.

19 Specifically, these amendments would allow permanent, full-time
20 county fire marshals and assistant county marshals who are authorized
21 under N.J.S.A.40A:14-2(8) to provide municipal fire departments with
22 assistance as necessary to coordinate, control, or extinguish any fire
23 situation or other emergency situation, to be enrolled in PFRS as long
24 as such fire marshal meets all of the other eligibility requirements in
25 applicable pension statutes to qualify for enrollment in PFRS.
26 However, any such permanent, full-time county fire marshal or
27 assistant fire marshal who performs the duties in N.J.S.A.40A:14-
28 2b.(8) at the time this amendment takes effect will be exempt from any
29 age requirement for enrollment in the PFRS.

30 Since a fire marshal authorized under N.J.S.A.40A:14-2b.(8)
31 performs comparable duties to a firemen who receives pension benefits
32 through the PFRS, there is no reason to delay passing this legislation
33 which provides equal pension benefits for equal work.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 2004

The Assembly State Government Committee reports favorably Assembly, No. 1810.

The this bill allows permanent, full-time county fire marshals and assistant county marshals who are authorized by their boards of chosen freeholders, under N.J.S.A. 40A:14-2, to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation, to be enrolled in the Police and Firemen's Retirement System (PFRS), as long as they meet all of the other eligibility requirements in applicable pension statutes to qualify for enrollment in PFRS. The bill, however, provides that any such permanent, full-time county fire marshal or assistant fire marshal who performs the duties in paragraph (8) of N.J.S.A. 40A:14-2, at the time the bill takes effect, will be exempt from any age requirement for enrollment in the PFRS. Currently, fire marshals and assistant fire marshals are enrolled in Public Employees' Retirement System (PERS).

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

DATED: MARCH 4, 2004

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1810.

Assembly Bill No. 1810 requires permanent, full-time county fire marshals and assistant county marshals authorized by their boards of chosen freeholders to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation, to be enrolled in the Police and Firemen's Retirement System (PFRS), as long as they meet all of the other eligibility requirements in applicable pension statutes to qualify for enrollment in PFRS. The bill, however, provides that any such permanent, full-time county fire marshal or assistant fire marshal who performs the duties in paragraph (8) of N.J.S.A. 40A:14-2, at the time the bill takes effect, will be exempt from any age requirement for enrollment in the PFRS. Currently, fire marshals and assistant fire marshals are enrolled in Public Employees' Retirement System (PERS).

FISCAL IMPACT:

The Division of Pensions and Benefits has indicated that it does not have an estimate as to the number of county fire marshals or assistant county fire marshals that would be eligible under this legislation. However, the division did estimate an additional local cost of approximately \$13,830 per county fire marshal or assistant fire marshall allowed to change pension systems, which would commence in FY 2007 and increase by 5.95 percent annually thereafter.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

(with committee amendments)

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1810, with committee amendments.

As amended, this bill requires permanent, full-time county fire marshals and assistant county marshals authorized by their boards of chosen freeholders to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation, to be enrolled in the Police and Firemen's Retirement System (PFRS), as long as they meet all of the other eligibility requirements in applicable pension statutes to qualify for enrollment in PFRS. The bill, however, provides that any such permanent, full-time county fire marshal or assistant fire marshal who performs the duties in paragraph (8) of N.J.S.A. 40A:14-2, at the time the bill takes effect, will be exempt from any age requirement for enrollment in the PFRS. Currently, fire marshals and assistant fire marshals are enrolled in Public Employees' Retirement System (PERS). Finally, the bill clarifies that the cost of enrollment of a full-time county fire marshal or assistant fire marshal in the Police and Firemen's Retirement System of New Jersey shall not be the responsibility of the State.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the cost of enrollment of a full-time county fire marshal or assistant fire marshal in the Police and Firemen's Retirement System of New Jersey shall not be the responsibility of the State.

FISCAL IMPACT:

The Division of Pensions and Benefits has indicated that it does not have an estimate as to the number of county fire marshals or assistant county fire marshals that would be eligible under this legislation. However, the division did estimate an additional local cost of approximately \$13,830 per county fire marshal or assistant fire marshal allowed to change pension systems, which would commence in FY 2007 and increase by 5.95 percent annually thereafter.

FISCAL NOTE
ASSEMBLY, No. 1810
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MARCH 22, 2004

SUMMARY

Synopsis: Requires permanent, full-time county fire marshals and assistant marshals authorized to coordinate, control or extinguish fires to be enrolled in PFRS.

Type of Impact: Expenditure increase: Local Government funds.

Agencies Affected: Local government entities.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
Local Cost	\$13,830 Per Enrollee — See Comments Below		

- * The Office of Legislative Services (OLS) **concurs** with the Executive estimate, but notes that the Division of Pension's and Benefits cannot estimate the total fiscal impact due to a lack of data on the number of eligible enrollees.
- * Requires permanent, full-time county fire marshals and assistant fire marshals who are authorized by counties to fight fires to be enrolled in the Police and Firemen's Retirement System (PFRS).
- * The Division of Pensions and Benefits estimates an unfunded accrued (prior) PFRS liability of approximately \$181,611 per appointment. Annual payments over a period of 30 years would commence in FY 2007 at an estimated cost of \$8,843 per appointment.
- * Payments to fund the additional normal cost for future benefits associated with the provisions of this bill would begin in FY 2007 at a cost of approximately \$5,000 per appointment.
- * The Office of Legislative Services (OLS) estimates that there are 90 county fire marshals and assistant fire marshals who would be eligible for enrollment in the PFRS if they are authorized by their county to fight fires.
- * If there are 90 marshals then the annual accrued liability would be \$795,870 and the normal cost would be \$450,000, approximating \$1.2 million beginning in FY 2007. The unfunded accrued liability would total approximately \$16.3 million and would be funded over 30 years.
- * Costs are estimated to increase by 5.95 percent per year.

BILL DESCRIPTION

Assembly Bill No. 1810 of 2004 requires permanent, full-time county fire marshals and assistant county marshals, who are authorized by their boards of chosen freeholders to provide

municipal fire departments with assistance, to be enrolled in the Police and Firemen's Retirement System (PFRS). Before county fire marshals are permitted to enroll in the PFRS, they must meet all of the other eligibility requirements for enrollment in PFRS, except that individuals who perform these duties at the time the bill takes effect will be exempt from any age requirement for enrollment in PFRS.

Currently, fire marshals and assistant fire marshals are enrolled in the Public Employees' Retirement System (PERS).

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county fire marshals and assistant fire marshals who may be eligible for enrollment.

The division estimates that the PFRS will incur an unfunded accrued liability of \$181,611 each time a county fire marshal or assistant fire marshal transfers from the Public Employees' Retirement System (PERS) to the Police and Firemen's Retirement System (PFRS).

Counties would face an additional future liability (normal cost) of approximately \$5,000 per appointment.

Costs should increase by 5.95 percent in each subsequent year.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate. OLS estimates that a maximum of 90 individuals may be eligible to enroll in the PFRS under the provisions of this legislation if they are permanent, full-time marshals and have been authorized to fight fires. In this case, assuming each of these 90 PERS members are transferred to the PFRS, the first year cost would be approximately \$1.2 million. The total unfunded accrued liability for PFRS would total approximately \$16.3 million and would be funded over a period of 30 years.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

FISCAL NOTE
 [First Reprint]
ASSEMBLY, No. 1810
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: FEBRUARY 14, 2006

SUMMARY

Synopsis: Requires permanent, full-time county fire marshals and assistant marshals authorized to coordinate, control or extinguish fires to be enrolled in Police and Firemen's Retirement System.

Type of Impact: Expenditure increase: Local Government funds.

Agencies Affected: Local government entities.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
Local Cost	\$13,830 Per Enrollee - See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate, but notes that the Division of Pension's and Benefits cannot estimate the total fiscal impact due to a lack of data on the number of eligible enrollees.
- ! Requires permanent, full-time county fire marshals and assistant fire marshals who are authorized by counties to fight fires to be enrolled in the Police and Firemen's Retirement System (PFRS).
- ! The Division of Pensions and Benefits estimates an unfunded accrued (prior) PFRS liability of approximately \$181,611 per appointment. Annual payments over a period of 30 years would commence in FY 2007 at an estimated cost of \$8,843 per appointment.
- ! Payments to fund the additional normal cost for future benefits associated with the provisions of this bill would begin in FY 2007 at a cost of approximately \$5,000 per appointment.
- ! The OLS estimates that there are 90 county fire marshals and assistant fire marshals who would be eligible for enrollment in the PFRS if they are authorized by their county to fight fires.
- ! If there are 90 marshals then the annual accrued liability would be \$795,870 and the normal cost would be \$450,000, approximating \$1.2 million beginning in FY 2007.
- ! Costs are estimated to increase by 5.95 percent per year.

BILL DESCRIPTION



Assembly Bill No. 1810 (1R) of 2004 requires permanent, full-time county fire marshals and assistant county marshals, who are authorized by their boards of chosen freeholders to provide municipal fire departments with assistance, to be enrolled in the PFRS. Before county fire marshals are permitted to enroll in the PFRS, they must meet all of the other eligibility requirements for enrollment in PFRS, except that individuals who perform these duties at the time the bill takes effect will be exempt from any age requirement for enrollment in PFRS.

Currently, fire marshals and assistant fire marshals are enrolled in the Public Employees' Retirement System (PERS).

The bill specifies that the State shall not be liable for any cost due to the provisions of this legislation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county fire marshals and assistant fire marshals who may be eligible for enrollment.

The division estimates that the PFRS will incur an unfunded accrued liability of \$181,611 each time a county fire marshal or assistant fire marshal transfers from the PERS to the PFRS.

Counties would face an additional future liability (normal cost) of approximately \$5,000 per appointment.

Costs should increase by 5.95 percent in each subsequent year.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS estimates that a maximum of 90 individuals may be eligible to enroll in the PFRS under the provisions of this legislation if they are permanent, full-time marshals and have been authorized to fight fires. In this case, assuming each of these 90 PERS members are transferred to the PFRS, the first year cost would be approximately \$1.2 million. The total unfunded accrued liability for PFRS would total approximately \$16.3 million and would be funded over a period of 30 years.

Section: *State Government*

Analyst: *James F. Vari*
Lead Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

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

SENATE, No. 1725

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Co-Sponsored by:

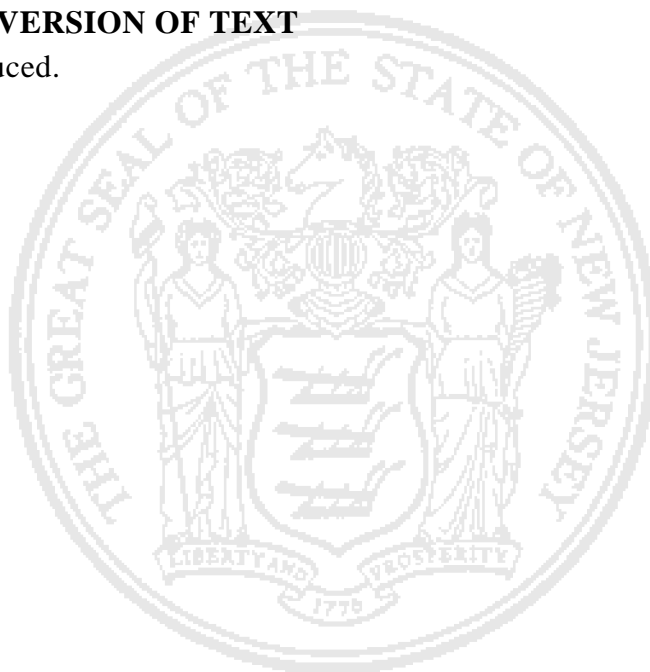
Senators Ciesla, Asselta and Allen

SYNOPSIS

Requires permanent, full-time county fire marshals and assistant marshals authorized to coordinate, control or extinguish fires to be enrolled in PFRS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2005)

1 AN ACT requiring permanent full-time county fire marshals and
2 assistant fire marshals who are authorized by counties to
3 coordinate, control or extinguish fires to be enrolled in PFRS and
4 amending N.J.S.40A:14-1 and N.J.S.40A:14-2.

5

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

8

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

10 40A:14-1. County fire marshal; appointment; salary.

11 The board of chosen freeholders of any county, by resolution, may
12 create the office of county fire marshal and such assistant fire marshals
13 as deemed necessary and appoint a person or persons to hold such
14 office on a permanent, full-time basis or on a part-time basis for a term
15 of three years commencing January 15, except that the first appointee's
16 term of office shall terminate on January 15 following his appointment.
17 The board of chosen freeholders shall fix the amount of the annual
18 salary of the county fire marshal and the assistant fire marshals, if any.

19 Any permanent, full-time county fire marshal and any such assistant
20 fire marshal given approval by the board of chosen freeholders to
21 engage in activities provided in N.J.S.40A:14-2(8) shall be enrolled as
22 members in the Police and Firemen's Retirement System of New
23 Jersey, P.L.1944, c.255 (C.43:16A-1 et seq.), as long as the person or
24 persons holding such office meet all other requirements for
25 membership. Any current fire marshals and assistant county fire
26 marshals engaged in activities provided in N.J.S.40A:14-2(8) at the
27 time that this amendment takes effect shall be exempt from any age
28 requirement for enrollment in the Police and Firemen's Retirement
29 System of New Jersey. Any permanent, full-time county fire marshal
30 and assistant fire marshal given approval by the board of chosen
31 freeholders on or after October 1, 2001 to engage in activities
32 provided in N.J.S.40A:14-2(8) shall be enrolled as a member in the
33 Police and Firemen's Retirement System effective upon the date when
34 such approval by the board of chosen freeholders was given.

35 (cf: P.L.1991, c.60, s.1)

36

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

38 40A:14-2. County Fire Marshal; powers and duties.

39 The county fire marshal shall: act in an advisory capacity to all of
40 the fire companies in the county, conduct or assist in, when requested
41 by the incident commander or fire chief of the department having
42 jurisdiction, investigations pertaining to the cause and origins of fires,
43 conduct or review studies pertaining to the elimination of fire hazards

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.

1 and, subject to the approval of the board of chosen freeholders, have
2 authority to enforce the provisions of the "Uniform Fire Safety Act,"
3 P.L.1983, c.383 (C.52:27D-192 et seq.). The county fire marshal shall
4 report to the appropriate authority, as determined by the entity with
5 control over the executive functions of the county. The term "entity
6 with control over the executive functions of the county" means:

7 a. in counties other than those that have adopted a form of
8 government pursuant to the provisions of P.L.1972, c.154
9 (C.40:41A-1 et seq.), the board of freeholders, unless such a county
10 has created the position of county administrator pursuant to
11 (N.J.S.40A:9-42), in which case the term means the county
12 administrator;

13 b. in counties that have adopted a form of government pursuant to
14 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county
15 executive, the county manager, the county supervisor or the board
16 president, depending upon the county form of government.

17 The county fire marshal, subject to the approval of the board of
18 chosen freeholders, may:

19 (1) (Deleted by amendment, P.L.1999, c.351).

20 (2) (Deleted by amendment, P.L.1999, c.351).

21 (3) (Deleted by amendment, P.L.1999, c.351).

22 (4) accept the responsibility to be the enforcing agency for a
23 municipality or fire district under the "Uniform Fire Safety Act,"
24 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by
25 ordinance of the municipality or resolution of the fire district;

26 (5) act as training administrator of county fire training facilities and
27 coordinate training programs with fire departments, agencies and
28 established training committees;

29 (6) offer assistance to families, units of government and mental
30 health agencies including law enforcement for intervention in juvenile
31 fire setting incidents;

32 (7) provide for the prevention of fire hazards and initiate programs
33 for public awareness; and

34 (8) provide municipal fire departments with such assistance as
35 necessary to coordinate, control or extinguish any fire situation or
36 other emergency situation for which a fire department has
37 responsibility by local ordinance when requested by the incident
38 commander or fire chief of the department having jurisdiction. If a
39 permanent, full-time county fire marshal or assistant fire marshal is
40 given authorization by the board of chosen freeholders to conduct
41 activities as provided in this paragraph, such county fire marshal and
42 assistant fire marshal shall be enrolled as a member in the Police and
43 Firemen's Retirement System of New Jersey as set forth in
44 N.J.S.40A:14-1.

45 (cf: P.L.1999, c.351, s.1)

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 The purpose of this bill is to protect and govern the terms and
7 conditions of employment for members of the fire service by providing
8 equal pension benefits to those employed in the fire service who
9 perform comparable duties. Pursuant to the laws of the State of New
10 Jersey, members of the fire service are generally enrolled in the Police
11 and Firemen's Retirement System (PFRS). However, fire marshals are
12 enrolled in Public Employees' Retirement System. The addition of
13 N.J.S.A.40A:14-2(8) has created an environment where county fire
14 marshals, if authorized by the board of chosen freeholders, perform
15 duties within the definition of "firemen" which is set forth in PFRS
16 statutes N.J.S.A.43:16A-1. Thus, if the county fire marshal is
17 authorized to perform comparable duties to a fireman then such fire
18 marshal will receive equal benefits.

19 Specifically, these amendments would allow permanent, full-time
20 county fire marshals and assistant county marshals who are authorized
21 under N.J.S.A.40A:14-2(8) to provide municipal fire departments with
22 assistance as necessary to coordinate, control, or extinguish any fire
23 situation or other emergency situation, to be enrolled in PFRS as long
24 as such fire marshal meets all of the other eligibility requirements in
25 applicable pension statutes to qualify for enrollment in PFRS.
26 However, any such permanent, full-time county fire marshal or
27 assistant fire marshal who performs the duties in N.J.S.A.40A:14-2(8)
28 at the time this amendment takes effect will be exempt from any age
29 requirement for enrollment in the PFRS.

30 Since a fire marshal authorized under N.J.S.A.40A:14-2(8)
31 performs comparable duties to a firemen who receives pension benefits
32 through the PFRS, there is no reason to delay passing this legislation
33 which provides equal pension benefits for equal work.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1725

(with committee amendments)

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1725, with committee amendments.

As amended, this bill requires permanent, full-time county fire marshals and assistant county marshals authorized by their boards of chosen freeholders to provide municipal fire departments with assistance as necessary to coordinate, control, or extinguish any fire situation or other emergency situation, to be enrolled in the Police and Firemen's Retirement System (PFRS), as long as they meet all of the other eligibility requirements in applicable pension statutes to qualify for enrollment in PFRS. The bill, however, provides that any such permanent, full-time county fire marshal or assistant fire marshal who performs the duties in paragraph (8) of N.J.S.A. 40A:14-2, at the time the bill takes effect, will be exempt from any age requirement for enrollment in the PFRS. Currently, fire marshals and assistant fire marshals are enrolled in Public Employees' Retirement System (PERS). Finally, the bill clarifies that the cost of enrollment of a full-time county fire marshal or assistant fire marshal in the Police and Firemen's Retirement System of New Jersey shall not be the responsibility of the State.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the cost of enrollment of a full-time county fire marshal or assistant fire marshal in the Police and Firemen's Retirement System of New Jersey shall not be the responsibility of the State.

FISCAL IMPACT:

The Division of Pensions and Benefits has indicated that it does not have an estimate as to the number of county fire marshals or assistant county fire marshals that would be eligible under this legislation. However, the division did estimate an additional local cost of approximately \$13,830 per county fire marshal or assistant fire marshal allowed to change pension systems, which would commence in FY 2007 and increase by 5.95 percent annually thereafter.

FISCAL NOTE
SENATE, No. 1725
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: DECEMBER 13, 2004

SUMMARY

Synopsis: Requires permanent, full-time county fire marshals and assistant marshals authorized to coordinate, control or extinguish fires to be enrolled in PFRS.

Type of Impact: Expenditure increase: Local government funds.

Agencies Affected: Local government entities.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
Local Cost	\$13,830 Per Enrollee — See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate, but notes that the Division of Pensions and Benefits cannot estimate the total impact due to a lack of data on the number of eligible enrollees.
- ! Requires permanent, full-time county fire marshals and assistant fire marshals who are authorized by counties to fight fires to be enrolled in the Police and Firemen's Retirement System (PFRS).
- ! The Division of Pensions and Benefits estimates an unfunded accrued (prior) liability of approximately \$181,611 per appointment. Annual payments over a period of 30 years would commence in FY 2007 at an estimated cost of \$8,843 per appointment.
- ! Payments to fund the additional normal cost for future benefits associated with the provisions of this bill would begin in FY 2007 at a cost of approximately \$5,000 per appointment.
- ! The OLS estimates that there are 90 county fire marshals and assistant fire marshals who would be eligible for enrollment in the PFRS if they are authorized by their county to fight fires.
- ! If there are 90 marshals then the annual accrued liability would be \$795,870 and the normal cost would be \$450,000, approximating \$1.2 million beginning in FY 2007. The unfunded accrued liability would total approximately \$16.3 million and would be funded over 30 years.
- ! Costs are estimated to increase by 5.95 percent each year.

BILL DESCRIPTION

Senate Bill No. 1725 of 2004 requires permanent, full-time county fire marshals and assistant county marshals, who are authorized by their boards of chosen freeholders to provide municipal fire departments with assistance, to be enrolled in the PFRS. Before county fire marshals are permitted to enroll in PFRS, they must meet all of the other eligibility requirements for enrollment in PFRS, except that individuals who perform these duties at the time the bill takes effect will be exempt from any age requirement for enrollment in PFRS.

Currently, fire marshals and assistant fire marshals are enrolled in the Public Employees' Retirement System (PERS).

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county fire marshals and assistant fire marshals who may be eligible for enrollment.

The division estimates that the PFRS will incur an unfunded accrued liability of \$181,611 each time a county fire marshal or assistant fire marshal transfers from the PERS to the PFRS.

Counties would face an additional future liability (normal cost) of approximately \$5,000 per appointment.

Costs should increase by 5.95 percent in each subsequent year.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate. The OLS estimates that a maximum of 90 individuals may be eligible to enroll in the PFRS under the provisions of this legislation if they are permanent, full-time marshals and have been authorized to fight fires. In this case, assuming each of these 90 PERS members are transferred to the PFRS, the first year cost would be approximately \$1.2 million. The total unfunded accrued liability for PFRS would total approximately \$16.3 million and would be funded over a period of 30 years.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

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