

40A:14-95 to 40A:14-98; 34:2-21.17; Sec.6 T&E**LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2020 **CHAPTER:** 126**NJSA:** 40A:14-95 to 40A:14-98; 34:2-21.17; Sec.6 T&E (Revises law governing training and duties of Junior Firefighters' Auxiliary members.)**BILL NO:** S238 (Substituted for A2899)**SPONSOR(S)** Troy Singleton and others**DATE INTRODUCED:** 1/14/2020**COMMITTEE:** **ASSEMBLY:** Homeland Security & State Preparedness**SENATE:** Law & Public Safety**AMENDED DURING PASSAGE:** Yes**DATE OF PASSAGE:** **ASSEMBLY:** 10/29/2020**SENATE:** 10/29/2020**DATE OF APPROVAL:** 11/20/2020**FOLLOWING ARE ATTACHED IF AVAILABLE:****FINAL TEXT OF BILL** (First Reprint enacted) Yes**S238****INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes**SENATE:** Yes(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)**FLOOR AMENDMENT STATEMENT:** No**LEGISLATIVE FISCAL ESTIMATE:** No**A2899****INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes**COMMITTEE STATEMENT:** **ASSEMBLY:** No**SENATE:** No(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)**FLOOR AMENDMENT STATEMENT:** No**LEGISLATIVE FISCAL ESTIMATE:** No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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P.L. 2020, CHAPTER 126, *approved November 20, 2020*

Senate Committee Substitute (*First Reprint*) for

Senate, No. 238

1 AN ACT concerning the Junior Firefighters' Auxiliary, amending
2 various parts of the statutory law, and supplementing Title 40A
3 of the New Jersey Statutes.

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

7
8 1. N.J.S.40A:14-95 is amended to read as follows:
9 40A:14-95. In any municipality **[or]**, fire district, regional
10 authority, or county in this State maintaining a **[volunteer]** fire
11 department, or where there shall exist one or more incorporated
12 **[volunteer]** fire companies affording fire protection to **[said]** the
13 municipality **[or]** , fire district **[the]**, regional authority, or county
14 with membership **[whereof are]** serving under the jurisdiction of
15 and with the consent of **[said]** the municipality **[or]** , fire district,
16 regional authority, or county, it shall be lawful for the governing
17 body of **[such]** the municipality, **[or the]** board of commissioners
18 of **[such]** the fire district, regional authority, or county board of
19 chosen freeholders to provide, by ordinance or resolution, for the
20 establishment of an auxiliary to any **[such volunteer]** fire
21 department or company to be known as the Junior **[Firemen's]**
22 Firefighters' Auxiliary.
23 (cf: P.L.1971, c.197, s.1)

24
25 2. N.J.S.40A:14-96 is amended to read as follows:
26 40A:14-96. **[No]** a. A person **[shall be eligible for membership**
27 **in the Junior Firemen's Auxiliary]** who is not less than 14 or more
28 than **[21]** 18 years of age shall be eligible for membership in the
29 Junior Firefighters' Auxiliary. **[Persons between the ages of 14 and**
30 **21]**

31 b. Prior to being accepted for membership in the Junior
32 Firefighters' Auxiliary, a person eligible pursuant to subsection a.
33 of this section shall **[be required to]**:

34 (1) obtain permission to join the auxiliary from **[their]** the
35 person's parents or guardian. **[Such permission]** Permission shall
36 be **[in writing and acknowledged or proved]** granted in **[the**
37 **manner required by law for deeds to real estate to be recorded]**

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHS committee amendments adopted October 19, 2020.

1 writing on a form prescribed by the Commissioner of Community
2 Affairs;

3 (2) complete an application and be interviewed by officers of
4 the fire department or company with a parent or guardian present;
5 and

6 (3) submit documentation from a qualified physician verifying
7 that the person is medically able to perform the activities of the
8 auxiliary as established by the governing body of the municipality,
9 board of commissioners of the fire district, regional authority, or
10 county board of chosen freeholders pursuant to N.J.S.40A:14-98.

11 (cf: P.L.1999, c.318, s.1)

12
13 3. N.J.S.40A:14-97 is amended to read as follows:

14 40A:14-97. A municipality, fire district **【may】** , regional
15 authority, or county shall provide members of a Junior **【Firemen's】**
16 Firefighters' Auxiliary established as an auxiliary to a volunteer fire
17 department or to an incorporated volunteer fire company **【within**
18 the fire district with the same coverage as provided for the regular
19 volunteer firemen of the fire district under N.J.S. 40A:14-37 and
20 40A:14-38】 with a minimum amount of workers' compensation
21 insurance.

22 (cf: P.L.1979, c.230, s.4)

23
24 4. N.J.S.40A:14-98 is amended to read as follows:

25 40A:14-98. a. (1) The Commissioner of Community Affairs
26 shall adopt rules to govern the training of Junior Firefighters'
27 Auxiliary members and to establish the duties that auxiliary
28 members may perform at training events and emergency incidents.
29 The rules shall allow auxiliary members, who are 16 years of age or
30 older, to fully participate in recruit firefighter training established
31 by regulations adopted by the commissioner.

32 (2) The governing body of the municipality **【or the】** board of
33 commissioners of the fire district **【shall】** , regional authority, or
34 county board of chosen freeholders, before authorizing the
35 establishment of any Junior **【Firemen's】** Firefighters' Auxiliary,
36 shall formulate rules and regulations to govern the activities of the
37 auxiliary in accordance with regulations adopted by the
38 commissioner pursuant to paragraph (1) of this subsection. The
39 rules and regulations shall provide for the training of the auxiliary
40 for eventual membership in the **【volunteer】** fire department of the
41 municipality **【or】** , fire district , regional authority, or county or in
42 any **【such volunteer】** fire company **【or companies】** affording fire
43 protection therein**【and shall further provide that no junior fireman**
44 shall be required to perform duties which would expose him to the
45 same degree of hazard as a regular member of a volunteer fire
46 company】.

1 b. If the governing body **[or]**, board of commissioners,
2 regional authority, or county board of chosen freeholders, as the
3 case may be, **[so provide]** provides in the rules and regulations
4 governing the auxiliary **[,]** that a junior **[fireman]** firefighter 16
5 years of age or older may perform **[non-hazardous support duties at**
6 **a fire site; provided:]** the duties established by the commissioner
7 pursuant to paragraph (1) of subsection a. of this section at training
8 events and emergency incidents, the junior firefighter may perform
9 these duties only if:

10 (1) the junior **[fireman]** firefighter has been appropriately and
11 adequately trained to perform the **[support]** duties;

12 (2) the junior **[fireman]** firefighter is appropriately and
13 adequately supervised in performing those **[support]** duties at the
14 **[fire site]** training event or emergency incident;

15 (3) the junior **[fireman's parent]** firefighter's parents or
16 guardian has provided written permission allowing the junior
17 **[fireman]** firefighter to perform those **[support]** duties; and

18 (4) the governing body **[or]** , board of commissioners, regional
19 authority, or county board of chosen freeholders, as the case may
20 be, provides 'a minimum amount of workers' compensation'
21 insurance **[coverage]** ' for the junior **[fireman]** firefighter **[that is**
22 **identical to that provided for the regular members of the**
23 **[volunteer] fire department or fire district]** '.

24 c. Activities of junior **[firemen]** firefighter auxiliary members
25 under 16 years of age shall be limited to:

26 (1) attending meetings of the Junior **[Firemen's]** Firefighters'
27 Auxiliary;

28 (2) receiving instruction;

29 (3) participating in training as established by regulations
30 adopted by the commissioner that does not involve fire, smoke,
31 toxic or noxious gas, or hazardous materials or substances; and

32 (4) observing firefighting activities, while under supervision.

33 (cf: P.L.2011, c.56, s.1)

34

35 5. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to
36 read as follows:

37 17. No minor under 16 years of age shall be employed,
38 permitted or suffered to work in, about, or in connection with
39 power-driven machinery.

40 No minor under 18 years of age shall be employed, permitted or
41 suffered to work in, about, or in connection with the following:

42 The manufacture or packing of paints, colors, white lead, or red
43 lead;

44 The handling of dangerous or poisonous acids or dyes; injurious
45 quantities of toxic or noxious dust, gases, vapors or fumes;

- 1 Work involving exposure to benzol or any benzol compound
- 2 which is volatile or which can penetrate the skin;
- 3 The manufacture, transportation or use of explosives or highly
- 4 inflammable substances;
- 5 Oiling, wiping, or cleaning machinery in motion or assisting
- 6 therein;
- 7 Operation or helping in the operation of power-driven
- 8 woodworking machinery; provided, that apprentices operating
- 9 under conditions of bona fide apprenticeship may operate such
- 10 machines under competent instruction and supervision;
- 11 Grinding, abrasive, polishing or buffing machines; provided, that
- 12 apprentices operating under conditions of bona fide apprenticeship
- 13 may grind their own tools;
- 14 Punch presses or stamping machines if the clearance between the
- 15 ram and the dye or the stripper exceeds 1/4 inch;
- 16 Cutting machines having a guillotine action;
- 17 Corrugating, crimping or embossing machines;
- 18 Paper lace machines;
- 19 Dough brakes or mixing machines in bakeries or cracker
- 20 machinery;
- 21 Calender rolls or mixing rolls in rubber manufacturing;
- 22 Centrifugal extractors, or mangles in laundries or dry cleaning
- 23 establishments;
- 24 Ore reduction works, smelters, hot rolling mills, furnaces,
- 25 foundries, forging shops, or any other place in which the heating,
- 26 melting, or heat treatment of metals is carried on;
- 27 Mines or quarries;
- 28 Steam boilers carrying a pressure in excess of 15 pounds;
- 29 Construction work of any kind, except in the construction of
- 30 affordable housing as a volunteer for a nonprofit organization as
- 31 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);
- 32 Fabrication or assembly of ships;
- 33 Operation or repair of elevators or other hoisting apparatus;
- 34 The transportation of payrolls other than within the premises of
- 35 the employer.
- 36 No minor under 18 years of age shall be employed, permitted, or
- 37 suffered to work in, about, or in connection with any establishment
- 38 where alcoholic liquors are distilled, rectified, compounded,
- 39 brewed, manufactured, bottled, or are sold for consumption on the
- 40 premises, or in a pool or billiard room; provided, however, this
- 41 paragraph shall not apply to minors 16 years of age or over,
- 42 employed as pinsetters, lane attendants, or busboys in public
- 43 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
- 44 21.3) or to minors employed in theatrical productions where
- 45 alcoholic beverages are sold on the premises.
- 46 Minors 14 years of age or over may be employed as golf course
- 47 caddies and pool attendants.

1 No minor under 18 years of age shall be employed, permitted, or
2 suffered to work in any place of employment, or at any occupation
3 hazardous or injurious to the life, health, safety, or welfare of such
4 minor, as such occupation shall, from time to time, be determined
5 and declared by the Commissioner of Labor to be hazardous or
6 injurious to the life, health, safety, or welfare of such minor, after a
7 public hearing thereon and after such notice as the commissioner
8 may by regulation prescribe.

9 None of the provisions of this section regarding employment in
10 connection with alcoholic liquors shall be construed to prevent the
11 employment of minors 16 years of age or more in a restaurant as
12 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as
13 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a
14 public bowling alley as provided in this section, or in the executive
15 offices, maintenance departments, or pool or beach areas of a hotel,
16 motel or guesthouse; provided, however, that no minor shall engage
17 in the preparation, sale or serving of alcoholic beverages, nor in the
18 preparation of photographs, nor in any dancing or theatrical
19 exhibition or performance which is not part of a theatrical
20 production where alcoholic beverages are sold on the premises,
21 while so employed; and provided, further, that any minor so
22 employed shall be closely supervised while engaged in the clearing
23 of alcoholic beverages.

24 Nothing in this section shall be deemed to apply to the work
25 done by pupils in public or private schools of New Jersey, under the
26 supervision and instruction of officers or teachers of such
27 organizations or schools, or to a minor who is 17 years of age
28 employed in the type of work in which such minor majored under
29 the conditions of the special vocational school graduate permit
30 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

31 Nothing in this section shall be construed to prevent minors **[16]**
32 14 years of age or older who are members of a Junior **[Firemen's]**
33 Firefighters' Auxiliary, created pursuant to N.J.S.40A:14-95, from
34 engaging in any activities authorized by N.J.S.40A:14-98.

35 Notwithstanding any provision of this section to the contrary, a
36 minor who is 15 years of age or older may work as a cashier or
37 bagger on or near a supermarket or retail establishment cash register
38 conveyor belt.

39 (cf: P.L.1994, c.82, s.3)

40
41 6. (New section) Notwithstanding the provisions of the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
43 1 et seq.), to the contrary, the Commissioner of Community Affairs
44 shall adopt immediately upon filing with the Office of
45 Administrative Law, regulations that the commissioner deems
46 necessary to implement the provisions of P.L. , c. (C.)
47 (pending before the Legislature as this bill), which regulations shall

1 be effective for a period not to exceed 180 days from the date of the
2 filing. The commissioner shall thereafter amend, adopt, or readopt
3 the regulations in accordance with P.L.1968, c.410 (C.52:14B-
4 1 et seq.).

5

6 7. This act shall take effect immediately.

7

8

9

10

11 Revises law governing training and duties of Junior Firefighters'
12 Auxiliary members.

SENATE, No. 238

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Bateman and Doherty

SYNOPSIS

Requires Director of Division of Fire Safety to promulgate regulations pertaining to training and duties of Junior Firefighter Auxiliary members.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Junior Firefighter's Auxiliaries and amending
2 various sections of statutory law.

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:14-95 is amended to read as follows:

8 40A:14-95. In any municipality or fire district in this State
9 maintaining a [volunteer] fire department, or where there shall
10 exist one or more incorporated [volunteer] fire companies
11 affording fire protection to [said] the municipality or fire district
12 [the] with membership [whereof are] serving under the
13 jurisdiction of and with the consent of [said] the municipality or
14 fire district, it shall be lawful for the governing body of [such] the
15 municipality, or the board of commissioners of such fire district to
16 provide, by ordinance or resolution, for the establishment of an
17 auxiliary to any [such volunteer] fire department or company to be
18 known as the Junior [Firemen's] Firefighter's Auxiliary.
19 (cf: P.L.1971, c.197, s.1)

20

21 2. N.J.S.40A:14-96 is amended to read as follows:

22 40A:14-96. [No] A person [shall be eligible for membership in
23 the Junior Firemen's Auxiliary] who is less than 14 or more than
24 [21] 18 years of age shall not be eligible for membership in the
25 Junior Firefighter's Auxiliary. Persons between the ages of 14 and
26 [21] 18 shall [be required to] obtain permission to join the
27 auxiliary from their parents or guardian. [Such permission]
28 Permission shall be [in writing and acknowledged or proved]
29 granted in the manner required by [law for deeds to real estate to be
30 recorded] the Director of the Division of Fire Safety in the
31 Department of Community Affairs. Junior Firemen's Auxiliary
32 applicants also shall submit a medical examination evaluation in a
33 manner required by the director.

34 (cf: P.L.1999, c.318, s.1)

35

36 3. N.J.S.40A:14-97 is amended to read as follows:

37 40A:14-97. A municipality or fire district may provide members
38 of a Junior [Firemen's] Firefighter's Auxiliary established as an
39 auxiliary to a [volunteer] fire department or to an incorporated
40 [volunteer] fire company within the fire district with the same
41 coverage as provided for the regular [volunteer firemen]
42 firefighters of the fire district under N.J.S. 40A:14-37 and 40A:14-
43 38.

44 (cf: P.L.1979, c.230, s.4)

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 4. N.J.S.40A:14-98 is amended to read as follows:
- 2 40A:14-98. a. The governing body of the municipality or the
- 3 board of commissioners of the fire district **【shall】**, before
- 4 authorizing the establishment of any Junior **【Firemen's】**
- 5 Firefighter's Auxiliary, shall formulate rules and regulations to
- 6 govern the activities of the auxiliary in accordance with regulations
- 7 promulgated by the Director of the Division of Fire Safety. The
- 8 rules and regulations shall provide for the training of the auxiliary
- 9 for eventual membership in the **【volunteer】** fire department of the
- 10 municipality or fire district or in any such **【volunteer】** fire company
- 11 or companies affording fire protection therein **【**, and shall further
- 12 provide that no junior fireman shall be required to perform duties
- 13 which would expose him to the same degree of hazard as a regular
- 14 member of a volunteer fire company**】**. The Director of the Division
- 15 of Fire Safety shall have the sole authority to promulgate
- 16 regulations pertaining to the training of Junior Firefighter Auxiliary
- 17 members and to establish the duties that Junior Firefighter
- 18 Auxiliary members may perform at training events and emergency
- 19 scenes. The regulations shall allow members of the Junior
- 20 Firefighter Auxiliary who are 16 years of age or older to fully
- 21 participate in recruit firefighter training established under the New
- 22 Jersey Administrative Code.
- 23 b. If the governing body or board of commissioners, as the case
- 24 may be, so provide in the rules and regulations governing the
- 25 auxiliary, a junior **【fireman】** firefighter 16 years of age or older
- 26 may perform **【non-hazardous support duties at a fire site】** duties at
- 27 training events and emergency scenes as established by regulations
- 28 adopted by the Director of the Division of Fire Safety pursuant to
- 29 subsection a. of this section; provided: (1) the junior **【fireman】**
- 30 firefighter has been appropriately and adequately trained to perform
- 31 the **【support】** duties; (2) the junior **【fireman】** firefighter is
- 32 appropriately and adequately supervised in performing those
- 33 **【support】** duties at the **【fire site】** training event or emergency
- 34 scene; (3) the junior **【fireman's】** firefighter's parent or guardian has
- 35 provided written permission allowing the junior **【fireman】**
- 36 firefighter to perform those **【support】** duties; and (4) the governing
- 37 body or board of commissioners, as the case may be, provides
- 38 insurance coverage for the junior **【fireman】** firefighter that is
- 39 identical to that provided for the regular members of the
- 40 **【volunteer】** fire department or fire district.
- 41 c. Activities of junior **【firemen】** firefighter auxiliary members
- 42 under 16 years of age shall be limited to (1) attending meetings of
- 43 the Junior **【Firemen's】** Firefighter's Auxiliary; (2) receiving
- 44 instruction; and (3) participating in training **【that does not involve**
- 45 fire, smoke, toxic or noxious gas, or hazardous materials or
- 46 substances】 as established by regulations adopted by the Director of

1 the Division of Fire Safety pursuant to subsection a. of this section;
2 and (4) observing firefighting activities, while under supervision.
3 (cf: P.L.2011, c.56, s.1)
4

5 5. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to
6 read as follows:

7 17. No minor under 16 years of age shall be employed,
8 permitted or suffered to work in, about, or in connection with
9 power-driven machinery.

10 No minor under 18 years of age shall be employed, permitted or
11 suffered to work in, about, or in connection with the following:

12 The manufacture or packing of paints, colors, white lead, or red
13 lead;

14 The handling of dangerous or poisonous acids or dyes; injurious
15 quantities of toxic or noxious dust, gases, vapors or fumes;

16 Work involving exposure to benzol or any benzol compound
17 which is volatile or which can penetrate the skin;

18 The manufacture, transportation or use of explosives or highly
19 inflammable substances;

20 Oiling, wiping, or cleaning machinery in motion or assisting
21 therein;

22 Operation or helping in the operation of power-driven
23 woodworking machinery; provided, that apprentices operating
24 under conditions of bona fide apprenticeship may operate such
25 machines under competent instruction and supervision;

26 Grinding, abrasive, polishing or buffing machines; provided, that
27 apprentices operating under conditions of bona fide apprenticeship
28 may grind their own tools;

29 Punch presses or stamping machines if the clearance between the
30 ram and the dye or the stripper exceeds 1/4 inch;

31 Cutting machines having a guillotine action;

32 Corrugating, crimping or embossing machines;

33 Paper lace machines;

34 Dough brakes or mixing machines in bakeries or cracker
35 machinery;

36 Calender rolls or mixing rolls in rubber manufacturing;

37 Centrifugal extractors, or mangles in laundries or dry cleaning
38 establishments;

39 Ore reduction works, smelters, hot rolling mills, furnaces,
40 foundries, forging shops, or any other place in which the heating,
41 melting, or heat treatment of metals is carried on;

42 Mines or quarries;

43 Steam boilers carrying a pressure in excess of 15 pounds;

44 Construction work of any kind, except in the construction of
45 affordable housing as a volunteer for a nonprofit organization as
46 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);

47 Fabrication or assembly of ships;

48 Operation or repair of elevators or other hoisting apparatus;

1 The transportation of payrolls other than within the premises of
2 the employer.

3 No minor under 18 years of age shall be employed, permitted, or
4 suffered to work in, about, or in connection with any establishment
5 where alcoholic liquors are distilled, rectified, compounded,
6 brewed, manufactured, bottled, or are sold for consumption on the
7 premises, or in a pool or billiard room; provided, however, this
8 paragraph shall not apply to minors 16 years of age or over,
9 employed as pinsetters, lane attendants, or busboys in public
10 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
11 21.3) or to minors employed in theatrical productions where
12 alcoholic beverages are sold on the premises.

13 Minors 14 years of age or over may be employed as golf course
14 caddies and pool attendants.

15 No minor under 18 years of age shall be employed, permitted, or
16 suffered to work in any place of employment, or at any occupation
17 hazardous or injurious to the life, health, safety, or welfare of such
18 minor, as such occupation shall, from time to time, be determined
19 and declared by the Commissioner of Labor to be hazardous or
20 injurious to the life, health, safety, or welfare of such minor, after a
21 public hearing thereon and after such notice as the commissioner
22 may by regulation prescribe.

23 None of the provisions of this section regarding employment in
24 connection with alcoholic liquors shall be construed to prevent the
25 employment of minors 16 years of age or more in a restaurant as
26 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as
27 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a
28 public bowling alley as provided in this section, or in the executive
29 offices, maintenance departments, or pool or beach areas of a hotel,
30 motel or guesthouse; provided, however, that no minor shall engage
31 in the preparation, sale or serving of alcoholic beverages, nor in the
32 preparation of photographs, nor in any dancing or theatrical
33 exhibition or performance which is not part of a theatrical
34 production where alcoholic beverages are sold on the premises,
35 while so employed; and provided, further, that any minor so
36 employed shall be closely supervised while engaged in the clearing
37 of alcoholic beverages.

38 Nothing in this section shall be deemed to apply to the work
39 done by pupils in public or private schools of New Jersey, under the
40 supervision and instruction of officers or teachers of such
41 organizations or schools, or to a minor who is 17 years of age
42 employed in the type of work in which such minor majored under
43 the conditions of the special vocational school graduate permit
44 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

45 Nothing in this section shall be construed to prevent minors **[16]**
46 14 years of age or older who are members of a Junior **[Firemen's]**
47 Firefighter's Auxiliary, created pursuant to N.J.S.40A:14-95, from
48 engaging in any activities authorized by N.J.S.40A:14-98.

1 Notwithstanding any provision of this section to the contrary, a
2 minor who is 15 years of age or older may work as a cashier or
3 bagger on or near a supermarket or retail establishment cash register
4 conveyor belt.

5 (cf: P.L.1994, c.82, s.3)

6
7 6. The Director of the Division of Fire Safety in the
8 Department of Community Affairs shall promulgate regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.) establishing responsibilities for junior
11 firefighters, in addition to the responsibilities established pursuant
12 to N.J.S.40A:14-98, within 180 days following the effective date of
13 this act.

14
15 7. This act shall take effect immediately.

16 17 18 STATEMENT

19
20 This bill grants the Director of the Division of Fire Safety in the
21 Department of Community Affairs the sole authority to promulgate
22 regulations pertaining to the training of Junior Firefighter Auxiliary
23 members and to establish the duties that Junior Firefighter
24 Auxiliary members may perform at training events and emergency
25 scenes. The bill requires the director to promulgate regulations
26 within 180 days of the bill's enactment.

27 Under current law, a person between the ages of 14 and 21 who
28 obtains permission from a parent or guardian may become a
29 member of the Junior Firefighter's Auxiliary. The bill reduces the
30 age limit for membership to persons between the ages of 14 and 18.
31 The bill also requires that permission to participate be granted in a
32 manner required by the Director of the Division of Fire Safety.
33 Junior Firefighter's Auxiliary applicants would be required to
34 submit to a medical examination evaluation.

35 The bill also limits activities of a junior firefighter who is under
36 the age of 16 to attending Junior Firefighter's Auxiliary Meetings;
37 receiving instructions; certain training activities established by
38 regulations adopted by the director; and observing firefighting
39 activities, while under supervision. Under current law, a member of
40 the Junior Firemen's Auxiliary who is under the age of 16 may
41 participate in these activities as well as participate in training that
42 does not involve fire, smoke, toxic or noxious gas, or hazardous
43 materials or substances.

44 Finally, the bill replaces the term "firemen" with the preferred,
45 gender neutral term "firefighter."

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 238

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Senate Committee Substitute for Senate Bill No. 238.

As amended and reported by the committee, Senate Committee Substitute for Senate No. 238 revises current law regarding the Junior Firefighters' Auxiliary.

Under current law, a person between the ages of 14 and 21 who obtains permission from a parent or guardian may become a member of the Junior Firefighters' Auxiliary with a volunteer fire department. This committee substitute reduces the age limit for membership to persons between the ages of 14 and 18.

The amended committee substitute also allows a fire district, regional authority, or county in this State that maintains a paid or volunteer fire department to establish a Junior Firefighters' Auxiliary. Under current law, only volunteer fire departments are permitted to establish a Junior Firefighters' Auxiliary.

In addition, the committee substitute requires Junior Firefighters' Auxiliary applicants to be interviewed by officers of the fire department with a parent or guardian present. Junior Firefighters' Auxiliary applicants also are required to submit documentation from a qualified physician verifying that the applicant is medically able to perform the activities of the auxiliary.

Current labor law provides that minors under the age of 18 are prohibited from participating in certain work-related tasks, but allows an exemption for members of the Junior Firefighters' Auxiliary who are 16 years of age or older and perform authorized fire-related duties. This committee substitute reduces this age exemption from 16 to 14 years of age.

The committee substitute also requires entities establishing Junior Firefighters' Auxiliaries to provide a minimum amount of workers' compensation insurance to auxiliary members who perform certain duties. Current law requires auxiliary members to

be provided with insurance coverage identical to that provided to regular members of the fire department or district.

The committee substitute also grants the Commissioner of Community Affairs authority to promulgate regulations pertaining to the training of Junior Firefighter Auxiliary members and establish the duties they may perform at training events and emergency scenes. The regulations are to become effective immediately upon being filed with the Office of Administrative Law and remain in effect for 180 days. Thereafter, the commissioner is required to amend, adopt, or readopt the regulations in accordance with "Administrative Procedure Act."

Finally, the committee substitute replaces the term "firemen" with the preferred, gender neutral term, "firefighter."

As amended and reported by the committee, Senate Committee Substitute No. 238 is identical to Assembly Committee Substitute No. 1106 which also was reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments require entities establishing Junior Firefighters' Auxiliaries to provide a minimum amount of workers' compensation insurance to auxiliary members who perform certain duties. Current law requires auxiliary members to be provided with insurance coverage identical to that provided to regular members of the fire department or district.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 238**

STATE OF NEW JERSEY

DATED: JANUARY 30, 2020

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 238.

As reported by the committee, this Senate committee substitute revises current law regarding the Junior Firefighters' Auxiliary.

Under current law, a person between the ages of 14 and 21 who obtains permission from a parent or guardian may become a member of the Junior Firefighters' Auxiliary with a volunteer fire department. This committee substitute reduces the age limit for membership to persons between the ages of 14 and 18.

The committee substitute also allows a fire district, regional authority, or county in this State that maintains a paid or volunteer fire department to establish a Junior Firefighters' Auxiliary. Under current law, only volunteer fire departments are permitted to establish a Junior Firefighters' Auxiliary.

In addition, the committee substitute requires Junior Firefighters' Auxiliary applicants to be interviewed by officers of the fire department with a parent or guardian present. Junior Firefighters' Auxiliary applicants also are required to submit documentation from a qualified physician verifying that the applicant is medically able to perform the activities of the auxiliary.

Current labor law provides that minors under the age of 18 are prohibited from participating in certain work-related tasks, but allow an exemption for members of the Junior Firefighters' Auxiliary who are 16 years of age or older and perform authorized fire-related duties. This committee substitute reduces this age exemption from 16 to 14 years of age.

The committee substitute also grants the Commissioner of Community Affairs authority to promulgate regulations pertaining to the training of Junior Firefighter Auxiliary members and establish the duties they may perform at training events and emergency scenes. The regulations are to become effective immediately upon being filed with the Office of Administrative Law and remain in effect for 180 days. Thereafter, the commissioner is required to amend, adopt, or readopt the regulations in accordance with "Administrative Procedure Act."

Finally, the committee substitute replaces the term “firemen” with the preferred, gender neutral term, “firefighter.”

ASSEMBLY, No. 2899

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Wirths and Assemblywoman Dunn

SYNOPSIS

Revises law governing training and duties of Junior Firefighters' Auxiliary members.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2020)

1 AN ACT concerning the Junior Firefighters' Auxiliary, amending
2 various parts of the statutory law, and supplementing Title 40A
3 of the New Jersey Statutes.

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

7
8 1. N.J.S.40A:14-95 is amended to read as follows:

9 40A:14-95. In any municipality **[or]**, fire district, regional
10 authority, or county in this State maintaining a **[volunteer]** fire
11 department, or where there shall exist one or more incorporated
12 **[volunteer]** fire companies affording fire protection to **[said]** the
13 municipality **[or]** , fire district **[the]**, regional authority, or county
14 with membership **[whereof are]** serving under the jurisdiction of
15 and with the consent of **[said]** the municipality **[or]** , fire district,
16 regional authority, or county, it shall be lawful for the governing
17 body of **[such]** the municipality, **[or the]** board of commissioners
18 of **[such]** the fire district, regional authority, or county board of
19 chosen freeholders to provide, by ordinance or resolution, for the
20 establishment of an auxiliary to any **[such volunteer]** fire
21 department or company to be known as the Junior **[Firemen's]**
22 Firefighters' Auxiliary.

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

24

25 2. N.J.S.40A:14-96 is amended to read as follows:

26 40A:14-96. **[No]** a. A person **[shall be eligible for**
27 membership in the Junior Firemen's Auxiliary] who is not less than
28 14 or more than **[21]** 18 years of age **[shall be eligible for**
29 membership in the Junior Firefighters' Auxiliary. **[Persons**
30 between the ages of 14 and 21]

31 b. Prior to being accepted for membership in the Junior
32 Firefighters' Auxiliary, a person eligible pursuant to subsection a.
33 of this section shall **[be required to]:**

34 (1) obtain permission to join the auxiliary from **[their]** the
35 person's parents or guardian. **[Such permission]** Permission shall
36 be **[in writing and acknowledged or proved]** granted in **[the**
37 manner required by law for deeds to real estate to be recorded]
38 writing on a form prescribed by the Commissioner of Community
39 Affairs;

40 (2) complete an application and be interviewed by officers of
41 the fire department or company with a parent or guardian present;
42 and

43 (3) submit documentation from a qualified physician verifying
44 that the person is medically able to perform the activities of 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 auxiliary as established by the governing body of the municipality,
2 board of commissioners of the fire district, regional authority, or
3 county board of chosen freeholders pursuant to N.J.S.40A:14-98.
4 (cf: P.L.1999, c.318, s.1)

5
6 3. N.J.S.40A:14-97 is amended to read as follows:

7 40A:14-97. A municipality, fire district **【may】** , regional
8 authority, or county shall provide members of a Junior **【Firemen's】**
9 **Firefighters'** Auxiliary established as an auxiliary to a volunteer fire
10 department or to an incorporated volunteer fire company **【within**
11 **the fire district with the same coverage as provided for the regular**
12 **volunteer firemen of the fire district under N.J.S. 40A:14-37 and**
13 **40A:14-38】** with a minimum amount of workers' compensation
14 insurance.

15 (cf: P.L.1979, c.230, s.4)

16
17 4. N.J.S.40A:14-98 is amended to read as follows:

18 40A:14-98. a. (1) The Commissioner of Community Affairs
19 shall adopt rules to govern the training of Junior Firefighters'
20 Auxiliary members and to establish the duties that auxiliary
21 members may perform at training events and emergency incidents.
22 The rules shall allow auxiliary members, who are 16 years of age or
23 older, to fully participate in recruit firefighter training established
24 by regulations adopted by the commissioner.

25 (2) The governing body of the municipality **【or the】**, board of
26 commissioners of the fire district **【shall】** , regional authority, or
27 county board of chosen freeholders, before authorizing the
28 establishment of any Junior **【Firemen's】** **Firefighters'** Auxiliary,
29 shall formulate rules and regulations to govern the activities of the
30 auxiliary in accordance with regulations adopted by the
31 commissioner pursuant to paragraph (1) of this subsection. The
32 rules and regulations shall provide for the training of the auxiliary
33 for eventual membership in the **【volunteer】** fire department of the
34 municipality **【or】** , fire district , regional authority, or county or in
35 any **【such volunteer】** fire company **【or companies】** affording fire
36 protection therein**【and shall further provide that no junior fireman**
37 **shall be required to perform duties which would expose him to the**
38 **same degree of hazard as a regular member of a volunteer fire**
39 **company】.**

40 b. If the governing body **【or】**, board of commissioners,
41 regional authority, or county board of chosen freeholders, as the
42 case may be, **【so provide】** provides in the rules and regulations
43 governing the auxiliary **【,】** that a junior **【fireman】** firefighter 16
44 years of age or older may perform **【non-hazardous support duties at**
45 **a fire site; provided:】** the duties established by the commissioner
46 pursuant to paragraph (1) of subsection a. of this section at training

1 events and emergency incidents, the junior firefighter may perform
2 these duties only if:

3 (1) the junior **fireman** firefighter has been appropriately and
4 adequately trained to perform the **support** duties;

5 (2) the junior **fireman** firefighter is appropriately and
6 adequately supervised in performing those **support** duties at the
7 **fire site** training event or emergency incident;

8 (3) the junior **fireman's parent** firefighter's parents or
9 guardian has provided written permission allowing the junior
10 **fireman** firefighter to perform those **support** duties; and

11 (4) the governing body **or** , board of commissioners, regional
12 authority, or county board of chosen freeholders, as the case may
13 be, provides insurance coverage for the junior **fireman** firefighter
14 that is identical to that provided for the regular members of the
15 **volunteer** fire department or fire district.

16 c. Activities of junior **firemen** firefighter auxiliary members
17 under 16 years of age shall be limited to:

18 (1) attending meetings of the Junior **Firemen's** Firefighters'
19 Auxiliary;

20 (2) receiving instruction;

21 (3) participating in training as established by regulations
22 adopted by the commissioner that does not involve fire, smoke,
23 toxic or noxious gas, or hazardous materials or substances; and

24 (4) observing firefighting activities, while under supervision.

25 (cf: P.L.2011, c.56, s.1)

26
27 5. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to
28 read as follows:

29 17. No minor under 16 years of age shall be employed,
30 permitted or suffered to work in, about, or in connection with
31 power-driven machinery.

32 No minor under 18 years of age shall be employed, permitted or
33 suffered to work in, about, or in connection with the following:

34 The manufacture or packing of paints, colors, white lead, or red
35 lead;

36 The handling of dangerous or poisonous acids or dyes; injurious
37 quantities of toxic or noxious dust, gases, vapors or fumes;

38 Work involving exposure to benzol or any benzol compound
39 which is volatile or which can penetrate the skin;

40 The manufacture, transportation or use of explosives or highly
41 inflammable substances;

42 Oiling, wiping, or cleaning machinery in motion or assisting
43 therein;

44 Operation or helping in the operation of power-driven
45 woodworking machinery; provided, that apprentices operating
46 under conditions of bona fide apprenticeship may operate such
47 machines under competent instruction and supervision;

1 Grinding, abrasive, polishing or buffing machines; provided, that
2 apprentices operating under conditions of bona fide apprenticeship
3 may grind their own tools;
4 Punch presses or stamping machines if the clearance between the
5 ram and the dye or the stripper exceeds 1/4 inch;
6 Cutting machines having a guillotine action;
7 Corrugating, crimping or embossing machines;
8 Paper lace machines;
9 Dough brakes or mixing machines in bakeries or cracker
10 machinery;
11 Calender rolls or mixing rolls in rubber manufacturing;
12 Centrifugal extractors, or mangles in laundries or dry cleaning
13 establishments;
14 Ore reduction works, smelters, hot rolling mills, furnaces,
15 foundries, forging shops, or any other place in which the heating,
16 melting, or heat treatment of metals is carried on;
17 Mines or quarries;
18 Steam boilers carrying a pressure in excess of 15 pounds;
19 Construction work of any kind, except in the construction of
20 affordable housing as a volunteer for a nonprofit organization as
21 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);
22 Fabrication or assembly of ships;
23 Operation or repair of elevators or other hoisting apparatus;
24 The transportation of payrolls other than within the premises of
25 the employer.
26 No minor under 18 years of age shall be employed, permitted, or
27 suffered to work in, about, or in connection with any establishment
28 where alcoholic liquors are distilled, rectified, compounded,
29 brewed, manufactured, bottled, or are sold for consumption on the
30 premises, or in a pool or billiard room; provided, however, this
31 paragraph shall not apply to minors 16 years of age or over,
32 employed as pinsetters, lane attendants, or busboys in public
33 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
34 21.3) or to minors employed in theatrical productions where
35 alcoholic beverages are sold on the premises.
36 Minors 14 years of age or over may be employed as golf course
37 caddies and pool attendants.
38 No minor under 18 years of age shall be employed, permitted, or
39 suffered to work in any place of employment, or at any occupation
40 hazardous or injurious to the life, health, safety, or welfare of such
41 minor, as such occupation shall, from time to time, be determined
42 and declared by the Commissioner of Labor to be hazardous or
43 injurious to the life, health, safety, or welfare of such minor, after a
44 public hearing thereon and after such notice as the commissioner
45 may by regulation prescribe.

1 None of the provisions of this section regarding employment in
2 connection with alcoholic liquors shall be construed to prevent the
3 employment of minors 16 years of age or more in a restaurant as
4 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as
5 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a
6 public bowling alley as provided in this section, or in the executive
7 offices, maintenance departments, or pool or beach areas of a hotel,
8 motel or guesthouse; provided, however, that no minor shall engage
9 in the preparation, sale or serving of alcoholic beverages, nor in the
10 preparation of photographs, nor in any dancing or theatrical
11 exhibition or performance which is not part of a theatrical
12 production where alcoholic beverages are sold on the premises,
13 while so employed; and provided, further, that any minor so
14 employed shall be closely supervised while engaged in the clearing
15 of alcoholic beverages.

16 Nothing in this section shall be deemed to apply to the work
17 done by pupils in public or private schools of New Jersey, under the
18 supervision and instruction of officers or teachers of such
19 organizations or schools, or to a minor who is 17 years of age
20 employed in the type of work in which such minor majored under
21 the conditions of the special vocational school graduate permit
22 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

23 Nothing in this section shall be construed to prevent minors **[16]**
24 **14** years of age or older who are members of a Junior **[Firemen's]**
25 **Firefighters'** Auxiliary, created pursuant to N.J.S.40A:14-95, from
26 engaging in any activities authorized by N.J.S.40A:14-98.

27 Notwithstanding any provision of this section to the contrary, a
28 minor who is 15 years of age or older may work as a cashier or
29 bagger on or near a supermarket or retail establishment cash register
30 conveyor belt.

31 (cf: P.L.1994, c.82, s.3)

32

33 6. (New section) Notwithstanding the provisions of the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), to the contrary, the Commissioner of Community Affairs
36 shall adopt immediately upon filing with the Office of
37 Administrative Law, regulations that the commissioner deems
38 necessary to implement the provisions of P.L. , c. (C.)
39 (pending before the Legislature as this bill), which regulations shall
40 be effective for a period not to exceed 180 days from the date of the
41 filing. The commissioner shall thereafter amend, adopt, or readopt
42 the regulations in accordance with P.L.1968, c.410 (C.52:14B-1 et
43 seq.).

44

45 7. This act shall take effect immediately.

STATEMENT

This bill revises current law regarding the Junior Firefighters' Auxiliary.

Under current law, a person between the ages of 14 and 21 who obtains permission from a parent or guardian may become a member of the Junior Firefighters' Auxiliary with a volunteer fire department. The bill reduces the age limit for membership to persons between the ages of 14 and 18.

The bill also allows a fire district, regional authority, or county in this State that maintains a paid or volunteer fire department to establish a Junior Firefighters' Auxiliary. Under current law, only volunteer fire departments are permitted to establish a Junior Firefighters' Auxiliary.

In addition, the bill requires Junior Firefighters' Auxiliary applicants to be interviewed by officers of the fire department with a parent or guardian present. Junior Firefighters' Auxiliary applicants also are required to submit documentation from a qualified physician verifying that the applicant is medically able to perform the activities of the auxiliary.

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Finally, the bill replaces the term "firemen" with the preferred, gender neutral term, "firefighter."

Governor Murphy Takes Action on Legislation

11/20/2020

TRENTON – Today, Governor Murphy signed the following bill:

S-238/A-1106 (Singleton, Sarlo/Murphy, Stanfield, Schaer) - Revises law governing training and duties of Junior Firefighters' Auxiliary members.