

39:5-41

LEGISLATIVE HISTORY CHECKLIST
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"Emergency Medical Technician
Training Fund Act"

NJSA: 39:5-41
LAWS OF: 1992 CHAPTER: 143
BILL NO: S214
SPONSOR(S) Bennett
DATE INTRODUCED: Pre-filed
COMMITTEE: ASSEMBLY: ---
SENATE: Health & Human Services;
Budget & Appropriations
AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks
DATE OF PASSAGE: ASSEMBLY: October 8, 1992
SENATE: October 5, 1992
DATE OF APPROVAL: November 19, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes 3-2-92 & 10-1-92
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: No
FOLLOWING WERE PRINTED:
REPORTS: Yes
HEARINGS: No

974.90 New Jersey. Governor's Council on Emergency Medical Services.
H434 New Jersey emergency medical services issues and
1988h recommendations. November, 1988. Trenton, 1988.
KEG:pp

[SECOND REPRINT]

SENATE, No. 214

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator BENNETT

1 AN ACT concerning emergency medical services, amending
2 R.S.39:5-41 and supplementing Title 26 of the Revised Statutes.

3

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

6 1. (New section) This act shall be known and may be cited as
7 the "Emergency Medical Technician Training Fund Act."

8 2. (New section) As used in this act:

9 "Commissioner" means the Commissioner of Health.

10 "Fund" means the "Emergency Medical Technician Training
11 Fund" established pursuant to this act.

12 "Council" means the State advisory council for basic and
13 intermediate life support services training established pursuant to
14 this act.

15 3. (New section) There is established the "Emergency Medical
16 Technician Training Fund" as a nonlapsing, revolving fund. The
17 fund shall be administered by the commissioner or his designee,
18 and shall be credited with monies received pursuant to subsection
19 c. of R.S.39:5-41.

20 The State Treasurer is the custodian of the fund and all
21 disbursements from the fund shall be made by the treasurer upon
22 vouchers signed by the commissioner or his designee. Monies in
23 the fund shall be used to carry out the provisions of this act,
24 except that no more than ²[3% of these monies or \$150,000,
25 whichever is greater,] 5% of these monies² shall be used for
26 administration of the fund in each fiscal year. The fund shall
27 consist of monies as provided for in this act and the interest
28 which is earned on those monies. The monies in the fund shall be
29 invested and reinvested by the Director of the Division of
30 Investment in the Department of the Treasury as are other trust
31 funds in the custody of the State Treasurer in the manner
32 provided by law.

33 4. (New section) The commissioner, in accordance with
34 recommendations adopted by the council, and within the limits of
35 those monies in the fund, shall annually reimburse any private
36 agency, organization or entity which is certified by the
37 commissioner to provide training and testing for volunteer
38 ambulance, first aid and rescue squad personnel who are seeking
39 emergency medical technician-ambulance, or EMT-A, ²or²
40 emergency medical technician-defibrillation, or EMT-D, ²[or
41 emergency medical technician-intermediate, or EMT-I,]²
42 certification²[, or who are taking appropriate refresher courses]

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:

¹ Senate SHH committee amendments adopted March 5, 1992.

² Senate floor amendments adopted May 14, 1992.

1 or recertification², and for which that entity is not otherwise
2 reimbursed.

3 ²The priority for reimbursement from the fund to an agency,
4 organization or entity for training and testing of volunteer
5 ambulance, first aid and rescue squad personnel shall be in the
6 following order: EMT-A certification, EMT-A recertification,
7 EMT-D certification and EMT-D recertification.²

8 5. (New section) An agency, organization or other entity
9 which receives monies from the fund shall not charge a fee to a
10 person who is certified to be a member of, or an applicant to be a
11 member of, a volunteer ambulance, first aid or rescue squad by
12 the chief supervising officer of that squad.

13 6. (New section) a. The commissioner shall establish a State
14 advisory council for basic and intermediate life support services
15 training. The council shall be responsible for: (1) establishing
16 guidelines and making recommendations regarding reimbursement
17 from the fund to entities providing EMT-A²[, EMT-I]² or EMT-D
18 testing and training activities, (2) making recommendations for
19 changes in emergency medical services testing and training
20 activities or the creation of new programs as necessary to
21 conform with federal standards, or to improve the quality of
22 emergency medical services delivery, (3) establishing guidelines
23 for the purchase of emergency medical services training
24 equipment, and (4) developing recommendations for the most
25 effective means to recruit emergency medical services
26 volunteers.

27 b. The council shall consist of 13 members, as follows: the
28 Commissioner of Health, the Superintendent of the Division of
29 State Police in the Department of Law and Public Safety, the
30 Director of the Governor's Office on Volunteerism, the President
31 of the New Jersey State First Aid Council, the chairman of the
32 State mobile intensive care advisory council, and the President of
33 the Medical Transport Association of New Jersey, ¹or their
34 designees,¹ as ex officio members; and seven public members, of
35 which two shall be persons with a demonstrated interest or
36 expertise in emergency medical services who are not health care
37 professionals and two shall be physicians who are medical
38 specialists in areas relating to basic life support services, to be
39 appointed by the Governor, one shall be a representative of the
40 New Jersey Hospital Association, to be appointed by the
41 President thereof, one shall be a representative of the ²Medical
42 Society of² New Jersey ²[Medical Society]², to be appointed by
43 the President thereof, and one shall be a representative of the
44 New Jersey State Nurses Association, to be appointed by the
45 President thereof.

46 c. Of the public members first appointed, three shall serve for
47 a term of two years, three shall serve for a term of term of three
48 years and one shall serve for a term of four years. Following the
49 expiration of the original terms, the public members shall serve
50 for a term of four years and are eligible for reappointment. Any
51 vacancy shall be filled in the same manner as the original
52 appointment, for the unexpired term. Public members shall
53 continue to serve until their successors are appointed.

54 d. The council shall meet at its discretion, but at least

1 quarterly. The public members of the council shall serve without
2 compensation but shall be reimbursed for the reasonable expenses
3 incurred in the performance of their duties, within the limits of
4 funds available to the council.

5 e. The council shall organize no later than the 60th day after
6 the effective date of this act. The members shall choose a
7 chairman from among themselves and a secretary who need not
8 be a member of the council. The Department of Health shall
9 provide such technical, clerical and administrative support as the
10 council requires to carry out its responsibilities.

11 7. R.S.39:5-41 is amended to read as follows:

12 39:5-41. a. All fines, penalties and forfeitures imposed and
13 collected under authority of law for any violations of R.S.39:4-63
14 and R.S.39:4-64 shall be forwarded by the judge to whom the
15 same have been paid to the proper financial officer of the
16 municipality wherein the violation occurred, to be used by the
17 municipality to help finance litter control activities in addition to
18 or supplementing existing litter pickup and removal activities in
19 the municipality.

20 b. Except as otherwise provided by subsection a. of this
21 section, all fines, penalties and forfeitures imposed and collected
22 under authority of law for any violations of the provisions of this
23 Title, other than those violations in which the complainant is the
24 director, a member of his staff, a member of the State Police, an
25 inspector of the Board of Public Utilities, or a law enforcement
26 officer of any other State agency, shall be forwarded by the judge
27 to whom the same have been paid as follows: one-half of the
28 total amount collected to the financial officer, as designated by
29 the local governing body, of the respective municipalities wherein
30 the violations occurred, to be used by the municipality for
31 general municipal use and to defray the cost of operating the
32 municipal court; and one-half of the total amount collected to
33 the proper financial officer of the county wherein they were
34 collected, to be used by the county as a fund for the construction,
35 reconstruction, maintenance and repair of roads and bridges,
36 snow removal, the acquisition and purchase of rights-of-way, and
37 the purchase, replacement and repair of equipment for use on
38 said roads and bridges therein. Up to 25% of the money received
39 by a municipality pursuant to this subsection, but not more than
40 the actual amount budgeted for the municipal court, whichever is
41 less, may be used to upgrade case processing.

42 Whenever any county has deposited moneys collected pursuant
43 to this section in a special trust fund in lieu of expending the
44 same for the purposes authorized by this section, it may withdraw
45 from said special trust fund in any year an amount which is not in
46 excess of the amount expended by the county over the
47 immediately preceding three-year period from general county
48 revenues for said purposes. Such moneys withdrawn from the
49 trust fund shall be accounted for and used as are other general
50 county revenues.

51 c. Notwithstanding the provisions of subsections a. and b. of
52 this section, \$.50 shall be added to the amount of each fine,
53 penalty and forfeiture imposed and collected under authority of
54 law for any violation of the provisions of Title 39 of the Revised

1 Statutes or any other motor vehicle or traffic violation in this
2 State and shall be forwarded by the judge to whom the same are
3 paid to the State Treasurer for deposit in the "Emergency
4 Medical Technician Training Fund" established pursuant to
5 P.L. , c. C.) (now pending before the Legislature as this
6 bill).

7 (cf: P.L.1990, c.95, s.2)

8 8. (New section) The commissioner, pursuant to the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
10 seq.), shall adopt rules and regulations to effectuate the purposes
11 of sections 1 through 6 of this act.

12 9. (New section) The State Treasurer shall adopt rules and
13 regulations in accordance with the "Administrative Procedure
14 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) establishing
15 procedures for the collection of the monies to be deposited in the
16 "Emergency Medical Technician Training Fund" pursuant to
17 subsection c. of R.S.39:5-41.

18 10. This act shall take effect immediately, except that section
19 5 shall take effect two years after the effective date of this act.

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Designated the "Emergency Medical Technician Training Fund
Act."

1 seq.), shall adopt rules and regulations to effectuate the purposes
2 of sections 1 through 6 of this act.

3 9. (New section) The State Treasurer shall adopt rules and
4 regulations in accordance with the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) establishing
6 procedures for the collection of the monies to be deposited in the
7 "Emergency Medical Technician Training Fund" pursuant to
8 subsection c. of R.S.39:5-41.

9 10. This act shall take effect immediately, except that section
10 5 shall take effect two years after the effective date of this act.
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12 STATEMENT

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15 This bill establishes the "Emergency Medical Technician
16 Training Fund" in the Department of Health. The fund shall be
17 administered by the Commissioner of Health, or his designee.
18 Monies in the fund shall be used to reimburse entities which
19 provide training and testing for certain volunteer emergency life
20 support personnel and to carry out the provisions of this bill. The
21 bill also establishes a 13-member State advisory council for basic
22 and intermediate life support services training.

23 The bill provides that the Commissioner of Health, in
24 accordance with recommendations adopted by the council, shall
25 annually reimburse any private agency, organization or entity
26 which is certified by the commissioner to provide training and
27 testing for volunteer ambulance, first aid and rescue squad
28 personnel who are seeking emergency medical
29 technician-ambulance (EMT-A), emergency medical
30 technician-defibrillation (EMT-D), or emergency medical
31 technician-intermediate (EMT-I) certification, or who are taking
32 appropriate refresher courses.

33 The bill provides that the agency, organization or entity which
34 receives money from the fund shall not charge a fee to a person
35 who is certified to be a member of, or an applicant to be a
36 member of, a volunteer ambulance, first aid or rescue squad.

37 The members of the State advisory council for basic and
38 intermediate life support services training shall include the
39 Commissioner of Health, the Superintendent of the Division of
40 State Police, the Director of the Governor's Office on
41 Volunteerism, the President of the New Jersey State First Aid
42 Council, the chairman of the State mobile intensive care advisory
43 council, and the President of the Medical Transport Association
44 of New Jersey, as ex officio members; and seven public members,
45 of which two shall be persons with a demonstrated interest or
46 expertise in emergency medical services who are not health care
47 professionals and two shall be physicians who are medical
48 specialists in areas relating to basic life support services, one
49 shall be a representative of the New Jersey Hospital Association,
50 one shall be a representative of the New Jersey Medical Society,
51 and one shall be a representative of the New Jersey State Nurses
52 Association.

53 The council shall be responsible for:

54 a. establishing guidelines and making recommendations

1 regarding reimbursement from the fund to entities providing
2 EMT-A, EMT-I or EMT-D testing and training activities;

3 b. making recommendations for changes in emergency medical
4 services testing and training activities or the creation of new
5 programs as necessary to conform with federal standards, or to
6 improve the quality of emergency medical services delivery;

7 c. establishing guidelines for the purchase of emergency
8 medical services training equipment; and

9 d. developing recommendations for the most effective means
10 to recruit emergency medical services volunteers.

11 The bill amends R.S.39:5-41 to provide that \$.50 shall be added
12 to the amount of each fine, penalty and forfeiture imposed and
13 collected under authority of law for motor vehicle or traffic
14 violations and shall be forwarded by the judge to whom the same
15 are paid, to the State Treasurer for deposit in the Emergency
16 Medical Technician Training Fund.

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21 Designated the "Emergency Medical Technician Training Fund
22 Act."

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 214

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 1992

The Senate Health and Human Services Committee favorably reports Senate Bill No. 214 with committee amendments.

As amended by committee, this bill establishes the "Emergency Medical Technician Training Fund" in the Department of Health. The fund shall be administered by the Commissioner of Health, or his designee. Monies in the fund shall be used to reimburse entities which provide training and testing for certain volunteer emergency life support personnel and to carry out the provisions of this bill. The bill also establishes a 13-member State advisory council for basic and intermediate life support services training.

The bill provides that the Commissioner of Health, in accordance with recommendations adopted by the council, shall annually reimburse any private agency, organization or entity which is certified by the commissioner to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking emergency medical technician-ambulance (EMT-A), emergency medical technician-defibrillation (EMT-D), or emergency medical technician-intermediate (EMT-I) certification, or who are taking appropriate refresher courses.

The bill provides that the agency, organization or entity which receives money from the fund shall not charge a fee to a person who is certified to be a member of, or an applicant to be a member of, a volunteer ambulance, first aid or rescue squad.

The members of the State advisory council for basic and intermediate life support services training shall include the Commissioner of Health, the Superintendent of the Division of State Police, the Director of the Governor's Office on Volunteerism, the President of the New Jersey State First Aid Council, the chairman of the State mobile intensive care advisory council, and the President of the Medical Transport Association of New Jersey, or their designees, as ex officio members; and seven public members, of which two shall be persons with a demonstrated interest or expertise in emergency medical services who are not health care professionals and two shall be physicians who are medical specialists in areas relating to basic life support services, one shall be a representative of the New Jersey Hospital Association, one shall be a representative of the New Jersey Medical Society, and one shall be a representative of the New Jersey State Nurses Association.

The council shall be responsible for:

- a. establishing guidelines and making recommendations regarding reimbursement from the fund to entities providing EMT-A, EMT-I or EMT-D testing and training activities;

b. making recommendations for changes in emergency medical services testing and training activities or the creation of new programs, as necessary, to conform with federal standards, or to improve the quality of emergency medical services delivery;

c. establishing guidelines for the purchase of emergency medical services training equipment; and

d. developing recommendations for the most effective means to recruit emergency medical services volunteers.

The bill amends R.S.39:5-41 to provide that \$.50 shall be added to the amount of each fine, penalty and forfeiture imposed and collected under authority of law for motor vehicle or traffic violations and shall be forwarded by the judge to whom the same are paid, to the State Treasurer for deposit in the Emergency Medical Technician Training Fund.

The committee amended the bill to permit the ex officio members, or their designees, to serve on the council.

This bill was prefiled for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 214

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 214 (2R).

Senate Bill No. 214 (2R) establishes the "Emergency Medical Technician Training Fund" in the Department of Health, as a nonlapsing, revolving fund administered by the Commissioner of Health funded by \$.50 surcharge to the amount of each fine, penalty and forfeiture imposed and collected for any motor vehicle or traffic violation in the State. In addition to revenues earmarked to the fund, the fund is to be credited with interest earned on these funds.

The fund would reimburse any private agency, organization or entity certified by the Commissioner of Health to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking emergency medical technician-ambulance (EMT-A) or emergency medical technician-defibrillation (EMT-D) certification or recertification for which the entity is not reimbursed. No more than 5 percent of the monies in the fund can be used for administration.

The legislation also establishes a 13 member State advisory council for basic and intermediate life support services training with responsibility for: (1) establishing guidelines and making reimbursement recommendations for testing and training activities; (2) recommending changes to testing and training activities, creating new programs or improving existing programs; (3) establishing guidelines for the purchase of training equipment; and (4) developing recommendations with respect to recruitment of emergency medical services volunteers. The seven public members shall be reimbursed for the reasonable expenses they incur in the performance of their duties.

It is the committee's understanding that this bill will not require any municipality to incur the cost of printing new motor vehicle or traffic tickets until the supply of existing tickets is used.

This bill is identical to Assembly Bill No. 1123 (ACS).

FISCAL IMPACT:

Based on the number of motor vehicle or traffic violations in the State in 1991, the Office of Legislative Services estimates that when fully implemented the \$.50 surcharge may generate upwards of \$2.3 million annually, although the amount generated annually would vary depending on the actual number of convictions and collections.