COPY NO. 1

LEGISLATIVE HISTORY OF R. S. 34:15-43
(Workmen's Compensation - Volunteer Firemen - 1951 to 1958 amendments)

For materials see copy 2

Laws 1951 - Chapter 211 - S. 70.
Introduced February 5, 1951 by Mr. Herbert.
Not amended during passage.
Bill had statement (Photostat of original bill with statement enclosed).

Laws 1952 - Chapter 317 - S. 315.
Introduced March 24 by Mr. Wallace.
Bill had statement. (Photostat of original bill showing added wording and statement enclosed).
Conditionally vetoed by Governor. (Photostat of Governor's Veto enclosed).
Passed both houses with Governor's recommendations.

Laws 1953 - Chapter 414 - A. 517.
Introduced March 6 by Mr. Jones.
No statement. (Photostat of original bill showing added wording enclosed).
Conditionally vetoed by Governor. (Photostat of Veto Message enclosed).
Re-enacted by both houses with recommended Governor's amendment.

Laws 1955 - Chapter 102 - A. 494.
Introduced April 25 by Mr. Field.
No statement on the bill.
Not amended during passage.
This bill adds the word "drill" in second paragraph.

Laws 1956 - Chapter 160 - A. 409.
Introduced April 9 by Mr. Goff.
Not amended during passage.
No statement on the bill.
This act added the underlined words:
34:15-43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, ...

Laws 1958 - Chapter 149 - A. 11.
Introduced January 14 by Bowkley, Barkalow, Sabello & Werner.
No statement on the bill.
Bill was amended in Senate. (Photostat of original bill and Senate amendments enclosed).

No hearings or reports were located on the bills.

We searched the following without success:
N.J. State Firemen's Association. Proceedings, Annual Convention, 1950-1958.

March 1964

[OFFICIAL COPY REPRINT]

L 1951 c. 211

# SENATE, No. 70

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1951

By Mr. HERBERT

Referred to Committee on Counties and Municipalities

AN ACT concerning workmen's compensation, and amending section 34:15–43 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

34:15–43. Every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality or any board of fire commissioners of such municipality or of any fire district within the State, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article two of this chapter (sections 34:15–7 et seq.), but no person holding an elective office shall be entitled to compensation. Nor shall any former employee who has been retired on pension by reason of injury or disability be entitled under this section to compensation for such injury or disability; *provided, however,* that such employee, despite retirement, shall, nevertheless, be en-

titled to the medical, surgical and other treatment and hospital services as set forth in section 34:15–15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, shall be deemed to include participation in any authorized public showing, exhibition, or parade of said volunteer firemen either with or without their fire apparatus.

Every active volunteer fireman shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section, if such control or supervision is provided for by statute, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. This act shall take effect July first, one thousand nine hundred and fifty-one.

570 (1951)

Sponsor's

## STATEMENT

The purpose of this bill is to clarify the language in section 34:15–43 of the Revised Statutes as it appertains to active volunteer firemen. This section was amended by P. L. 1948, chapter 430, effective July first, 1948. In view of a construction placed upon the language of this section in connection with the application of a volunteer fireman for workmen's compensation, arising out of an accident which occurred July 4, 1948, this bill is required to widen the construction therein given and to bring it in harmony with the original intent of the 1948 amendment.

[SECOND OFFICIAL COPY REPRINT]

# SENATE, No. 315

L1952 c317

# STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1952

By Mr. WALLACE

Referred to Committee on Labor, Industries and Social Welfare

AN ACT relating to workmen's compensation, and amending section 34:15–43 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

34:15–43. Every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, and every county fire marshal, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article two of this chapter (sections 34:15–7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; *provided, however*, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in section 34:15–15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, or county fire marshals, shall be deemed to include participation in any authorized public showing, exhibition, or parade of said volunteer firemen either with or without their fire apparatus.

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

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. This act shall take effect immediately.

47 or other leave for public employees or any provision of any retirement or
48 pension fund provided by law.

1 2. This act shall take effect immediately.

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Sponsor's S315 (1952)

STATEMENT

It has been the general practice in State institutions to recruit volunteer companies from among the employees for the purpose of fire fighting duty. Some of the institutions have reciprocal agreements with neighboring communities under the terms of which the volunteer companies provide mutual assistance where the conditions arise.

In a recent case, employees of one of the State institutions, who were members of its volunteer fire company, were injured while responding to a call for help in fighting a fire in a neighboring municipality which had a mutual assistance arrangement with that institution. A question has arisen as to workmen's compensation coverage for these State employees under the circumstances.

The purpose of this amendment is to remove any doubt regarding the obligation of a State institution to provide compensation for any of its employees who may be injured in the actual performance of fire fighting duty in accordance with rules and regulations promulgated by the institution authorities.

herewith Senate Bill No. 313
h the recommendation that
ill (Official Copy Reprint) as

ne 2, delete the comma after

ne 6, change the words "one
years".

ine 7, delete the period and
*id provided further,* that no
ieretofore been instituted in
ie validity of any such deed,
ment in writing.".

tfully,

'RED E. DRISCOLL,
*Governor.*

*'ecretary to the Governor.*

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)F NEW JERSEY,
UTIVE DEPARTMENT,
May 27, 1952.

.L No 314

on I, paragraph 14(b) of the
urning herewith, for recon-
.ons, Senate Bill No. 314.

lecrees or judgments hereto-
:lose any municipal liens, tax
rtificates, where the plaintiff
quired by R. S. 54:5–99, pro-
ent municipal liens had been
:ncement of the action, if all
ens shall have in fact been
:dings shall heretofore have
:spective the validity of any

Under Senate Bill No. 314 such subsequent municipal liens may have been paid even after entry of the final decree or judgment. It would therefore be difficult for anyone to ascertain the exact status of a foreclosure decree or judgment from the court records, although an interested person might be able to determine from the municipal tax records whether the municipal liens in question had actually been paid. For certainty and convenience, it would be best for the bill to provide that there be some record of such payment in the proceedings themselves.

Accordingly, I am returning herewith Senate Bill No. 314 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, delete the period and insert the following: ", *and provided further,* that an affidavit shall have been filed in the foreclosure proceedings showing that all such subsequent municipal liens had been paid and the date or dates of such payments; *and provided further,* that any such decree or judgment shall be valid in all other respects."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
*Counsel and Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 315

*To the Senate:*

Pursuant to Article V, Section I, paragraph 14(b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 315.

This is one of three bills amending Section 34:15–43 of the Revised Statutes. The bills are: Senate Bills Nos. 298 and 315 and Assembly Bill No. 651. I am returning Senate

Bills Nos. 298 and 315 with recommendations for amendments which will make them consistent. In order to carry out the intent of Senate Bill No. 298 with respect to county fire marshals, I am suggesting an appropriate amendment to carry the necessary provision in the first section of Senate Bill No. 315, and have in a separate message conformed the amendments of Senate Bill No. 298 by striking out all of its first section which deals with the same matter.

In order to carry out the intent of Assembly Bill No. 651, which is to cover persons holding elective office under the Workmen's Compensation Act in the same way as those holding appointive offices, positions and employments are now covered, I am proposing an appropriate amendment to Senate Bill No. 315. In a separate message returning Assembly Bill No. 651 to the House of origin, certain further observations concerning the application of its provisions are set forth.

Accordingly, I am returning herewith Senate Bill No. 315 for reconsideration, and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 10, after the word "institution," insert the following: "and every county fire marshal,".

On page 1, section 1, lines 13 and 14, strike out the words ", but no person holding elective office shall be entitled to compensation. Nor shall any" and insert in lieu thereof the following: ". No".

On page 1, section 1, line 15, after the word "disability" insert the word "shall".

On page 2, section 1, line 21, after the word "firemen," insert the words "or county fire marshals,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
LEON S. MILMED,
*Counsel and Acting Secretary to the Governor.*



STATE OF N
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ASSEMBLY JOINT RESO

*To the General Assembly:*

I am returning herewith, witho
Joint Resolution No. 11 for the fo

By Joint Resolution No. 10, of
1939, the Legislature designate
No. 24 as the "Military Order of t
Highway" as a memorial and i
services of the members of the Mi
Heart.

Assembly Joint Resolution No.
nation for this highway. It de
No. 24 as a freeway to be known a
The resolution contains no repeal
of the route. The State Highw
accordingly, have before him tw
of the Legislature.

I am, accordingly, returning A
No. 11 herewith, without my app

Respectful

[SEAL] ALFI
Attest:
LEON S. MILMED,
*Counsel and Acting Secr*

[SECOND OFFICIAL COPY REPRINT]

# ASSEMBLY, No. 517

L/953 c.414

# STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. JONES

Referred to Committee on Labor and Industries

AN ACT relating to workmen's compensation, and amending section 34:15–43 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

34:15–43. Every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, and every county fire marshal and assistant county fire marshal, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article two of this chapter (sections 34:15–7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability: *provided, however,* that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treat-

ment and hospital services as set forth in section 34:15-15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, county fire marshals or assistant county fire marshals, shall be deemed to include participation in any authorized public showing, exhibition, or parade of said volunteer firemen or marshals either with or without their fire apparatus and to include also the rendering of assistance in case of fire in any political subdivision or territory of another State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

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

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue

squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. This act shall take effect immediately.

amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 2, section 1, delete lines 32 to 35, inclusive, in their entirety and insert in lieu thereof the following: "served by him in any jail, workhouse or penitentiary, the court imposing such sentence of imprisonment to the State Prison may, in its discretion, direct that the sentence to imprisonment in the State Prison shall be served concurrently with the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary and that the prisoner shall be immediately taken to the State Prison by the sheriff, there to serve such sentence to imprisonment in the State Prison and the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary, concurrently, in accordance with law."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
*Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 517

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 517.

The purpose of this bill is to add to the existing law on workmen's compensation, coverage for out-of-State service and for service on federal property by volunteer firemen. The Attorney General reports a similar bill has been enacted in New York. Assembly Bill No. 354, which has been approved and is now Chapter 340 of the Laws of 1953, added assistant county fire marshals to the group of covered firemen. The present bill conflicts with this earlier enactment and an amendment is necessary in order that they may conform.



Accordingly, I am returning here
517 for reconsideration and with t
amendments be made to the bill (C
follows:

Page 1, section 1, line 11, aft
insert the words "and assistar

Page 2, section 1, line 20, del

Page 2, section 1, line 21, a
"or assistant county fire mars

Page 2, section 1, line 22, aft
marshals".

Respectfully,

[SEAL] ALFR
Attest:
RUSSELL E. WATSON, JR.,
*Secretary to the Governor.*

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STATE OF NI
EXECUTIV

ASSEMBLY BILL N

*To the General Assembly:*

Pursuant to Article V, Section I,
State Constitution, I am returning
ation and with my objections, Asse

I am in accord with the object
grant to municipalities establishing
full authority to determine upon
However, the bill requires a tec
clarifying nature.

[redacted]

: to the bill (Second Official Copy

ion 1, delete lines 32 to 35, inclusive, in
l insert in lieu thereof the following:
u any jail, workhouse or penitentiary,
ng such sentence of imprisonment to
may, in its discretion, direct that the
sonment in the State Prison shall be
tly with the balance of the sentence
l by such prisoner in the jail, work-
tiary and that the prisoner shall be
n to the State Prison by the sheriff,
ich sentence to imprisonment in the
the balance of the sentence then being
prisoner in the jail, workhouse or
currently, in accordance with law."

Respectfully,

ALFRED E. DRISCOLL,
*Governor.*

SON, JR.,
*the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

EMBLY BILL No. 517

*bly:*

V, Section I, paragraph 14 (b) of the
m returning herewith, for reconsider-
ections, Assembly Bill No. 517.

bill is to add to the existing law on
ion, coverage for out-of-State service
leral property by volunteer firemen.
l reports a similar bill has been en-
ssembly Bill No. 354, which has been
hapter 340 of the Laws of 1953, added
narshals to the group of covered fire-
conflicts with this earlier enactment
necessary in order that they may con-



Accordingly, I am returning herewith Assembly Bill No. 517 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Page 1, section 1, line 11, after the word "marshal" insert the words "and assistant county fire marshal,".

Page 2, section 1, line 20, delete "or".

Page 2, section 1, line 21, after "marshals" insert "or assistant county fire marshals".

Page 2, section 1, line 22, after "firemen" insert "or marshals".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
*Governor.*
Attest:
RUSSELL E. WATSON, JR.,
*Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 524

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 524.

I am in accord with the object of this measure, i.e., to grant to municipalities establishing a joint municipal court full authority to determine upon the name of the court. However, the bill requires a technical amendment of a clarifying nature.

# ASSEMBLY, No. 494 L1955 c. 102

# STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1955

By Mr. FIELD

Referred to Committee on Labor and Industrial Relations

AN ACT relating to workmen's compensation, and amending section 34:15–43 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

34:15–43. Every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, and every county fire marshal and assistant county fire marshal, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (sections 34:15-7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treat-

ment and hospital services as set forth in section 34:15–15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, county fire marshals or assistant county fire marshals, shall be deemed to include participation in any authorized public drill, showing, exhibition, or parade of said volunteer firemen or marshals either with or without their fire apparatus and to include also the rendering of assistance in case of fire in any political subdivision or territory of another State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

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

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue

squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. This act shall take effect immediately.

CHAPTER 160 LAWS OF N. J. 1956

APPROVED 11/28/56

# ASSEMBLY, No. 409

# STATE OF NEW JERSEY

INTRODUCED APRIL 9, 1956

By Mr. GOFF

Referred to Committee on Labor and Industrial Relations

AN ACT concerning workmen's compensation, and amending sections 34:15–36 and 34:15–43 of the Revised Statutes.

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

1. Section 34:15–36 of the Revised Statutes is amended to read as follows:

34:15–36. Definitions; willful negligence; employer; employee; casual employment.

"Willful negligence" within the intent of this chapter shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury.

"Employer" is declared to be synonymous with master, and includes natural persons, partnerships, and corporations; "employee" is synonymous with servant, and includes all natural persons, *including officers of corporations*, who perform service for [another] *an employer* for financial consideration, exclusive of casual employments, which shall be defined, if in connection with the employer's business, as employment the occasion for which arises by chance or is purely accidental; or if not in connection with any business of the employer, as employment not regular, periodic or recurring; pro

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

vided, however, that forest firewardens and forest fire fighters employed by the State of New Jersey shall, in no event, be deemed casual employees.

A person engaged in the vending, selling or offering for sale or delivering directly to the general public newspapers, magazines or periodicals or acting as sales agent or distributor as an independent contractor of or for any such newspaper, magazine or periodical shall not be considered an employee within the provisions of this chapter.

2. Section 34:15-43 of the Revised Statutes is amended to read as follows:

34:15-43. Every *officer, appointed or elected, and every* employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, *and governing bodies of service districts,* and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, and every county fire marshal and assistant county fire marshal, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (sections 34:15-7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in section 34:15-15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, county fire marshals or assistant county fire marshals, shall be deemed to include participation in any authorized public drill, showing, exhibition, or parade of

said volunteer firemen or marshals either with or without their fire apparatus and to include also the rendering of assistance in case of fire in any political subdivision or territory of another State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

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

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

3. This act shall take effect immediately.

APPROVED 12-16-58
[OFFICIAL COPY REPRINT]

L 1958 c. 149

# ASSEMBLY, No. 11

# STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1958

By Assemblyman BOWKLEY

Referred to Committee on Institutions, Public Health and Welfare

AN ACT concerning workmen's compensation, and amending sections 34:15–43 and 34:15–74 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

34:15–43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker, *including each and every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created,* doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, and every county fire marshal and assistant county fire marshal, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (sections 34:15–7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation

for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in section 34:15–15 of the Revised Statutes.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to active volunteer firemen, county fire marshals or assistant county fire marshals, shall be deemed to include participation in any authorized *construction, installation, alteration, maintenance or repair work upon the premises, apparatus or other equipment owned or used by the fire company, participation in any authorized* public drill, showing, exhibition, or parade of said volunteer firemen or marshals either with or without their fire apparatus and to include also the rendering of assistance in case of fire *and, when authorized, in connection with other events affecting the public health or safety,* in any political subdivision or territory of another State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

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

Every active volunteer, first aid or rescue squad worker, *including every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created,* shall be deemed to be doing public first aid or rescue duty under the control or supervision

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

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

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. Section 34:15-74 of the Revised Statutes is amended to read as follows:

34:15-74. The governing body of every municipality and the committee of every fire district shall provide compensation insurance for volunteer firemen doing public fire duty and volunteer first aid and emergency squad workers doing public first aid and rescue duty under the control or supervision of any commission, council or other governing body of the municipality or any board of fire commissioners of such municipality or of any fire district, and the board of chosen freeholders shall provide compensation insurance for county fire marshals and assistant county fire marshals, within the meaning of section 34:15-43 of this chapter. Such insurance shall provide compensation for every such fireman *or authorized first aid or rescue squad worker* or county fire marshal or assistant county fire marshal who

shall be a member of any first aid or rescue squad created within the fire company of which he is a member *or authorized first aid or rescue squad worker,* or composed of members *and authorized first aid or rescue squad workers* of different fire companies in the same municipality for injuries received while acting in response to any call made upon such squad, for first aid or rescue work, whether such call be made because of a fire or otherwise.

3. This act shall take effect immediately.