

34:2-21.17

LEGISLATIVE HISTORY CHECKLIST

(Junior firemen's auxiliaries--permit member to engage in certain activities that violate child labor laws)

NJSA 34:2-21.17

LAWS 1981

CHAPTER 83

Bill No. A1043

Sponsor(s) Muhler, Bennett and Down

Date Introduced Feb. 21, 1980

Committee: Assembly Labor

Senate Labor, Industry and Professions

Amended during passage  Yes  No

Date of Passage: Assembly Sept. 22, 1980

Senate Feb. 19, 1981

Date of approval March 25, 1981

Following statements are attached if available:

Sponsor statement  Yes  No (Below)

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

Sponsor's statement:

The purpose of this bill is to allow minors 16 years of age or older who are members of a Junior Firemen's Auxiliary, created pursuant to N.J.S. 40A:14-95, to engage in any activities authorized by N.J.S. 40A:14-98.

6/25/81

ASSEMBLY, No. 1043

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Assemblywoman MUHLER, Assemblymen BENNETT and DOWD

Referred to Committee on Labor

AN ACT to amend "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153).

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

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

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

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

8 The manufacture or packing of paints, colors, white lead, or red  
9 lead;

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

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

14 The manufacture, transportation or use of explosives or highly  
15 inflammable substances;

16 Oiling, wiping, or cleaning machinery in motion or assisting  
17 therein;

18 Operation or helping in the operation of power-driven wood-  
19 working machinery; provided, that apprentices operating under  
20 conditions of bona fide apprenticeship may operate such machines  
21 under competent instruction and supervision;

22 Grinding, abrasive, polishing or buffing machines; provided, that  
23 apprentices operating under conditions of bona fide apprentice-  
24 ship may grind their own tools;

- 25 Punch presses or stamping machines if the clearance between the  
26 ram and the dye or the stripper exceeds  $\frac{1}{4}$  inch;
- 27 Cutting machines having a guillotine action;
- 28 Corrugating, crimping or embossing machines;
- 29 Paper lacc machines;
- 30 Dough brakes or mixing machines in bakeries or cracker  
31 machinery;
- 32 Calendar rolls or mixing rolls in rubber manufacturing;
- 33 Centrifugal extractors, or mangles in laundries or dry cleaning  
34 establishments;
- 35 Ore reduction works, smelters, hot rolling mills, furnaces,  
36 foundries, forging shops, or any other place in which the heating,  
37 melting, or heat treatment of metals is carried on;
- 38 Mines or quarries;
- 39 Steam boilers carrying a pressure in excess of 15 pounds;
- 40 Construction work of any kind;
- 41 Fabrication or assembly of ships;
- 42 Operation or repair of elevators or other hoisting apparatus;
- 43 The transportation of payrolls other than within the premises  
44 of the employer.
- 45 No minor under 18 years of age shall be employed, permitted, or  
46 suffered to work in, about, or in connection with any establishment  
47 where alcoholic liquors are distilled, rectified, compounded, brewed,  
48 manufactured, bottled, or are sold for consumption on the premises,  
49 or in a pool or billiard room; provided, however, this section shall  
50 not apply to minors 16 years of age or over, employed as pinsetters  
51 only in public bowling alleys as provided in section 3 hereof. Minors  
52 14 years of age or over may be employed as golf course caddies  
53 and pool attendants.
- 54 No girl under the age of 18 years shall be employed, permitted,  
55 or suffered to work as a messenger in the distribution or delivery  
56 of goods or messages for any person, firm or corporation engaged  
57 in the business of transmitting or delivering goods or messages.
- 58 No minor under 18 years of age shall be employed, permitted, or  
59 suffered to work in any place of employment, or at any occupation  
60 hazardous or injurious to the life, health, safety, or welfare of  
61 such minor, as such occupation shall, from time to time, be de-  
62 termined and declared by the Commissioner of Labor and Industry  
63 to be hazardous or injurious to the life, health, safety, or welfare  
64 of such minors, after a public hearing thereon and after such notice  
65 as the commissioner may by regulation prescribe. None of the  
66 provisions of this section regarding employment in connection with  
67 alcoholic liquors shall be construed to prevent the employment of

68 minors between 16 and 18 years of age or more in a restaurant as  
69 defined in section 1 and as provided for in section 3 of this act,  
70 or in the executive offices, maintenance departments, or pool or  
71 beach areas of a hotel, motel or guesthouse; provided, however,  
72 that no minor shall engage in the preparation, sale or serving of  
73 alcoholic beverages, nor in the sale of cigarettes or other tobacco  
74 products, nor in the preparation or sale of photographs, nor in  
75 any dancing or theatrical exhibition or performance while so em-  
76 ployed.

77 Nothing in this section shall be deemed to apply to the work done  
78 by pupils in public or private schools of New Jersey, under the  
79 supervision and instruction of officers or teachers of such organiza-  
80 tions or schools, or to a child who is at least 17 years of age em-  
81 ployed in the type of work in which he majored under the conditions  
82 of the special vocational school graduate permit provided in  
83 section 15 of this act (C. 34:2-21.15).

84 *Nothing in this section shall be construed to prevent minors*  
85 *16 years of age or older who are members of a Junior Firemen's*  
86 *Auxiliary, created pursuant to N. J. S. 40A:14-95, from engaging*  
87 *in any activities authorized by N. J. S. 40A:14-98.*

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to allow minors 16 years of age or older who are members of a Junior Firemen's Auxiliary, created pursuant to N. J. S. 40A:14-95, to engage in any activities authorized by N. J. S. 40A:14-98.

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1043

STATE OF NEW JERSEY

DATED: JUNE 9, 1980

The Assembly Labor Committee favorably reports this legislation to broaden the permissible duties of 16 and 17 year old members of junior firemen's auxiliaries associated with volunteer fire companies, without strict reference to the many prohibitions of the child labor laws. The kind of activities implicitly disallowed (as exposing such members "to the same degree of hazard as a regular member of a volunteer fire company") would include such extremely hazardous duties as driving apparatus to an emergency, entering burning buildings, administering or working in close proximity to (a) oxygen or other extremely dangerous gases, or to (b) a fire scene where the strong possibility exists for the release of toxic gases, fumes or vapors.

The bill was supported by the New Jersey State League of Municipalities on the grounds that (1) such auxiliaries "are a valuable institution and not only useful in and of themselves, but . . . serve as an ongoing source of recruitment by the volunteer units" and (2) "restrictions placed on the activities of members of such auxiliaries by the child labor laws could well limit activities which they could otherwise appropriately perform." The bill also received the support of the Freehold Independent Fire Company in testimony before the committee.

SENATE LABOR, INDUSTRY AND  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1043

STATE OF NEW JERSEY

DATED: NOVEMBER 10, 1980

This bill would amend the child labor laws to permit minors 16 and 17 years of age to engage in any activities authorized by N. J. S. A. 40A:14-98, the rules and regulations governing activities of Junior Firemen's Auxiliaries.

N. J. S. A. 40A:14-98 states that:

The governing body of the municipality or the board of commissioners of the fire district shall, before authorizing the establishment of any Junior Firemen's Auxiliary, formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the auxiliary for eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or companies affording fire protection therein, and shall further provide that *no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company.* (Emphasis added.)

N. J. S. A. 40A:14-95 permits any municipality or fire district maintaining a volunteer fire department to provide for the establishment of a Junior Firemen's Auxiliary. No person under 16 or over 21 would be eligible for membership in the Junior Firemen's Auxiliary. Permission to join the auxiliary would be required to be obtained from the individual's parent or guardian. Members of the auxiliary would be insured with the same coverage provided regular volunteer firemen.

The child labor laws do not prohibit minors 16 and 17 years of age from becoming junior firemen. N. J. S. A. 34:2-21.17 does, however, prohibit their exposure to "injurious quantities of toxic or noxious dust, gases, vapors or fumes", and their use of "highly inflammable substances" (until recently, the Department of Labor and Industry judged compressed oxygen, carried by firemen, an inflammable substance). In addition, the law prohibits minors 16 and 17 years of age from working at any occupation hazardous or injurious to his or her life, health, safety, or welfare, as judged, from time to time, by the Commissioner of Labor and Industry.

Proponents of the bill look on the Junior Firemen's Auxiliary as providing an apprenticeship for future fire fighters. The "trainees" learn useful fire fighting skills as well as civic pride and community responsibility.

Opponents of the bill see participants in the Junior Firemen's Auxiliary as competition for paid professionals.

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MARCH 26, 1981

KATHRYN FORSYTH OR  
PAT SWEENEY

Governor Brendan Byrne has signed the following bills:

A-711, sponsored by Assemblyman H. James Saxton (R-Burlington), which requires that the operation of solid waste disposal facilities located in or within 1000 feet of any area zoned residential be limited to the hours between 7:00 a.m. and 7:00 p.m.

Resource recovery facilities, baling facilities, transfer stations and recycling facilities are exempt from the restriction and it can also be waived for other facilities if the Department of Environmental Protection determines that the public health, safety or welfare requires such a waiver.

A-1021, sponsored by Assemblyman David C. Schwartz (D-Middlesex), which directs the Department of Labor and Industry to conduct a study to determine the best means to encourage and assist efforts by workers to buy equity in plants that may be closed down by their owners.

Legislative findings have shown that employee stock ownership can, in some cases, save an operation, jobs and contributions to the local economy.

The L&I study must be completed within one year and the Department is also directed to develop a plan for the implementation of its recommendations, propose appropriate legislation and report annually on the formation of employee stock ownership trusts.

A-1043, sponsored by Assemblyman Marie S. Muhler (R-Monmouth), which exempts members of Junior Firemen's Auxiliaries who are between 16 and 18 years of age from certain provisions of the Child Labor Law.

Members of Junior Firemen's Auxiliaries are between 16 and 18 years of age, and, although their function is to complement local volunteer fire departments, regulations provide that no junior fireman can be required to perform duties that would expose him to the same degree of hazard as a regular volunteer fireman.

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However, the Child Labor Law provides that minors shall not be permitted to work in, about, or in connection with various dangerous substances, including fumes, gas and dust that could attend a fire.

This bill exempts the young firemen from the scope of that section of the law, thus leaving the regulation of their safety to the local fire district or municipality.

A-1065, sponsored by Assemblyman Richard James Codey (D-Essex), which designates the third Sunday in January of each year as "Volunteer First Aid and Rescue Squad Day."

S-1251, sponsored by Senator Garrett W. Hagedorn (R-Bergen), which allows a public employee, retired on a disability pension, to enroll in the State Health Benefits Program if that person did not do so upon retirement. Enrollment must occur in a 180-day period after the effective date of the Act.

S-1372, sponsored by Senator John P. Caufield (D-Essex), which will allow cities of the first class (Newark and Jersey City) to levy a tax, up to six percent, on charges for the use of hotel rooms.

The bill will enable Newark to collect local revenues from a hotel which the Port Authority of New York and New Jersey is planning to build and operate at Newark International Airport.

S-1418, sponsored by Senator Frank J. Dodd (D-Essex), which repeals certain redundant, overlapping, unused or unneeded statutes relating to State parks and other environmental conservation matters.

A-72, sponsored by Assemblyman William F. Dowd (R-Monmouth), which permits municipal governing bodies to hold their organization or reorganization meetings on a Sunday, January 1.

A-506, sponsored by Assemblyman Karl Weidel (R-Mercer), which provides that a motor vehicle special learner's permit issued to a handicapped person be valid for nine months rather than the present 90-day period, after such person's seventeenth birthday or until the completion of the road test portion of the license examination, whichever period is shorter.

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