

SENATE, No. 298

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1952

By Mr. McCAY

Referred to Committee on Labor, Industries and Social Welfare

AN ACT concerning workmen's compensation, and amending sections 34:15-43,
34:15-74, 34:15-75 and 34:15-76 of the Revised Statutes.

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

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

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire duty
6 and also each and every active volunteer, first aid or rescue squad worker
7 doing public first aid or rescue duty under the control or supervision of any
8 commission, council or any other governing body of any municipality or any
9 board of fire commissioners of such municipality or of any fire district within
10 the State, and every county fire marshal, who may be injured in line of duty
11 shall be compensated under and by virtue of the provisions of this article
12 and article two of this chapter (sections 34:15-7 et seq.), but no person
13 holding an elective office shall be entitled to compensation. Nor shall any
14 former employee who has been retired on pension by reason of injury or dis-
15 ability be entitled under this section to compensation for such injury or dis-
16 ability; *provided, however*, that such employee, despite retirement, shall,
17 nevertheless, be entitled to the medical, surgical and other treatment and

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

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

24 Every active volunteer fireman shall be deemed to be doing public fire
25 duty under the control or supervision of any such commission, council, gov-
26 erning body, board of fire commissioners or fire district within the meaning of
27 this section, if such control or supervision is provided for by statutes, or if
28 the fire company of which he is a member receives contributions from, or a
29 substantial part of its expenses or equipment are paid for by, the municipal-
30 ity, or board of fire commissioners of the fire district or if such fire company
31 has been or hereafter shall be designated by ordinance as the fire depart-
32 ment of the municipality.

33 Every active volunteer, first aid or rescue squad worker shall be deemed
34 to be doing public first aid or rescue duty under the control or supervision of
35 any such commission, council, governing body, board of fire commissioners
36 or fire district within the meaning of this section if such control or super-
37 vision is provided for by statute, or if the first aid or rescue squad of which
38 he is a member receives or is eligible to receive contributions from, or a sub-
39 stantial part of its expenses or equipment are paid for by, the municipality,
40 or board of fire commissioners of the fire district, or if such first aid or res-
41 cue squad has been or hereafter shall be designated by ordinance as the first
42 aid or rescue squad of the municipality.

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

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

3 34:15-74. The governing body of every municipality and the committee
4 of every fire district shall provide compensation insurance for volunteer
5 firemen doing public fire duty and volunteer first aid and emergency squad
6 workers doing public first aid and rescue duty under the control or super-
7 vision of any commission, council or other governing body of the municipal-
8 ity or any board of fire commissioners of such municipality or of any fire
9 district, and the board of chosen freeholders shall provide compensation in-
10 surance for county fire marshals, within the meaning of section 34:15-43 of
11 this chapter. Such insurance shall provide compensation for every such
12 fireman or county fire marshal who shall be a member of any first aid or
13 rescue squad created within the fire company of which he is a member, or
14 composed of members of different fire companies in the same municipality
15 for injuries received while acting in response to any call made upon such
16 squad, for first aid or rescue work, whether such call be made because of a
17 fire or otherwise.

1 3. Section 34:15-75 of the Revised Statutes is amended to read as
2 follows:

3 34:15-75. Compensation for injury and death, either or both, of any
4 volunteer fireman, county fire marshal, volunteer first aid or rescue squad
5 worker, volunteer driver of any municipally-owned or operated ambulance,
6 or of any forest fire warden or forest fire fighter employed by the State of
7 New Jersey, shall be based upon a weekly salary or compensation conclu-
8 sively presumed to be received by such person in an amount sufficient to en-
9 title him, or, in the event of his death, his dependents, to receive the max-
10 imum compensation by this chapter authorized.

1 4. Section 34:15-76 of the Revised Statutes is amended to read as
2 follows:

3 34:15-76. All payments of compensation to volunteer firemen, county
4 fire marshals, volunteer first aid or rescue squad workers, volunteer drivers
5 of any municipally-owned or operated ambulance shall be governed by and be
6 subject to the provisions of this chapter. The premiums therefor shall be
7 paid from the tax levy, and the insurance shall protect such **[volunteer fire-**
8 **men]** persons from loss by reason of injury or death suffered while engaged
9 in the performance of duty.

1 5. This act shall take effect immediately.

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[OFFICIAL COPY REPRINT]

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STATE OF NEW JERSEY

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9 board of fire commissioners of such municipality or of any fire district within
10 the State, and every county fire marshal, who may be injured in line of duty
11 shall be compensated under and by virtue of the provisions of this article
12 and article two of this chapter (sections 34:15-7 et seq.), but no person
13 holding an elective office shall be entitled to compensation. Nor shall any
14 former employee who has been retired on pension by reason of injury or dis-
15 ability be entitled under this section to compensation for such injury or dis-
16 ability; *provided, however,* that such employee, despite retirement, shall,
17 nevertheless, be entitled to the medical, surgical and other treatment and

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

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

24 Every active volunteer fireman shall be deemed to be doing public fire
25 duty under the control or supervision of any such commission, council, gov-
26 erning body, board of fire commissioners or fire district within the meaning of
27 this section, if such control or supervision is provided for by statutes, or if
28 the fire company of which he is a member receives contributions from, or a
29 substantial part of its expenses or equipment are paid for by, the municipal-
30 ity, or board of fire commissioners of the fire district or if such fire company
31 has been or hereafter shall be designated by ordinance as the fire depart-
32 ment of the municipality.

33 Every active volunteer, first aid or rescue squad worker shall be deemed
34 to be doing public first aid or rescue duty under the control or supervision of
35 any such commission, council, governing body, board of fire commissioners
36 or fire district within the meaning of this section if such control or super-
37 vision is provided for by statute, or if the first aid or rescue squad of which
38 he is a member receives or is eligible to receive contributions from, or a sub-
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8 ity or any board of fire commissioners of such municipality or of any fire
9 district, and the board of chosen freeholders shall provide compensation in-
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11 this chapter. Such insurance shall provide compensation for every such
12 fireman or county fire marshal who shall be a member of any first aid or
13 rescue squad created within the fire company of which he is a member, or
14 composed of members of different fire companies in the same municipality
15 for injuries received while acting in response to any call made upon such
16 squad, for first aid or rescue work, whether such call be made because of a
17 fire or otherwise.

1 3. Section 34:15-75 of the Revised Statutes is amended to read as
2 follows:

3 34:15-75. Compensation for injury and death, either or both, of any
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5 worker, volunteer driver of any municipally-owned or operated ambulance,
6 or of any forest fire warden or forest fire fighter employed by the State of
7 New Jersey, shall be based upon a weekly salary or compensation conclu-
8 sively presumed to be received by such person in an amount sufficient to en-
9 title him, or, in the event of his death, his dependents, to receive the max-
10 imum compensation by this chapter authorized.

1 4. Section 34:15-76 of the Revised Statutes is amended to read as
2 follows:

3 34:15-76. All payments of compensation to volunteer firemen, county
4 fire marshals, volunteer first aid or rescue squad workers, volunteer drivers
5 of any municipally-owned or operated ambulance shall be governed by and be
6 subject to the provisions of this chapter. The premiums therefor shall be
7 paid from the tax levy, and the insurance shall protect such persons from
8 loss by reason of injury or death suffered while engaged in the performance
9 of duty.

1 5. This act shall take effect immediately.

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SENATE, No. 298

STATE OF NEW JERSEY

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By Mr. McCAY

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34:15-75 and 34:15-76 of the Revised Statutes.

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8 ity or any board of fire commissioners of such municipality or of any fire
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13 rescue squad created within the fire company of which he is a member, or
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6 subject to the provisions of this chapter. The premiums therefor shall be
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8 loss by reason of injury or death suffered while engaged in the performance
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N. J. S. A. 11:27-1.2) the widow while in service has a similar bill does not attempt to determine and mother, could exercise the

ing herewith Senate Bill No. 289 with the recommendation that bill (Official Copy Reprint) as

line 5, after the word "living," new sentence: "Where both a survive, and both of them are aw, to the preferences to which would have been entitled, the erence by either of them shall he other to exercise the prefer- st to exercise it remains in the or any county, municipality or l under the provisions of Title 11 i."

ectfully,
LFRED E. DRISCOLL,
Governor.

g Secretary to the Governor.

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

BILL No. 293

ection I, paragraph 14(b) of the returning herewith, for recon- siderations, Senate Bill No. 293.

l No. 18, which I have already section of the Revised Statutes der to avoid vitiating the effect subsequent approval and filing necessary to amend the latter.

Accordingly, I am returning herewith Senate Bill No. 293 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 2, section 1, line 34, after "\$750.00" insert the following: ", except in such municipalities having municipally owned and operated water plants and systems, sewage disposal plants and sewerage systems and electric light and power plants and systems, in which municipalities the mayor's annual salary shall be not more than two thousand five hundred dollars (\$2,500.00) and that of each commissioner not more than two thousand dollars (\$2,000.00)."

Respectfully,

ALFRED E. DRISCOLL,
Governor.

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

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

SENATE BILL No. 298

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the State Constitution, I am returning herewith, for recon- sideration and with my objections, Senate Bill No. 298.

Three bills have been adopted by the Legislature to amend Section 34:15-43 of the Revised Statutes. In order to carry out their respective purposes and to avoid a nulli- fying internal conflict I am returning each of them, two with recommended amendments. The three bills are: Senate Bills Nos. 298 and 315 and Assembly Bill No. 651.

Accordingly, I am returning Senate Bill No. 298 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, strike out "34:15-43,".

On pages 1 and 2, section 1, strike out the entire section.

On page 3, section 2, line 1, change the section number "2" to section number "1".

On page 3, section 3, line 1, change the section number "3" to section number "2".

On page 4, section 4, line 1, change the section number "4" to section number "3".

On page 4, section 5, line 1, change the section number "5" to section number "4".

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:

LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

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

SENATE BILL No. 312

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. 312.

This bill validates deeds or conveyances which have been recorded for one year or longer, if otherwise valid, notwithstanding the absence of, or any informality, imperfection, uncertainty or defect in the acknowledgment or proof of such deeds or conveyances, or the certificate thereof. The bill is obviously intended to simplify the work involved in certifying title to land and to eliminate expensive and troublesome litigation presently necessary to cure defects caused by improper acknowledgments.

The one-year period is, in my opinion, too brief, and there is no proviso relating to proceedings that may have been instituted with respect to the validity of any deed or conveyance.