

Bill S238 ScsAca (SCS/1R)

Session 2020 - 2021



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

Bills and Joint Resolutions Signed by the Governor

Identical Bill Number: A2899

Last Session Bill Number: S3320 A4946

This bill has not been certified by OLS for a fiscal note.

Primary Sponsor:

Singleton, Troy

Sarlo, Paul A.

Murphy, Carol A.

Stanfield, Jean

Schaer, Gary S.

Co-Sponsor:

Bateman, Christopher

Doherty, Michael J.

Bucco, Anthony M.

Greenstein, Linda R.

Oroho, Steven V.

Calabrese, Clinton

Space, Parker

Wirths, Harold J.

DiMaso, Serena

McKnight, Angela V.

Tully, P. Christopher

1/14/2020

Introduced in the Senate, Referred to Senate Law and Public Safety Committee

1/30/2020

Reported from Senate Committee as a Substitute, 2nd Reading

2/10/2020

Passed by the Senate (39-0)

2/13/2020

Received in the Assembly, Referred to Assembly Homeland Security and State Preparedness Committee

10/19/2020

Reported out of Assembly Comm. with Amendments, 2nd Reading

10/29/2020

Substituted for A1106 (ACS)

10/29/2020

Passed by the Assembly (72-0-0)

10/29/2020

Received in the Senate, 2nd Reading on Concurrence

10/29/2020

Passed Senate (Passed Both Houses) (34-0)

11/20/2020

Approved P.L.2020, c.126.

Introduced

(6 pages) [PDF Format](#) [HTML Format](#)

Statement - SLP 1/30/20 SCS

(2 pages) [PDF Format](#) [HTML Format](#)

Senate Committee Substitute

(6 pages) [PDF Format](#) [HTML Format](#)

Statement - AHS 10/19/20 SCS

(2 pages) [PDF Format](#) [HTML Format](#)

Reprint

(6 pages) [PDF Format](#) [HTML Format](#)

Advance Law

(6 pages) [PDF Format](#) [HTML Format](#)

Pamphlet Law

(4 pages) [PDF Format](#) [HTML Format](#)

Committee Voting:

SLP - 1/30/2020 - r/SCS

Yes: 6 No: 0 Not Voting: 0 Abstain: 0

Roll Call

AHS - 10/19/2020 - r/Aca

Yes: 5 No: 0 Not Voting: 0 Abstain: 1

Roll Call

Session Voting:

Sen. 02/10/2020 - 3RDG FINAL PASSAGE

Yes: 39 No: 0 Not Voting: 1

Roll Call

Asm. 10/29/2020 - SUB FOR A-1106

Yes: 0 No: 0 Not Voting: 80 - Voice Vote Passed

Asm. 10/29/2020 - 3RDG FINAL PASSAGE

Yes: 72 No: 0 Not Voting: 8

Roll Call

Sen. 10/29/2020 - CONCUR ASMB AMEND

Yes: 34 No: 0 Not Voting: 6

Roll Call

**indicates synopsis was amended*

CHAPTER 126

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

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

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

Establishment of Junior Firefighters' Auxiliary.

40A:14-95. In any municipality, fire district, regional authority, or county in this State maintaining a fire department, or where there shall exist one or more incorporated fire companies affording fire protection to the municipality, fire district, regional authority, or county with membership serving under the jurisdiction of and with the consent of the municipality, fire district, regional authority, or county, it shall be lawful for the governing body of the municipality, board of commissioners of the fire district, regional authority, or county board of chosen freeholders to provide, by ordinance or resolution, for the establishment of an auxiliary to any fire department or company to be known as the Junior Firefighters' Auxiliary.

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

Membership requirements for Junior Firefighters' Auxiliary.

40A:14-96. a. A person who is not less than 14 or more than 18 years of age shall be eligible for membership in the Junior Firefighters' Auxiliary.

b. Prior to being accepted for membership in the Junior Firefighters' Auxiliary, a person eligible pursuant to subsection a. of this section shall:

(1) obtain permission to join the auxiliary from the person's parents or guardian. Permission shall be granted in writing on a form prescribed by the Commissioner of Community Affairs;

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

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

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

Insurance coverage for members.

40A:14-97. A municipality, fire district, regional authority, or county shall provide members of a Junior Firefighters' Auxiliary established as an auxiliary to a volunteer fire department or to an incorporated volunteer fire company with a minimum amount of workers' compensation insurance.

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

Rules, regulations governing the Junior Firefighters' Auxiliary.

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

(2) The governing body of the municipality, board of commissioners of the fire district, regional authority, or county board of chosen freeholders, before authorizing the establishment of any Junior Firefighters' Auxiliary, shall formulate rules and regulations to govern the activities of the auxiliary in accordance with regulations adopted by the commissioner pursuant to paragraph (1) of this subsection. The rules and regulations shall provide for the training of the auxiliary for eventual membership in the fire department of the municipality, fire district, regional authority, or county or in any fire company affording fire protection therein.

b. If the governing body, board of commissioners, regional authority, or county board of chosen freeholders, as the case may be, provides in the rules and regulations governing the auxiliary that a junior firefighter 16 years of age or older may perform the duties established by the commissioner pursuant to paragraph (1) of subsection a. of this section at training events and emergency incidents, the junior firefighter may perform these duties only if:

(1) the junior firefighter has been appropriately and adequately trained to perform the duties;

(2) the junior firefighter is appropriately and adequately supervised in performing those duties at the training event or emergency incident;

(3) the junior firefighter's parents or guardian has provided written permission allowing the junior firefighter to perform those duties; and

(4) the governing body, board of commissioners, regional authority, or county board of chosen freeholders, as the case may be, provides a minimum amount of workers' compensation insurance for the junior firefighter.

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

(1) attending meetings of the Junior Firefighters' Auxiliary;

(2) receiving instruction;

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

(4) observing firefighting activities, while under supervision.

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

C.34:2-21.17 Prohibited employment.

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

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

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

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

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

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

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

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

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

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

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough brakes or mixing machines in bakeries or cracker machinery;

Calender rolls or mixing rolls in rubber manufacturing;

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

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

Mines or quarries;

Steam boilers carrying a pressure in excess of 15 pounds;

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

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

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

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

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

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

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors 16 years of age or more in a restaurant as defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a public bowling alley as provided in this section, or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production

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where alcoholic beverages are sold on the premises, while so employed; and provided, further, that any minor so employed shall be closely supervised while engaged in the clearing of alcoholic beverages.

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

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

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

6. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Commissioner of Community Affairs shall adopt immediately upon filing with the Office of Administrative Law, regulations that the commissioner deems necessary to implement the provisions of P.L.2020, c.126, which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The commissioner shall thereafter amend, adopt, or readopt the regulations in accordance with P.L.1968, c.410 (C.52:14B-1 et seq.).

7. This act shall take effect immediately.

Approved November 20, 2020.