

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3694**

# **STATE OF NEW JERSEY**

DATED: JANUARY 13, 2014

The Senate Budget and Appropriations committee reports favorably Assembly Bill No. 3694 (1R).

This bill grants public employee status to licensed architects and professional engineers for certain services rendered during and following emergencies without compensation and at the request of public officials. This “Good Samaritan” legislation provides immunity in accordance with procedures established under the “Tort Claims Act” for the licensed architects and professional engineers who volunteer time, expertise, and services to help rebuild communities that have been damaged by disasters, such as hurricanes, fires, and, tornados.

The bill provides licensed architects and professional engineers with public employee status pursuant to the Tort Claims Act and they shall not be personally liable for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission while practicing architecture or engineering following an emergency. In order for the public employee status to apply, the practice of architecture or engineering must be performed:

- (1) voluntarily and without compensation;
- (2) at the request of a public safety official, acting in an official capacity; and
- (3) at the scene of a declared national or State emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event, during or within 90 days following the emergency, or for any extended period as determined by executive order issued by the Governor under the Governor’s emergency executive powers.

As used in the bill, “public safety official” means any appointed or elected federal, State, or local official with executive responsibility to coordinate public safety or law enforcement in the jurisdiction in which the emergency has occurred.

In addition, the public employee status and immunity will not apply, if:

- (1) the architect or professional engineer, or a private entity for which the architect or engineer is employed, has an existing contract

for services with the public entity, other than the State of New Jersey, whose public safety officer made the request for architectural or engineering services;

(2) the architect or professional engineer, or a private entity for which the architect or engineer is employed, enters into any contract for services that involves the performance of any additional architectural or engineering services related to the voluntary, uncompensated services performed for the public entity whose public safety officer made the request for architectural or engineering services; and

(3) the act or omission by the architect or engineer does not require the public entity to defend and indemnify a public employee pursuant to N.J.S.59:10-1 or N.J.S.59:10-2.

As reported, this bill is identical to Senate Bill No. 3131, as also reported by the committee on this date.

**FISCAL IMPACT:**

This bill was not certified as requiring a fiscal note.