ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1106

STATE OF NEW JERSEY

219th LEGISLATURE

ADOPTED OCTOBER 19, 2020

Sponsored by:
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Assemblywoman JEAN STANFIELD
District 8 (Atlantic, Burlington and Camden)
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Assemblymen Calabrese, Space, Wirths, Assemblywomen DiMaso, McKnight and Assemblyman Tully

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Homeland Security and State Preparedness Committee.

(Sponsorship Updated As Of: 10/29/2020)

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:

40A:14-95. In any municipality **[**or**]**, fire district, regional authority, or county in this State maintaining a **[**volunteer**]** fire department, or where there shall exist one or more incorporated **[**volunteer**]** fire companies affording fire protection to **[**said**]** the municipality **[**or**]** , fire district **[**the**]**, regional authority, or county with membership **[**whereof are**]** serving under the jurisdiction of and with the consent of **[**said**]** the municipality **[**or**]** , fire district, regional authority, or county, it shall be lawful for the governing body of **[**such**]** the municipality, **[**or the**]** board of commissioners of **[**such**]** 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 **[**such volunteer**]** fire department or company to be known as the Junior **[**Firemen's**]** Firefighters' Auxiliary.

(cf: P.L.1971, c.197, s.1)

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

40A:14-96. **[**No**]** a. A person **[**shall be eligible for membership in the Junior Firemen's Auxiliary**]** who is not less than 14 or more than **[**21**]** 18 years of age shall be eligible for membership in the Junior Firefighters' Auxiliary. **[**Persons between the ages of 14 and 21**]**

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

(1) obtain permission to join the auxiliary from **[**their**]** the person's parents or guardian. **[**Such permission**]** Permission shall be **[**in writing and acknowledged or proved**]** granted in **[**the manner required by law for deeds to real estate to be recorded**]** 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,

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

Matter underlined thus is new matter.

board of commissioners of the fire district, regional authority, or county board of chosen freeholders pursuant to N.J.S.40A:14-98.
(cf: P.L.1999, c.318, s.1)

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

40A:14-97. A municipality, fire district **[**may**]** , regional authority, or county shall provide members of a Junior **[**Firemen's**]** Firefighters' Auxiliary established as an auxiliary to a volunteer fire department or to an incorporated volunteer fire company **[**within the fire district with the same coverage as provided for the regular volunteer firemen of the fire district under N.J.S. 40A:14-37 and 40A:14-38**]** with a minimum amount of workers' compensation insurance.
(cf: P.L.1979, c.230, s.4)

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

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 **[**or the**]**, board of commissioners of the fire district **[**shall**]** , regional authority, or county board of chosen freeholders, before authorizing the establishment of any Junior **[**Firemen's**]** 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 **[**volunteer**]** fire department of the municipality **[**or**]** , fire district , regional authority, or county 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**]**.

b. If the governing body **[**or**]**, board of commissioners, regional authority, or county board of chosen freeholders, as the case may be, **[**so provide**]** provides in the rules and regulations governing the auxiliary **[**,**]** that a junior **[**fireman**]** firefighter 16 years of age or older may perform **[**non-hazardous support duties at a fire site; provided:**]** 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 【fireman】 firefighter has been appropriately and adequately trained to perform the 【support】 duties;

(2) the junior 【fireman】 firefighter is appropriately and adequately supervised in performing those 【support】 duties at the 【fire site】 training event or emergency incident;

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

(4) the governing body 【or】 , board of commissioners, regional authority, or county board of chosen freeholders, as the case may be, provides a minimum amount of workers' compensation insurance 【coverage】 for the junior 【fireman that is identical to that provided for the regular members of the volunteer fire department or fire district】 firefighter.

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

(1) attending meetings of the Junior 【Firemen's】 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.

(cf: P.L.2011, c.56, s.1)

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

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;

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 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 **[**16**]** 14 years of age or older who are members of a Junior **[**Firemen's**]** 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.

(cf: P.L.1994, c.82, s.3)

6. (New section) 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. , c. (C.) (pending before the Legislature as this bill), 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.