

[First Reprint]

SENATE, No. 1755

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator CARMEN F. AMATO, JR.

District 9 (Ocean)

Co-Sponsored by:

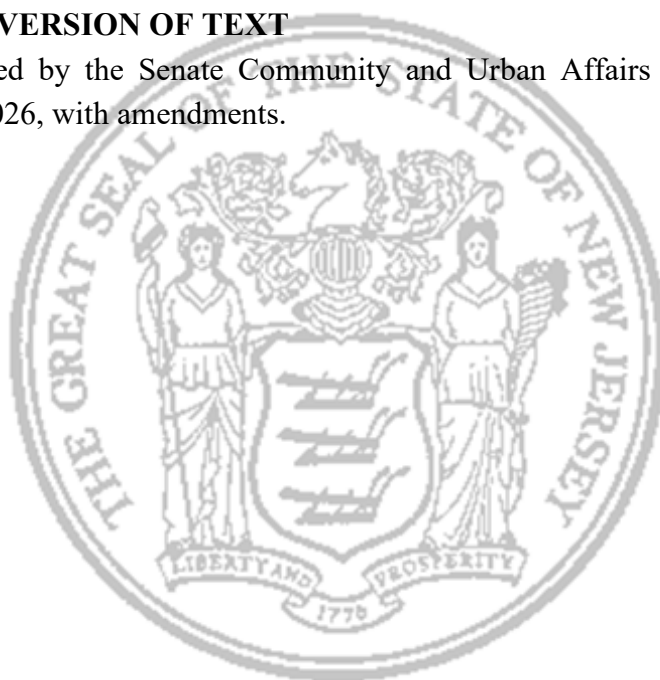
Senators O'Scanlon, Greenstein and Schepisi

SYNOPSIS

Permits inclusion of volunteer firefighters and other emergency responders within municipal eligible employee group for purposes of the small employer health benefits plan statutes.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on October 1, 2026, with amendments.



(Sponsorship Updated As Of: 10/1/2026)

1 AN ACT concerning eligibility for participation in small employer
2 health benefits plans ¹**[and]** ¹amending ¹**[P.L.1992, c.162]**
3 various sections of law, and repealing N.J.S.40A:10-32¹.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 Section 1 of P.L.1992, c.162 (C.17B:27A-17) is amended to
9 read as follows:

10 1. As used in ¹**[this act]** P.L.1992, c.162 (C.17B:27A-17 et
11 seq.)¹:

12 "Actuarial certification" means a written statement by a member
13 of the American Academy of Actuaries or other individual
14 acceptable to the commissioner that a small employer carrier is in
15 compliance with the provisions of section 9 of P.L.1992, c.162
16 (C.17B:27A-25), based upon examination, including a review of the
17 appropriate records and actuarial assumptions and methods used by
18 the small employer carrier in establishing premium rates for
19 applicable health benefits plans.

20 "Anticipated loss ratio" means the ratio of the present value of
21 the expected benefits, not including dividends, to the present value
22 of the expected premiums, not reduced by dividends, over the entire
23 period for which rates are computed to provide coverage. For
24 purposes of this ratio, the present values must incorporate realistic
25 rates of interest which are determined before federal taxes but after
26 investment expenses.

27 "Board" means the board of directors of the program.

28 "Carrier" means any entity subject to the insurance laws and
29 regulations of this State, or subject to the jurisdiction of the
30 commissioner, that contracts or offers to contract to provide,
31 deliver, arrange for, pay for, or reimburse any of the costs of health
32 care services, including an insurance company authorized to issue
33 health insurance, a health maintenance organization, a hospital
34 service corporation, medical service corporation and health service
35 corporation, or any other entity providing a plan of health
36 insurance, health benefits or health services. The term "carrier"
37 shall not include a joint insurance fund established pursuant to State
38 law. For purposes of this act, carriers that are affiliated companies
39 shall be treated as one carrier, except that any insurance company,
40 health service corporation, hospital service corporation, or medical
41 service corporation that is an affiliate of a health maintenance
42 organization located in New Jersey or any health maintenance
43 organization located in New Jersey that is affiliated with an
44 insurance company, health service corporation, hospital service

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted October 1, 2026.

1 corporation, or medical service corporation shall treat the health
2 maintenance organization as a separate carrier.

3 "Church plan" has the same meaning given that term under Title
4 I, section 3 of Pub.L.93-406, the "Employee Retirement Income
5 Security Act of 1974" (29 U.S.C.s.1002(33)).

6 "Commissioner" means the Commissioner of Banking and
7 Insurance.

8 "Community rating" or "community rated" means a rating
9 methodology in which the premium charged by a carrier for all
10 persons covered by a policy or contract form is the same based upon
11 the experience of the entire pool of risks covered by that policy or
12 contract form without regard to age, gender, health status, residence
13 or occupation.

14 "Creditable coverage" means, with respect to an individual,
15 coverage of the individual under any of the following: a group
16 health plan; a group or individual health benefits plan; Part A or
17 part B of Title XVIII of the federal Social Security Act
18 (42 U.S.C. s.1395 et seq.); Title XIX of the federal Social Security
19 Act (42 U.S.C. s.1396 et seq.), other than coverage consisting solely
20 of benefits under section 1928 of Title XIX of the federal Social
21 Security Act (42 U.S.C.s.1396s); chapter 55 of Title 10, United
22 States Code (10 U.S.C. s.1071 et seq.); a medical care program of
23 the Indian Health Service or of a tribal organization; a state health
24 benefits risk pool; a health plan offered under chapter 89 of Title 5,
25 United States Code (5 U.S.C. s.8901 et seq.); a public health plan as
26 defined by federal regulation; a health benefits plan under section
27 **'[5(e)] 2504(e)'**¹ of the "Peace Corps Act" (22 U.S.C. s.2504(e)); or
28 coverage under any other type of plan as set forth by the
29 commissioner by regulation.

30 Creditable coverage shall not include coverage consisting solely
31 of the following: coverage only for accident or disability income
32 insurance, or any combination thereof; coverage issued as a
33 supplement to liability insurance; liability insurance, including
34 general liability insurance and automobile liability insurance;
35 workers' compensation or similar insurance; automobile medical
36 payment insurance; credit only insurance; coverage for on-site
37 medical clinics; coverage, as specified in federal regulation, under
38 which benefits for medical care are secondary or incidental to the
39 insurance benefits; and other coverage expressly excluded from the
40 definition of health benefits plan.

41 "Department" means the Department of Banking and Insurance.

42 "Dependent" means the spouse, domestic partner as defined in
43 section 3 of P.L.2003, c.246 (C.26:8A-3), civil union partner as
44 defined in section 2 of P.L.2006, c.103 (C.37:1-29), or child of an
45 eligible employee, subject to applicable terms of the health benefits
46 plan covering the employee.

47 "Eligible employee" means a full-time employee who works a
48 normal work week of 25 or more hours. The term includes a sole

1 proprietor, a partner of a partnership, or an independent contractor,
2 if the sole proprietor, partner, or independent contractor is included
3 as an employee under a health benefits plan of a small employer,
4 but does not include employees who work less than 25 hours a
5 week, work on a temporary or substitute basis or are participating in
6 an employee welfare arrangement established pursuant to a
7 collective bargaining agreement. For the purposes of P.L.1992,
8 c.162 ¹(C.17B:27A-17 et seq.)¹, "eligible employee" shall also mean
9 members of a volunteer fire company ¹, volunteer fire department,¹
10 or an incorporated volunteer first aid, emergency, rescue, or
11 ambulance squad rendering service generally throughout the
12 municipality who are eligible to receive any of the benefits
13 ¹[under] authorized pursuant to¹ N.J.S.40A:10-26 through
14 N.J.S.40A:10-32 ¹, or members of a volunteer fire company or
15 volunteer fire department affording protection to a fire district who
16 are eligible to receive any of the benefits authorized pursuant to
17 N.J.S.40A:14-37 and 40A:14-38¹.

18 "Enrollment date" means, with respect to a person covered under
19 a health benefits plan, the date of enrollment of the person in the
20 health benefits plan or, if earlier, the first day of the waiting period
21 for such enrollment.

22 "Financially impaired" means a carrier which, after the effective
23 date of this act, is not insolvent, but is deemed by the commissioner
24 to be potentially unable to fulfill its contractual obligations or a
25 carrier which is placed under an order of rehabilitation or
26 conservation by a court of competent jurisdiction.

27 "Governmental plan" has the meaning given that term under Title
28 I, section 3 of Pub.L.93-406, the "Employee Retirement Income
29 Security Act of 1974" (29 U.S.C.s.1002(32)) and any governmental
30 plan established or maintained for its employees by the Government
31 of the United States or by any agency or instrumentality of that
32 government.

33 "Group health plan" means an employee welfare benefit plan, as
34 defined in Title I of section 3 of Pub.L.93-406, the "Employee
35 Retirement Income Security Act of 1974" (29 U.S.C. s.1002(1)), to
36 the extent that the plan provides medical care and including items
37 and services paid for as medical care to employees or their
38 dependents directly or through insurance, reimbursement or
39 otherwise.

40 "Health benefits plan" means any hospital and medical expense
41 insurance policy or certificate; health, hospital, or medical service
42 corporation contract or certificate; or health maintenance
43 organization subscriber contract or certificate delivered or issued
44 for delivery in this State by any carrier to a small employer group
45 pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19). For
46 purposes of this act, "health benefits plan" shall not include one or
47 more, or any combination of, the following: coverage only for

1 accident or disability income insurance, or any combination thereof;
2 coverage issued as a supplement to liability insurance; liability
3 insurance, including general liability insurance and automobile
4 liability insurance; workers' compensation or similar insurance;
5 automobile medical payment insurance; credit-only insurance;
6 coverage for on-site medical clinics; and other similar insurance
7 coverage, as specified in federal regulations, under which benefits
8 for medical care are secondary or incidental to other insurance
9 benefits. Health benefits plan shall not include the following
10 benefits if they are provided under a separate policy, certificate or
11 contract of insurance or are otherwise not an integral part of the
12 plan: limited scope dental or vision benefits; benefits for long-term
13 care, nursing home care, home health care, community-based care,
14 or any combination thereof; and such other similar, limited benefits
15 as are specified in federal regulations. Health benefits plan shall
16 not include hospital confinement indemnity coverage if the benefits
17 are provided under a separate policy, certificate or contract of
18 insurance, there is no coordination between the provision of the
19 benefits and any exclusion of benefits under any group health
20 benefits plan maintained by the same plan sponsor, and those
21 benefits are paid with respect to an event without regard to whether
22 benefits are provided with respect to such an event under any group
23 health plan maintained by the same plan sponsor. Health benefits
24 plan shall not include the following if it is offered as a separate
25 policy, certificate or contract of insurance: Medicare supplemental
26 health insurance as defined under section 1882(g)(1) of the federal
27 Social Security Act (42 U.S.C.s.1395ss(g)(1)); and coverage
28 supplemental to the coverage provided under chapter 55 of Title 10,
29 United States Code (10 U.S.C. s.1071 et seq.); and similar
30 supplemental coverage provided to coverage under a group health
31 plan.

32 "Health status-related factor" means any of the following factors:
33 health status; medical condition, including both physical and mental
34 illness; claims experience; receipt of health care; medical history;
35 genetic information; evidence of insurability, including conditions
36 arising out of acts of domestic violence; and disability.

37 "Late enrollee" means an eligible employee or dependent who
38 requests enrollment in a health benefits plan of a small employer
39 following the initial minimum 30-day enrollment period provided
40 under the terms of the health benefits plan. An eligible employee or
41 dependent shall not be considered a late enrollee if the individual: a.
42 was covered under another employer's health benefits plan at the
43 time he was eligible to enroll and stated at the time of the initial
44 enrollment that coverage under that other employer's health benefits
45 plan was the reason for declining enrollment, but only if the plan
46 sponsor or carrier required such a statement at that time and
47 provided the employee with notice of that requirement and the
48 consequences of that requirement at that time; b. has lost coverage

1 under that other employer's health benefits plan as a result of
2 termination of employment or eligibility, reduction in the number of
3 hours of employment, involuntary termination, the termination of
4 the other plan's coverage, death of a spouse, or divorce or legal
5 separation; and c. requests enrollment within 90 days after
6 termination of coverage provided under another employer's health
7 benefits plan. An eligible employee or dependent also shall not be
8 considered a late enrollee if the individual is employed by an
9 employer which offers multiple health benefits plans and the
10 individual elects a different plan during an open enrollment period;
11 the individual had coverage under a COBRA continuation provision
12 and the coverage under that provision was exhausted and the
13 employee requests enrollment not later than 30 days after the date
14 of exhaustion of COBRA coverage; or if a court of competent
15 jurisdiction has ordered coverage to be provided for a spouse or
16 minor child under a covered employee's health benefits plan and
17 request for enrollment is made within 30 days after issuance of that
18 court order.

19 "Medical care" means amounts paid: (1) for the diagnosis, care,
20 mitigation, treatment, or prevention of disease, or for the purpose of
21 affecting any structure or function of the body; and (2)
22 transportation primarily for and essential to medical care referred to
23 in (1) above.

24 "Member" means all carriers issuing health benefits plans in this
25 State on or after the effective date of this act.

26 "Multiple employer arrangement" means an arrangement
27 established or maintained to provide health benefits to employees
28 and their dependents of two or more employers, under an insured
29 plan purchased from a carrier in which the carrier assumes all or a
30 substantial portion of the risk, as determined by the commissioner,
31 and shall include, but is not limited to, a multiple employer welfare
32 arrangement, or MEWA, multiple employer trust or other form of
33 benefit trust.

34 "Plan of operation" means the plan of operation of the program
35 including articles, bylaws and operating rules approved pursuant to
36 section 14 of P.L.1992, c.162 (C.17B:27A-30).

37 "Plan sponsor" has the meaning given that term under Title I of
38 section 3 of Pub.L.93-406, the "Employee Retirement Income
39 Security Act of 1974" (29 U.S.C.s.1002(16)(B)).

40 "Preexisting condition exclusion" means, with respect to
41 coverage, a limitation or exclusion of benefits relating to a
42 condition based on the fact that the condition was present before the
43 date of enrollment for that coverage, whether or not any medical
44 advice, diagnosis, care, or treatment was recommended or received
45 before that date. Genetic information shall not be treated as a
46 preexisting condition in the absence of a diagnosis of the condition
47 related to that information.

1 "Program" means the New Jersey Small Employer Health
2 Benefits Program established pursuant to section 12 of P.L.1992,
3 c.162 (C.17B:27A-28).

4 "Small employer" means, in connection with a group health plan
5 with respect to a calendar year and a plan year, any person, firm,
6 corporation, partnership, or political subdivision that is actively
7 engaged in business that employed an average of at least two but
8 not more than 50 eligible employees on business days during the
9 preceding calendar year and who employs at least two employees
10 on the first day of the plan year, and the majority of the employees
11 are employed in New Jersey. All persons treated as a single
12 employer under subsection (b), (c), (m) or (o) of section 414 of the
13 Internal Revenue Code of 1986 (26 U.S.C.s.414) shall be treated as
14 one employer. Subsequent to the issuance of a health benefits plan
15 to a small employer and for the purpose of determining continued
16 eligibility, the size of a small employer shall be determined
17 annually. Except as otherwise specifically provided, provisions of
18 P.L.1992, c.162 (C.17B:27A-17 et seq.) that apply to a small
19 employer shall continue to apply at least until the plan anniversary
20 following the date the small employer no longer meets the
21 requirements of this definition. In the case of an employer that was
22 not in existence during the preceding calendar year, the
23 determination of whether the employer is a small or large employer
24 shall be based on the average number of employees that it is
25 reasonably expected that the employer will employ on business
26 days in the current calendar year. Any reference in P.L.1992, c.162
27 (C.17B:27A-17 et seq.) to an employer shall include a reference to
28 any predecessor of such employer. For the purposes of determining
29 the size of an employer, members of a volunteer fire company or an
30 incorporated volunteer first aid, emergency, rescue, or ambulance
31 squad rendering service generally throughout a municipality who
32 are eligible to receive any of the benefits ¹ [under] authorized
33 pursuant to¹ N.J.S.40A:10-26 through N.J.S.40A:10-32 ¹, or
34 members of a volunteer fire company or volunteer fire department
35 affording protection to a fire district who are eligible to receive any
36 of the benefits authorized pursuant to N.J.S.40A:14-37 and 40A:14-
37 38,¹ shall not be counted as employees of the employer.

38 "Small employer carrier" means any carrier that offers health
39 benefits plans covering eligible employees of one or more small
40 employers.

41 "Small employer health benefits plan" means a health benefits
42 plan for small employers approved by the commissioner pursuant to
43 section 17 of P.L.1992, c.162 (C.17B:27A-33).

44 "Stop loss" or "excess risk insurance" means an insurance policy
45 designed to reimburse a self-funded arrangement of one or more
46 small employers for catastrophic, excess or unexpected expenses,
47 wherein neither the employees nor other individuals are third party
48 beneficiaries under the insurance policy. In order to be considered

1 stop loss or excess risk insurance for the purposes of P.L.1992,
2 c.162 (C.17B:27A-17 et seq.), the policy shall establish a per person
3 attachment point or retention or aggregate attachment point or
4 retention, or both, which meet the following requirements:

5 a. If the policy establishes a per person attachment point or
6 retention, that specific attachment point or retention shall not be
7 less than \$20,000 per covered person per plan year; and

8 b. If the policy establishes an aggregate attachment point or
9 retention, that aggregate attachment point or retention shall not be
10 less than 125% of expected claims per plan year.

11 "Supplemental limited benefit insurance" means insurance that is
12 provided in addition to a health benefits plan on an indemnity non-
13 expense incurred basis.

14 (cf: P.L.2009, c.293, s.2)

15
16 ¹2. N.J.S.40A:10-27 is amended to read as follows:

17 In addition to the insurance required pursuant to the provisions
18 of chapter 15 of Title 34 of the Revised Statutes and the coverage
19 provided in N.J.S.40A:10-26, the governing body of a municipality,
20 in which an incorporated volunteer first aid, emergency, rescue, or
21 ambulance squad or squads exist rendering service generally
22 throughout the municipality, may:

23 a. Effect and maintain group accidental death and
24 dismemberment, hospitalization, medical, surgical, major medical
25 expenses, or health and accident insurance with any insurance
26 company authorized to do business in New Jersey, or with a
27 nonprofit hospital service or medical service corporation with
28 respect to the benefits which they are authorized to provide, which
29 is determined to be necessary or desirable for the protection, safety,
30 and welfare of the members of an incorporated volunteer first aid,
31 emergency, rescue, or ambulance squad that are eligible to receive
32 benefits pursuant to N.J.S.40A:10-28;

33 b. Effect and maintain a contract or contracts to provide drug
34 prescription or other health care benefits which are determined to be
35 necessary or desirable for the protection, safety and welfare of the
36 members of an incorporated volunteer first aid, emergency, rescue,
37 or ambulance squad;

38 c. In the discretion of the governing body of the municipality,
39 **【appropriate and pay all or any】** the municipality may assume a
40 portion of the cost of such insurance or contract, or both. At
41 minimum, a volunteer member eligible, pursuant to N.J.S.40A:10-
42 28, to receive the benefits authorized pursuant to this section shall
43 be required to contribute towards the cost thereof according to the
44 following schedule:

45 (1) individual coverage or its equivalent: 4.5 percent of the cost
46 of the benefit;

1 (2) volunteer plus child coverage, or volunteer plus spouse or
2 partner coverage, or its equivalent: 3.5 percent of the cost of the
3 benefit; or

4 (3) family coverage or its equivalent: three percent of the cost of
5 the benefit.

6 In the discretion of the governing body of the municipality, the
7 volunteer member may be required to pay the entirety of the cost of
8 benefits authorized pursuant to this section, or a greater portion of
9 the cost than the minimum required pursuant to this subsection.

10 d. The governing body of the municipality shall have the
11 discretion to offer only individual coverage or its equivalent to a
12 volunteer member eligible, pursuant to N.J.S.40A:10-28, to receive
13 benefits authorized pursuant to this section.¹

14 (cf: N.J.S.40A:10-27)

15
16 ¹3. N.J.S.40A:10-28 is amended to read as follows:

17 a. For the purposes of N.J.S.40A:10-28:

18 "Active emergency service" means participation in the volunteer
19 first aid, emergency, rescue, or ambulance squad on a consistent
20 and uniform basis, and accumulating a minimum number of credits
21 that are granted in accordance with a schedule adopted by the
22 governing body of the municipality pursuant to subsection d. of this
23 section.

24 "Active volunteer member" means a person who has been
25 designated by the governing board of an incorporated volunteer first
26 aid, emergency, rescue, or ambulance squad and who is faithfully
27 and actually performing volunteer service in that organization.

28 "Standby" means a line of duty activity of the volunteer first aid,
29 emergency, rescue, or ambulance squad that lasts for no less than
30 four hours and is not classified as another activity specified in the
31 schedule adopted pursuant to subsection d. of this section.

32 b. A member of any incorporated volunteer first aid, emergency,
33 rescue, or ambulance squad shall not be ineligible to receive any of
34 the benefits under N.J.S.40A:10-26 and N.J.S.40A:10-27 because
35 **[he]** the member may otherwise receive any form of compensation
36 or salary from the municipality, except that a volunteer member shall
37 not be eligible if such benefits are otherwise provided as part of the
38 member's employment with the municipality.

39 c. To be eligible to receive any of the benefits authorized
40 pursuant to N.J.S.40A:10-27, a member of an incorporated
41 volunteer first aid, emergency, rescue, or ambulance squad shall be
42 required to be an active volunteer member and have provided active
43 emergency service during the previous 12-month period.

44 d. Credits shall be granted to individuals who are members of
45 volunteer first aid, emergency, rescue, or ambulance squads for
46 activities designated by the governing body of the municipality,
47 which may include the following:

48 (1) training courses;

- 1 (2) drills or training exercises;
- 2 (3) sleep-in or standby;
- 3 (4) completion of a one-year elected or appointed position in the
- 4 organization;
- 5 (5) election as a delegate to an emergency service convention;
- 6 (6) attendance at official meetings of the municipal governing
- 7 body;
- 8 (7) participation in emergency responses; or
- 9 (8) miscellaneous activities, designated by the governing body,
- 10 including participation in other non-emergency first aid or rescue
- 11 activities not otherwise enumerated.

12 If a municipality has established a length of service award
13 program, as defined in section 2 of P.L.1997, c.388 (C.40A:14-
14 184), the schedule adopted by governing body for the purposes of
15 length of service award program eligibility shall serve as the
16 schedule for establishing eligibility to receive benefits authorized
17 pursuant to N.J.S.40A:10-27 unless the governing body adopts a
18 more stringent schedule for purposes of receiving benefits
19 authorized pursuant to N.J.S.40A:10-27.

20 e. For purposes of establishing eligibility to receive benefits
21 authorized pursuant to N.J.S.40A:10-27, an incorporated volunteer
22 first aid, emergency, rescue, or ambulance squad shall annually
23 furnish to the municipality a certified list of all volunteer members,
24 which shall identify active volunteer members having provided
25 active emergency service during the previous 12-month period. The
26 municipality shall review the annual certification list and approve
27 the final annual certification. The approved list of certified active
28 volunteer members shall be returned to each respective incorporated
29 volunteer first aid, emergency, rescue, or ambulance squad and
30 posted in a public area within the building used by the incorporated
31 volunteer first aid, emergency, rescue, or ambulance squad for no
32 less than 30 days for review by all volunteer members of the
33 incorporated volunteer first aid, emergency, rescue, or ambulance
34 squad.

35 f. The volunteer first aid, emergency, rescue, or ambulance
36 squad shall maintain all records upon which the annual certification
37 list is based in such a form as may be prescribed by the
38 municipality and the Director of the Division of Local Government
39 Services. Records maintained pursuant to this subsection, along
40 with any other information concerning the annual certification list,
41 shall be provided to the municipality or the director upon written
42 request.

43 g. A member whose name does not appear on the approved
44 certification list of a volunteer first aid, emergency, rescue, or
45 ambulance squad may appeal in writing to the municipal clerk
46 within 30 days of posting of the list. The municipality shall
47 investigate a member's appeal. The decision of a volunteer first

1 aid, emergency, rescue, or ambulance squad shall be subject to
2 appropriate judicial review.

3 h. Notwithstanding the provisions of this section, an active
4 volunteer member may, in writing to the municipal clerk, waive
5 benefits authorized pursuant to N.J.S.40A:10-27. A waiver shall
6 remain in effect until withdrawn in writing to the municipal clerk
7 and coverage is established. The municipal clerk shall maintain a
8 list of active volunteer members that have waived benefits
9 authorized pursuant to N.J.S.40A:10-27 as an addendum to the
10 annual certification list required to be submitted pursuant to
11 subsection e. of this section. No active volunteer members shall be
12 eligible to receive payment in exchange for a waiver of benefits.

13 i. Notwithstanding the provisions of this section, the governing
14 body of a municipality may require a new active volunteer member
15 to provide active emergency service for a period of greater than 12
16 months before becoming eligible to receive benefits authorized
17 pursuant to N.J.S.40A:10-27.

18 j. In addition to any other penalties provided by law, any
19 volunteer member who knowingly misrepresents their eligibility to
20 receive benefits authorized pursuant to N.J.S.40A:10-27, any person
21 who knowingly misrepresents the credit earned, pursuant to
22 subsection d. of this section, by a volunteer, or who knowingly
23 includes an individual on an annual certification list, as required to
24 be submitted pursuant to subsection e. of this section, who is not an
25 active volunteer member who provided active emergency service
26 during the previous 12 months, shall forfeit all benefits to which the
27 member may be entitled pursuant to P.L. , c. (pending before
28 the Legislature as this bill) and P.L.1997, c.388 (C.40A:14-183 et
29 seq.), and be prohibited from serving in a volunteer or paid position
30 within any emergency service organization, as defined in section 2
31 of P.L.1997, c.388 (C.40A:14-184), in this State.¹

32 (cf: N.J.S.40A:10-28)

33
34 ¹4. N.J.S.40A:10-30 is amended to read as follows:

35 In addition to the insurance required pursuant to the provisions of
36 chapter 15 of Title 34 of the Revised Statutes and the coverage
37 provided in N.J.S.40A:10-29, a municipality maintaining a volunteer
38 fire department or in which there are one or more incorporated
39 volunteer fire companies may:

40 a. Effect and maintain group accidental death and
41 dismemberment, hospitalization, medical, surgical, major medical
42 expenses, or health and accident insurance with any insurance
43 company authorized to do business in New Jersey, or with a nonprofit
44 hospital service or medical service corporation with respect to the
45 benefits which they are authorized to provide, which is determined to
46 be necessary or desirable for the protection, safety and welfare of the
47 members of the volunteer fire department or the members of the

1 incorporated volunteer fire companies that are eligible to receive
2 benefits pursuant to N.J.S.40A:10-31;

3 b. Effect and maintain a contract or contracts to provide drug
4 prescription or other health care benefits which is determined to be
5 necessary or desirable for the protection, safety and welfare of the
6 members of the volunteer fire department or members of an
7 incorporated volunteer fire company;

8 c. In the discretion of the governing body of the municipality,
9 **【appropriate and pay all or any】** the municipality may assume a
10 portion of the costs of such insurance or contract, or both. At
11 minimum, a volunteer member eligible, pursuant to N.J.S.40A:10-28,
12 to receive benefits authorized pursuant to this section shall be required
13 to contribute towards the cost thereof pursuant to the following
14 schedule:

15 (1) individual coverage or its equivalent: 4.5 percent of the cost of
16 the benefit;

17 (2) volunteer plus child coverage or volunteer plus spouse or
18 partner coverage, or its equivalent: 3.5 percent of the cost of the
19 benefit; or

20 (3) family coverage or its equivalent: three percent of the cost of
21 the benefit.

22 In the discretion of the governing body of the municipality, the
23 volunteer member may be required to pay the entirety of the cost of
24 the benefits authorized pursuant to this section, or a greater portion of
25 the cost than the minimum required pursuant to this subsection.

26 d. The governing body of the municipality shall have the
27 discretion to offer only individual coverage or its equivalent to a
28 volunteer member eligible, pursuant to N.J.S.40A:10-28, to receive
29 benefits authorized pursuant to this section.¹

30 (cf: N.J.S.40A:10-30)

31
32 ¹5. N.J.S.40A:10-31 is amended to read as follows:

33 a. For the purposes of N.J.S.40A:10-31:

34 "Active emergency service" means participation in the volunteer
35 fire department or incorporated volunteer fire company on a consistent
36 and uniform basis, and accumulating a minimum number of credits
37 that are granted in accordance with a schedule adopted by the
38 governing body of the municipality pursuant to subsection d. of this
39 section.

40 "Active volunteer member" means a person who has been
41 designated by the governing board of a volunteer fire department or
42 incorporated volunteer fire company and who is faithfully and actually
43 performing volunteer service in that organization.

44 "Standby" means a line of duty activity of the volunteer fire
45 department or incorporated volunteer fire company that lasts for no
46 less than four hours and is not classified as another activity specified in
47 the schedule adopted pursuant to subsection d. of this section.

1 b. A volunteer ~~【fireman】~~ firefighter shall not be ineligible to
2 receive any of the benefits under N.J.S.40A:10-29 and N.J.S.40A:10-
3 30 because 【he】 the firefighter may otherwise receive any form of
4 compensation or salary from the municipality, except that a volunteer
5 member shall not be eligible if the benefits are otherwise provided as
6 part of the member's employment with the municipality.

7 c. To be eligible to receive any of the benefits authorized pursuant
8 to N.J.S.40A:10-30, a volunteer firefighter is required to have been an
9 active volunteer member and have provided active emergency service
10 during the previous 12-month period.

11 d. Credits shall be granted to individuals who are members of a
12 volunteer fire department or incorporated volunteer fire company for
13 activities designated by the governing body of the municipality, which
14 activities may include the following:

15 (1) training courses;

16 (2) drills;

17 (3) sleep-in or standby;

18 (4) completion of a one-year elected or appointed position in the
19 organization;

20 (5) election as a delegate to a firefighter convention;

21 (6) attendance at official meetings of the municipal governing
22 body;

23 (7) participation in emergency responses; or

24 (8) miscellaneous activities including participation in other non-
25 emergency fire activities not otherwise listed.

26 If a municipality has established a length of service award
27 program, as defined in section 2 of P.L.1997, c.388 (C.40A:14-
28 184), the schedule adopted by governing body for the purposes of
29 length of service award program eligibility shall serve as the
30 schedule for establishing eligibility to receive benefits authorized
31 pursuant to N.J.S.40A:10-30 unless the governing body adopts a
32 more stringent schedule for purposes of receiving benefits
33 authorized pursuant to N.J.S.40A:10-30.

34 e. For purposes of establishing eligibility to receive benefits
35 authorized pursuant to N.J.S.40A:10-30, a volunteer fire department or
36 incorporated volunteer fire company shall furnish, annually, to the
37 municipality a certified list of all volunteer members, which shall
38 identify active volunteer members having provided active emergency
39 service during the previous 12-month period. The municipality shall
40 review the annual certification list and approve the final annual
41 certification. The approved list of certified active volunteer members
42 shall then be returned to each volunteer fire department or
43 incorporated volunteer fire company and posted in a public area within
44 the building used by the volunteer fire department or incorporated
45 volunteer fire company for no less than 30 days for review by all
46 volunteer members of the department or company.

47 f. The volunteer fire department or incorporated volunteer fire
48 company shall maintain all records upon which the annual certification

1 list is based in such a form as may be prescribed by the municipality
2 and the Director of the Division of Local Government Services.
3 Records maintained pursuant to this section, along with any other
4 information concerning the annual certification list, shall be provided
5 to the municipality or the director upon written request.

6 g. A member whose name does not appear on the approved
7 certification list of a volunteer fire department or incorporated
8 volunteer fire company may appeal in writing to the municipal clerk
9 within 30 days of posting of the list. The municipality shall
10 investigate a member's appeal. The decision of a volunteer fire
11 department or incorporated volunteer fire company shall be subject to
12 appropriate judicial review.

13 h. Notwithstanding the provisions of this section, an active
14 volunteer member may, in writing to the municipal clerk, waive
15 benefits authorized pursuant to N.J.S.40A:10-30. A waiver shall
16 remain in effect until withdrawn in writing to the municipal clerk and
17 coverage is established. The municipal clerk shall maintain a list of
18 active volunteer members that have waived benefits authorized
19 pursuant to N.J.S.40A:10-30 as an addendum to the annual
20 certification list required to be submitted pursuant to subsection e. of
21 this section. No active volunteer members shall be eligible to receive
22 payment in exchange for a waiver of benefits.

23 i. Notwithstanding the provisions of this section, the governing
24 body of a municipality may require a new active volunteer member to
25 provide active emergency service for a period of greater than 12
26 months before becoming eligible to receive benefits authorized
27 pursuant to N.J.S.40A:10-30.

28 j. In addition to any other penalties provided by law, any volunteer
29 member who knowingly misrepresents their eligibility to receive
30 benefits authorized pursuant to N.J.S.40A:10-30, any person who
31 knowingly misrepresents the credit earned, pursuant to subsection d. of
32 this section, by a volunteer, or who knowingly includes an individual
33 on an annual certification list, as required to be submitted pursuant to
34 subsection e. of this section, who is not an active volunteer member
35 who provided active emergency service during the previous 12
36 months, shall forfeit all benefits to which they may be entitled
37 pursuant to P.L. , c. (pending before the Legislature as this bill)
38 and P.L.1997, c.388 (C.40A:14-183 et seq.), and be prohibited from
39 serving in a volunteer or paid position within any emergency service
40 organization, as defined in section 2 of P.L.1997, c.388 (C.40A:14-
41 184), in this State.¹

42 (cf: N.J.S.40A:10-31)

43
44 ¹6. N.J.S.40A:14-38 is amended to read as follows:

45 a. For purposes of N.J.S.40A:14-38:

46 "Active volunteer member" means a person who has been
47 designated by the governing board of a volunteer fire department or

1 incorporated volunteer fire company and who is faithfully and actually
2 performing volunteer service in that organization.

3 "Active emergency service" means participation in the volunteer
4 fire department or incorporated volunteer fire company on a consistent
5 and uniform basis, and accumulating a minimum number of credits
6 that are granted in accordance with a schedule adopted by the board of
7 fire commissioners pursuant to subsection d. of this section.

8 "Standby" means a line of duty activity of the volunteer fire
9 department or incorporated volunteer fire company that lasts for no
10 less than four hours and is not classified as another activity specified in
11 the schedule adopted pursuant to subsection d. of this section.

12 b. In any fire district in this State maintaining a volunteer fire
13 department, or wherein there shall exist one or more incorporated
14 volunteer fire companies affording fire protection to said fire district, it
15 shall be lawful for the board of commissioners of such fire district, in
16 addition to the insurance provided in N.J.S.40A:14-37, to effect,
17 maintain and continue any and all forms of insurance covering the
18 members of said volunteer fire department or incorporated volunteer
19 fire company or companies, including group accidental death and
20 dismemberment, hospitalization, medical, surgical, major medical
21 expenses, or health and accident insurance with any insurance
22 company authorized to do business in New Jersey, or with a nonprofit
23 hospital service or medical service corporation with respect to the
24 benefits which they are authorized to provide, a contract or contracts
25 to provide drug prescription or other health care benefits, which the
26 board of fire commissioners may determine to be necessary or
27 desirable for the protection, safety and welfare of the members, and for
28 the protection and safety of the equipment and apparatus of said
29 volunteer fire department, or incorporated volunteer fire company or
30 companies, or for the protection of said fire district, or against liability
31 for its negligence and that of its officers, employees or servants,
32 whether or not compensated or part-time, who is authorized to perform
33 any act or service, but not including an independent contractor within
34 the limitations of the "New Jersey Tort Claims Act" (C.59:1-1, et
35 seq.), and by resolution, to appropriate from time to time, and pay,
36 such sums of money as may be required to cover such portion of the
37 premiums and costs of said insurance[, or such portion of the same] as
38 said board of fire commissioners, in its discretion, may consider proper
39 and advisable subject to N.J.S.40A:14-39.

40 c. To be eligible to receive any of the benefits authorized pursuant
41 to subsection b. of this section, a volunteer firefighter shall be required
42 to have been an active volunteer member and have provided active
43 emergency service during the previous 12-month period.

44 d. Credits shall be granted to volunteer firefighters for activities
45 designated by the board of fire commissioners, which may include the
46 following:

47 (1) training courses;

48 (2) drills;

1 (3) sleep-in or standby;

2 (4) completion of a one-year elected or appointed position in the
3 organization;

4 (5) election as a delegate to a firefighter convention;

5 (6) attendance at official meetings of the municipal governing
6 body;

7 (7) participation in emergency responses; or

8 (8) miscellaneous activities including participation in other non-
9 emergency fire activities not otherwise listed.

10 If a fire district has established a length of service award program,
11 as defined in section 2 of P.L.1997, c.388 (C.40A:14-184), the
12 schedule adopted by governing body for the purposes of length of
13 service award program eligibility shall serve as the schedule for
14 establishing eligibility to receive benefits authorized pursuant to this
15 section unless the board of fire commissioners adopts a more stringent
16 schedule for purposes of receiving benefits authorized pursuant to this
17 section.

18 e. For purposes of establishing eligibility to receive benefits
19 authorized pursuant to subsection b. of this section, a volunteer fire
20 department or incorporated volunteer fire company shall furnish,
21 annually, to the fire district, a certified list of all volunteer members,
22 which shall identify active volunteer members having provided active
23 emergency service during the previous 12-month period. The fire
24 district shall review the annual certification list and approve the final
25 annual certification. The approved list of certified active volunteer
26 members shall then be returned to each volunteer fire department or
27 incorporated volunteer fire company and posted in a public area within
28 the building used by the volunteer fire department or incorporated
29 volunteer fire company for no less than 30 days for review by all
30 volunteer members of the department or company.

31 f. The volunteer fire department or incorporated volunteer fire
32 company shall maintain all records upon which the annual certification
33 list is based in such a form as may be prescribed by the fire district and
34 the Director of the Division of Local Government Services. Records
35 maintained pursuant to this subsection, along with any other
36 information concerning the annual certification list, shall be provided
37 to the fire district or the Director of the Division of Local Government
38 Services upon written request.

39 g. A member whose name does not appear on the approved
40 certification list of a volunteer fire department or incorporated
41 volunteer fire company may appeal in writing to the board of fire
42 commissioners within 30 days of posting of the list. The decision of a
43 volunteer fire department or incorporated volunteer fire company shall
44 be subject to appropriate judicial review.

45 h. Notwithstanding the provisions of this section, an active
46 volunteer member may, in writing to the board of fire commissioners,
47 waive benefits authorized pursuant to subsection b. of this section. A
48 waiver shall remain in effect until withdrawn in writing to the board of

1 fire commissioners and coverage is established. The board of fire
2 commissioners shall maintain a list of active volunteer members that
3 have waived benefits authorized pursuant to N.J.S.40A:10-30 as an
4 addendum to the annual certification list required to be submitted
5 pursuant to subsection e. of this section. No active volunteer members
6 shall be eligible to receive payment in exchange for a waiver of
7 benefits.

8 i. At minimum, an active volunteer member eligible for the
9 benefits authorized pursuant to subsection b. of this section shall be
10 required to contribute towards the cost of such insurance or contract,
11 or both, pursuant to the following schedule:

12 (1) individual coverage or its equivalent: 4.5 percent of the cost of
13 the benefit;

14 (2) volunteer plus child coverage or volunteer plus spouse or
15 partner coverage, or its equivalent: 3.5 percent of the cost of the
16 benefit; or

17 (3) family coverage or its equivalent: three percent of the cost of
18 the benefit.

19 In the discretion of the board of fire commissioners, the volunteer
20 member may be required to pay the entirety of the cost of the benefits
21 authorized pursuant to this section, or a greater portion of the cost than
22 the minimum required pursuant to this subsection. The board of fire
23 commissioners shall also have the discretion offer only individual
24 coverage or its equivalent to a volunteer member eligible to receive
25 benefits authorized pursuant to this section.

26 j. Notwithstanding the provisions of this section, the board of fire
27 commissioners may require a new active volunteer member to provide
28 active emergency service for a period of greater than 12 months before
29 becoming eligible to receive benefits authorized pursuant to subsection
30 b. of this section.

31 k. In addition to any other penalties provided by law, any
32 volunteer member who knowingly misrepresents their eligibility to
33 receive benefits authorized pursuant to subsection b. of this section,
34 any person who knowingly misrepresents the credit earned by a
35 volunteer according to the schedule adopted pursuant to subsection d.
36 of this section or who knowingly includes an individual on an annual
37 certification list, required to be submitted pursuant to subsection e. of
38 this section, who is not an active volunteer member who provided
39 active emergency service during the previous 12 months, shall forfeit
40 all benefits to which they may be entitled pursuant to
41 P.L. , c. (pending before the Legislature as this bill) and P.L.1997,
42 c.388 (C.40A:14-183 et seq.), and be prohibited from serving in a
43 volunteer or paid position within any emergency service organization,
44 as defined in section 2 of P.L.1997, c.388 (C.40A:14-184) in this
45 State.¹

46 (cf: P.L.1979, c.230, s.3)

47
48 ¹7. N.J.S.40A:14-39 is amended to read as follows:

1 No member of any volunteer fire department or of any
2 incorporated volunteer fire company shall be considered ineligible to
3 receive **【said】** insurance benefits because **【he】** the member may
4 otherwise receive any form of compensation, wages, or salary from the
5 municipality or fire district for any services rendered, except that a
6 member shall not be eligible if the benefits are otherwise provided as
7 part of the member's employment with the fire district.¹

8 (cf: N.J.S.40A:14-39)

9
10 ¹8. (New section) The Director of the Division of Local
11 Government Services in the Department of Community Affairs may,
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), update or adopt regulations to effectuate the
14 provisions of P.L. , c. (pending before the Legislature as this bill).¹

15
16 ¹9. N.J.S.40A:10-32 is repealed.¹

17
18 ¹**【2.】** 10.¹ This act shall take effect immediately.