

# 43:17-2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 39

**NJSA:** 43:17-2 (Revises statutes governing New Jersey State Firemen's Association)

**BILL NO:** S1815 (Substituted for A3319)

**SPONSOR(S):** Girgenti and others

**DATE INTRODUCED:** September 27, 2004

**COMMITTEE:** **ASSEMBLY:** Law and Public Safety  
**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** December 13, 2004

**SENATE:** February 14, 2005

**DATE OF APPROVAL:** March 7, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) First reprint enacted

#### S1815

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A3319

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 3/16/07

P.L. 2005, CHAPTER 39, *approved March 7, 2005*  
Senate, No. 1815 (*First Reprint*)

1 **AN ACT** concerning the New Jersey State Firemen's Association and  
2 amending and repealing various sections of chapter 17 of Title 43  
3 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.43:17-2 is amended to read as follows:

9 43:17-2. <sup>1</sup>**[Certificate of incorporation; recording and filing and**  
10 **effect thereof; powers.]**<sup>1</sup> The president and secretary of the  
11 corporation, when elected as hereinafter provided, shall forthwith sign  
12 a certificate and cause it to be recorded in the office of the clerk of the  
13 county in which the corporation is located and filed in the Office of the  
14 Secretary of State. The certificate, or a copy thereof, duly certified by  
15 the county clerk or the Secretary of State, shall be evidence in all  
16 courts and places. The certificate shall state the election of the  
17 representatives authorized to organize the corporation, the election by  
18 such representatives of a board of officers and a board of trustees,  
19 giving their names and official designations, the corporate name  
20 assumed, the location of the corporation and a reference to this article.  
21 In case of a reincorporation under this article, the certificate shall,  
22 instead thereof, state the former incorporation, the date thereof, the  
23 names and official designations of the officers of the corporation and  
24 a reference to this article.

25 Upon the recording and filing of the certificate the persons so  
26 associating shall be a corporation, under and by the name aforesaid  
27 and shall have perpetual succession and continuance, except as  
28 hereinafter provided, and be capable of suing and being sued, and may  
29 make and use a common seal, and alter the same at pleasure, and may  
30 receive, take, hold **[,purchase]** and convey, **[or mortgage,]** and  
31 invest[,] and reinvest<sup>1</sup>**[,real,]** in personal **[and mixed estate,]** property  
32 and may enter into, execute and enforce any contracts or agreements  
33 relating to, touching or concerning the objects of such corporation,  
34 and they and their successors, and all who shall associate themselves  
35 together with them, shall, as such corporation, be entitled to all the  
36 rights, powers, privileges, benefits, advantages and immunities which  
37 now are or hereafter may be conferred upon corporations generally,  
38 under any law of this State.

39 (cf: P.L.1996, c.151, s.2)

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> **Assembly ALP committee amendments adopted November 8, 2004.**

1 2. R.S.43:17-18 is amended to read as follows:

2 43:17-18. <sup>1</sup>[Service on both boards of representatives and of  
3 trustees prohibited.]<sup>1</sup> No person shall at one time serve on the board  
4 of representatives and the board of trustees. If elected to both he shall  
5 resign one or the other, as he sees fit. No officer may serve on the  
6 board of trustees.

7 (cf: P.L.1996, c.151, s.15)

8

9 3. R.S.43:17-23 is amended to read as follows:

10 43:17-23. <sup>1</sup>[Reports of secretary and treasurer.]<sup>1</sup> The secretary  
11 and treasurer shall report to the board of representatives at [its annual  
12 meeting] all meetings and [shall also report when requested] upon  
13 request.

14 (cf: P.L.1996, c.151, s.20)

15

16 4. R.S.43:17-31 is amended to read as follows:

17 43:17-31. <sup>1</sup>[Annual statements of local associations and biannual  
18 reports of executive committee.]<sup>1</sup> On or before February [10th] 20th  
19 in every year, each local firemen's relief association, however  
20 incorporated, shall file a financial report with the field examiner of the  
21 New Jersey State Firemen's Association who then shall file a sworn  
22 statement with the Secretary of State on or before May 1st showing:  
23 a. The names of its representatives, trustees and other officers, and  
24 the amount of their respective fees or salaries, if any;  
25 b. The names of the applicants approved for relief during or within  
26 the year preceding the statement and the amount of money paid to  
27 each of them;  
28 c. The receipts and expenses during the year, which shall be stated  
29 in detail; and  
30 d. The amount of money or other property in its possession at the  
31 date of making the statement and how the money is invested or  
32 secured and where it is deposited.

33 The executive committee shall cause an examination to be made of  
34 the local association and shall file a biannual report, certified by an  
35 accountant licensed by the State of New Jersey, with the Department  
36 of Banking and Insurance. The report shall provide the following: (1)  
37 a statement of the plan and procedures for the examination and report;  
38 (2) reasonable assurances that each local association's financial  
39 statement is free of material misstatements; (3) material instances of  
40 non-compliance or failures to follow State statutes, regulations, or  
41 policies and the rules and regulations of the New Jersey State  
42 Firemen's Association; (4) information to provide for the economical,  
43 fair, and non-discriminatory administration and efficient provisions for  
44 protection of the assets of the local association.

45 The statement of the plan and procedures shall be prepared by the  
46 executive committee of the New Jersey State Firemen's Association

1 and be filed with the Department of Banking and Insurance. The plan  
2 or the procedures may be amended from time to time.

3 The report shall be filed with the Treasurer of the New Jersey State  
4 Fireman's Association and the Department of Banking and Insurance  
5 on or before June 1.

6 (cf: P.L.1996, c.151, s.26)

7

8 <sup>1</sup>[5. R.S.43:17-33 is amended to read as follows:

9 43:17-33. Investments of funds. No firemen's relief association,  
10 however incorporated, shall invest its moneys in any manner, except  
11 as follows:

12 a. In stocks or bonds or interest-bearing notes or obligations of the  
13 United States, or those for which the full faith of the United States is  
14 distinctly pledged to provide for the payment of the principal and  
15 interest thereof;

16 b. In interest-bearing bonds of this State;

17 c. In bonds of any State of the United States that has not, within  
18 ten years previous to making the investment, defaulted in the payment  
19 of any part of principal or interest of any debt authorized by any law  
20 of that State to be contracted;

21 d. In stocks or bonds of any governmental entity of this State or  
22 any other state of the United States, which have been or may be issued  
23 pursuant to a law of that state, and in any interest-bearing obligations  
24 issued by a governmental entity in which the relief association is  
25 situated. No investment shall be made under this paragraph if that  
26 governmental entity has, within ten years previous to making the  
27 investment by the relief association, defaulted in the payment of any  
28 part of principal or interest of any debt authorized by the Legislature  
29 of that State to be contracted or if the total indebtedness of that  
30 governmental entity is not limited by law to ten ~~[per centum]~~ percent  
31 (10%) of its assessed valuation;

32 e. (Deleted by amendment, P.L.1996, c.151).

33 f. In bonds, stocks, accounts or other financial instruments of any  
34 state or federal financial institutions organized and existing under the  
35 laws of the State of New Jersey or the United States of America,  
36 provided the bonds, stocks, accounts or other financial instruments are  
37 insured or guaranteed by the State of New Jersey or the United States  
38 Government, or any agency or instrumentality of either or both;

39 g. (Deleted by amendment, P.L.1996, c.151).

40 h. [All investments authorized pursuant to this section shall be in  
41 the name of the local relief association] (Deleted by amendment,  
42 P.L. , c. (now pending before the Legislature as this bill)).

43 i. In any investment grade equity securities or instruments  
44 evidencing debt, including bonds or notes issued by any agency or  
45 instrumentality of the State or federal government, provided such  
46 investments have been reviewed and approved by the Executive  
47 Committee of the New Jersey State Firemen's Association.

1 All investments authorized pursuant to this section shall be in the  
2 name of the local relief association.

3 (cf: P.L.1996, c.151 s.28)]<sup>1</sup>

4

5 <sup>1</sup>5. R.S.43:17-33 is amended to read as follows:

6 43:17-33. No firemen's relief association, however incorporated,  
7 shall invest its moneys in any manner, except as follows:

8 a. In stocks or bonds or interest-bearing notes or obligations of the  
9 United States, or those for which the full faith of the United States is  
10 distinctly pledged to provide for the payment of the principal and  
11 interest thereof;

12 b. In interest-bearing bonds of this State;

13 c. In bonds of any State of the United States that has not, within  
14 ten years previous to making the investment, defaulted in the payment  
15 of any part of principal or interest of any debt authorized by any law  
16 of that State to be contracted;

17 d. In stocks or bonds of any governmental entity of this State or  
18 any other state of the United States, which have been or may be issued  
19 pursuant to a law of that state, and in any interest-bearing obligations  
20 issued by a governmental entity in which the relief association is  
21 situated. No investment shall be made under this paragraph if that  
22 governmental entity has, within ten years previous to making the  
23 investment by the relief association, defaulted in the payment of any  
24 part of principal or interest of any debt authorized by the Legislature  
25 of that State to be contracted or if the total indebtedness of that  
26 governmental entity is not limited by law to ten ~~[per centum]~~percent  
27 (10%) of its assessed valuation;

28 e. (Deleted by amendment, P.L.1996, c.151).

29 f. ~~[In such real estate only as has been or may hereafter be  
30 purchased by the association at sales upon the foreclosure of  
31 mortgages owned by the association, or upon judgments or decrees  
32 obtained or rendered for debts due to it, or in settlements effected to  
33 secure such debts. All this real estate shall be sold by the corporation  
34 within five years after the real estate is so purchased, unless upon  
35 application to the executive committee of the New Jersey State  
36 Firemen's Association further time is given by the committee in which  
37 to sell the real estate or any part thereof;] (Deleted by amendment,  
38 P.L. .c. ) (now pending before the Legislature as this bill).~~

39 g. (Deleted by amendment, P.L.1996, c.151).

40 h. In bonds, stocks, accounts or other financial instruments of any  
41 state or federal financial institutions organized and existing under the  
42 laws of the State of New Jersey or the United States of America,  
43 provided the bonds, stocks, accounts or other financial instruments are  
44 insured or guaranteed by the State of New Jersey or the United States  
45 Government, or any agency or instrumentality of either or both;

46 i. ~~[All investments authorized pursuant to this section shall be in  
47 the name of the local relief association.] (Deleted by amendment,~~

1 P.L. ,c. ) (now pending before the Legislature as this bill).

2 j. In any investment grade equity securities or instruments  
3 evidencing debt, including bonds or notes issued by any agency or  
4 instrumentality of the State or federal government, provided such  
5 investments have been reviewed and approved by the executive  
6 committee of the New Jersey State Firemen's Association.

7 All investments authorized pursuant to this section shall be in the  
8 name of the local relief association.<sup>1</sup>

9 (cf: P.L.1996, c.151, s.28)

10

11 6. R.S.43:17-32 is hereby repealed.

12

13 7. This act shall take effect immediately.

14

15

16

17

18 \_\_\_\_\_  
Revises statutes governing New Jersey State Firemen's Association.

# SENATE, No. 1815

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2004

**Sponsored by:**

**Senator JOHN A. GIRGENTI**  
**District 35 (Bergen and Passaic)**  
**Senator ANTHONY R. BUCCO**  
**District 25 (Morris)**

**Co-Sponsored by:**

**Senator Asselta**

**SYNOPSIS**

Revises statutes governing New Jersey State Firemen's Association.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 10/26/2004)



S1815 GIRGENTI, BUCCO

2

1 AN ACT concerning the New Jersey State Firemen's Association and  
2 amending and repealing various sections of chapter 17 of Title 43  
3 of the Revised Statutes.

4

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

7

8 1. R.S. 43:17-2 is amended to read as follows:

9 43:17-2. Certificate of incorporation; recording and filing and  
10 effect thereof; powers. The president and secretary of the corporation,  
11 when elected as hereinafter provided, shall forthwith sign a certificate  
12 and cause it to be recorded in the office of the clerk of the county in  
13 which the corporation is located and filed in the Office of the  
14 Secretary of State. The certificate, or a copy thereof, duly certified by  
15 the county clerk or the Secretary of State, shall be evidence in all  
16 courts and places. The certificate shall state the election of the  
17 representatives authorized to organize the corporation, the election by  
18 such representatives of a board of officers and a board of trustees,  
19 giving their names and official designations, the corporate name  
20 assumed, the location of the corporation and a reference to this article.  
21 In case of a reincorporation under this article, the certificate shall,  
22 instead thereof, state the former incorporation, the date thereof, the  
23 names and official designations of the officers of the corporation and  
24 a reference to this article.

25 Upon the recording and filing of the certificate the persons so  
26 associating shall be a corporation, under and by the name aforesaid  
27 and shall have perpetual succession and continuance, except as  
28 hereinafter provided, and be capable of suing and being sued, and may  
29 make and use a common seal, and alter the same at pleasure, and may  
30 receive, take, hold [,purchase] and convey, [or mortgage,] and  
31 invest[,] and reinvest[,real,] in personal [and mixed estate,] property  
32 and may enter into, execute and enforce any contracts or agreements  
33 relating to, touching or concerning the objects of such corporation,  
34 and they and their successors, and all who shall associate themselves  
35 together with them, shall, as such corporation, be entitled to all the  
36 rights, powers, privileges, benefits, advantages and immunities which  
37 now are or hereafter may be conferred upon corporations generally,  
38 under any law of this State.

39 (cf: P.L.1996, c.151, s.2)

40

41 2. R.S. 43:17-18 is amended to read as follows:

42 43:17-18. Service on both boards of representatives and of trustees  
43 prohibited. No person shall at one time serve on the board of

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

**Matter underlined thus is new matter.**

1 representatives and the board of trustees. If elected to both he shall  
2 resign one or the other, as he sees fit. No officer may serve on the  
3 board of trustees.

4 (cf: P.L.1996, c.151, s.15)

5

6 3. R.S. 43:17-23 is amended to read as follows:

7 43:17-23. Reports of secretary and treasurer. The secretary and  
8 treasurer shall report to the board of representatives at [its annual  
9 meeting] all meetings and [shall also report when requested] upon  
10 request.

11 (cf: P.L.1996, c.151, s.20)

12

13 4. R.S. 43:17-31 is amended to read as follows:

14 43:17-31. Annual statements of local associations and biannual  
15 reports of executive committee. On or before February [10th] 20th  
16 in every year, each local firemen's relief association, however  
17 incorporated, shall file a financial report with the field examiner of the  
18 New Jersey State Firemen's Association who then shall file a sworn  
19 statement with the Secretary of State on or before May 1st showing:

20 a. The names of its representatives, trustees and other officers, and  
21 the amount of their respective fees or salaries, if any;

22 b. The names of the applicants approved for relief during or within  
23 the year preceding the statement and the amount of money paid to  
24 each of them;

25 c. The receipts and expenses during the year, which shall be stated  
26 in detail; and

27 d. The amount of money or other property in its possession at the  
28 date of making the statement and how the money is invested or  
29 secured and where it is deposited.

30 The executive committee shall cause an examination to be made of  
31 the local association and shall file a biannual report, certified by an  
32 accountant licensed by the State of New Jersey, with the Department  
33 of Banking and Insurance. The report shall provide the following: (1)  
34 a statement of the plan and procedures for the examination and report;  
35 (2) reasonable assurances that each local association's financial  
36 statement is free of material misstatements; (3) material instances of  
37 non-compliance or failures to follow State statutes, regulations, or  
38 policies and the rules and regulations of the New Jersey State  
39 Firemen's Association; (4) information to provide for the economical,  
40 fair, and non-discriminatory administration and efficient provisions for  
41 protection of the assets of the local association.

42 The statement of the plan and procedures shall be prepared by the  
43 executive committee of the New Jersey State Firemen's Association  
44 and be filed with the Department of Banking and Insurance. The plan  
45 or the procedures may be amended from time to time.

46 The report shall be filed with the Treasurer of the New Jersey State

1 Fireman's Association and the Department of Banking and Insurance  
2 on or before June 1.

3 (cf: P.L.1996, c.151, s.26)

4

5 5. R.S.43:17-33 is amended to read as follows:

6 43:17-33. Investments of funds. No firemen's relief association,  
7 however incorporated, shall invest its moneys in any manner, except  
8 as follows:

9 a. In stocks or bonds or interest-bearing notes or obligations of the  
10 United States, or those for which the full faith of the United States is  
11 distinctly pledged to provide for the payment of the principal and  
12 interest thereof;

13 b. In interest-bearing bonds of this State;

14 c. In bonds of any State of the United States that has not, within  
15 ten years previous to making the investment, defaulted in the payment  
16 of any part of principal or interest of any debt authorized by any law  
17 of that State to be contracted;

18 d. In stocks or bonds of any governmental entity of this State or  
19 any other state of the United States, which have been or may be issued  
20 pursuant to a law of that state, and in any interest-bearing obligations  
21 issued by a governmental entity in which the relief association is  
22 situated. No investment shall be made under this paragraph if that  
23 governmental entity has, within ten years previous to making the  
24 investment by the relief association, defaulted in the payment of any  
25 part of principal or interest of any debt authorized by the Legislature  
26 of that State to be contracted or if the total indebtedness of that  
27 governmental entity is not limited by law to ten [per centum] percent  
28 (10%) of its assessed valuation;

29 e. (Deleted by amendment, P.L.1996, c.151).

30 f. In bonds, stocks, accounts or other financial instruments of any  
31 state or federal financial institutions organized and existing under the  
32 laws of the State of New Jersey or the United States of America,  
33 provided the bonds, stocks, accounts or other financial instruments are  
34 insured or guaranteed by the State of New Jersey or the United States  
35 Government, or any agency or instrumentality of either or both;

36 g. (Deleted by amendment, P.L.1996, c.151).

37 h. [All investments authorized pursuant to this section shall be in  
38 the name of the local relief association] (Deleted by amendment, P.L.  
39 , c. (now pending before the Legislature as this bill)).

40 i. In any investment grade equity securities or instruments  
41 evidencing debt, including bonds or notes issued by any agency or  
42 instrumentality of the State or federal government, provided such  
43 investments have been reviewed and approved by the Executive  
44 Committee of the New Jersey State Firemen's Association.

45 All investments authorized pursuant to this section shall be in the  
46 name of the local relief association.

47 (cf: P.L.1996, c.151 s.28)

1       6. R.S.43:17-32 is hereby repealed.

2

3       7. This act shall take effect immediately.

4

5

6

STATEMENT

7

8       This bill revises statutes governing the New Jersey State Firemen's  
9 Association (R.S.43:17-1 et seq.).

10       The bill clarifies permitted actions of the association concerning  
11 personal property and investments. It provides that the association  
12 may receive, take, hold and convey, and invest and reinvest in,  
13 personal property.

14       The bill further provides that association officers may not serve on  
15 its board of trustees.

16       Current law requires the secretary and treasurer to report to the  
17 board of representatives at the association's annual meeting and upon  
18 request. Under the provisions of this bill, the secretary and treasurer  
19 would be required to report at all meetings and upon request.

20       Each local firemen's relief association is required under current law  
21 to file a financial report with the association's field examiner on or  
22 before February 10th. The bill gives the local associations an  
23 additional ten days to file the report.

24       The bill also repeals archaic language in the current law which  
25 provides that local relief organizations may sue for and recover fines  
26 and penalties imposed on violators of fire-related municipal  
27 ordinances. Decades ago, these fines and penalties were used for the  
28 benefit of the local relief organizations.

29       Finally, the bill provides that local relief associations may invest  
30 moneys in investment grade equity securities or instruments evidencing  
31 debt, including bonds or notes issued by any agency or instrumentality  
32 of the State or federal government, provided the investments have  
33 been reviewed and approved by the association's executive committee.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1815**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 08, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1815.

Senate Bill No. 1815, as amended, revises statutes governing the New Jersey State Firemen's Association (R.S.43:17-1 et seq.).

The bill clarifies permitted actions of the association concerning personal property and investments. It provides that the association may receive, take, hold and convey, and invest and reinvest in, personal property. It also eliminates archaic language concerning mortgages.

The bill further provides that association officers may not serve on its board of trustees.

Current law requires the secretary and treasurer to report to the board of representatives at the association's annual meeting and upon request. Under the provisions of this bill, the secretary and treasurer are required to report at all meetings and upon request.

Each local firemen's relief association is required under current law to file a financial report with the association's field examiner on or before February 10th. The bill gives the local associations an additional ten days to file the report.

The bill also repeals archaic language in the current law which provides that local relief organizations may sue for and recover fines and penalties imposed on violators of fire-related municipal ordinances. Decades ago, these fines and penalties were used for the benefit of the local relief organizations.

Finally, the bill provides that local relief associations may invest moneys in investment grade equity securities or instruments evidencing debt, including bonds or notes issued by any agency or instrumentality of the State or federal government, provided the investments have been reviewed and approved by the association's executive committee.

The committee made technical amendments to the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3319, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS

The amendments are technical in nature.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1815**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1815.

This bill revises statutes governing the New Jersey State Firemen's Association (R.S.43:17-1 et seq.).

The bill clarifies permitted actions of the association concerning personal property and investments. It provides that the association may receive, take, hold and convey, and invest and reinvest in, personal property.

The bill further provides that association officers may not serve on its board of trustees.

Current law requires the secretary and treasurer to report to the board of representatives at the association's annual meeting and upon request. Under the provisions of this bill, the secretary and treasurer would be required to report at all meetings and upon request.

Each local firemen's relief association is required under current law to file a financial report with the association's field examiner on or before February 10th. The bill gives the local associations an additional ten days to file the report.

The bill also repeals archaic language in the current law which provides that local relief organizations may sue for and recover fines and penalties imposed on violators of fire-related municipal ordinances. Decades ago, these fines and penalties were used for the benefit of the local relief organizations.

Finally, the bill provides that local relief associations may invest moneys in investment grade equity securities or instruments evidencing debt, including bonds or notes issued by any agency or instrumentality of the State or federal government, provided the investments have been reviewed and approved by the association's executive committee.

# ASSEMBLY, No. 3319

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Co-Sponsored by:**

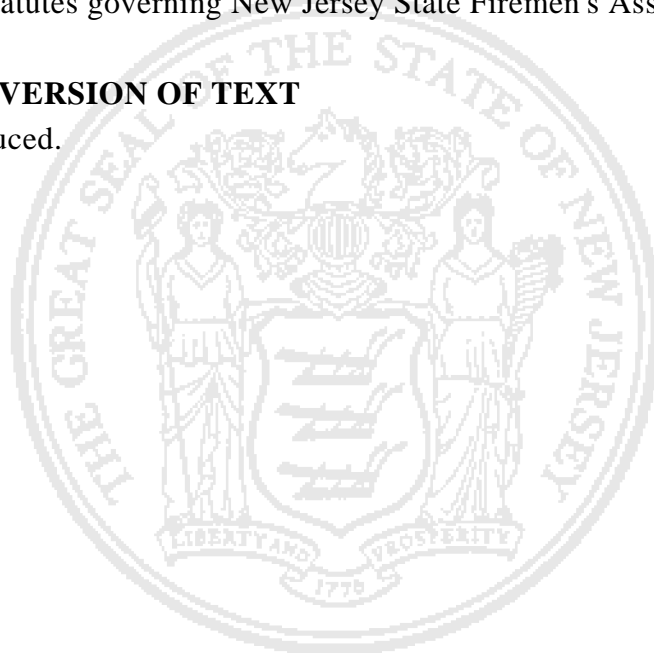
**Assemblymen Diegnan, Green, Connors, Conaway, McKeon, Bateman,  
Thompson, Assemblywomen Quigley, Oliver and Assemblyman Azzolina**

**SYNOPSIS**

Revises statutes governing New Jersey State Firemen's Association.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/9/2004)**



A3319 SCALERA, VAN DREW

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6 of New Jersey:

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10 effect thereof; powers. The president and secretary of the corporation,  
11 when elected as hereinafter provided, shall forthwith sign a certificate  
12 and cause it to be recorded in the office of the clerk of the county in  
13 which the corporation is located and filed in the Office of the  
14 Secretary of State. The certificate, or a copy thereof, duly certified by  
15 the county clerk or the Secretary of State, shall be evidence in all  
16 courts and places. The certificate shall state the election of the  
17 representatives authorized to organize the corporation, the election by  
18 such representatives of a board of officers and a board of trustees,  
19 giving their names and official designations, the corporate name  
20 assumed, the location of the corporation and a reference to this article.  
21 In case of a reincorporation under this article, the certificate shall,  
22 instead thereof, state the former incorporation, the date thereof, the  
23 names and official designations of the officers of the corporation and  
24 a reference to this article.

25 Upon the recording and filing of the certificate the persons so  
26 associating shall be a corporation, under and by the name aforesaid  
27 and shall have perpetual succession and continuance, except as  
28 hereinafter provided, and be capable of suing and being sued, and may  
29 make and use a common seal, and alter the same at pleasure, and may  
30 receive, take, hold [,purchase] and convey, [or mortgage,] and  
31 invest[,] and reinvest[,real,] in personal [and mixed estate,] property  
32 and may enter into, execute and enforce any contracts or agreements  
33 relating to, touching or concerning the objects of such corporation,  
34 and they and their successors, and all who shall associate themselves  
35 together with them, shall, as such corporation, be entitled to all the  
36 rights, powers, privileges, benefits, advantages and immunities which  
37 now are or hereafter may be conferred upon corporations generally,  
38 under any law of this State.

39 (cf: P.L.1996, c.151, s.2)

40

41 2. R.S.43:17-18 is amended to read as follows:

42 43:17-18. Service on both boards of representatives and of trustees  
43 prohibited. No person shall at one time serve on the board of

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

**Matter underlined thus is new matter.**

1 representatives and the board of trustees. If elected to both he shall  
2 resign one or the other, as he sees fit. No officer may serve on the  
3 board of trustees.

4 (cf: P.L.1996, c.151, s.15)

5

6 3. R.S.43:17-23 is amended to read as follows:

7 43:17-23. Reports of secretary and treasurer. The secretary and  
8 treasurer shall report to the board of representatives at [its annual  
9 meeting] all meetings and [shall also report when requested] upon  
10 request.

11 (cf: P.L.1996, c.151, s.20)

12

13 4. R.S.43:17-31 is amended to read as follows:

14 43:17-31. Annual statements of local associations and biannual  
15 reports of executive committee. On or before February [10th] 20th  
16 in every year, each local firemen's relief association, however  
17 incorporated, shall file a financial report with the field examiner of the  
18 New Jersey State Firemen's Association who then shall file a sworn  
19 statement with the Secretary of State on or before May 1st showing:

20 a. The names of its representatives, trustees and other officers, and  
21 the amount of their respective fees or salaries, if any;

22 b. The names of the applicants approved for relief during or within  
23 the year preceding the statement and the amount of money paid to  
24 each of them;

25 c. The receipts and expenses during the year, which shall be stated  
26 in detail; and

27 d. The amount of money or other property in its possession at the  
28 date of making the statement and how the money is invested or  
29 secured and where it is deposited.

30 The executive committee shall cause an examination to be made of  
31 the local association and shall file a biannual report, certified by an  
32 accountant licensed by the State of New Jersey, with the Department  
33 of Banking and Insurance. The report shall provide the following: (1)  
34 a statement of the plan and procedures for the examination and report;  
35 (2) reasonable assurances that each local association's financial  
36 statement is free of material misstatements; (3) material instances of  
37 non-compliance or failures to follow State statutes, regulations, or  
38 policies and the rules and regulations of the New Jersey State  
39 Firemen's Association; (4) information to provide for the economical,  
40 fair, and non-discriminatory administration and efficient provisions for  
41 protection of the assets of the local association.

42 The statement of the plan and procedures shall be prepared by the  
43 executive committee of the New Jersey State Firemen's Association  
44 and be filed with the Department of Banking and Insurance. The plan  
45 or the procedures may be amended from time to time.

46 The report shall be filed with the Treasurer of the New Jersey State

1 Fireman's Association and the Department of Banking and Insurance  
2 on or before June 1.

3 (cf: P.L.1996, c.151, s.26)

4

5 5. R.S.43:17-33 is amended to read as follows:

6 43:17-33. Investments of funds. No firemen's relief association,  
7 however incorporated, shall invest its moneys in any manner, except  
8 as follows:

9 a. In stocks or bonds or interest-bearing notes or obligations of the  
10 United States, or those for which the full faith of the United States is  
11 distinctly pledged to provide for the payment of the principal and  
12 interest thereof;

13 b. In interest-bearing bonds of this State;

14 c. In bonds of any State of the United States that has not, within  
15 ten years previous to making the investment, defaulted in the payment  
16 of any part of principal or interest of any debt authorized by any law  
17 of that State to be contracted;

18 d. In stocks or bonds of any governmental entity of this State or  
19 any other state of the United States, which have been or may be issued  
20 pursuant to a law of that state, and in any interest-bearing obligations  
21 issued by a governmental entity in which the relief association is  
22 situated. No investment shall be made under this paragraph if that  
23 governmental entity has, within ten years previous to making the  
24 investment by the relief association, defaulted in the payment of any  
25 part of principal or interest of any debt authorized by the Legislature  
26 of that State to be contracted or if the total indebtedness of that  
27 governmental entity is not limited by law to ten [per centum] percent  
28 (10%) of its assessed valuation;

29 e. (Deleted by amendment, P.L.1996, c.151).

30 f. In bonds, stocks, accounts or other financial instruments of any  
31 state or federal financial institutions organized and existing under the  
32 laws of the State of New Jersey or the United States of America,  
33 provided the bonds, stocks, accounts or other financial instruments are  
34 insured or guaranteed by the State of New Jersey or the United States  
35 Government, or any agency or instrumentality of either or both;

36 g. (Deleted by amendment, P.L.1996, c.151).

37 h. [All investments authorized pursuant to this section shall be in  
38 the name of the local relief association] (Deleted by amendment,  
39 P.L. , c. (now pending before the Legislature as this bill)).

40 i. In any investment grade equity securities or instruments  
41 evidencing debt, including bonds or notes issued by any agency or  
42 instrumentality of the State or federal government, provided such  
43 investments have been reviewed and approved by the Executive  
44 Committee of the New Jersey State Firemen's Association.

45 All investments authorized pursuant to this section shall be in the  
46 name of the local relief association.

47 (cf: P.L.1996, c.151 s.28)

1 6. R.S.43:17-32 is hereby repealed.

2

3 7. This act shall take effect immediately.

4

5

6

STATEMENT

7

8 This bill revises statutes governing the New Jersey State Firemen's  
9 Association (R.S.43:17-1 et seq.).

10 The bill clarifies permitted actions of the association concerning  
11 personal property and investments. It provides that the association  
12 may receive, take, hold and convey, and invest and reinvest in,  
13 personal property.

14 The bill further provides that association officers may not serve on  
15 its board of trustees.

16 Current law requires the secretary and treasurer to report to the  
17 board of representatives at the association's annual meeting and upon  
18 request. Under the provisions of this bill, the secretary and treasurer  
19 would be required to report at all meetings and upon request.

20 Each local firemen's relief association is required under current law  
21 to file a financial report with the association's field examiner on or  
22 before February 10th. The bill gives the local associations an  
23 additional ten days to file the report.

24 The bill also repeals archaic language in the current law which  
25 provides that local relief organizations may sue for and recover fines  
26 and penalties imposed on violators of fire-related municipal  
27 ordinances. Decades ago, these fines and penalties were used for the  
28 benefit of the local relief organizations.

29 Finally, the bill provides that local relief associations may invest  
30 moneys in investment grade equity securities or instruments evidencing  
31 debt, including bonds or notes issued by any agency or instrumentality  
32 of the State or federal government, provided the investments have  
33 been reviewed and approved by the association's executive committee.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3319**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 08, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3319.

Assembly Bill No. 3319 revises statutes governing the New Jersey State Firemen's Association (R.S.43:17-1 et seq.).

The bill clarifies permitted actions of the association concerning personal property and investments. It provides that the association may receive, take, hold and convey, and invest and reinvest in, personal property. It also eliminates archaic language concerning mortgages.

The bill further provides that association officers may not serve on its board of trustees.

Current law requires the secretary and treasurer to report to the board of representatives at the association's annual meeting and upon request. Under the provisions of this bill, the secretary and treasurer are required to report at all meetings and upon request.

Each local firemen's relief association is required under current law to file a financial report with the association's field examiner on or before February 10th. The bill gives the local associations an additional ten days to file the report.

The bill also repeals archaic language in the current law which provides that local relief organizations may sue for and recover fines and penalties imposed on violators of fire-related municipal ordinances. Decades ago, these fines and penalties were used for the benefit of the local relief organizations.

Finally, the bill provides that local relief associations may invest moneys in investment grade equity securities or instruments evidencing debt, including bonds or notes issued by any agency or instrumentality of the State or federal government, provided the investments have been reviewed and approved by the association's executive committee.

The committee made technical amendments to the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1815, also amended and reported by the committee on this same date.

#### COMMITTEE AMENDMENTS

The amendments are technical in nature.