

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-68

(Volunteer companies--under contract with municipalities--retain right to appoint chief)

LAWS OF: 1989

CHAPTER: 285

Bill No: S913

Sponsor(s): Hurley

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety & Defense

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: January 8, 1990

Senate: November 20, 1989

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator HURLEY

1 AN ACT concerning volunteer fire companies, amending N.J.S.  
2 40A:14-68 and <sup>1</sup>[supplementing chapter 14 of Title 40A of the  
3 New Jersey Statutes] N.J.S. 40A:14-70.1<sup>1</sup>.

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

7 1.N.J.S. 40A:14-68 is amended to read as follows:  
8 40A:14-68. In any municipality not having a paid or part-paid  
9 fire department and force, the governing body, by ordinance,  
10 may contract with a volunteer fire company or companies in  
11 such municipality, for purposes of extinguishing fires, upon such  
12 terms and conditions as shall be deemed proper. The members  
13 of any such company shall be under the supervision and control  
14 of said municipality and in performing fire duty shall be deemed  
15 to be exercising a governmental function; however, the  
16 appointment or election of the chief of the volunteer fire  
17 company shall remain the prerogative of the membership of the  
18 fire company as set forth in the company's certificate of  
19 incorporation or bylaws.

(cf: N.J.S. 40A:14-68)

21 <sup>1</sup>[2. (New section) The board of fire commissioners of a fire  
22 district not having a paid or part-paid fire department and force  
23 may contract with a volunteer fire company or companies for  
24 the purpose of extinguishing fires, upon those terms and  
25 conditions as shall be deemed proper. The members of the  
26 company shall be under the supervision and control of the board  
27 of fire commissioners and in performing fire duty shall be  
28 deemed to be exercising a governmental function; however, the  
29 appointment or election of the chief of the volunteer fire  
30 company shall remain the prerogative of the membership of the  
31 fire company as set forth in the company's certificate of  
incorporation or bylaws.]<sup>1</sup>

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:  
<sup>1</sup> Senate SCM committee amendments adopted April 25, 1988.

1       <sup>1</sup>2. N.J.S. 40A:14-70.1 is amended to read as follows:

3       40A:14-70.1. a. Any persons desiring to form a volunteer fire  
5       company to be located within or otherwise servicing the area  
7       encompassing a fire district or other type of volunteer  
9       organization which has as its objective the prevention of fires or  
11       regulation of fire hazards to life and property therein shall first  
13       present to the board of fire commissioners a written application  
15       for the organization of such company. Such application shall be  
17       in the form of a duly verified petition signed by them stating the  
19       kind of company which they desire to organize, the name or title  
21       thereof, the number and names of the proposed members  
23       thereof, and their places of residence. The board of fire  
25       commissioners, after considering such application and approving  
27       the members of the proposed company, may by resolution grant  
29       the petition and constitute such applicants a volunteer fire  
31       company of the district.

17       b. The board of fire commissioners of a fire district not  
19       having a paid or part-paid fire department and force may  
21       contract with a volunteer fire company or companies for the  
23       purpose of extinguishing fires, upon those terms and conditions  
25       as shall be deemed proper. The members of the company shall  
27       be under the supervision and control of the board of fire  
29       commissioners and in performing fire duty shall be deemed to be  
31       exercising a governmental function; however, the appointment  
33       or election of the chief of the volunteer fire company shall  
35       remain the prerogative of the membership of the fire company  
37       as set forth in the company's certificate of incorporation or  
      bylaws.<sup>1</sup>

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

31       3. This act shall take effect immediately.

31

33

MUNICIPALITIES  
Firemen and Fire Safety

35

37       Provides that volunteer fire companies contracting with  
      municipalities or fire districts for supply of fire services, retain  
      right to elect their own chiefs

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SENATE, No. 913

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator HURLEY

1 AN ACT concerning volunteer fire companies, amending N.J.S.  
2 40A:14-68 and supplementing chapter 14 of Title 40A of the  
3 New Jersey Statutes.

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

7 1.N.J.S. 40A:14-68 is amended to read as follows:

8 40A:14-68. In any municipality not having a paid or part-paid  
9 fire department and force, the governing body, by ordinance,  
10 may contract with a volunteer fire company or companies in  
11 such municipality, for purposes of extinguishing fires, upon such  
12 terms and conditions as shall be deemed proper. The members  
13 of any such company shall be under the supervision and control  
14 of said municipality and in performing fire duty shall be deemed  
15 to be exercising a governmental function; however, the  
16 appointment or election of the chief of the volunteer fire  
17 company shall remain the prerogative of the membership of the  
18 fire company as set forth in the company's certificate of  
19 incorporation or bylaws.

20 2. (New section) The board of fire commissioners of a fire  
21 district not having a paid or part-paid fire department and force  
22 may contract with a volunteer fire company or companies for  
23 the purpose of extinguishing fires, upon those terms and  
24 conditions as shall be deemed proper. The members of the  
25 company shall be under the supervision and control of the board  
26 of fire commissioners and in performing fire duty shall be  
27 deemed to be exercising a governmental function; however, the  
28 appointment or election of the chief of the volunteer fire  
29 company shall remain the prerogative of the membership of the  
30 fire company as set forth in the company's certificate of  
31 incorporation or bylaws.

3. This act shall take effect immediately.

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.

1 STATEMENT

3 The purpose of this bill is to make explicit the fact that  
5 volunteer fire companies contracting with municipalities or fire  
7 districts for the provision of fire services, retain the right to  
appoint their own fire chiefs pursuant to their certificate of  
incorporation or bylaws.

9

MUNICIPALITIES

11 Firemen and Fire Safety

13 Provides that volunteer fire companies contracting with  
municipalities or fire districts for supply of fire services, retain  
15 right to elect their own chiefs.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 913**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 25, 1988

The Senate County and Municipal Government Committee reports favorably and with committee amendments Senate Bill 913.

Senate Bill 913, as amended by the Committee, provides that volunteer fire companies which contract with municipalities or fire districts for the provision of fire services have the authority to appoint the chief of the company pursuant to the company's certificate of incorporation or bylaws.

Under the provisions of N.J.S. 40A:14-68, whenever a municipality contracts with a volunteer fire company, the company is under the supervision and control of the municipality. It is the Committee's understanding that in such cases, the contracting municipalities have assigned the authority to select the chief to that volunteer fire company. There is no comparable statutory provision regarding contracts between fire districts and volunteer fire companies.

This bill amends N.J.S. 40A:14-68 to provide that a volunteer fire company contracting with a municipality would appoint the chief. In addition, the bill supplements chapter 14 of Title 40A to permit a volunteer fire company contracting with a fire district to appoint the chief.

The Committee amended the bill to insert the language of section 2 into existing law rather than treating it as a supplement.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS  
COMMITTEE

STATEMENT TO

[FIRST REPRINT]  
**SENATE, No. 913**

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 1989

The Assembly Law, Public Safety and Corrections Committee favorably reports Senate Bill No. 913 (1R).

Senate Bill No. 913 (1R) amends N.J.S.40A:14-68 and N.J.S.40A:14-70.1 to provide that whenever a volunteer fire company contracts with a municipality or a fire district to provide fire services, the volunteer fire company retains the authority to appoint or elect its own chief.