

43:17-9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:17-9

(NJ State  
Firemen  
Association--require  
evidence of good  
health)

LAWS OF: 1989

CHAPTER: 105

Bill No: S3136

Sponsor(s): Graves

Date Introduced: January 10, 1989

Committee: Assembly: -----

Senate: Law, Public Safety & Defense

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

Date of Passage: Assembly: May 18, 1989

Senate: March 2, 1989

Date of Approval: June 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Firemen must be healthy," 6-30-89 Asbury Park Press

[FIRST REPRINT]

SENATE, No. 3136

STATE OF NEW JERSEY

INTRODUCED JANUARY 10, 1989

By Senator GRAVES

1 AN ACT concerning the New Jersey State Firemen's Association  
and amending R.S.43:17-9.

3

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

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

7 43:17-9. The membership of such corporation shall consist,  
without any formal election thereto, of the officers and members  
9 of such fire engine, hook and ladder, hose and supply company or  
companies, fire association or fire department, or board of  
11 firewardens, as shall be under the supervision or control of the  
governing board or body of the municipality or fire district and  
13 who, at the time of their becoming eligible for membership in the  
New Jersey State Firemen's Association, shall <sup>1</sup>be not less than  
15 18 years of age and not more than 40 years of age and shall<sup>1</sup>  
furnish evidence of good health in accordance with such  
17 reasonable rules and regulations as the executive committee of  
the association shall from time to time establish; also, such of  
19 the officers and members of any salvage corps (doing duty  
therein, which corps is provided and maintained by corporations  
21 created by virtue of chapter 9 of Title 15, Corporations and  
Associations Not for Profit [§ 15:9-1 et seq.] ); also of the  
23 officers and members of any association therein of exempt  
firemen. The whole body of the membership of such corporation  
25 shall have the same rights therein as the charter members  
thereof.

27 (cf: R.S.43:17-9)

2. 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SLP committee amendments adopted January 26, 1989.

1

**PUBLIC SAFETY**

**Firemen and Fire Safety**

3

Requires person to be between 18 and 40 years of age and to  
5 present evidence of good health as condition for admission to  
membership in the New Jersey State Firemen's Association.

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11 firewardens, as shall be under the supervision or control of the  
governing board or body of the municipality or fire district and  
13 who, at the time of their becoming eligible for membership in the  
New Jersey State Firemen's Association, shall furnish evidence  
15 of good health in accordance with such reasonable rules and  
regulations as the executive committee of the association shall  
17 from time to time establish; also, such of the officers and  
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19 provided and maintained by corporations created by virtue of  
chapter 9 of Title 15, Corporations and Associations Not for  
21 Profit [§ 15:9-1 et seq.] ); also of the officers and members of  
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23 the membership of such corporation shall have the same rights  
therein as the charter members thereof.

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29

STATEMENT

31 This bill amends R.S.43:17-9 to require that individuals must  
furnish evidence of good health at the time they become eligible  
33 for membership in the New Jersey State Firemen's Association.

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.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 3136

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 1989

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill 3136 with amendments.

As amended, this bill changes R.S.43:17-9 to require that individuals furnish evidence of good health at the time they become eligible for membership in the New Jersey State Firemen's Association.

The purpose of this bill is to address the finding of the Law Division of the Superior Court in a recent Bergen County case, Szabo v. New Jersey State Firemen's Association (Docket No. C1962-87) which overturned the association's longstanding practice of requiring all new members to pass an appropriate physical examination. In that case, the court determined that all firemen who are admitted into a municipally controlled fire company are, by virtue of that action, automatically members of the New Jersey State Firemen's Association and, therefore, the association could not require, as an additional condition for membership, a physical examination or other evidence of good health.

According to the sponsor, this bill is essential to preserve and protect the integrity of the funds that the association has available for indigent and needy firemen and their families and that are paid as death benefits.

In addition, the committee amended the bill to require that the person who is a firefighter with a fire engine, hook and ladder, hose and supply company, fire association, or fire department under the supervision or control of a municipality be between 18 and 40 years old at the time of eligibility for membership in the New Jersey State Firemen's Association.