

43:17-1

LEGISLATIVE HISTORY CHECKLIST
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(New Jersey Firemen's Association
amendments)

NJSA: 43:17-1

LAWS OF: 1996 CHAPTER: 151

BILL NO: A1117

SPONSOR(S): Kosco and Girgenti

DATE INTRODUCED: May 9, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Firest reprimt enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: November 14, 1996

SENATE: June 13, 1996

DATE OF APPROVAL: December 27, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

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MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

§40 - Repealer
§41 - Note to
§§1-40.

P.L. 1996, CHAPTER 151, *approved December 27, 1996*
Senate, No. 1117 (*First Reprint*)

1 AN ACT concerning the New Jersey State Firemen's Association, and
2 amending and repealing various parts of the statutory law.

3

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

6

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

8 43:17-1. In **[the several municipalities and fire districts]** any
9 municipality or fire district in this state in which there **[now are or**
10 **hereafter may be]** is organized for **[and]**doing public fire duty,
11 including nonprofit corporations or associations incorporated pursuant
12 to N.J.S.15A:1-1 et seq., one or more fire engine, hook and ladder,
13 hose or supply companies~~[,]~~ or any fire association, **[or]**fire
14 department or board of firewardens, which **[said company or**
15 **companies, association or department, or firewardens, shall be]** is
16 under the supervision or control of **[any common council or township**
17 **committee]** a municipal governing body, or board of fire
18 commissioners **[or other governing board or body whatsoever, or any**
19 **salvage corps (provided and maintained by corporations created by**
20 **virtue of chapter 9 of Title 15, Corporations and Associations Not for**
21 **Profit [s.15:9-1 et seq.])**, or any association of exempt firemen, it shall
22 be lawful for~~],~~ the chief **[engineer, or, if there be no chief engineer,**
23 **then the fire marshal, or, in case there be neither, then the senior**
24 **foreman,]** or there being no chief, the next highest ranking officer, and
25 **[for]** the president, if any, of such fire association or department, and
26 all members of any board of firewardens, or board of trustees **[or**
27 **engineers]** of such fire association or department, and **[also]** all
28 **[firemen]** firefighters belonging to such fire engine, hook and ladder,
29 hose, or supply company or companies, **[or salvage corps, and all**
30 **members of any association of exempt firemen]** of such municipality
31 or fire district, **[to]** may associate themselves **[together]** and become

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:

¹ Senate SLP committee amendments adopted June 6, 1996.

1 incorporated under and by the name of "the _____ firemen's
2 relief association," or any other name which shall indicate the object
3 of such association, using the name of the [city, town, borough,
4 township] municipality or fire district in which the [same] association
5 may be located.

6 (cf: R.S.43:17-1)

7

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

9 43:17-2. The president and secretary of the corporation, when
10 elected as hereinafter provided, shall forthwith sign a certificate and
11 cause it to be recorded in the office of the clerk of the county in which
12 the corporation is located and filed in the [office] Office of the
13 [secretary of state] Secretary of State. The certificate, or a copy
14 thereof, duly certified by the county clerk or the [secretary of state]
15 Secretary of State, shall be evidence in all courts and places. The
16 certificate shall state the election of the representatives authorized to
17 organize the corporation, the election by such representatives of a
18 board of officers and a board of [visitors or] trustees, giving their
19 names and official designations, the corporate name assumed, the
20 location of the corporation and a reference to this article. In case of
21 a reincorporation under this article, the certificate shall, instead
22 thereof, state the former incorporation, the date thereof, the names and
23 official designations of the officers of the corporation and a reference
24 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, invest, and
31 reinvest, real, personal and mixed estate, and may enter into, execute
32 and enforce any contracts or agreements relating to, touching or
33 concerning the objects of such corporation, and they and their
34 successors, and all who shall associate themselves together with them,
35 shall, as such corporation, be entitled to all the rights, powers,
36 privileges, benefits, advantages and immunities which now are or
37 hereafter may be conferred upon corporations generally, under any law
38 of this state.

39 (cf: R.S.43:17-2)

40

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

42 43:17-3. The object of associations incorporated under this article
43 shall be to establish, provide for and maintain a fund for the relief,
44 support or burial of [indigent exempt firemen] needy firefighters and
45 their families, and [of] any persons and the families of any persons
46 who [may be] are injured or [killed while] die in the course of doing

1 public fire duty, or who may become [indigent or be] needy or
2 disabled or [may die] die as the result of doing such duty or [may] be
3 prevented by the injury or by [sickness] illness arising from [their]
4 doing such duty, from attending to their usual occupation or calling.
5 The relief, support or burial benefit shall be granted in accordance with
6 the rules and regulations adopted by the New Jersey State Firemen's
7 Association.

8 (cf: R.S.43:17-3)

9

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

11 43:17-4. Any association organized prior to March twenty-fifth,
12 one thousand eight hundred and eighty-five, for the purposes intended
13 by this article, whether incorporated or not, shall be reorganized and
14 incorporated or reincorporated under this article, except corporations
15 which have been created or continued by special act of the legislature.
16 A corporation incorporated by special act may, if it sees fit, be
17 reorganized and reincorporated under this article. In case of
18 incorporation or reincorporation, the president and secretary shall
19 sign, record and file a certificate as provided in [section] R.S.43:17-2
20 [of this title]. Thereupon the association or corporation shall be a
21 corporation under this article and shall have all the powers and
22 privileges conferred by this article on corporations formed under it,
23 and no other powers or privileges. A corporation reorganized and
24 reincorporated under this article shall succeed to and be seized of all
25 the right, title and interest in any property belonging to it under its
26 former organization. The representatives, [visitors or] trustees and
27 other officers of any association or corporation reorganized and
28 incorporated or reincorporated under this article, shall continue to
29 serve as such until the election following the reorganization, and until
30 their successors are respectively elected, and not thereafter, and the
31 membership thereof shall be subject to the same conditions and have
32 the same rights as provided in [section] R.S.43:17-9 [of this title]. If
33 any such association or corporation shall not have been reorganized
34 and incorporated or reincorporated under this article within one year
35 after March twenty-fifth, one thousand eight hundred and eighty-five,
36 it shall be deemed to have forfeited its charter.

37 (cf: R.S.43:17-4)

38

39 5. R.S.43:17-7 is amended to read as follows:

40 43:17-7. There shall not be organized in any municipality or fire
41 district having a fire department, company or association more than
42 one relief association under this article. In any municipality or fire
43 district where there is more than one association on the effective date
44 of this act, those associations may continue to operate provided they
45 comply with the provisions of R.S.43:17-1 et seq. and the rules and
46 regulations adopted by the New Jersey State Firemen's Association.

1 In case of the consolidation of any two or more municipalities or
2 fire districts, all relief associations then existing in the municipalities
3 or fire districts shall consolidate by the formation of a new association
4 under this article. Upon its formation, the relief associations so
5 consolidated shall transfer their funds and members to the new
6 association, whereupon the relief associations so consolidated shall
7 dissolve, in accordance with this article.

8 (cf: R.S.43:17-7)

9

10 6. R.S.43:17-8 is amended to read as follows:

11 43:17-8. If any such association forfeits its charter, or the charter
12 is repealed or expires by limitation or the association is dissolved, or
13 if a person has in possession or charge any moneys derived from any
14 source for the relief of **[indigent]** needy or disabled **[firemen]**
15 firefighters, or any balance thereof, property purchased therewith or
16 securities in which the same may have been invested, or if any person
17 is indebted for the loan or deposit of such moneys, other than the duly
18 incorporated firemen's relief associations allowed by this article, or the
19 treasurers thereof, then, **[upon]** the moneys, accounts payable,
20 property or securities shall be delivered to the Treasurer of the New
21 Jersey State Firemen's Association to be held in trust for needy
22 firefighters or their families. If a new [legal organization and
23 incorporation hereunder of a] firemen's relief association is legally
24 organized and incorporated or reincorporated in such municipality or
25 fire district, there shall forthwith be paid over, assigned and conveyed
26 to the new corporation, any money, accounts payable, property and
27 securities remaining in the possession or charge of **[such old]** the
28 Treasurer of the New Jersey State Firemen's Association in trust for
29 the former local association or corporation, or of any person, for its
30 use or otherwise, or any money, property or securities to which it may
31 be entitled, at law or in equity, derived as aforesaid. An account shall
32 be given therewith of all moneys theretofore had and received **[by it or**
33 **them]** from such sources and of the disposition thereof. All such
34 moneys expended by it or them, other than for the benefit of **[indigent]**
35 needy or disabled **[firemen]** firefighters or their families, shall also be
36 paid over to the new corporation on demand.

37 (cf: R.S.43:17-8)

38

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

40 43:17-9. The membership of such corporation shall consist,
41 without any formal election thereto, of the officers and members of
42 such fire engine, hook and ladder, hose and supply company or
43 companies, fire association or fire department, or board of
44 firewardens, as shall be under the supervision or control of the
45 governing board or body of the municipality or fire district and who,
46 at the time of their becoming eligible for membership in the New

1 Jersey State Firemen's Association, shall be not less than 18 years of
2 age and not more than 40 years of age and shall furnish evidence of
3 good health in accordance with such reasonable rules and regulations
4 as the executive committee of the [association] New Jersey State
5 Firemen's Association shall from time to time establish; [also, such of]
6 the officers and members of any [salvage corps (doing duty therein,
7 which corps is provided and maintained by corporations created by
8 virtue of chapter 9 of Title 15, Corporations and Associations Not for
9 Profit); also of] nonprofit corporations and associations incorporated
10 pursuant to N.J.S.15A:1-1 et seq.; and the officers and members of
11 any association therein of exempt firemen. The whole body of the
12 membership of such corporation shall have the same rights therein as
13 the charter members thereof.

14 (cf: P.L.1989, c.105, s.1)

15

16 8. R.S.43:17-10 is amended to read as follows:

17 43:17-10. A corporation, incorporated or reincorporated under this
18 article may, through its representatives, make, adopt and use, and from
19 time to time alter, amend or change, such constitution or by-laws, or
20 both, and such rules for its government, the regulation of its affairs
21 and the disposition and management of its funds and property as seem
22 to the representatives to be proper. The same shall not be inconsistent
23 with the constitution or laws of the United States or of this state, or
24 the rules and regulations adopted by the New Jersey State Firemen's
25 Association.

26 (cf: R.S.43:17-10)

27

28 9. R.S.43:17-11 is amended to read as follows:

29 43:17-11. On or before the second Monday in December, in every
30 year, each fire engine, hook and ladder, hose [and] or supply
31 company, and the board of trustees [or engineers] of any fire
32 association or department, and any board of firewardens, which
33 [company or companies, fire association or department, or board of
34 firewardens, shall be] is under the supervision or control of any
35 [common council] municipal governing body,[or township commit tee,
36 or] board of fire commissioners, [or other governing board or body
37 whatsoever, and each salvage corps (provided and maintained by
38 corporations created by virtue of chapter 9 of Title 15, Corporations
39 and Associations Not for Profit [s.15:9-1 et seq.])] or nonprofit
40 corporations and associations incorporated pursuant to N.J.S.15A:1-1
41 et seq., and which [company or companies, fire association or
42 department, board of firewardens, or salvage corps, shall be] is
43 organized for and doing public fire [or salvage] duty in any [city,
44 town, borough, township] municipality or fire district in this state,
45 shall choose not more than three representatives, and the exempt
46 firemen's association, if any such there be, shall choose not more than

1 three representatives, who, together with the president, if any, of such
2 fire association or department, and the chief [engineer], or, if there be
3 no chief [engineer], then the [fire marshal, or, in case there be neither,
4 then the senior foreman] next highest ranking officer, shall constitute
5 a board of representatives, and shall have and exercise all the powers
6 and perform all the duties herein committed to them, and shall hold
7 office [for one year after the date of their election and] until their
8 successors be chosen, and until their successors shall meet for the
9 purpose of holding the annual election of officers, as [hereinafter]
10 provided in R.S.43:17-12.

11 (cf: R.S.43:17-11)

12

13 10. R.S.43:17-12 is amended to read as follows:

14 43:17-12. If the by-laws of any firemen's relief association provide
15 for the election, by each of the several companies, associations, or
16 boards [or corps] of which the relief association is comprised, of more
17 than one member of the board of representatives thereof, the firemen's
18 relief association may provide for a rotation in the terms of office of
19 the members of the board of representatives, and at any annual
20 election thereafter, there may be elected one representative for one
21 year, one for two years, and, if deemed desirable, one for three years.
22 Thereafter at each election, one representative shall be elected for the
23 longest term provided for, not exceeding three years, from each
24 company, association, or board [or corps] comprising the firemen's
25 relief association.

26 (cf: R.S.43:17-12)

27

28 11. R.S.43:17-13 is amended to read as follows:

29 43:17-13. The board of representatives shall, on or before the third
30 Monday in December in every year, elect by ballot from among their
31 own number, [or otherwise,] or out of the whole membership of that
32 association a president, vice president, treasurer and a secretary, who
33 shall be the board of officers of the corporation, and not more than
34 five members of a board of [visitors or] trustees.

35 At the first election after the incorporation or reincorporation, there
36 shall be elected not less than three nor more than fifteen [visitors or]
37 trustees, who shall then be divided by the representatives, by lot, into
38 three classes, of not more than five persons each, those of the first
39 class to hold office for one year, those of the second class to hold
40 office for two years and those of the third class to hold office for three
41 years after the date of their election, so that one class shall go out of
42 office each year, and [that] in each year after the first election not
43 more than five [visitors or] trustees, who shall hold office for three
44 years after the date of their election, shall be elected at the annual
45 election.

46 The [visitors or] trustees may be elected in the same manner and

1 from the same source as the representatives are chosen, in which case
2 they shall be divided by the representatives, by lot, into three classes
3 for the aforesaid terms. When the term of any [visitor or] trustee so
4 elected expires, [his] the successor shall be selected from the same
5 source as that from which [he was] the trustee was chosen, and shall
6 hold office for three years after the date of [his] the election.

7 All of the [visitors or] officers and trustees shall hold office until
8 their respective successors are elected.

9 (cf: R.S.43:17-13)

10

11 12. R.S.43:17-14 is amended to read as follows:

12 43:17-14. The [secretary] officers shall, upon [his] their election,
13 take an oath of office for the faithful performance of [his duty]their
14 duties. [The oath shall be administered by the president.]

15 (cf: R.S.43:17-14)

16

17 13. R.S.43:17-15 is amended to read as follows:

18 43:17-15. The treasurer and [collector] officers of every firemen's
19 relief association, organized or working under this article, shall in each
20 year, upon assuming [his] their office, [give to the association] be
21 covered by a bond for the faithful discharge of [his] their duties, with
22 a surety company authorized to do business in this state as surety
23 thereon, in a sum at least equal to the amount of money and
24 convertible securities that may be in or coming into [his] their hands,
25 control or custody as such [officer, and also for as much more as the
26 board of representatives or other governing body deems is apt to come
27 to his hands during his term of office, in excess of the amount on hand.
28 The cost of the bond shall be paid by the association] officers. The
29 bond shall be procured, maintained and paid by the New Jersey State
30 Fireman's Association.

31 The [commissioner of banking and insurance] Treasurer of the New
32 Jersey State Fireman's Association shall be the custodian of [all] the
33 official bond or bonds provided for in this section, [when they are
34 deposited with him by the auditor of the New Jersey state firemen's
35 association, for the proper use and benefit of the firemen's association
36 to which the bonds are made payable] and shall forward copies to the
37 Commissioner of Insurance.

38 [When it is necessary for the auditor to obtain bonds or renewals
39 thereof because a local relief association fails to do so, or for any other
40 reason, the state tax commissioner, on being notified by the auditor,
41 and upon certification by the commissioner of banking and insurance,
42 shall pay for the same out of money in or coming to his hands from the
43 two per cent on premiums paid for insurance placed by foreign
44 insurance companies on property in this state, and charge the amount
45 so paid to the association for which the bond is obtained or renewed
46 and deduct the same from the amount that would be coming to the

1 association in the next pro rata distribution of the funds.]

2 (cf: R.S.43:17-15)

3

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

5 43:17-17. A majority of the board of representatives or of the
6 board of [visitors or] trustees, as the case may be, shall constitute a
7 quorum at the meetings of the respective boards.

8 (cf: R.S.43:17-17)

9

10 15. R.S.43:17-18 is amended to read as follows:

11 43:17-18. No person shall at one time serve on the board of
12 representatives and the board of [visitors or] trustees. If elected to
13 both he shall resign one or the other, as he sees fit. [Each board may,
14 however, delegate one of its number to sit with the members of the
15 other board.]

16 (cf: R.S.17-18)

17

18 16. R.S.43:17-19 is amended to read as follows:

19 43:17-19. The board of [visitors or] trustees shall once in each
20 year, immediately after the election of the new members thereof, elect,
21 by ballot, a [chairman] chairperson and secretary.

22 (cf: R.S.43:17-19)

23

24 17. R.S.43:17-20 is amended to read as follows:

25 43:17-20. The board of representatives shall be convened by its
26 president at least [twice] five times a year and when [he] the president
27 thinks proper or is requested so to do by a majority of the
28 representatives.

29 The board of [visitors or] trustees shall be convened by its
30 [chairman] chairperson at least twice a year and when [he] the
31 chairperson thinks proper or is requested so to do by any [visitor or]
32 trustee.

33 The representatives may provide in their by-laws for regular stated
34 meetings of the representatives and the [visitors or] trustees.

35 (cf: R.S.43:17-20)

36

37 18. R.S.43:17-21 is amended to read as follows:

38 43:17-21. If a vacancy occurs in the office of representative, it
39 shall be filled forthwith by the company, association[,] or board [or
40 corps] by which [he] the representative was elected, for the remainder
41 of the term for which he was elected, at a special election held for that
42 purpose.

43 (cf: R.S.43:17-21)

44

45 19. R.S.43:17-22 is amended to read as follows:

46 43:17-22. If a vacancy occurs in the office of president, vice

1 president, treasurer, secretary or [visitor or] trustee, it shall be filled
2 forthwith for the remainder of the term by the representatives [or the
3 company, association, board or corps by which he was elected,] at a
4 special election held for that purpose.

5 (cf: R.S.43:17-22)

6

7 20. R.S.43:17-23 is amended to read as follows:

8 43:17-23. The secretary and treasurer shall report to the board of
9 representatives at its annual meeting and shall also report [to such
10 board or to the board of visitors or trustees] when requested[so to do
11 by either of them].

12 (cf: R.S.43:17-23)

13

14 21. R.S.43:17-24 is amended to read as follows:

15 43:17-24. All applications for assistance shall be referred to the
16 [visitors or] trustees for their [inspection] investigation and approval
17 [and they shall dispose of the relief fund of the corporation, within
18 such limit and according to such rules and regulations as the board of
19 representatives, from time to time, establishes. No bill therefor shall
20 be contracted or paid or assistance given, without the approval of at
21 least two of the visitors or trustees, who shall issue a warrant to the
22 treasurer for the amount they deem necessary therefor. The warrant
23 shall, before payment, be countersigned by the president. No person
24 shall be given assistance if the cause of the indigence or the reason for
25 the disability or the nature or cause of the injury or sickness is not, in
26 the opinion of a majority of the visitors or trustees, such as to entitle
27 him to the assistance, nor if, in the opinion of a majority of the visitors
28 or trustees, the applicant is deemed unworthy of assistance. The
29 visitors or trustees may refuse assistance if, upon inquiry, they deem
30 the applicant not to be in real need thereof] or disapproval. The
31 trustees shall report their findings and recommendations to the board
32 of representatives which may adopt or approve the same, or make its
33 own determination in accordance with the provisions of R.S.43:17-35
34 and the rules and regulations adopted by the Executive Committee of
35 the New Jersey State Firemen's Association.

36 No person shall be given assistance if the cause of the need or the
37 reason for the disability or the nature or cause of the injury or sickness
38 is not in the opinion of the board of representatives such as to entitle
39 the applicant to assistance, or if the applicant is deemed financially
40 unworthy of assistance.

41 (cf: R.S.43:17-24)

42

43 22. R.S.43:17-25 is amended to read as follows:

44 43:17-25. [Except as provided in section 43:17-24 of this title, the]
45 The management of the business and affairs, the custody of the
46 property and the disposal of the funds and property of the corporation

1 shall be ~~[intrusted]~~ entrusted to the board of representatives thereof
2 in accordance with R.S.43:17-35 and the rules and regulations adopted
3 by the New Jersey State Firemen's Association.

4 (cf: R.S.43:17-25)

5

6 23. R.S.43:17-26 is amended to read as follows:

7 43:17-26. The board of representatives may, at any meeting
8 thereof, inquire into ~~[and control the application of the funds and~~
9 ~~property of the corporation and suspend any visitor or trustee or~~
10 ~~officer, if it judges him to be guilty of misconduct or malfeasance in~~
11 ~~office, until a trial thereof can be had]~~ the applications for relief or
12 payment thereof, the funds from which relief is available or paid, and
13 shall oversee and control the funds, money and property of the
14 corporation and ensure its proper allocation, disbursement or
15 management in accordance with R.S.43:17-35 and the rules and
16 regulations adopted by the New Jersey State Firemen's Association.

17 If the board of representatives determines there is a violation
18 thereof, the board of representatives may suspend any trustee or
19 officer pending a hearing by the board of representatives to determine
20 if there are grounds for a charge of misconduct, malfeasance in office
21 or violation of any law or the rules and regulations adopted by the
22 New Jersey State Firemen's Association.

23 (cf: R.S.43:17-26)

24

25 24. R.S.43:17-27 is amended to read as follows:

26 43:17-27. If any ~~[representative, visitor]~~ member of the board of
27 representatives, or trustee or any officer is charged with misconduct
28 or malfeasance in office~~],~~ the charge shall forthwith be investigated by
29 the company, association, board or corps by which he was elected. If,
30 on a trial thereof, at which he may be heard in his own behalf or by
31 counsel, he is found guilty, the company, association, board or corps
32 shall declare his office vacant and fill the vacancy as hereinbefore
33 ~~provided]~~ or charged with a violation of any law or the rules and
34 regulations adopted by the New Jersey State Firemen's Association,
35 such person shall immediately be served with a copy of the complaint,
36 including charges and specifications. The charges shall then be
37 investigated by a member or committee of the membership of the local
38 relief association elected thereby and a report of the investigation shall
39 be submitted thereto. If the association by a majority vote of the
40 membership present determines that there is probable cause that an
41 offense has been committed or there is misconduct or malfeasance in
42 office, then a hearing shall be conducted.

43 The person or persons charged may be represented in person or by
44 an attorney-in-fact or attorney-at-law, and may examine, cross-
45 examine, or present witnesses or testimony, and written or oral
46 evidence. The hearing before the membership shall be conducted by

1 an officer or other designated person selected by the association, and
2 at the conclusion of the hearing the officer or such duly selected
3 person shall make findings and recommendations which shall be
4 submitted to the membership. A majority vote shall determine the
5 guilt or innocence of the person or persons charged and any penalty to
6 be imposed. If any person is found guilty of misconduct or
7 malfeasance in office, the association or board of representatives may
8 declare the office vacant and fill the vacancy as hereinbefore provided.

9 If the association or board of representatives does not take action
10 to charge any person with a violation of law or the rules and
11 regulations adopted by the New Jersey State Firemen's Association or
12 for misconduct or malfeasance in office, the New Jersey State
13 Firemen's Association may take such action or declare the association
14 out of accord, seize control of all assets thereof in accordance with the
15 rules and regulations adopted by the New Jersey State Firemen's
16 Association, and take necessary action to protect and preserve the
17 funds or property of the association.

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

19
20 25. R.S.43:17-29 is amended to read as follows

21 43:17-29. Each firemen's relief association may pay to [such] the
22 delegates, life members and chief [of the department] or the next
23 highest ranking officer as shall attend and represent it and to [such]
24 each delegate [as] who shall attend and represent the local exempt
25 firemen's association [in] at the annual [conventions] convention of
26 the New Jersey State Firemen's Association the [actual expense] cost
27 incurred by them for [railroad fares and hotel bills, upon their being
28 presented and audited by the finance committee of the local firemen's
29 relief association] travel, lodging, and other expenses as determined
30 by the executive committee of the New Jersey State Firemen's
31 Association in accordance with R.S.43:17-35 and the rules and
32 regulations adopted by the New Jersey Firemen's Association.

33 Nothing contained in this article shall authorize the payment of such
34 expenses a second time to any delegate [from a local exempt firemen's
35 association who also represents a firemen's relief association, or to any
36 delegate who so attends and represents a local exempt firemen's
37 association which has procured the transfer of funds as authorized by
38 law from the custody and control of a local firemen's relief
39 association].

40 (cf: R.S.43:17-29)

41
42 26. R.S.43:17-31 is amended to read as follows:

43 43:17-31. On or before [April first] February 10th in every year,
44 each local firemen's relief association, however incorporated, shall
45 [cause to be filed] file a financial report with the [secretary of state a
46 sworn statement showing]field examiner of the New Jersey State

1 Firemen's Association who then shall file a sworn statement with the
2 Secretary of State on or before May 1st showing:

3 a. The names of its representatives, [visitors or] trustees and other
4 officers, and the amount of their respective fees or salaries, if any;

5 b. The names of [its beneficiaries] the applicants approved for
6 relief during or within the year [next] preceding the statement and the
7 amount of money paid to each of them;

8 c. The receipts and expenses during the year, which [expenses]
9 shall be stated in detail; and

10 d. The amount of money or other property in its possession at the
11 date of making the statement and how the money is invested or
12 secured [or] and where it is deposited.

13 [A sworn duplicate of the statement shall, at the same time, be filed
14 with the secretary of the New Jersey State Firemen's Association. The
15 executive committee thereof shall forthwith make an examination of
16 the statement to determine whether the local association has complied
17 with the requirements of this chapter relating thereto.]

18 The executive committee shall cause an examination to be made of
19 the local association and shall file a biannual report, certified by an
20 accountant licensed by the State of New Jersey, with the Department
21 of Insurance. The report shall provide the following: (1) a statement
22 of the plan and procedures for the examination and report; (2)
23 reasonable assurances that each local association's financial statement
24 is free of material misstatements; (3) material instances of non-
25 compliance or failures to follow State statutes, regulations, or policies
26 and the rules and regulations of New Jersey State Firemen's
27 Association; (4) information to provide for the economical, fair, and
28 non-discriminatory administration and efficient provisions for
29 protection of the assets of the local association.

30 The statement of the plan and procedures shall be prepared by the
31 executive committee of the New Jersey State Firemen's Association
32 and be filed with the Department of Insurance. The plan or the
33 procedures may be amended from time to time.

34 The report shall be filed with the Treasurer of the New Jersey State
35 Fireman's Association and the Department of Insurance on or before

1 June 1.

2 (cf: R.S.43:17-31)

3

4 27. R.S.43:17-32 is amended to read as follows:

5 43:17-32. When a volunteer organization has been or shall
6 hereafter be organized, reorganized, **[and]** or reincorporated under
7 **[this article]** R.S.43:17-1 et seq., in any municipality wherein the
8 authorities shall have established fire limits and enacted ordinances for
9 the violation of the building laws therein, all fines and penalties
10 imposed by these ordinances shall be sued for and recovered by, and
11 in the name of, the firemen's relief association of the municipality,
12 before any court of competent jurisdiction. When recovered, the
13 penalties shall be paid to the treasurer of the firemen's relief
14 association of the municipality for the use and benefit of the relief
15 association.

16 (cf: R.S.43:17-32)

17

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

19 43:17-33. No firemen's relief association, however incorporated,
20 shall invest its moneys in any manner, except as follows:

21 a. In stocks or bonds or interest-bearing notes or obligations of the
22 United States, or those for which the full faith of the United States is
23 distinctly pledged to provide for the payment of the principal and
24 interest thereof;

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

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

30 d. In stocks or bonds of any **[municipality or county]** governmental
31 entity of this State or any other State of the United States, which have
32 been or may be issued pursuant to a law of that State, and in any
33 interest-bearing obligations issued by **[the municipality or county]** a
34 governmental entity in which the relief association is situated. No
35 investment shall be made under this paragraph if that **[municipality or**
36 **county]** governmental entity has, within ten years previous to making
37 the investment by the relief association, defaulted in the payment of
38 any part of principal or interest of any debt authorized by the
39 Legislature of that State to be contracted or if the total indebtedness
40 of that **[municipality or county]** governmental entity is not limited by
41 law to ten per centum (10%) of its assessed valuation;

42 e. **[In** bonds secured by mortgages, which are first liens on real
43 estate situate in this State and worth at least double the amount loaned
44 thereon, but not to exceed eighty per centum (80%) of all the moneys
45 of the association shall be so loaned or invested. If the loan is on
46 unimproved or unproductive real estate, the amount loaned thereon

1 shall not be more than thirty per centum (30%) of its actual value. No
2 investment shall be made by any firemen's relief association, except
3 upon a favorable report of a committee of at least three of the
4 members of the board of representatives of the relief association, a
5 majority of which committee shall certify to the value of the premises
6 mortgaged or to be mortgaged, according to their best judgment. The
7 report shall be filed and preserved among the records of the
8 association;] Deleted by amendment, P.L. , c. (now pending before
9 the Legislature as this bill)

10 f. In such real estate only as has been or may hereafter be
11 purchased by the association at sales upon the foreclosure of
12 mortgages owned by the association, or upon judgments or decrees
13 obtained or rendered for debts due to it, or in settlements effected to
14 secure such debts. All this real estate shall be sold by the corporation
15 within five years after the real estate is so purchased, unless upon
16 application to the executive committee of the New Jersey State
17 Firemen's Association further time is given by the committee in which
18 to sell the real estate or any part thereof;

19 g. [In shares of or accounts in savings and loan associations
20 organized under the laws of this State, or Federal savings and loan
21 associations organized under the laws of the United States, the
22 principal office of which is located in New Jersey; provided, that the
23 accounts of the association whether State or Federally chartered are
24 insured by the Federal Savings and Loan Insurance Corporation,
25 pursuant to Title 4 of an Act of Congress entitled "National Housing
26 Act"; approved June twenty-seventh, one thousand nine hundred and
27 thirty-four (12 U.S.C.A. s. 1724 et seq.), supplemented or amended,
28 or by any other corporation created or organized under the laws of the
29 United States, which corporation is an instrumentality of the United
30 States; provided, however, that such investment shall not exceed the
31 aggregate amount for which any member or investor of any such
32 association shall be insured.] Deleted by amendment, P.L. , c. (now
33 pending before the Legislature as this bill)

34 h. In bonds, stocks, accounts or other financial instruments of any
35 State or Federal financial institutions organized and existing under the
36 laws of the State of New Jersey or the United States of America,
37 provided the bonds, stocks, accounts or other financial instruments are
38 insured or guaranteed by the State of New Jersey or the United States
39 Government, or any agency or instrumentally of either or both.

40 i. All investments authorized pursuant to this section shall be in
41 the name of the local relief association.

42 (cf: P.L.1953, c.75, s.1)

43

44 29. R.S.43:17-34 is amended to read as follows:

45 43:17-34. A violation of any provision of [section] R.S.43:17-33
46 [of this title], by any or either of the members of the boards of officers

1 or representatives, or other officers of the firemen's relief association,
2 shall be a [misdemeanor and any person so offending shall be
3 punished by a fine of not less than two hundred and fifty dollars nor
4 more than one thousand dollars or imprisonment for a term not
5 exceeding two years, at the court's discretion] crime of the fourth
6 degree.

7 (cf: R.S.43:17-34)

8

9 30. R.S.43:17-35 is amended to read as follows:

10 43:17-35. Any funds heretofore or hereafter received and held by
11 a relief association organized and existing under this article, from any
12 source, may be used for the relief, support and maintenance of
13 [exempt, paid or volunteer firemen] qualified firefighters and their
14 dependents, not only during the lives of the [firemen] firefighters but
15 after their death, in accordance with such reasonable rules and
16 regulations in regard thereto as the executive committee of the New
17 Jersey State Firemen's Association from time to time establishes. The
18 executive committee may make and establish, alter, amend and
19 supplement these rules and regulations, may put into effect and alter,
20 from time to time, [such] the methods of administration as may best
21 accomplish such results and may provide for the restoration of the
22 funds of any local relief association diminished by payments made
23 [either] by an assessment levied by the executive committee [upon
24 other associations] in such equitable manner as it prescribes [or by
25 direction to and requisition upon the state tax commissioner respecting
26 the funds received by him from the tax on the premiums of fire
27 insurance in foreign insurance companies.

28 Nothing in this chapter shall be construed to prevent the payment
29 by any such association of funeral or death benefits out of any funds
30 to the natural beneficiaries of any fireman dying after March eleventh,
31 one thousand nine hundred and twenty-two, in such amount and
32 subject to such rules and limitations as the executive committee from
33 time to time establishes].

34 (cf: R.S.43:17-35)

35

36 31. R.S.43:17-37 is amended to read as follows:

37 43:17-37. A local firemen's relief association, incorporated or
38 reincorporated under this article may be dissolved at any meeting
39 thereof by a vote, by written or printed ballot, of two-thirds of the
40 members present and voting in favor thereof. Notice of the meeting,
41 and of the purpose thereof, signed by at least ten of the members,
42 shall have been mailed to each person entitled to vote thereat at least
43 twenty days prior thereto and published for three weeks successively,
44 once in each week, in a newspaper circulating in the neighborhood
45 where the association is located. Notice of the dissolution shall be
46 filed forthwith with the [secretary of state] Secretary of State and the

1 secretary of the [state association] New Jersey State Firemen's
2 Association.

3 (cf: R.S.43:17-37)

4

5 32. R.S.43:17-39 is amended to read as follows:

6 43:17-39. Nothing contained in this chapter shall be deemed to
7 repeal the charter of any incorporated association, or to dissolve any
8 voluntary association, organized, prior to March twenty-fifth, one
9 thousand eight hundred and eighty-five, by the exempt [firemen]
10 firefighters of any city, or by the volunteer [firemen] firefighters
11 therein, previous to, at or about the time [of] for the organization
12 therein of a paid fire department, or to prevent the incorporation of
13 any such associations. This chapter shall not apply to or affect in any
14 manner any funds which have been or may be accumulated by any such
15 associations.

16 (cf: R.S.43:17-39)

17

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

19 43:17-41. The New Jersey State Firemen's Association organized
20 pursuant to an act entitled "An act concerning firemen's relief
21 associations," approved March twenty-fifth, one thousand eight
22 hundred and eighty-five (L.1885, c.122, p.144), and the amendments
23 thereof and supplements thereto, is continued as heretofore, and there
24 shall not be more than one such state association.

25 The delegates and alternates of the local firemen's relief
26 associations, elected as hereinafter provided, and the chief [engineer,
27 senior foreman, fire marshal or other like] or next highest ranking
28 officer [of the fire department], representing the local relief
29 associations, together with the delegates and alternatives from exempt
30 firemen's associations of this [state] State, elected as hereinafter
31 provided, and those recognized by the [state firemen's associations]
32 New Jersey State Firemen's Association, or who may hereafter be
33 elected by it as life members under its by-laws and constitution, so
34 long as they remain members, and the officers of the [state
35 association]New Jersey State Firemen's Association, shall conduct the
36 affairs of the [state firemen's associations] New Jersey State Firemen's
37 Association.

38 The [state association]New Jersey State Firemen's Association shall
39 have the same rights, powers and privileges as the local firemen's relief
40 associations, [except that of sharing in] including providing for the
41 distribution of any fund for the relief of [indigent or disabled firemen]
42 disabled or needy firefighters and their families. The expense of
43 maintaining the [state association] New Jersey State Firemen's
44 Association shall be borne equally by all of the local firemen's relief
45 associations in accordance with the rules and regulations adopted by
46 the New Jersey State Firemen's Association.

1 (cf: R.S.43:17-41)

2

3 34. R.S.43:17-42 is amended to read as follows:

4 43:17-42. On or before [~~September first~~] June 1st in each year, the
5 board of representatives of each duly incorporated local firemen's
6 relief association in this [~~state~~] State shall choose, out of the whole
7 body of the membership thereof, three delegates to the convention or
8 meetings of the [~~state association~~] New Jersey State Firemen's
9 Association and three alternates, one or more of whom shall act in the
10 place of any delegate [~~or delegates~~] so chosen who may be unable to
11 attend the convention or [~~meeting~~] meetings of the [~~state~~
12 ~~association~~] New Jersey State Firemen's Association. They, together
13 with the chief [~~engineer~~], or if there is no chief [~~engineer~~, then the fire
14 marshal, or if there is neither, then the senior foreman or other like]
15 the next highest ranking officer, shall represent the [~~corporation~~] local
16 association at the conventions or meetings of the New Jersey State
17 Firemen's Association.

18 (cf: R.S.43:17-42)

19

20 35. R.S.43:17-43 is amended to read as follows:

21 43:17-43. On or before [~~the second Wednesday in April~~] June 1st
22 in every year, each duly incorporated exempt firemen's association
23 shall choose, by ballot, one delegate and one alternate who shall act in
24 the place of the delegate who may be unable to attend the convention
25 or meeting of the New Jersey State Firemen's Association out of the
26 whole body of the membership thereof, who shall represent and vote
27 for the local [~~corporation~~] exempt firemen's association at the
28 convention or meetings of the New Jersey State Firemen's
29 Association. This delegate or alternate shall have the same rights,
30 powers and privileges as the delegates elected to the [~~state~~
31 ~~association~~] New Jersey State Firemen's Association by the local
32 firemen's relief associations.

33 (cf: R.S.43:17-43)

34

35 36. R.S.43:17-44 is amended to read as follows:

36 43:17-44. At each annual [~~meeting or~~] convention of the New
37 Jersey State Firemen's Association, there shall be [~~chosen~~] elected, by
38 ballot, a president, vice president, secretary, treasurer, first assistant
39 secretary, second assistant secretary, executive committee and such
40 other officers as the constitution and by-laws adopted by the [~~state~~
41 ~~association~~] New Jersey State Firemen's Association require. The
42 president, secretary and other officers and such other persons or
43 committees as the constitution and by-laws of the [~~state association~~]
44 New Jersey State Firemen's Association provide, shall constitute the
45 executive committee of the [~~state association~~] New Jersey State
46 Firemen's Association. The president and secretary, after each

1 election, shall file [in the office of the commissioner of banking and
2 insurance] with the Commissioner of Insurance a sworn statement of
3 the fact of the election and of the names of the [president, secretary
4 and other] officers so [chosen] elected. The first certificate filed after
5 March twenty-fifth, one thousand eight hundred and eighty-five, which
6 contained a reference to the act entitled "An act concerning firemen's
7 relief associations," approved March twenty-fifth, one thousand eight
8 hundred and eighty-five (L.1885, c.122, p.144), stated the intention to
9 incorporate thereunder and had thereon an impression of the common
10 seal of the [state association] New Jersey State Firemen's Association
11 shall be deemed to be the certificate of incorporation of the [state
12 association] New Jersey State Firemen's Association.

13 The executive committee of the New Jersey State Firemen's
14 Association has the power to adopt and revise the constitution and by-
15 laws from time for time in accordance with R.S.43:17-35.

16 At each annual convention the [state association] New Jersey State
17 Firemen's Association may adopt for its use and government [such]
18 any amendment submitted by any local association or the executive
19 committee to amend the constitution and by-laws as seem best for its
20 uses and purposes.

21 (cf: R.S.43:17-44)

22

23 37. R.S.43:17-45 is amended to read as follows:

24 43:17-45. The executive committee of the New Jersey State
25 Firemen's Association shall have the supervision and power of control
26 of the funds and other property of all firemen's relief associations, shall
27 see that the same are properly guarded and legally invested and
28 expended and shall examine the annual reports of each association.
29 It shall report to the [commissioner of banking and insurance]
30 Commissioner of Insurance, on or before June [tenth] 10th in each
31 year, a list of all associations which have complied with the law in all
32 respects. Only associations so reported shall be entitled to the pro rata
33 share of the moneys [in the commissioner's hands] arising from the
34 two per cent on premiums.

35 (cf: R.S.43:17-45)

36

37 38. R.S.43:17-46 is amended to read as follows:

38 43:17-46. For the purpose of proper supervision and control of the
39 funds and property of the local firemen's relief associations, the
40 executive committee may, each year, elect [an auditor] 'a' field
41 examiner, who shall, by virtue of his office, be a member of the
42 executive committee. [He] The field examiner shall examine the
43 books, bonds and property of any association whenever it may seem
44 necessary for the proper care, safety and custody of the funds and
45 property thereof, and for that purpose may demand and receive, for
46 examination, all bonds and papers necessary to a full and fair

1 examination thereof.

2 [He may obtain and renew the bonds of any treasurer and collector
3 of any association whose officers neglect or refuse to procure the
4 official bond required by section 43:17-15 of this title and shall report
5 to the state tax commissioner any association which fails to procure
6 the bonds. When he shall have obtained or renewed the bonds he shall
7 notify such commissioner and have the expenses thereof paid by the
8 commissioner as provided in said section 43:17-15.]

9 (cf: R.S.43:17-46)

10

11 39. R.S.43:17-47 is amended to read as follows:

12 43:17-47. On or before June [first] 1st in each year, the [secretary]
13 field examiner of the [state association] New Jersey State Firemen's
14 Association shall file in the [office] Office of the [secretary of state]
15 Secretary of State a sworn certificate, countersigned by the president
16 of the [state association] New Jersey State Firemen's Association,
17 stating the name and address of the treasurer of each local firemen's
18 relief association which has complied with the requirements of this
19 chapter.

20 No firemen's relief association[, incorporated by special act, nor]
21 or any of the officers thereof, shall share in the distribution of or be
22 entitled to have or receive any part of any fund for the relief of
23 [indigent] needy or disabled [firemen] firefighters, unless [it and they]
24 the association and officers shall have complied with [the provisions
25 of section] R.S.43:17-31, [of this title] and shall be so certified to the
26 [secretary of state] Secretary of State. [No other firemen's relief
27 association, nor any of its officers, shall share in such distribution or
28 be entitled to have or receive part of any such fund, unless it and they
29 shall have complied with the requirements of this chapter and shall be
30 so certified to the secretary of state.]

31 (cf: R.S.43:17-47)

32

33 40. The following sections are repealed:

34 R.S.43:17-48

35 R.S.43:17-49

36 R.S.43:17-50

37 R.S.43:17-51

38 R.S.43:17-52

39 R.S.43:17-53

40 R.S.43:17-54

41

42 41. This act shall take effect on the first day of the third month
43 after enactment.

44

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- 1
- 2 Revises statutes regulating operations of the New Jersey State
- 3 Firemen's Association.

STATEMENT

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This bill revises R.S.43:17-1 et seq., which provides for the establishment of a firemen's relief association in any municipality with one or more fire companies. The purpose of a relief association is to establish and maintain a fund for the relief, support or burial of indigent firemen and their families. Relief associations are funded by a 2 percent tax on the premiums of fire insurance policies written by foreign and alien insurers.

Under the bill's provisions:

- The associations would establish, provide and maintain a fund for the relief, support or burial of needy firefighters and their families, or firefighters who may become needy, disabled, or die as a result of doing fire duty, or be prevented by any injury or illness arising from that duty from working at their usual occupation. Under current law, the fund is maintained for burial or relief for indigent firemen and their families. The bill also provides that the relief or support would be granted in accordance with the rules and regulations adopted by the State association.
- Only one relief association may be established in each municipality or fire district. However, in any municipality or fire district where there is more than one association on the bill's effective date, those associations would be permitted to continue operation if they comply with the provisions of R.S.43:17-7 and the rules and regulations adopted by the State association.
- The State association must receive and hold in trust any moneys, accounts payable, property or securities of any local association that loses its charter. If a new local association is organized in that municipality, the moneys, accounts payable property or securities would then be turned over to that new association. Under current law, there is no procedure for the local association to divest itself of these items.
- Local associations could provide for staggered terms for elections of members of their boards of representatives. Currently, such members are elected for terms of one year. All of the officers would take an oath of office for the faithful performance of their duties; under current law, only the secretary takes such an oath.
- The treasurer and officers of the local relief associations would be covered by a bond which would be obtained for them by the State association, rather than the treasurer and officers providing a bond as at present. The treasurer of the State association would be the custodian of the bonds and submit copies to the Commissioner of Insurance.
- A local association's board of representatives would no longer be able to delegate one of its members to sit on the local association's board of trustees, and vice-versa. Current law permits this practice.

- 1 • Each board of representatives would meet five times a year rather
2 than twice a year.
- 3 • If a board of trustees officer's position is vacated, it would be
4 filled by the representatives; current law also permits the board,
5 company, association or corps by which the officer was elected to
6 fill the position.
- 7 • All applications for assistance would be referred to the board of
8 trustees for their investigation and approval or disapproval. The
9 trustees are required to report their findings and recommendations
10 to the board of representatives, which may adopt or approve the
11 recommendation or make its own determination in accordance with
12 R.S.43:17-35 and the rules and regulations adopted by the
13 executive committee of the State association. Assistance would be
14 given only if the board finds need and if the applicant is deemed
15 worthy. Under current law, at least two of the trustees must
16 approve the assistance.
- 17 • Management of the business of the State association, custody of its
18 property and disposal of the funds and property would be entrusted
19 to the executive committee in accordance with the provisions of
20 R.S.43:17-35 and the rules and regulations adopted by the State
21 association.
- 22 • The board of representatives would oversee and control the funds,
23 money and property of the local association and ensure its proper
24 allocation, disbursement or management in accordance with the
25 provisions of R.S.43:17-35 and the rules and regulations adopted
26 by the State association.
- 27 • A procedure is created to suspend any trustee or officer pending a
28 hearing to determine if there are grounds for a charge of
29 misconduct, malfeasance in office, or a violation of any law or the
30 association's rules and regulations and to investigate such charges.
31 After notice of the charges and a hearing, if a majority of the local
32 association's membership finds misconduct or malfeasance in office,
33 the board may declare the office vacant and appoint another person
34 to fill the vacancy. If the State association or board of
35 representatives does not file charges, the State association may
36 declare the local association out of accord and seize control of its
37 assets and take any other necessary action to protect and preserve
38 the funds or property of the local association.
- 39 • A local association may pay to its delegates, life members, chief or
40 next highest ranking officer who attends the annual convention of
41 the State association the cost incurred for travel, lodging, and other
42 expenses as determined by the executive committee of the State
43 association and its rules and regulations.
- 44 • On or before February 10th each year, each local association must
45 file a financial report with the field examiner of the State
46 association, who would then file a sworn statement with the

- 1 Secretary of State by May 1st. The executive committee would
2 examine each local association and file a biannual report certified
3 by a licensed accountant. The report would then be filed by June
4 1st with the Treasurer of the State association and the Department
5 of Insurance. Under current law, the local association is required
6 to file the information by April 1st directly with the Secretary of
7 State.
- 8 • The manner in which the local associations may invest their moneys
9 is revised. Under current law, one of the modes of investment may
10 be bonds secured by mortgages which are first liens on real estate
11 in this State. Another mode of investing is in shares of or accounts
12 in savings and loan associations located in New Jersey. Under the
13 provisions of this bill, both of these are eliminated, and bonds,
14 stocks accounts and other financial instruments of any State or
15 federal financial institution are added to the list of authorized
16 modes of investment.
 - 17 • A violation of the provisions governing the manner of investments
18 is made a crime of the fourth degree. Under current law, any
19 violation of the provisions of chapter 17 of Title 43 is a
20 misdemeanor.
 - 21 • Under current law, the executive committee of the State association
22 or the Director of the Division of Taxation may restore depleted
23 funds of a local association. Under this bill, only the executive
24 committee would restore depleted funds.
 - 25 • The State association would have the same power as the local
26 association to provide for the distribution of any fund for the relief
27 of disabled or needy firefighters. The current statute does not give
28 the State association this power.
 - 29 • The local associations are required to choose delegates and
30 alternates for the conventions or meetings of the State association
31 by June 1st of each year; current law states that delegates and
32 alternates should be chosen by September 1st and exempt delegates
33 and alternates by the second Wednesday in April.
 - 34 • Additional officers would be elected for the State association,
35 including a vice president, first assistant secretary, second
36 assistance secretary and executive committee. Currently, only a
37 president, secretary and treasurer are required to be elected.
 - 38 • The executive committee is given the power to adopt and revise the
39 constitution and by-laws from time to time in accordance with
40 R.S.43:17-35. The State association also may adopt any
41 amendment submitted by any local association or executive
42 committee to amend the constitution and by-laws.
 - 43 • A field examiner would be elected for proper supervision and
44 control of the funds and property. Current law states that an
45 auditor must be elected. The field examiner would file the sworn
46 certificate with the Secretary of State required under current law

1 listing each treasurer of the local associations who has complied
2 with the provisions of chapter 17 of Title 43.

3 The bill also repeals R.S.43:17-48 through 43:17-54, which provide
4 for the organization and funding of local relief associations in certain
5 townships, fire districts and boroughs. All local associations thereafter
6 would be subject to the provisions of this bill.

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11 Revises statutes regulating operations of the New Jersey State
12 Firemen's Association.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1117

STATE OF NEW JERSEY

DATED: SEPTEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1117 (1R).

Senate, Bill No. 1117 (1R) revises R.S.43:17-1 et seq., which provides for the establishment of a firemen's relief association in any municipality with one or more fire companies. The purpose of a relief association is to establish and maintain a fund for the relief, support or burial of indigent firemen and their families. Relief associations are funded by a two percent tax on the premiums of fire insurance policies written by foreign and alien insurers.

Under the bill's provisions:

- The associations would establish, provide and maintain a fund for the relief, support or burial of needy firefighters and their families, or firefighters who may become needy, disabled, or die as a result of doing fire duty, or be prevented by any injury or illness arising from that duty from working at their usual occupation. Under current law, the fund is maintained for burial or relief for indigent firemen and their families. The bill also provides that the relief or support would be granted in accordance with the rules and regulations adopted by the State association.
- Only one relief association may be established in each municipality or fire district. However, in any municipality or fire district where there is more than one association on the bill's effective date, those associations would be permitted to continue operation if they comply with the provisions of R.S.43:17-7 and the rules and regulations adopted by the State association.
- The State association must receive and hold in trust any moneys, accounts payable, property or securities of any local association that loses its charter. If a new local association is organized in that municipality, the moneys, accounts payable property or securities would then be turned over to that new association. Under current law, there is no procedure for the local association to divest itself of these items.
- Local associations could provide for staggered terms for elections of members of their boards of representatives. Currently, such members are elected for terms of one year. All of the officers

would take an oath of office for the faithful performance of their duties; under current law, only the secretary takes such an oath. The treasurer and officers of the local relief associations would be covered by a bond which would be obtained for them by the State association, rather than the treasurer and officers providing a bond as at present. The treasurer of the State association would be the custodian of the bonds and submit copies to the Commissioner of Insurance.

- A local association's board of representatives would no longer be able to delegate one of its members to sit on the local association's board of trustees, and vice-versa. Current law permits this practice.
- Each board of representatives would meet five times a year rather than twice a year.
- If a board of trustees officer's position is vacated, it would be filled by the representatives; current law also permits the board, company, association or corps by which the officer was elected to fill the position.
- All applications for assistance would be referred to the board of trustees for their investigation and approval or disapproval. The trustees are required to report their findings and recommendations to the board of representatives, which may adopt or approve the recommendation or make its own determination in accordance with R.S.43:17-35 and the rules and regulations adopted by the executive committee of the State association. Assistance would be given only if the board finds need and if the applicant is deemed worthy. Under current law, at least two of the trustees must approve the assistance.
- Management of the business of the State association, custody of its property and disposal of the funds and property would be entrusted to the executive committee in accordance with the provisions of R.S.43:17-35 and the rules and regulations adopted by the State association.
- The board of representatives would oversee and control the funds, money and property of the local association and ensure its proper allocation, disbursement or management in accordance with the provisions of R.S.43:17-35 and the rules and regulations adopted by the State association.
- A procedure is created to suspend any trustee or officer pending a hearing to determine if there are grounds for a charge of misconduct, malfeasance in office, or a violation of any law or the association's rules and regulations and to investigate such charges. After notice of the charges and a hearing, if a majority of the local association's membership finds misconduct or malfeasance in office, the board may declare the office vacant and appoint another person to fill the vacancy. If the State association or board of representatives does not file charges, the State association may declare the local association out of accord and seize control

of its assets and take any other necessary action to protect and preserve the funds or property of the local association.

- A local association may pay to its delegates, life members, chief or next highest ranking officer who attends the annual convention of the State association the cost incurred for travel, lodging, and other expenses as determined by the executive committee of the State association and its rules and regulations.
- On or before February 10th each year, each local association must file a financial report with the field examiner of the State association, who would then file a sworn statement with the Secretary of State by May 1st. The executive committee would examine each local association and file a biannual report certified by a licensed accountant. The report would then be filed by June 1st with the Treasurer of the State association and the Department of Insurance. Under current law, the local association is required to file the information by April 1st directly with the Secretary of State.
- The manner in which the local associations may invest their moneys is revised. Under current law, one of the modes of investment may be bonds secured by mortgages which are first liens on real estate in this State. Another mode of investing is in shares of or accounts in savings and loan associations located in New Jersey. Under the provisions of this bill, both of these are eliminated, and bonds, stocks accounts and other financial instruments of any State or federal financial institution are added to the list of authorized modes of investment.
- A violation of the provisions governing the manner of investments is made a crime of the fourth degree. Under current law, any violation of the provisions of chapter 17 of Title 43 is a misdemeanor.
- Under current law, the executive committee of the State association or the Director of the Division of Taxation may restore depleted funds of a local association. Under this bill, only the executive committee would restore depleted funds.
- The State association would have the same power as the local association to provide for the distribution of any fund for the relief of disabled or needy firefighters. The current statute does not give the State association this power.
- The local associations are required to choose delegates and alternates for the conventions or meetings of the State association by June 1st of each year; current law states that delegates and alternates should be chosen by September 1st and exempt delegates and alternates by the second Wednesday in April.
- Additional officers would be elected for the State association, including a vice president, first assistant secretary, second assistance secretary and executive committee. Currently, only a president, secretary and treasurer are required to be elected.
- The executive committee is given the power to adopt and revise

the constitution and by-laws from time to time in accordance with R.S.43:17-35. The State association also may adopt any amendment submitted by any local association or executive committee to amend the constitution and by-laws.

- A field examiner would be elected for proper supervision and control of the funds and property. Current law states that an auditor must be elected. The field examiner would file the sworn certificate with the Secretary of State required under current law listing each treasurer of the local associations who has complied with the provisions of chapter 17 of Title 43.

The bill also repeals R.S.43:17-48 through 43:17-54, which provide for the organization and funding of local relief associations in certain townships, fire districts and boroughs. All local associations thereafter would be subject to the provisions of this bill.

Senate Bill No. 1117 (1R) is identical to Assembly Bill No. 2265.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1117

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 1996

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1117 with committee amendments.

This bill revises R.S.43:17-1 et seq., which provides for the establishment of a firemen's relief association in any municipality with one or more fire companies. The purpose of a relief association is to establish and maintain a fund for the relief, support or burial of indigent firemen and their families. Relief associations are funded by a two percent tax on the premiums of fire insurance policies written by foreign and alien insurers.

Under the bill's provisions:

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- Each board of representatives would meet five times a year rather than twice a year.
- If a board of trustees officer's position is vacated, it would be filled by the representatives; current law also permits the board, company, association or corps by which the officer was elected to fill the position.
- All applications for assistance would be referred to the board of trustees for their investigation and approval or disapproval. The trustees are required to report their findings and recommendations to the board of representatives, which may adopt or approve the recommendation or make its own determination in accordance with R.S.43:17-35 and the rules and regulations adopted by the executive committee of the State association. Assistance would be given only if the board finds need and if the applicant is deemed worthy. Under current law, at least two of the trustees must approve the assistance.
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- A procedure is created to suspend any trustee or officer pending a hearing to determine if there are grounds for a charge of misconduct, malfeasance in office, or a violation of any law or the association's rules and regulations and to investigate such charges. After notice of the charges and a hearing, if a majority of the local association's membership finds misconduct or malfeasance in office, the board may declare the office vacant and appoint another person to fill the vacancy. If the State association or board of representatives does not file charges, the State association may declare the local association out of accord and seize control

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The committee amendment is technical in nature; it corrects a grammatical error.