

§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:

<sup>1</sup> 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 committee,  
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] <sup>1</sup>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

45

46

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