

SENATE, No. 1117

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senators KOSCO and GIRGENTI

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
22 shall be lawful for] , the chief [engineer, or, if there be no chief
23 engineer, then the fire marshal, or, in case there be neither, then the
24 senior foreman,] or there being no chief, the next highest ranking
25 officer, and [for] the president, if any, of such fire association or
26 department, and all members of any board of firewardens, or board of
27 trustees [or engineers] of such fire association or department, and
28 [also] all [firemen] firefighters belonging to such fire engine, hook
29 and ladder, hose, or supply company or companies, [or salvage corps,
30 and all members of any association of exempt firemen] of such
31 municipality or fire district, [to] may associate themselves [together]
32 and become incorporated under and by the name of "the _____
33 firemen's relief association," or any other name which shall indicate
34 the object of such association, using the name of the [city, town,

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

Matter underlined thus is new matter.

1 borough, township] municipality or fire district in which the [same]
2 association may be located.

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

4

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

6 43:17-2. The president and secretary of the corporation, when
7 elected as hereinafter provided, shall forthwith sign a certificate and
8 cause it to be recorded in the office of the clerk of the county in which
9 the corporation is located and filed in the [office] Office of the
10 [secretary of state] Secretary of State. The certificate, or a copy
11 thereof, duly certified by the county clerk or the [secretary of state]
12 Secretary of State, shall be evidence in all courts and places. The
13 certificate shall state the election of the representatives authorized to
14 organize the corporation, the election by such representatives of a
15 board of officers and a board of [visitors or] trustees, giving their
16 names and official designations, the corporate name assumed, the
17 location of the corporation and a reference to this article. In case of
18 a reincorporation under this article, the certificate shall, instead
19 thereof, state the former incorporation, the date thereof, the names
20 and official designations of the officers of the corporation and a
21 reference to this article.

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

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

37

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

39 43:17-3. The object of associations incorporated under this article
40 shall be to establish, provide for and maintain a fund for the relief,
41 support or burial of [indigent exempt firemen] needy firefighters and
42 their families, and [of] any persons and the families of any persons
43 who [may be] are injured or [killed while] die in the course of doing
44 public fire duty, or who may become [indigent or be] needy or
45 disabled or [may die] die as the result of doing such duty or [may] be
46 prevented by the injury or by [sickness] illness arising from [their]

1 doing such duty, from attending to their usual occupation or calling.
2 The relief, support or burial benefit shall be granted in accordance with
3 the rules and regulations adopted by the New Jersey State Firemen's
4 Association.

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

6

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

8 43:17-4. Any association organized prior to March twenty-fifth,
9 one thousand eight hundred and eighty-five, for the purposes intended
10 by this article, whether incorporated or not, shall be reorganized and
11 incorporated or reincorporated under this article, except corporations
12 which have been created or continued by special act of the legislature.
13 A corporation incorporated by special act may, if it sees fit, be
14 reorganized and reincorporated under this article. In case of
15 incorporation or reincorporation, the president and secretary shall
16 sign, record and file a certificate as provided in [section] R.S.43:17-2
17 [of this title]. Thereupon the association or corporation shall be a
18 corporation under this article and shall have all the powers and
19 privileges conferred by this article on corporations formed under it,
20 and no other powers or privileges. A corporation reorganized and
21 reincorporated under this article shall succeed to and be seized of all
22 the right, title and interest in any property belonging to it under its
23 former organization. The representatives, [visitors or] trustees and
24 other officers of any association or corporation reorganized and
25 incorporated or reincorporated under this article, shall continue to
26 serve as such until the election following the reorganization, and until
27 their successors are respectively elected, and not thereafter, and the
28 membership thereof shall be subject to the same conditions and have
29 the same rights as provided in [section] R.S.43:17-9 [of this title].
30 If any such association or corporation shall not have been reorganized
31 and incorporated or reincorporated under this article within one year
32 after March twenty-fifth, one thousand eight hundred and eighty-five,
33 it shall be deemed to have forfeited its charter.

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

35

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

37 43:17-7. There shall not be organized in any municipality or fire
38 district having a fire department, company or association more than
39 one relief association under this article. In any municipality or fire
40 district where there is more than one association on the effective date
41 of this act, those associations may continue to operate provided they
42 comply with the provisions of R.S.43:17-1 et seq. and the rules and
43 regulations adopted by the New Jersey State Firemen's Association.

44 In case of the consolidation of any two or more municipalities or
45 fire districts, all relief associations then existing in the municipalities
46 or fire districts shall consolidate by the formation of a new association

1 under this article. Upon its formation, the relief associations so
2 consolidated shall transfer their funds and members to the new
3 association, whereupon the relief associations so consolidated shall
4 dissolve, in accordance with this article.

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

6

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

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

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

35

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

37 43:17-9. The membership of such corporation shall consist,
38 without any formal election thereto, of the officers and members of
39 such fire engine, hook and ladder, hose and supply company or
40 companies, fire association or fire department, or board of
41 firewardens, as shall be under the supervision or control of the
42 governing board or body of the municipality or fire district and who,
43 at the time of their becoming eligible for membership in the New
44 Jersey State Firemen's Association, shall be not less than 18 years of
45 age and not more than 40 years of age and shall furnish evidence of
46 good health in accordance with such reasonable rules and regulations

1 as the executive committee of the [association] New Jersey State
2 Firemen's Association shall from time to time establish; [also, such of]
3 the officers and members of any [salvage corps (doing duty therein,
4 which corps is provided and maintained by corporations created by
5 virtue of chapter 9 of Title 15, Corporations and Associations Not for
6 Profit); also of] nonprofit corporations and associations incorporated
7 pursuant to N.J.S.15A:1-1 et seq.; and the officers and members of
8 any association therein of exempt firemen. The whole body of the
9 membership of such corporation shall have the same rights therein as
10 the charter members thereof.

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

12

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

14 43:17-10. A corporation, incorporated or reincorporated under this
15 article may, through its representatives, make, adopt and use, and from
16 time to time alter, amend or change, such constitution or by-laws, or
17 both, and such rules for its government, the regulation of its affairs
18 and the disposition and management of its funds and property as seem
19 to the representatives to be proper. The same shall not be
20 inconsistent with the constitution or laws of the United States or of
21 this state, or the rules and regulations adopted by the New Jersey State
22 Firemen's Association.

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

24

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

26 43:17-11. On or before the second Monday in December, in every
27 year, each fire engine, hook and ladder, hose [and] or supply
28 company, and the board of trustees [or engineers] of any fire
29 association or department, and any board of firewardens, which
30 [company or companies, fire association or department, or board of
31 firewardens, shall be] is under the supervision or control of any
32 [common council] municipal governing body, [or township
33 committee, or] board of fire commissioners, [or other governing board
34 or body whatsoever, and each salvage corps (provided and maintained
35 by corporations created by virtue of chapter 9 of Title 15,
36 Corporations and Associations Not for Profit [s.15:9-1 et seq.])] or
37 nonprofit corporations and associations incorporated pursuant to
38 N.J.S.15A:1-1 et seq., and which [company or companies, fire
39 association or department, board of firewardens, or salvage corps,
40 shall be] is organized for and doing public fire [or salvage] duty in any
41 [city, town, borough, township] municipality or fire district in this
42 state, shall choose not more than three representatives, and the exempt
43 firemen's association, if any such there be, shall choose not more than
44 three representatives, who, together with the president, if any, of such
45 fire association or department, and the chief [engineer], or, if there be
46 no chief [engineer], then the [fire marshal, or, in case there be neither,

1 then the senior foreman] next highest ranking officer, shall constitute
2 a board of representatives, and shall have and exercise all the powers
3 and perform all the duties herein committed to them, and shall hold
4 office [for one year after the date of their election and] until their
5 successors be chosen, and until their successors shall meet for the
6 purpose of holding the annual election of officers, as [hereinafter]
7 provided in R.S.43:17-12.

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

9

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

11 43:17-12. If the by-laws of any firemen's relief association provide
12 for the election, by each of the several companies, associations, or
13 boards [or corps] of which the relief association is comprised, of
14 more than one member of the board of representatives thereof, the
15 firemen's relief association may provide for a rotation in the terms of
16 office of the members of the board of representatives, and at any
17 annual election thereafter, there may be elected one representative for
18 one year, one for two years, and, if deemed desirable, one for three
19 years. Thereafter at each election, one representative shall be elected
20 for the longest term provided for, not exceeding three years, from
21 each company, association, or board [or corps] comprising the
22 firemen's relief association.

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

24

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

26 43:17-13. The board of representatives shall, on or before the third
27 Monday in December in every year, elect by ballot from among their
28 own number, [or otherwise,] or out of the whole membership of that
29 association a president, vice president, treasurer and a secretary, who
30 shall be the board of officers of the corporation, and not more than
31 five members of a board of [visitors or] trustees.

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

43 The [visitors or] trustees may be elected in the same manner and
44 from the same source as the representatives are chosen, in which case
45 they shall be divided by the representatives, by lot, into three classes
46 for the aforesaid terms. When the term of any [visitor or] trustee so

1 elected expires, [his] the successor shall be selected from the same
2 source as that from which [he was] the trustee was chosen, and shall
3 hold office for three years after the date of [his] the election.

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

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

7

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

9 43:17-14. The [secretary] officers shall, upon [his] their election,
10 take an oath of office for the faithful performance of [his duty]their
11 duties. [The oath shall be administered by the president.]

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

13

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

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

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

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

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

46

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

2 43:17-17. A majority of the board of representatives or of the
3 board of [visitors or] trustees, as the case may be, shall constitute a
4 quorum at the meetings of the respective boards.

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

6

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

8 43:17-18. No person shall at one time serve on the board of
9 representatives and the board of [visitors or] trustees. If elected to
10 both he shall resign one or the other, as he sees fit. [Each board may,
11 however, delegate one of its number to sit with the members of the
12 other board.]

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

14

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

16 43:17-19. The board of [visitors or] trustees shall once in each
17 year, immediately after the election of the new members thereof, elect,
18 by ballot, a [chairman] chairperson and secretary.

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

20

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

22 43:17-20. The board of representatives shall be convened by its
23 president at least [twice] five times a year and when [he] the president
24 thinks proper or is requested so to do by a majority of the
25 representatives.

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

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

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

33

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

35 43:17-21. If a vacancy occurs in the office of representative, it
36 shall be filled forthwith by the company, association[,] or board [or
37 corps] by which [he] the representative was elected, for the remainder
38 of the term for which he was elected, at a special election held for that
39 purpose.

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

41

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

43 43:17-22. If a vacancy occurs in the office of president, vice
44 president, treasurer, secretary or [visitor or] trustee, it shall be filled
45 forthwith for the remainder of the term by the representatives [or the
46 company, association, board or corps by which he was elected,] at a

1 special election held for that purpose.

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

3

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

5 43:17-23. The secretary and treasurer shall report to the board of
6 representatives at its annual meeting and shall also report [to such
7 board or to the board of visitors or trustees] when requested[so to do
8 by either of them].

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

10

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

12 43:17-24. All applications for assistance shall be referred to the
13 [visitors or] trustees for their [inspection] investigation and approval
14 [and they shall dispose of the relief fund of the corporation, within
15 such limit and according to such rules and regulations as the board of
16 representatives, from time to time, establishes. No bill therefor shall
17 be contracted or paid or assistance given, without the approval of at
18 least two of the visitors or trustees, who shall issue a warrant to the
19 treasurer for the amount they deem necessary therefor. The warrant
20 shall, before payment, be countersigned by the president. No person
21 shall be given assistance if the cause of the indigence or the reason for
22 the disability or the nature or cause of the injury or sickness is not, in
23 the opinion of a majority of the visitors or trustees, such as to entitle
24 him to the assistance, nor if, in the opinion of a majority of the
25 visitors or trustees, the applicant is deemed unworthy of assistance.
26 The visitors or trustees may refuse assistance if, upon inquiry, they
27 deem the applicant not to be in real need thereof] or disapproval. The
28 trustees shall report their findings and recommendations to the board
29 of representatives which may adopt or approve the same, or make its
30 own determination in accordance with the provisions of R.S.43:17-35
31 and the rules and regulations adopted by the Executive Committee of
32 the New Jersey State Firemen's Association.

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

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

39

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

41 43:17-25. [Except as provided in section 43:17-24 of this title, the]
42 The management of the business and affairs, the custody of the
43 property and the disposal of the funds and property of the corporation
44 shall be [intrusted] entrusted to the board of representatives thereof
45 in accordance with R.S.43:17-35 and the rules and regulations adopted
46 by the New Jersey State Firemen's Association.

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

2

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

4 43:17-26. The board of representatives may, at any meeting
5 thereof, inquire into [and control the application of the funds and
6 property of the corporation and suspend any visitor or trustee or
7 officer, if it judges him to be guilty of misconduct or malfeasance in
8 office, until a trial thereof can be had] the applications for relief or
9 payment thereof, the funds from which relief is available or paid, and
10 shall oversee and control the funds, money and property of the
11 corporation and ensure its proper allocation, disbursement or
12 management in accordance with R.S.43:17-35 and the rules and
13 regulations adopted by the New Jersey State Firemen's Association.

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

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

21

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

23 43:17-27. If any [representative,visitor] member of the board of
24 representatives, or trustee or any officer is charged with misconduct
25 or malfeasance in office[, the charge shall forthwith be investigated by
26 the company, association, board or corps by which he was elected. If,
27 on a trial thereof, at which he may be heard in his own behalf or by
28 counsel, he is found guilty, the company, association, board or corps
29 shall declare his office vacant and fill the vacancy as hereinbefore
30 provided] or charged with a violation of any law or the rules and
31 regulations adopted by the New Jersey State Firemen's Association,
32 such person shall immediately be served with a copy of the complaint,
33 including charges and specifications. The charges shall then be
34 investigated by a member or committee of the membership of the local
35 relief association elected thereby and a report of the investigation shall
36 be submitted thereto. If the association by a majority vote of the
37 membership present determines that there is probable cause that an
38 offense has been committed or there is misconduct or malfeasance in
39 office, then a hearing shall be conducted.

40 The person or persons charged may be represented in person or by
41 an attorney-in-fact or attorney-at-law, and may examine, cross-
42 examine, or present witnesses or testimony, and written or oral
43 evidence. The hearing before the membership shall be conducted by
44 an officer or other designated person selected by the association, and
45 at the conclusion of the hearing the officer or such duly selected
46 person shall make findings and recommendations which shall be

1 submitted to the membership. A majority vote shall determine the
2 guilt or innocence of the person or persons charged and any penalty to
3 be imposed. If any person is found guilty of misconduct or
4 malfeasance in office, the association or board of representatives may
5 declare the office vacant and fill the vacancy as hereinbefore provided.

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

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

16

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

18 43:17-29. Each firemen's relief association may pay to [such] the
19 delegates, life members and chief [of the department] or the next
20 highest ranking officer as shall attend and represent it and to [such]
21 each delegate [as] who shall attend and represent the local exempt
22 firemen's association [in] at the annual [conventions] convention of
23 the New Jersey State Firemen's Association the [actual expense] cost
24 incurred by them for [railroad fares and hotel bills, upon their being
25 presented and audited by the finance committee of the local firemen's
26 relief association] travel, lodging, and other expenses as determined
27 by the executive committee of the New Jersey State Firemen's
28 Association in accordance with R.S.43:17-35 and the rules and
29 regulations adopted by the New Jersey Firemen's Association.

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

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

38

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

40 43:17-31. On or before [April first] February 10th in every year,
41 each local firemen's relief association, however incorporated, shall
42 [cause to be filed] file a financial report with the [secretary of state a
43 sworn statement showing] field examiner of the New Jersey State
44 Firemen's Association who then shall file a sworn statement with the
45 Secretary of State on or before May 1st showing:

46 a. The names of its representatives, [visitors or] trustees and other

1 officers, and the amount of their respective fees or salaries, if any;

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

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

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

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

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

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

31 The report shall be filed with the Treasurer of the New Jersey State
32 Fireman's Association and the Department of Insurance on or before
33 June 1.

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

35

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

37 43:17-32. When a volunteer organization has been or shall
38 hereafter be organized, reorganized, [and] or reincorporated under
39 [this article] R.S.43:17-1 et seq., in any municipality wherein the
40 authorities shall have established fire limits and enacted ordinances for
41 the violation of the building laws therein, all fines and penalties
42 imposed by these ordinances shall be sued for and recovered by, and
43 in the name of, the firemen's relief association of the municipality,
44 before any court of competent jurisdiction. When recovered, the
45 penalties shall be paid to the treasurer of the firemen's relief
46 association of the municipality for the use and benefit of the relief

1 association.

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

3

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

5 43:17-33. No firemen's relief association, however incorporated,
6 shall invest its moneys in any manner, except as follows:

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

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

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

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

28 e. [In bonds secured by mortgages, which are first liens on real
29 estate situate in this State and worth at least double the amount loaned
30 thereon, but not to exceed eighty per centum (80%) of all the moneys
31 of the association shall be so loaned or invested. If the loan is on
32 unimproved or unproductive real estate, the amount loaned thereon
33 shall not be more than thirty per centum (30%) of its actual value. No
34 investment shall be made by any firemen's relief association, except
35 upon a favorable report of a committee of at least three of the
36 members of the board of representatives of the relief association, a
37 majority of which committee shall certify to the value of the premises
38 mortgaged or to be mortgaged, according to their best judgment. The
39 report shall be filed and preserved among the records of the
40 association;] Deleted by amendment, P.L. , c. (now pending before
41 the Legislature as this bill)

42 f. In such real estate only as has been or may hereafter be
43 purchased by the association at sales upon the foreclosure of
44 mortgages owned by the association, or upon judgments or decrees
45 obtained or rendered for debts due to it, or in settlements effected to
46 secure such debts. All this real estate shall be sold by the corporation

1 within five years after the real estate is so purchased, unless upon
2 application to the executive committee of the New Jersey State
3 Firemen's Association further time is given by the committee in which
4 to sell the real estate or any part thereof;

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

20 h. In bonds, stocks, accounts or other financial instruments of any
21 State or Federal financial institutions organized and existing under the
22 laws of the State of New Jersey or the United States of America,
23 provided the bonds, stocks, accounts or other financial instruments are
24 insured or guaranteed by the State of New Jersey or the United States
25 Government, or any agency or instrumentally of either or both.

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

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

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

31 43:17-34. A violation of any provision of [section] R.S.43:17-33
32 [of this title], by any or either of the members of the boards of officers
33 or representatives, or other officers of the firemen's relief association,
34 shall be a [misdemeanor and any person so offending shall be
35 punished by a fine of not less than two hundred and fifty dollars nor
36 more than one thousand dollars or imprisonment for a term not
37 exceeding two years, at the court's discretion]crime of the fourth
38 degree.

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

40
41 30. R.S.43:17-35 is amended to read as follows:

42 43:17-35. Any funds heretofore or hereafter received and held by
43 a relief association organized and existing under this article, from any
44 source, may be used for the relief, support and maintenance of
45 [exempt, paid or volunteer firemen] qualified firefighters and their
46 dependents, not only during the lives of the [firemen] firefighters but

1 after their death, in accordance with such reasonable rules and
2 regulations in regard thereto as the executive committee of the New
3 Jersey State Firemen's Association from time to time establishes. The
4 executive committee may make and establish, alter, amend and
5 supplement these rules and regulations, may put into effect and alter,
6 from time to time, [such] the methods of administration as may best
7 accomplish such results and may provide for the restoration of the
8 funds of any local relief association diminished by payments made
9 [either] by an assessment levied by the executive committee [upon
10 other associations] in such equitable manner as it prescribes[or by
11 direction to and requisition upon the state tax commissioner respecting
12 the funds received by him from the tax on the premiums of fire
13 insurance in foreign insurance companies.

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

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

21

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

23 43:17-37. A local firemen's relief association, incorporated or
24 reincorporated under this article may be dissolved at any meeting
25 thereof by a vote, by written or printed ballot, of two-thirds of the
26 members present and voting in favor thereof. Notice of the meeting,
27 and of the purpose thereof, signed by at least ten of the members,
28 shall have been mailed to each person entitled to vote thereat at least
29 twenty days prior thereto and published for three weeks successively,
30 once in each week, in a newspaper circulating in the neighborhood
31 where the association is located. Notice of the dissolution shall be
32 filed forthwith with the [secretary of state] Secretary of State and the
33 secretary of the [state association] New Jersey State Firemen's
34 Association.

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

36

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

38 43:17-39. Nothing contained in this chapter shall be deemed to
39 repeal the charter of any incorporated association, or to dissolve any
40 voluntary association, organized, prior to March twenty-fifth, one
41 thousand eight hundred and eighty-five, by the exempt [firemen]
42 firefighters of any city, or by the volunteer [firemen] firefighters
43 therein, previous to, at or about the time [of] for the organization
44 therein of a paid fire department, or to prevent the incorporation of
45 any such associations. This chapter shall not apply to or affect in any
46 manner any funds which have been or may be accumulated by any

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

3
4 33. R.S.43:17-41 is amended to read as follows:
5 43:17-41. The New Jersey State Firemen's Association organized
6 pursuant to an act entitled "An act concerning firemen's relief
7 associations," approved March twenty-fifth, one thousand eight
8 hundred and eighty-five (L.1885, c.122, p.144), and the amendments
9 thereof and supplements thereto, is continued as heretofore, and there
10 shall not be more than one such state association.

11 The delegates and alternates of the local firemen's relief
12 associations, elected as hereinafter provided, and the chief [engineer,
13 senior foreman, fire marshal or other like] or next highest ranking
14 officer [of the fire department], representing the local relief
15 associations, together with the delegates and alternatives from exempt
16 firemen's associations of this [state] State, elected as hereinafter
17 provided, and those recognized by the [state firemen's associations]
18 New Jersey State Firemen's Association, or who may hereafter be
19 elected by it as life members under its by-laws and constitution, so
20 long as they remain members, and the officers of the [state
21 association]New Jersey State Firemen's Association, shall conduct the
22 affairs of the [state firemen's associations] New Jersey State Firemen's
23 Association.

24 The [state association]New Jersey State Firemen's Association shall
25 have the same rights, powers and privileges as the local firemen's relief
26 associations, [except that of sharing in] including providing for the
27 distribution of any fund for the relief of [indigent or disabled firemen]
28 disabled or needy firefighters and their families. The expense of
29 maintaining the [state association] New Jersey State Firemen's
30 Association shall be borne equally by all of the local firemen's relief
31 associations in accordance with the rules and regulations adopted by
32 the New Jersey State Firemen's Association.

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

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

36 43:17-42. On or before [September first] June 1st in each year, the
37 board of representatives of each duly incorporated local firemen's
38 relief association in this [state] State shall choose, out of the whole
39 body of the membership thereof, three delegates to the convention or
40 meetings of the [state association] New Jersey State Firemen's
41 Association and three alternates, one or more of whom shall act in
42 the place of any delegate [or delegates] so chosen who may be unable
43 to attend the convention or [meeting] meetings of the [state
44 association]New Jersey State Firemen's Association. They, together
45 with the chief [engineer], or if there is no chief [engineer, then the fire
46 marshal, or if there is neither, then the senior foreman or other like]

1 the next highest ranking officer, shall represent the [corporation] local
2 association at the conventions or meetings of the New Jersey State
3 Firemen's Association.

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

5

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

7 43:17-43. On or before [the second Wednesday in April] June 1st
8 in every year, each duly incorporated exempt firemen's association
9 shall choose, by ballot, one delegate and one alternate who shall act in
10 the place of the delegate who may be unable to attend the convention
11 or meeting of the New Jersey State Firemen's Association out of the
12 whole body of the membership thereof, who shall represent and vote
13 for the local [corporation] exempt firemen's association at the
14 convention or meetings of the New Jersey State Firemen's
15 Association. This delegate or alternate shall have the same rights,
16 powers and privileges as the delegates elected to the [state
17 association] New Jersey State Firemen's Association by the local
18 firemen's relief associations.

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

20

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

22 43:17-44. At each annual [meeting or] convention of the New
23 Jersey State Firemen's Association, there shall be [chosen] elected, by
24 ballot, a president, vice president, secretary, treasurer, first assistant
25 secretary, second assistant secretary, executive committee and such
26 other officers as the constitution and by-laws adopted by the [state
27 association] New Jersey State Firemen's Association require. The
28 president, secretary and other officers and such other persons or
29 committees as the constitution and by-laws of the [state association]
30 New Jersey State Firemen's Association provide, shall constitute the
31 executive committee of the [state association] New Jersey State
32 Firemen's Association. The president and secretary, after each
33 election, shall file [in the office of the commissioner of banking and
34 insurance] with the Commissioner of Insurance a sworn statement of
35 the fact of the election and of the names of the [president, secretary
36 and other] officers so [chosen] elected. The first certificate filed after
37 March twenty-fifth, one thousand eight hundred and eighty-five,
38 which contained a reference to the act entitled "An act concerning
39 firemen's relief associations," approved March twenty-fifth, one
40 thousand eight hundred and eighty-five (L.1885, c.122, p.144), stated
41 the intention to incorporate thereunder and had thereon an impression
42 of the common seal of the [state association] New Jersey State
43 Firemen's Association shall be deemed to be the certificate of
44 incorporation of the [state association] New Jersey State Firemen's
45 Association .

46 The executive committee of the New Jersey State Firemen's

1 Association has the power to adopt and revise the constitution and by-
2 laws from time for time in accordance with R.S.43:17-35.

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

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

9

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

11 43:17-45. The executive committee of the New Jersey State
12 Firemen's Association shall have the supervision and power of control
13 of the funds and other property of all firemen's relief associations,
14 shall see that the same are properly guarded and legally invested and
15 expended and shall examine the annual reports of each association.
16 It shall report to the [commissioner of banking and insurance]
17 Commissioner of Insurance, on or before June [tenth] 10th in each
18 year, a list of all associations which have complied with the law in all
19 respects. Only associations so reported shall be entitled to the pro
20 rata share of the moneys [in the commissioner's hands] arising from
21 the two per cent on premiums.

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

23

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

25 43:17-46. For the purpose of proper supervision and control of the
26 funds and property of the local firemen's relief associations, the
27 executive committee may, each year, elect [an auditor] field examiner,
28 who shall, by virtue of his office, be a member of the executive
29 committee. [He] The field examiner shall examine the books, bonds
30 and property of any association whenever it may seem necessary for
31 the proper care, safety and custody of the funds and property thereof,
32 and for that purpose may demand and receive, for examination, all
33 bonds and papers necessary to a full and fair examination thereof.

34 [He may obtain and renew the bonds of any treasurer and collector
35 of any association whose officers neglect or refuse to procure the
36 official bond required by section 43:17-15 of this title and shall report
37 to the state tax commissioner any association which fails to procure
38 the bonds. When he shall have obtained or renewed the bonds he shall
39 notify such commissioner and have the expenses thereof paid by the
40 commissioner as provided in said section 43:17-15.]

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

42

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

44 43:17-47. On or before June [first] 1st in each year, the [secretary]
45 field examiner of the [state association] New Jersey State Firemen's
46 Association shall file in the [office] Office of the [secretary of state]

1 Secretary of State a sworn certificate, countersigned by the president
2 of the [state association] New Jersey State Firemen's Association,
3 stating the name and address of the treasurer of each local firemen's
4 relief association which has complied with the requirements of this
5 chapter.

6 No firemen's relief association[, incorporated by special act, nor]
7 or any of the officers thereof, shall share in the distribution of or be
8 entitled to have or receive any part of any fund for the relief of
9 [indigent] needy or disabled [firemen] firefighters, unless [it and they]
10 the association and officers shall have complied with [the provisions
11 of section] R.S.43:17-31, [of this title] and shall be so certified to the
12 [secretary of state] Secretary of State. [No other firemen's relief
13 association, nor any of its officers, shall share in such distribution or
14 be entitled to have or receive part of any such fund, unless it and they
15 shall have complied with the requirements of this chapter and shall be
16 so certified to the secretary of state.]

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

18

19 40. The following sections are repealed:

20 R.S.43:17-48

21 R.S.43:17-49

22 R.S.43:17-50

23 R.S.43:17-51

24 R.S.43:17-52

25 R.S.43:17-53

26 R.S.43:17-54

27

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

STATEMENT

1

2

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

10 Under the bill's provisions:

11 C The associations would establish, provide and maintain a fund for
12 the relief, support or burial of needy firefighters and their families,
13 or firefighters who may become needy, disabled, or die as a result
14 of doing fire duty, or be prevented by any injury or illness arising
15 from that duty from working at their usual occupation. Under
16 current law, the fund is maintained for burial or relief for indigent
17 firemen and their families. The bill also provides that the relief or
18 support would be granted in accordance with the rules and
19 regulations adopted by the State association.

20 C Only one relief association may be established in each municipality
21 or fire district. However, in any municipality or fire district where
22 there is more than one association on the bill's effective date, those
23 associations would be permitted to continue operation if they
24 comply with the provisions of R.S.43:17-7 and the rules and
25 regulations adopted by the State association.

26 C The State association must receive and hold in trust any moneys,
27 accounts payable, property or securities of any local association
28 that loses its charter. If a new local association is organized in that
29 municipality, the moneys, accounts payable property or securities
30 would then be turned over to that new association. Under current
31 law, there is no procedure for the local association to divest itself
32 of these items.

33 C Local associations could provide for staggered terms for elections
34 of members of their boards of representatives. Currently, such
35 members are elected for terms of one year. All of the officers
36 would take an oath of office for the faithful performance of their
37 duties; under current law, only the secretary takes such an oath.

38 C The treasurer and officers of the local relief associations would be
39 covered by a bond which would be obtained for them by the State
40 association, rather than the treasurer and officers providing a bond
41 as at present. The treasurer of the State association would be the
42 custodian of the bonds and submit copies to the Commissioner of
43 Insurance.

44 C A local association's board of representatives would no longer be
45 able to delegate one of its members to sit on the local association's
46 board of trustees, and vice-versa. Current law permits this practice.

- 1 C Each board of representatives would meet five times a year rather
2 than twice a year.
- 3 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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 C 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.

7

8

9

10

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