

# **REVISED STATUTES 2023**

## **TITLE 43**

### **CHAPTER 17 FIREMEN'S**

### **RELIEF ASSOCIATION**

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# ARTICLE 1.

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## ARTICLE 1.

### GENERAL PROVISIONS

#### **43:17-1. Incorporation's; incorporators; name**

In any municipality or fire district in this state in which there is organized for doing public fire duty, including nonprofit corporations or associations incorporated pursuant to N.J.S. 15A:1-1 et seq., one or more fire engine, hook and ladder, hose or supply companies or any fire association, fire department or board of fire wardens, which is under the supervision or control of a municipal governing body, or board of fire commissioners, the chief or there being no chief, the next highest ranking officer, and the president, if any, of such fire association or department, and all members of any board of fire wardens, or board of trustees of such fire association or department, and all firefighters belonging to such fire engine, hook and ladder, hose, or supply company or companies, of such municipality or fire district, may associate themselves and become incorporated under and by the name of "the \_\_\_ Firemen's Relief Association," or any other name which shall indicate the object of such association, using the name of the municipality or fire district in which the association may be located.

Amended by L. 1996, c. 151, s 1, eff. March 1, 1997

#### **43:17-2. Certificate of incorporation; recording and filing and effect thereof; powers**

The president and secretary of the corporation, when elected as hereinafter provided, shall forthwith sign a certificate and cause it to be recorded in the office of the clerk of the county in which the corporation is located and filed in the Office of the Secretary of State. The certificate, or a copy thereof, duly certified by the county clerk or the Secretary of State, shall be evidence in all courts and places. The certificate shall state the election of the representatives authorized to organize the corporation, the election by such representatives of a board of officers and board of trustees, giving their names and official designations, the corporate name assumed, the location of the corporation and a reference to this article. In case of a reincorporation under this article, the certificate shall, instead thereof, state the former incorporation, the date thereof, the names and official designations of the officers of the corporation and a reference to this article.

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

Amended by L. 1996, c. 151 s 2, eff. March 1, 1997; L. 2005, c. 39, s 1, eff. March 7, 2005

#### **43:17-3. Objects of Association**

a. The object of associations incorporated under this article shall be to establish, provide for and maintain a fund for the relief, support or burial of needy firefighters and their families, and any persons and the families of:

- (1) needy firefighters and their families;
- (2) any persons and the families of any person who are injured or die in the course of doing public fire duty, or who may become needy or disabled or die as the result of doing such duty, or be prevented by the injury or by illness arising from doing such duty, from attending to their usual occupation or calling; and
- (3) the families of any persons doing public fire duty who die as the result of an act of terrorism committed against the United States of America

while such persons were serving as federal, State or local law enforcement officers.

b. In addition to any other benefits provided, the associations incorporated under this article which provide line of duty death benefits also shall provide these benefits to the families of any qualified persons who die under the circumstances set forth in paragraph (3) of subsection a. of this section.

c. The relief, support or burial benefit shall be granted in accordance with the rules and regulations adopted by the New Jersey State Firemen's Association.

Amended by L. 1996, c. 151, s 3, eff. March 1, 1997; L.2004, c. 99 s 1. eff. July 13, 2004

#### **43:17-4. Reorganization or reincorporation of associations existing on March 25, 1885**

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

Amended by L. 1996, c. 151, s 4, eff. March 1997

#### **43:17-5. Certificate of incorporation of certain associations**

In case of the reorganization and incorporation under this article of a firemen's relief association not incorporated before March twenty-second, one thousand eight hundred and eighty-six, the certificate of incorporation shall state the original organization of the association, the date thereof, the fact that the association has never been incorporated, the names and official designations of the officers of the association and a reference to this article. The certificate shall be signed by the president and secretary of the association and recorded and filed as provided in section 43:17-2 of this title. Any certificate made, recorded and filed prior to March twenty-second, one thousand eight hundred and eighty-six, in the above manner and form shall be as valid as if made, recorded and filed in compliance herewith.

#### **43:17-6. Corrected certificate of incorporation or reincorporation**

If an error has been or may hereafter be made in the certificate of incorporation or reincorporation of a firemen's relief association, the president and secretary of the association may sign, record and file a corrected certificate. Upon the recording and filing thereof in the manner provided in section 43:17-2 of this title, the association shall be deemed to have been duly incorporated or reincorporated, as the case may be from the time of the filing in the secretary of state's office of the original defective certificate.

A corrected certificate made, recorded and filed prior to March twenty-second, one thousand eight hundred and eighty-six, in the above manner and form, shall be as valid as if made, recorded and filed in compliance herewith.

#### **43:17-7. Limitation on number of associations; Consolidation of Municipalities**

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

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

Amended by L. 1996, c. 151, s 5, eff. March 1, 1997.

**43:17-8. Transfer of moneys, etc. to new associations**

If any such association forfeits its charter, or the charter is repealed or expires by limitation or the association is dissolved, or if a person has in possession or charge any moneys derived from any source for the relief of needy or disabled firefighters, or any balance thereof, property purchased therewith or securities in which the same may have been invested, or if any person is indebted for the loan or deposit of such moneys, other than the duly incorporated firemen's relief associations allowed by this article, or the treasurers thereof, then, the moneys, accounts payable, property or securities shall be delivered to the Treasurer of the New Jersey State Firemen's Association to be held in trust for needy firefighters or their families. If a new firemen's relief association is legally organized and incorporated or reincorporated in such municipality or fire district, there shall forthwith be paid over, assigned and conveyed to the new corporation, any money, accounts payable, property and securities remaining in the possession or charge of the Treasurer of the New Jersey State Firemen's

Association in trust for the former local association or corporation, or of any person, for its use or otherwise, or any money, property or securities to which it may be entitled, at law or in equity, derived as aforesaid. An account shall be given therewith of all money therefore had and received from such sources and of the disposition thereof. All such moneys expended by it or them, other than for the benefit of needy or disabled firefighters or their families, shall also be paid over to the new corporation on demand.

Amended by L. 1996, c. 151, s 6, eff. March 1, 1997

**43:17-9. Membership**

The membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of fire wardens, as shall be under the supervision or control of the governing board or body of the municipality or fire district and who, at the time of their becoming eligible for membership in the New Jersey State Firemen's Association, shall be not less than 18 years of age and more than 57 years of age at the time of joining The New Jersey State Firemen's Association and shall furnish evidence of good health in accordance with such reasonable rules and regulations as the executive committee of the New Jersey State Firemen's Association shall from time to time establish; the officers and members of any nonprofit corporations and associations incorporated pursuant to N.J.S. 15A:1-1 et seq.; and the officers and members of any association therein of exempt firemen. The whole body of the membership of such corporation shall have the same rights therein as the charter members thereof. Amended by L. 1989, c. 105, s 1. eff. June 29, 1989; L. 1996, c. 151, s 7, eff. March 1, 1997; L. 1998, c. 90, s 1, eff. Sept. 1, 1998. eff. 2021, c.123, s.2

**43:17-10. Constitution, by-laws, and rules; adoption**

A corporation incorporated or reincorporated under this article may, through its representatives, make, adopt and use, and from time to time alter, amend or change, such constitution or by-laws, or both, and such rules for its government, the regulation of its affairs and the disposition and management of its funds and property as seem to the representatives to be proper. The same shall not be inconsistent with the constitution or laws of the United States or of this state, or the rules and regulations adopted by the New Jersey State Firemen's Association. Amended by L. 1996, c. 151, s 8, eff. March 1, 1997.

**43:17-11. Board of representatives**

On or before the second Monday in December, in every year, each fire engine, hook and ladder, hose or supply company, and the board of trustees of any fire association or department, and any board of fire wardens, which is under the supervision or control of any municipal governing body, board of fire commissioners, or nonprofit corporations and associations incorporated pursuant to N.J.S. 15A:1-1 et seq., and which is organized for and doing public fire duty in any municipality or fire district in this state, shall choose not more than three representatives, and the exempt firemen's association, if any such there be, shall choose not more than three representatives, who together with the president, if any, of such fire association or department, and the chief, or, if there be no chief, then the next highest ranking officer, shall constitute a board of representatives, and shall have and exercise all the powers and perform all the duties herein committed to them, and shall hold office until their successors be chosen, and until their successors shall meet for the purpose of holding the annual election of officers, as provided in R.S. 43:17-12.

Amended by L. 1996, c. 151, s 9, eff. March 1, 1997.

**43:17-12. Provision for rotation of terms of representatives**

If the by-laws of any firemen's relief association provide for the election, by each of the several companies, associations, or boards of which the relief association is comprised, of more than one member of the board of representatives thereof, the firemen's relief association may provide for a rotation in the terms of office of the members of the board of representatives, and at any annual election thereafter one representative may be elected for one year, one, for two years, and, if deemed desirable, one for three years. Thereafter at each election, one representative shall be elected for the longest term provided for, not exceeding three years, from each company, association, or board comprising the firemen's relief association.

Amended by L. 1996, c. 151, s 10, eff. March 1, 1997.

**43:17-13. Officers and trustees**

The board of representatives shall, on or before the third Monday in December in every year, elect by ballot from among their own number, or out of the whole membership of that association a president, vice-president, treasurer and secretary, who shall be the board of officers of the corporation, and not more than five members of a board of trustees.

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

The trustees may be elected in the same manner and from the same source as the representatives are chosen, in which case they shall be divided by the representatives, by lot, into three classes for the aforesaid terms. When the term of any trustee so elected expires, the successor shall be selected from the same source as that from which the trustee was chosen, and shall hold office for three years after the date of the election.

All of the officers and trustees shall hold office until their respective successors are elected.  
Amended By L. 1996, c. 151, s 11, eff. March 1, 1997.

**43:17-14. Oath of officers**

The officers shall, upon their election, take an oath of office for the faithful performance of their duties.  
Amended L. 1996, c. 151, s 12, eff. March 1, 1997.

**43:17-15. Bond of treasurer and officers; custodian of official bonds**

The treasurer and officers of every firemen's relief association, organized or working under this article, shall in each year, upon assuming their office, be covered by a bond for the faithful discharge of their duties, with a surety company authorized to do business in this state as surety thereon, in a sum at least equal to the amount of money and convertible securities that may be in or coming into their hands, control or custody as such officers. The bond shall be procured, maintained and paid by the New Jersey State Firemen's Association. \The Treasurer of the New Jersey State Firemen's Association shall be the custodian of the official bond or bonds provided for in this section, and shall forward copies to the Commissioner of Insurance.

Amended L. 1996, c. 151, s 13, eff. March 1, 1997.

**43:17-16. Failure to hold required election at times specified; effect**

If any of the aforesaid elections are not held at the time or times hereinbefore provided, they shall be held thereafter as soon as may be convenient. The failure shall not work a forfeiture or dissolution of the corporation, nor shall the elections be ineffective because of any delay in holding it. The president and secretary of the corporation shall, in case of failure to hold an election at the time hereinbefore provided forthwith give reasonable notice of a time and place for the holding thereof. If they fail to give the notice, or on failure to comply therewith, any vacancy caused thereby shall be filled as hereinafter provided. Any dereliction on the part of any representative or officer, in the performance of any known duty in connection with the holding of or failure to hold an election, shall be deemed a malfeasance in office and be punished accordingly. If a person is elected to an office at any other than the usual time for the election, he shall hold office only until the time for the next regular election and until his successor is elected.

**43:17-17. Quorum of board of representatives or trustees**

A majority of the board of representatives or of the board of trustees, as the case may be, shall constitute a quorum at the meetings of the respective boards.

Amended L. 1996, c. 151, s 14, eff. March 1, 1997.

**43:17-18. Service on both boards of representatives and of trustees prohibited**

No person shall at one time serve on the board of representatives and the board of trustees. If elected to both he shall resign one or the other, as he sees fit. No officer may serve on the board of trustees.

Amended by L. 1996, c. 151, s 15, eff. March 1, 1997; L. 2005, c. 39, s 2, effective March 7, 2005..

**43:17-19. Chairman and secretary of board of trustees; annual election**

The board of trustees shall once in each year, immediately after the election of the new members thereof, elect, by ballot, a chairperson and secretary.

Amended by L. 1996, c. 151, s 16, March 1, 1997.

**43:17-20. Meetings of board of representatives and board of trustees**

The board of representatives shall be convened by its president at least five times a year and when the president thinks proper or is requested so to do by a majority of the representatives.

The board of trustees shall be convened by its chairperson at least twice a year and when the president thinks proper or is requested so to do by any trustee.

The representatives may provide in their by-laws for regular stated meetings of the representatives and the trustees.  
Amended by L. 1996, c. 151, s 17, eff. March 1, 1997.

**43:17-21. Filling vacancy in office of representative**

If a vacancy occurs in the office of representative, it shall be filled forthwith by the company, association or board by which the representative was elected, for the remainder of the term for which he was elected, at a special election held for that purpose.

Amended by L. 1996, c. 151, s 18, eff. March 1, 1997.

**43:17-22. Filling vacancy in position of officer or trustee**

If a vacancy occurs in the office of president, vice president, treasurer, secretary or trustee, it shall be filled forthwith for the remainder of the term by the representatives at a special election held for that purpose.

Amended by L. 1996, c. 151, s 19, eff. March 1, 1997.

**43:17-23. Reports of secretary and treasurer**

The secretary and treasurer shall report to the board of representatives at all meetings upon request.

Amended by L. 1996, c. 151, s 20, eff. March 1, 1997; L. 2005, c. 39, s 3, eff. March 7, 2005.

**43:17-24. Application for assistance: Disposal of relief fund**

All applications for assistance shall be referred to the trustees for their investigation and approval or disapproval. The trustees shall report their findings and recommendations to the board of representatives which may adopt or approve the same, or make its own determination in accordance with the provisions of R.S. 43:17-35 and the rules and regulations adopted by the Executive Committee of the New Jersey State Firemen's Association.

No person shall be given assistance if the cause of the need or the reason for the disability or the nature or cause of the injury or sickness is not in the opinion of the board of representatives such as to entitle the applicant to assistance, or if the applicant is deemed financially unworthy of assistance. Amended by L. 1996, c. 151, s 21, eff. March 1, 1997.

**43:17-25. Management of association**

The management of the business and affairs, the custody of the property and the disposal of the funds and property of the corporation shall be entrusted to the board of representatives thereof in accordance with R.S.43:17-35 and the rules and regulations adopted by the New Jersey State Firemen's Association.

Amended by L. 1996, c. 151, s 22, eff. March 1, 1997

**43: 17-26. Control of application of funds and property; suspension of trustees and officers**

The board of representatives may, at any meeting thereof, inquire into the applications for relief or payment thereof, the funds from which relief is available or paid, and shall oversee and control the funds, money and property of the corporation and ensure its proper allocation, disbursement or management in accordance with R.S. 43:17-35 and the rules and regulations adopted by the New Jersey State Firemen's Association.

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

Amended by L. 1996, c. 151, s 22, eff. March 1, 1997

**43:17-27. Misconduct or malfeasance in office; vacancy declared; no action by association or board**

If any member of the board of representatives, or trustee or any officer is charged with misconduct or malfeasance in office or charged with a violation of any law or the rules and regulations adopted by the New Jersey State Firemen's Association, such person shall immediately be served with a copy of the complaint, including charges and specifications. The charges shall then be investigated by a member or committee of the membership of the local relief association elected thereby and a report of the investigation shall be submitted thereto. If the association by a majority vote of the membership present determines that there is probable cause that an offense has been committed or there is misconduct or malfeasance in office, then a hearing shall be conducted.

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

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

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

Amended by L. 1996, c. 151, s 24, eff. March 1, 1997.

**43:17-28. Funds not to be used for banking purposes**

No part of the funds of the corporation shall be used for banking purposes or in any manner except as provided in this article and except for necessary expenses in carrying out the interests and objects of the corporation.

**43:17-29. Expenses of attending convention of State Association; payment**

Each firemen's relief association may pay to the delegates, life members and chief or the next highest ranking officer as shall attend and represent it and to each delegate who shall attend and represent the local exempt firemen's association at the annual convention of the New Jersey State Firemen's Association the cost incurred by them for travel, lodging, and other expenses as determined by the executive committee of the New Jersey State Firemen's Association in accordance with R.S. 43:17-35 and the rules and regulations adopted by the New Jersey State Firemen's Association. Nothing contained in this article shall authorize the payment of such expenses a second time to any delegate.

Amended by L. 1996, c. 151, s 25, eff. March 1, 1997.

**43:17-30. Certain papers filed with secretary of State Association; approval by executive committee**

Each local firemen's relief association, except those incorporated by special act, shall file a copy of its constitution, by-laws and certificate of incorporation with the secretary of the New Jersey State Firemen's Association. The secretary shall forthwith submit the same to the executive committee thereof for its inspection and approval, in order to determine whether the local association has complied with the requirements of this chapter relating thereto.

**43:17-31. Annual statements of local associations and biannual reports of executive committee**

On or before February 20th in every year, each local firemen's relief association, however incorporated, shall file a financial report with the field examiner of the New Jersey State Firemen's Association who then shall file a sworn statement with the Secretary of State on or before May 1st showing:

- a. The names of its representatives, trustees and other officers, and the amount of their respective fees or salaries, if any;
- b. The names of the applicants approved for relief during or within the year preceding the statement and the amount of money paid to each of them;

c. The receipts and expenses during the year, which shall be stated in detail; and The amount of money or other property in its possession at the date of making the statement and how the money is invested or secured and where it is deposited.

d. The executive committee shall cause an examination to be made of the local association and shall file a biannual report, certified by an accountant licensed by the State of New Jersey, with the Department of Insurance. The report shall provide the following: (1) a statement of the plan and procedures for the examination and report; (2) reasonable assurances that each local association's financial statement is free of material misstatements; (3) material instances of non-compliance or failures to follow State statutes, regulations, or policies and the rules and regulations of New Jersey State Firemen's Association; (4) information to provide for the economical, fair, and non-discriminatory administration and efficient provisions for protection of the assets of the local association. The statement of the plan and procedures shall be prepared by the executive committee of the New Jersey State Firemen's Association and be filed with the Department of Insurance. The plan or the procedures may be amended from time to time. The report shall be filed with the Treasurer of the New Jersey State Firemen's Association and the Department of Insurance on or before June 1<sup>st</sup>.

Amended by L. 1996, c. 151, s 26; L. 2005, c. 39, s. 4, eff. March 7, 2005.

**43:17-32. Repealed L. 2005, c. 39, s 6, effective March 7, 2005.**

**43:17-33. Investments of funds**

No firemen's relief association, however incorporated, shall invest its moneys in any manner, except as follow:

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



b. In interest bearing bonds of this state;

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

d. In stocks or bonds of any governmental entity of this State or any other State of the United States, which have been or may be issued pursuant to a law of that State, and in any interest bearing obligations issued by a governmental entity in which the relief association is situated. No investment shall be made under this paragraph if that governmental entity has, within ten years previous to making the investment by the relief association, defaulted in the payment of any part of principal or interest of any debt authorized by the Legislature of that State to be contracted or if

the total indebtedness of that governmental entity is not limited by law to ten percent (10%) of its assessed valuation;

e. (Deleted by amendment, P.L. 1996, c. 151).

f. (Deleted by amendment, P.L. 2005, c. 39)

g. (Deleted by amendment, P.L. 1996, c. 151)

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

i. (Deleted by amendment, P.L. 2005, c. 39)

j. All investments authorized pursuant to this section shall be in the name of the local relief association. Amended by L. 1953, c. 75, s 1, eff. April 6, 1953; L. 1996, c. 151, s 28, eff. March 1, 1997; L. 2005, c. 39, s 5, eff. March 7, 2005.

#### **43:17-34. Unlawful investment of funds; punishment**

A violation of any provision of R.S. 43:17-33, by any, or either of the members of the boards of officers or representatives, or other officers of the firemen's relief association, shall be a crime of the fourth degree.

Amended by L. 1996, c. 151, s 29, eff. March 1, 1997

#### **43:17-35. Use of funds**

Any funds heretofore or hereafter received and held by a relief association organized and existing under this article, from any source, may be used for the relief, support and maintenance of qualified firefighters and their dependents, not only during the lives of the firefighters but after their death, in accordance with such reasonable rules and regulations in regard thereto as the executive committee of the New Jersey State Firemen's Association from time to time establishes. The executive committee may make and establish, alter, amend and supplement these rules and regulations, may put into effect and alter, from time to time, the methods of administration as may best accomplish such results and may provide for the restoration of the funds of any local relief association diminished by payments made by an assessment levied by the executive committee in such equitable manner as it prescribes.

Amended by L. 1996, c. 151, s 30, eff. March 1, 1997.

#### **43:17-36. Paid firemen participating in relief association organized by volunteers**

When, in any municipality where there is a volunteer department doing public fire duty, which has a relief association organized by it and acting under this article, there is thereafter organized therein a paid fire department, the members who compose the paid fire department shall, without any election thereto, become members of and beneficiaries in the relief association, and shall take part in its control and management together with the former members thereof in such manner and form and to such an extent by representatives and trustees as may be agreed upon mutually by and between members of the volunteer and the paid department, and on failure to reach an agreement within a reasonable time, then under such general rules and regulations as shall be made and adopted therefore by the executive committee of the New Jersey State Firemen's Association, which body may make, adopt and enforce such general rules and regulations as may be deemed necessary for such purposes and may preserve the funds and carry out the purposes of the relief association.

#### **43:17-38. Power to alter, suspend or repeal charters of associations**

The legislature may, at any time, alter, modify or repeal this chapter and may alter, suspend, or repeal the charter of any

firemen's relief association incorporated or reincorporated under this chapter.

**43:17-39. Certain corporations unaffected by chapter**

Nothing contained in this chapter shall be deemed to repeal the charter of any incorporated association, or to dissolve any voluntary association, organized prior to March twenty-fifth, one thousand eight hundred and eighty-five, by the exempt firefighters of any city, or by the volunteer firefighters therein, previous to, at or about the time for the organization therein of a paid fire department, or to prevent the incorporation of any such associations. This chapter shall not apply to or affect in any manner any funds which have been or may be accumulated by any such association. Amended by L. 1996, c. 151, s 32, eff. March 1, 1997.

**ARTICLE 2**

**NEW JERSEY STATE FIREMEN'S ASSOCIATION**

**43:17-40. "Local firemen's relief associations" defined** As used in this article, "local firemen's relief association" includes all incorporated local exempt firemen's associations in this state and the rules and regulations of the New Jersey State Firemen's Association, as to the rights, powers, privileges and admittances of the delegates thereof and thereto, shall be as binding upon the delegates elected by the local exempt firemen's associations as on those of the local relief associations.

**43:17-41. State association continued; conduct of affairs; powers; expenses**

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

The delegates and alternates of the local firemen's relief associations, elected as hereinafter provided, and the chief or next highest ranking officer, representing the local relief associations, together with the delegates and alternatives from exempt firemen's associations of this State, elected as hereinafter provided, and those recognized by the New Jersey State Firemen's Association, or who may hereafter be elected by it as life members under its by-laws and constitution, so long as they remain members, and the officers of the New Jersey State Firemen's Association, shall conduct the affairs of the New Jersey State Firemen's Association.

The New Jersey State Firemen's Association shall have the same rights, powers and privileges as the local firemen's relief associations, including providing for the distribution of any fund for the relief of disabled or needy firefighters and their families. The expense of maintaining the New Jersey State Firemen's Association shall be borne equally by all of the local firemen's relief associations in accordance with the rules and regulations adopted by the New Jersey State Firemen's Association.

Amended by L. 1996, c. 151, s 33, eff. March 1, 1997.

**43:17-42. Delegates and representatives of local relief associations**

On or before May 1<sup>st</sup> in each year, the board of representatives of each duly incorporated local firemen's relief association in this State shall choose, out of the whole body of membership thereof, three delegates to the convention or meetings of the New Jersey State Firemen's Association and three alternates, one or more of whom shall act in the place of any delegate so chosen who may be unable to attend the convention or meetings of the New Jersey State Firemen's Association. They, together with the chief, or if there is no chief, the next highest ranking officer, shall represent the local association at the convention or meetings of the New Jersey State Firemen's Association.

Amended by L. 1996, c. 152, s 34, eff. March 1, 1997; L.2008, c. 64, s 1, eff. Aug. 14, 2008.

**43:17-43. Delegates of exempt firemen's associations**

On or before May 1<sup>st</sup> in every year, each duly incorporated exempt firemen's association shall choose, by ballot, one delegate and one alternate who shall act in the place of the delegate who may be unable to attend the convention or meeting of the New Jersey State Firemen's Association out of the whole body of the membership thereof, who shall represent and vote for the local exempt firemen's association at the convention or meetings of the New Jersey State Firemen's Association. This delegate or alternate shall have the same rights, powers and privileges as the delegates elected to the New Jersey State Firemen's Association by the local firemen's relief associations.

Amended by L. 1996, c. 151, s 35, eff. March 1, 1997; L.2008, c 64, s 2, eff. Aug. 14, 2008.

**43:17-44. Annual convention; election of officers; executive committee; certificate of election, constitution and**

### **by-laws**

At each annual convention of the New Jersey State Firemen's Association, there shall be elected, by ballot, a president, vice president, secretary, treasurer, first assistant secretary, second assistant secretary, executive committee and such other officers as the constitution and by-laws adopted by the New Jersey State Firemen's Association require. The president, secretary and other officers and such other persons or committees as the constitution and by-laws of the New Jersey State Firemen's Association provide, shall constitute the executive committee of the New Jersey State Firemen's Association. The president and secretary, after each election, shall file with the Commissioner of Insurance a sworn statement, of the fact of the election and of the names of the officers so elected. The first certificate filed after March twenty-fifth, one thousand eight hundred and eighty-five, which contained a reference to the act entitled "An act concerning firemen's relief associations," approved March twenty-fifth, one thousand eight hundred and eighty-five (L. 1885, c. 122, p. 144), stated the intention to incorporate thereunder and had thereon an impression of the common seal of the New Jersey State Firemen's Association shall be deemed to be the certificate of incorporation of the New Jersey State Firemen's Association.

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

At each annual convention, the New Jersey State Firemen's Association may adopt for its use and government any amendment submitted by any local association or the executive committee to amend the constitution and by-laws as seem best for its uses and purposes.

Amended by L. 1996, c. 151, s 36, eff. March 1, 1997.

#### **43:17-45. Executive committee; supervisory powers; report to commissioner of banking and insurance**

The executive committee of the New Jersey State Firemen's Association shall have the supervision and power of control of the funds and other property of all firemen's relief associations, shall see that the same are properly guarded and legally invested and expended and shall examine the annual reports of each association. It shall report to the Commissioner of Insurance, on or before June 10th in each year, a list of all associations which have complied with the law in all respects. Only associations so reported shall be entitled to the pro rata share of the moneys arising from the two per cent on premiums.

Amended by L. 1996, c. 151, s 37, eff. March 1, 1997.

#### **43:17-46. Auditor; examination of local associations**

For the purpose of proper supervision and control of the funds and property of the local firemen's relief associations, the executive committee may, each year, elect a field examiner, who shall, by virtue of his office, be a member of the executive committee. The field examiner shall examine the

books, bonds and property of any association whenever it may seem necessary for the proper care, safety and custody of the funds and property thereof, and for that purpose may demand and receive, for examination, all bonds and papers necessary to a full and fair examination thereof.

Amended by L. 1996, c. 151, s 38, eff. March 1, 1997.

#### **43:17-47. Annual certificate filed with secretary of state; share in relief fund**

On or before June 1st in each year, the field examiner of the New Jersey State Firemen's Association shall file in the Office of the Secretary of State a sworn certificate, countersigned by the president of the New Jersey State Firemen's Association, stating the name and address of the treasurer of each local firemen's relief association which has complied with the requirements of this chapter.

No firemen's relief association or any of the officers thereof, shall share in the distribution of or be entitled to have or receive any part of any fund for the relief of needy or disabled firefighters, unless the association and officers shall have complied with R.S. 43:17-31 and shall be so certified to the Secretary of State.

Amended by L. 1996, c. 151, s 39, eff. March 1, 1997.