

# FIRES

## CHAPTER 203

### SENATE BILL NO. 2130

(Political Subdivisions Committee)  
(At the request of the State Forester)

## STATE FORESTER COOPERATION WITH FIRE DISTRICT

AN ACT to amend and reenact section 18-02-07 of the North Dakota Century Code, relating to cooperation of the state forester with rural fire departments and rural fire protection districts; and to repeal sections 18-02-01, 18-02-02, 18-02-03, 18-02-04, 18-02-05, 18-02-06, 18-02-08, and 18-02-09 of the North Dakota Century Code, relating to forest fire wardens.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 18-02-07 of the North Dakota Century Code is amended and reenacted as follows:

**18-02-07. Cooperation of state forester and other agencies - Fire and forest protection.** The state forester may cooperate and contract jointly or severally with departments and agencies of this or other states, with federal agencies, with counties, townships, or other political subdivisions, including; ~~but not limited to;~~ rural fire protection districts, rural fire departments, municipal, and other corporations and associations, or with individuals ~~to~~ in the best interest interests of the people and the state, in forest surveys, research in forestry, forest protection, including assisting fire departments in protection of forests and other resources and in assisting landowners to secure adoption of better forestry ~~practice~~ practices. The state forester ~~is specifically authorized to~~ may:

1. Cooperate and contract with the United States or any appropriate agency thereof to receive and use federal aid and matching funds which the state and its subdivisions may become eligible to receive.
2. Apply for, receive, and expend federal grants-in-aid and matching funds for fire protection services, and generally aid rural fire departments and rural fire protection districts with all activities customary in the prevention and suppression of forest, brush, and grassland fires.
3. Purchase or otherwise acquire fire protection equipment to lease loan or sell to rural fire departments and ~~generally to aid rural fire departments and~~ rural fire protection districts.

**SECTION 2. REPEAL.** Sections 18-02-01, 18-02-02, 18-02-03, 18-02-04, 18-02-05, 18-02-06, 18-02-08, and 18-02-09 of the North Dakota Century Code are repealed.

Approved March 6, 1997  
Filed March 6, 1997

## CHAPTER 204

### SENATE BILL NO. 2144

(Senators Mutzenberger, Heitkamp, Klein)  
(Representatives Drovdal, Kroeplin, Nichols)

## FIREFIGHTERS RELIEF ASSOCIATION BENEFITS

AN ACT to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 18-11-15 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **18-11-15. Service pensions - Qualifications.**

1. A monthly service pension must be paid to members of the association with the following qualifications:

Years of service	Years of age at retirement	Percent of first-class firefighter's monthly salary on January first during year the pension is paid
20	50	40%
21	51	42%
22	52	44%
23	53	46%
24	54	48%
25	55	50%
26	56	52%
27	57	54%
28	58	56%
29	59	58%
30	60	60%

2. Except for members participating in a firefighters relief association paying a monthly service pension to members of the association under subsection 4 or 5, all members must serve twenty years before they are eligible for a service pension. Members participating in a firefighters relief association paying a monthly service pension to members of the association under subsection 4 or 5 must serve ten years before they are eligible for a service pension. However, any member who has twenty years of service or ten years of service with a firefighters relief association paying a monthly service pension to members of the association under subsection 4 or 5, and who has not attained retirement age may retire from the department without forfeiting the right to a service pension. The association, in its bylaws, may establish a retirement age of not less than fifty years, at which time the service pension becomes payable. This retirement age may be established for all firefighters or classes of firefighters by birth dates. A person who has served twenty years or ten years with a firefighters relief association

paying monthly service pensions to members of the association under subsection 4 or 5 or more and who is separated from service must, upon application, be placed on the deferred pension roll of the association, and after reaching retirement age, the association shall, upon application therefor, pay the service pension from the date the member attains eligibility at a rate of forty percent of the monthly salary of a first-class firefighter as determined on January first of the year in which the pension is paid. Any person making such application waives all other rights, claims, or demands against the association for any cause, except those causes that may have arisen from, or that may be attributable to, the person's service on the fire department.

3. With the consent of the governing body of the city involved, and in substitution for the pension payment schedule provided in subsection 1, a firefighters relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amounts:

Years of service	Years of age	Percent of first-class firefighter's monthly salary on January first during year the pension is paid
20	50	40%
21	51	42%
22	52	44%
23	53	46%
24	54	48%
25	55	50%
26	56	52%
27	57	54%
28	58	56%
29	59	58%
30	60	60%

4. With the consent of the governing body of the city involved, and in substitution for the pension payment schedule provided in subsection 1 or 3, a firefighters relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amounts:

Years of service	Years of age	Percent of first-class firefighter's monthly salary on January first during year the pension is paid
10	50	20%
11	50	22%
12	50	24%
13	50	26%
14	50	28%
15	50	30%
16	50	32%
17	50	34%
18	50	36%
19	50	38%
20	50	40%
21	51	42%

22	52	44%
23	53	46%
24	54	48%
25	55	50%
26	56	52%
27	57	54%
28	58	56%
29	59	58%
30	60	60%

5. With the consent of the governing body of the city involved, upon the advice of its actuary that the pension schedule can be implemented on an actuarially sound basis and notification to the legislative council's employee benefits programs committee, and in substitution for the pension payment schedule provided in subsection 1, 3, or 4, a firefighters relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amount:

<u>Years of service</u>	<u>Years of age</u>	<u>Percent of first-class firefighter's monthly salary on January first during year the pension is paid</u>
<u>10</u>	<u>50</u>	<u>20%</u>
<u>11</u>	<u>50</u>	<u>22%</u>
<u>12</u>	<u>50</u>	<u>24%</u>
<u>13</u>	<u>50</u>	<u>26%</u>
<u>14</u>	<u>50</u>	<u>28%</u>
<u>15</u>	<u>50</u>	<u>30%</u>
<u>16</u>	<u>50</u>	<u>32%</u>
<u>17</u>	<u>50</u>	<u>34%</u>
<u>18</u>	<u>50</u>	<u>36%</u>
<u>19</u>	<u>50</u>	<u>38%</u>
<u>20</u>	<u>50</u>	<u>40%</u>
<u>21</u>	<u>51</u>	<u>43%</u>
<u>22</u>	<u>52</u>	<u>46%</u>
<u>23</u>	<u>53</u>	<u>49%</u>
<u>24</u>	<u>54</u>	<u>52%</u>
<u>25</u>	<u>55</u>	<u>55%</u>
<u>26</u>	<u>56</u>	<u>58%</u>
<u>27</u>	<u>57</u>	<u>61%</u>
<u>28</u>	<u>58</u>	<u>64%</u>
<u>29</u>	<u>59</u>	<u>67%</u>
<u>30</u>	<u>60</u>	<u>70%</u>

6. Benefits with respect to a member may not exceed the maximum benefits specified under section 415 of the Internal Revenue Code; 26 U.S.C. 415 for governmental plans. This section does not constitute an election under section 415(b)(10)(C) of the Internal Revenue Code; 26 U.S.C. 415(b)(10)(C).

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