

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2144

Introduced by

Senators Mutzenberger, Heitkamp, Klein

Representatives Drovdal, Kroeplin, Nichols

1 A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code,
2 relating to benefits under the alternate firefighters relief association plan.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **18-11-15. Service pensions - Qualifications.**

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

		Years of	Percent of first-class
		age at	firefighter's monthly salary
	Years of	retirement	on January first during year
	service		the pension is paid
13	20	50	40%
14	21	51	42%
15	22	52	44%
16	23	53	46%
17	24	54	48%
18	25	55	50%
19	26	56	52%
20	27	57	54%
21	28	58	56%
22	29	59	58%
23	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:

		Percent of first-class firefighter's monthly salary on January first during year
Years of	Years of	

1	service	age	the pension is paid
2	20	50	40%
3	21	51	42%
4	22	52	44%
5	23	53	46%
6	24	54	48%
7	25	55	50%
8	26	56	52%
9	27	57	54%
10	28	58	56%
11	29	59	58%
12	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:

17			Percent of first-class
18			firefighter's monthly salary
19	Years of	Years of	on January first during year
20	service	age	the pension is paid
21	10	50	20%
22	11	50	22%
23	12	50	24%
24	13	50	26%
25	14	50	28%
26	15	50	30%
27	16	50	32%
28	17	50	34%
29	18	50	36%
30	19	50	38%
31	20	50	40%

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1	21	51	42%
2	22	52	44%
3	23	53	46%
4	24	54	48%
5	25	55	50%
6	26	56	52%
7	27	57	54%
8	28	58	56%
9	29	59	58%
10	30	60	60%

5. With the consent of the governing body of the city involved, 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>Percent of first-class firefighter's monthly salary on January first during year the pension is paid</u>
	<u>Years of service</u>	<u>Years of age</u>	
18	<u>10</u>	<u>50</u>	<u>20%</u>
19	<u>11</u>	<u>50</u>	<u>22%</u>
20	<u>12</u>	<u>50</u>	<u>24%</u>
21	<u>13</u>	<u>50</u>	<u>26%</u>
22	<u>14</u>	<u>50</u>	<u>28%</u>
23	<u>15</u>	<u>50</u>	<u>30%</u>
24	<u>16</u>	<u>50</u>	<u>32%</u>
25	<u>17</u>	<u>50</u>	<u>34%</u>
26	<u>18</u>	<u>50</u>	<u>36%</u>
27	<u>19</u>	<u>50</u>	<u>38%</u>
28	<u>20</u>	<u>50</u>	<u>40%</u>
29	<u>21</u>	<u>51</u>	<u>43%</u>
30	<u>22</u>	<u>52</u>	<u>46%</u>

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1	<u>23</u>	<u>53</u>	<u>49%</u>
2	<u>24</u>	<u>54</u>	<u>52%</u>
3	<u>25</u>	<u>55</u>	<u>55%</u>
4	<u>26</u>	<u>56</u>	<u>58%</u>
5	<u>27</u>	<u>57</u>	<u>61%</u>
6	<u>28</u>	<u>58</u>	<u>64%</u>
7	<u>29</u>	<u>59</u>	<u>67%</u>
8	<u>30</u>	<u>60</u>	<u>70%</u>

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