

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Klein

1 A BILL for an Act to amend and reenact section 18-05-01, 18-05-04, 18-05-05, 18-05-06,
2 18-05-07, 18-05-09, 18-05-12 of the North Dakota Century Code, relating to rural fire
3 department relief association pensions.

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

5 **SECTION 1. AMENDMENT.** Section 18-05-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **18-05-01. Firefighters relief association - Where it may be organized.** A firefighters
8 relief association may be organized in any city, rural fire department or rural fire protection
9 district that has a fire department. In organizing a firefighters relief association, the procedure
10 provided in chapter 10-33 must be followed.

11 **SECTION 2. AMENDMENT.** Section 18-05-04 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **18-05-04. Apportioning insurance tax received by city, rural fire department or**
14 **rural fire protection district.** The city auditor in a city or the treasurer of a rural fire
15 department rural fire protection district with a fire department and a firefighters relief association
16 shall apportion the amount received under section 18-04-05, so one-half of the amount is
17 placed in a fund to be disbursed by the city's rural fire department's or rural fire protection
18 district's governing body in maintaining the fire department and one-half is paid to the treasurer
19 of the firefighters relief association. Except, the city's governing body may direct the city auditor
20 or the rural fire department rural fire protection district's board of directors may direct the
21 treasurer to pay all or any portion of the one-half of the amount received which would otherwise
22 be disbursed in maintaining the fire department to the treasurer of the firefighters relief
23 association if its financial condition makes the disposition necessary or advisable.

1 **SECTION 3. AMENDMENT.** Section 18-05-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **18-05-05. Disbursement of money received by treasurer of firefighters relief**
4 **association.** The amount received by the treasurer of a firefighters relief association from the
5 state may be disbursed for the following purposes only:

- 6 1. For the maintenance of the association.
- 7 2. For pensions to and the relief of sick, injured, and disabled members of any fire
8 department in the municipality, rural fire department, or the rural fire protection
9 district and the members' surviving spouses and children.
- 10 3. For the payment of service pensions as provided in section 18-05-06 in the
11 amounts and manner the association designates in its articles of incorporation and
12 bylaws.

13 **SECTION 4. AMENDMENT.** Section 18-05-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **18-05-06. Service pension - Who may receive - Recipient entitled to no further**
16 **relief from association.**

- 17 1. A firefighter relief association organized under the laws of this state must be an
18 IRS approved plan.
- 19 2. A firefighters relief association organized under the laws of this state may pay out
20 of any funds received from the state, city, municipality, or any other source a
21 service pension in an amount as may be provided by the association's bylaws to
22 each of its members who has retired and who:
 - 23 a. Has reached the age of fifty years;
 - 24 b. And meets all the requirements of the firefighters relief association bylaws.
 - 25 ~~b. Has done active duty for twenty years or more as a member of a fire~~
26 ~~department in the municipality or rural fire protection district in which the~~
27 ~~association exists;~~
 - 28 ~~c. Has been a member of the firefighters relief association for at least ten years~~
29 ~~before the date of retirement; and~~
 - 30 ~~d. Complies with any additional conditions as to age, service, and membership~~
31 ~~that may be prescribed by the bylaws of the association.~~

3. A pension may not be paid to any individual while that individual remains a member of the fire department or rural fire protection district department, and an individual who is receiving a service pension is entitled to no other relief from the association. An individual who becomes a member of a firefighters relief association at the time of the formation of the association and who meets all of the requirements of subsection 1, except subdivision c relating to vesting, may receive a retirement benefit under this section if the benefit is actuarially reduced to account for the decreased period of contribution to the fund.

SECTION 5. AMENDMENT. Section 18-05-07 of the North Dakota Century Code is amended and reenacted as follows:

18-05-07. Eligibility for service pension may be acquired by paying back assessments. A firefighter who, for the number of years required for retirement, actually has served in a fire department in a municipality, or rural fire department, fire protection district in which a firefighters relief association has been organized and who pays into the firefighters relief and pension fund maintained in the municipality assessments equal to the amounts assessed against the members of the association during the time of the firefighter's service in the department, with interest upon the assessments, must be allowed membership in the association and is entitled to receive, upon retirement, the same pension from the fund as is paid to other firefighters. The bylaws of an association may not contain any provision that discriminates against a firefighter who actually has worked as a firefighter during the number of years required by the bylaws or which prevents the firefighter from, or discriminates against the firefighter in, participating in the association or in the benefits from the fund. The rights provided for in this chapter are acquired by compliance with this section whether compliance was accomplished before or after July 1, 1935, without regard to the time when the required service was performed.

SECTION 6. AMENDMENT. Section 18-05-09 of the North Dakota Century Code is amended and reenacted as follows:

18-05-09. Who deemed firefighter. A substitute firefighter, a person serving on probation, and a firefighter in a municipality, rural fire department, or rural fire protection district having a relief association in its fire department who is not a member of the association may not be deemed a firefighter within the meaning of this chapter.

1 **SECTION 7. AMENDMENT.** Section 18-05-12 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **18-05-12. Secretary and treasurer of firefighters relief association to prepare**
4 **report - Contents - Filing.** The secretary and treasurer of every firefighters relief association
5 shall prepare annually a report of all the receipts and expenditures of the association for the
6 previous year showing the source of all receipts and for what purpose and to whom any money
7 was paid and expended. The report must be filed in the office of the city auditor of the
8 municipality wherein the association is situated or in the case of a rural fire department rural fire
9 protection district the office of the county auditor of the county in which the rural fire department
10 rural fire protection district is located, and a duplicate of the report must be filed with the office
11 of management and budget before any money may be paid to the relief association.