

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 service	Years of age at retirement	Percent of first-class firefighter's monthly salary on January first during year the pension is paid
9			
10			
11			
12			
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%

1 2. Except for members participating in a firefighters relief association paying a
2 monthly service pension to members of the association under subsection 4, all
3 members must serve twenty years before they are eligible for a service pension.
4 Members participating in a firefighters relief association paying a monthly service
5 pension to members of the association under subsection 4 must serve ten years
6 before they are eligible for a service pension. However, any member who has
7 twenty years of service or ten years of service with a firefighters relief association
8 paying a monthly service pension to members of the association under
9 subsection 4, and who has not attained retirement age may retire from the
10 department without forfeiting the right to a service pension. The association, in its
11 bylaws, may establish a retirement age of not less than fifty years, at which time
12 the service pension becomes payable. This retirement age may be established for
13 all firefighters or classes of firefighters by birth dates. A person who has served
14 twenty years or ten years with a firefighters relief association paying monthly
15 service pensions to members of the association under subsection 4 or more and
16 who is separated from service must, upon application, be placed on the deferred
17 pension roll of the association, and after reaching retirement age, the association
18 shall, upon application therefor, pay the service pension from the date the member
19 attains eligibility at a rate of forty percent of the monthly salary of a first-class
20 firefighter as determined on January first of the year in which the pension is paid.
21 Any person making such application waives all other rights, claims, or demands
22 against the association for any cause, except those causes that may have arisen
23 from, or that may be attributable to, the person's service on the fire department.

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

			Percent of first-class firefighter's monthly salary on January first during year the pension is paid
28			
29			
30	Years of	Years of	
31	service	age	

Fifty-fifth
Legislative Assembly

1	20	50	40%
2	21	51	42%
3	22	52	44%
4	23	53	46%
5	24	54	48%
6	25	55	50%
7	26	56	52%
8	27	57	54%
9	28	58	56%
10	29	59	58%
11	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
16			
17			
18			
19			
20	10	50	20%
21	11	50	22%
22	12	50	24%
23	13	50	26%
24	14	50	28%
25	15	50	30%
26	16	50	32%
27	17	50	34%
28	18	50	36%
29	19	50	38%
30	20	50	40%
31	21	51	42% <u>43%</u>

Fifty-fifth
Legislative Assembly

1	22	52	44%	<u>46%</u>
2	23	53	46%	<u>49%</u>
3	24	54	48%	<u>52%</u>
4	25	55	50%	<u>55%</u>
5	26	56	52%	<u>58%</u>
6	27	57	54%	<u>61%</u>
7	28	58	56%	<u>64%</u>
8	29	59	58%	<u>67%</u>
9	30	60	60%	<u>70%</u>

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