

## FIRST ENGROSSMENT

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 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 or 5, 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 or 5 must serve ten  
6           years before they are eligible for a service pension. However, any member who  
7           has twenty years of service or ten years of service with a firefighters relief  
8           association paying a monthly service pension to members of the association under  
9           subsection 4 or 5, 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 5 or more  
16          and who is separated from service must, upon application, be placed on the  
17          deferred pension roll of the association, and after reaching retirement age, the  
18          association shall, upon application therefor, pay the service pension from the date  
19          the member attains eligibility at a rate of forty percent of the monthly salary of a  
20          first-class firefighter as determined on January first of the year in which the  
21          pension is paid. Any person making such application waives all other rights,  
22          claims, or demands against the association for any cause, except those causes  
23          that may have arisen from, or that may be attributable to, the person's service on  
24          the fire department.

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

			Percent of first-class firefighter's monthly salary on January first during year
29			
30			
31	Years of	Years of	

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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>Years of</u>	<u>Years of</u>	<u>Percent of first-class</u>
	<u>service</u>	<u>age</u>	<u>firefighter's monthly salary</u>
			<u>on January first during year</u>
			<u>the pension is paid</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).