

HOUSE BILL NO. 1432

Introduced by

Representatives Warner, Sveen

Senator Thompson

1 A BILL for an Act to amend and reenact sections 18-05-06, 18-05-07, and 18-05-10 of the North
2 Dakota Century Code, relating to participation by emergency medical technicians, emergency
3 care technicians, and certified advanced first-aid ambulance personnel in firefighters relief
4 associations.

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

6 **SECTION 1. AMENDMENT.** Section 18-05-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **18-05-06. Service pension - Who may receive - Recipient entitled to no further**
9 **relief from association.** A ~~firemen's~~ firefighters relief association organized under the laws of
10 this state may pay out of any funds received from the state, city, municipality, or ~~from~~ any other
11 source a service pension in ~~such an~~ an amount, not exceeding two hundred dollars per month, as
12 may be provided by ~~its~~ the association's bylaws, to each of its members who has retired and
13 who:

- 14 1. Has reached the age of fifty years;
- 15 2. Has done active duty for twenty years or more as a member of a volunteer, paid, or
16 partially paid and partially volunteer, fire department or as an emergency medical
17 technician, emergency care technician, or person holding an advanced first-aid
18 ambulance certification in the municipality in which ~~such~~ the association exists;
- 19 3. Has been a member of the ~~firemen's~~ firefighters relief association or has been an
20 emergency medical technician, emergency care technician, or held an advanced
21 first-aid ambulance certificate for at least ten years ~~prior to~~ before the date of ~~the~~
22 ~~person's~~ retirement; and
- 23 4. Complies with any additional conditions as to age, service, and membership ~~which~~
24 that may be prescribed by the bylaws of the association.

1 ~~No~~ A pension may not be paid to any ~~person~~ individual while ~~the person~~ that individual remains
2 a member of the fire department or an active emergency medical technician, emergency care
3 technician, or person holding an advanced first-aid ambulance certification, and ~~a person~~ an
4 individual who is receiving a service pension is entitled to no other relief from the association.

5 **SECTION 2. AMENDMENT.** Section 18-05-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **18-05-07. Eligibility for service pension may be acquired by paying back**
8 **assessments.** ~~Any~~ A firefighter or emergency medical technician, emergency care technician,
9 or person holding an advanced first-aid ambulance certification who, for the number of years
10 required for retirement, actually has served in a fire department or as an emergency medical
11 technician, emergency care technician, or held an advanced first-aid ambulance certificate in a
12 municipality in which a ~~firemen's~~ firefighters relief association has been organized and who
13 pays into the ~~firemen's~~ firefighters relief and pension fund maintained in ~~such~~ the municipality
14 assessments equal to the amounts assessed against the members of the association during the
15 time of the ~~person's~~ individual's service in the department, with interest upon ~~such~~ the
16 assessments, must be allowed membership in the association and ~~shall~~ is entitled to receive,
17 upon retirement, the same pension from the fund as is paid to other firefighters or emergency
18 medical technician, emergency care technician, or person holding an advanced first-aid
19 ambulance certification. The bylaws of an association may not contain any provision ~~which~~ that
20 discriminates against ~~a firefighter~~ an individual who actually has worked as ~~such~~ a firefighter or
21 emergency medical technician, emergency care technician, or person holding an advanced
22 first-aid ambulance certification during the number of years required by the bylaws or which
23 prevents the ~~person~~ individual from, or discriminates against the ~~person~~ individual in,
24 participating in the association or in the benefits from the fund. The rights provided for in this
25 chapter are acquired by compliance with this section whether ~~such~~ compliance was
26 accomplished ~~prior~~ before or ~~subsequent to~~ after July 1, 1935, without regard to the time when
27 the required service was performed.

28 **SECTION 3. AMENDMENT.** Section 18-05-10 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **18-05-10. Qualifications as to age and term of service inapplicable to pension for**
31 **disability.** The qualifications as to age and term of service prescribed by this chapter do not

1 apply to a member of a fire department or an emergency medical technician, emergency care
2 technician, or person holding an advanced first-aid ambulance certification who makes an
3 application for a pension on account of injuries or disabilities which ~~make the person~~ results in
4 the individual being unfit for to perform the duties of an active firefighter or an emergency
5 medical technician, emergency care technician, or person holding an advanced first-aid
6 ambulance certification. The relief association shall pay the pension to ~~such~~ those members,
7 or to the ~~widow or orphans~~ surviving spouse or children of a deceased firefighter or emergency
8 medical technician, emergency care technician, or person holding an advanced first-aid
9 ambulance certification, in ~~such~~ the amounts and under ~~such~~ the limitations and conditions as
10 its articles of incorporation and bylaws provide and permit. ~~No~~ A pension paid to any one
11 family, however, may not exceed the maximum monthly service pension permitted under this
12 chapter.