424A.01 MEMBERSHIP IN A FIREFIGHTER RELIEF ASSOCIATION.

Subdivision 1. **Membership eligibility.** (a) A firefighter or any volunteer emergency medical personnel is eligible for membership in a firefighter relief association if the firefighter or volunteer emergency medical personnel satisfies the requirements of paragraph (b) or (c), as applicable, and is not otherwise prohibited from membership under this chapter.

(b) To be eligible for membership in a relief association, a firefighter must be a member of the fire department and:

(1) provide services as a volunteer firefighter or as a paid on-call firefighter, although the firefighter need not exclusively provide services as either a volunteer firefighter or a paid on-call firefighter;

(2) be engaged in providing emergency response services or delivering fire education or prevention services as a member of a fire department;

(3) be trained in or qualified to provide fire suppression duties or to provide fire prevention duties; and

(4) meet any other minimum firefighter and service standards established by the fire department or specified in the articles of incorporation or bylaws of the firefighter relief association.

(c) A volunteer emergency medical personnel is eligible to be a member of the firefighter relief association and to qualify for a service pension or other benefit coverage of the relief association on the same basis as fire department personnel who perform or supervise fire suppression or fire prevention duties if:

(1) the fire department employs or otherwise uses the services of the person solely as volunteer emergency medical personnel to perform emergency medical response duties or supervise emergency medical response activities;

(2) the bylaws of the firefighter relief association authorize the volunteer emergency medical personnel's eligibility; and

(3) the volunteer emergency medical personnel's eligibility is approved by:

(i) the municipality, if the fire department is a municipal department;

(ii) the joint powers board, if the fire department is a joint powers entity; or

(iii) the contracting municipality or municipalities, if the fire department is an independent nonprofit firefighting corporation.

(d) Minors are prohibited from membership in a firefighter relief association.

Subd. 2. **Status of substitute firefighters.** No person who is serving as a substitute firefighter may be considered to be a firefighter for purposes of chapter 477B or this chapter and no substitute firefighter is authorized to be a member of any firefighter relief association governed by chapter 477B or this chapter.

Subd. 3. **Status of nonmember firefighters.** No person who is serving as a firefighter in a fire department but who is not a member of the applicable firefighter relief association is entitled to any service pension or ancillary benefits from the relief association.

Subd. 3a. [Repealed, 1989 c 319 art 10 s 8]

Subd. 4. **Exclusion of persons constituting an unwarranted health risk.** The board of trustees of every relief association may exclude from membership in the relief association all applicants who, due to

some medically determinable physical or mental impairment or condition, is determined to constitute a predictable and unwarranted risk of imposing liability for an ancillary benefit at any age earlier than the minimum age specified for receipt of a service pension. Notwithstanding any provision of section 363A.25, it is a good and valid defense to a complaint or action brought under chapter 363A that the board of trustees of the relief association made a good faith determination that the applicant suffers from an impairment or condition constituting a predictable and unwarranted risk for the relief association if the determination was made following consideration of: (1) the person's medical history; and (2) the report of the physician completing a physical examination of the applicant undertaken at the expense of the relief association.

Subd. 4a. **Prohibition on receipt of concurrent service credit.** No firefighter may be credited with service credit in a firefighter relief association for the same hours of service for which coverage is already provided in a fund operated pursuant to chapter 353.

Subd. 5. **Fire prevention personnel.** (a) If the applicable municipality or municipalities approve, the fire department may employ or otherwise utilize the services of persons as firefighters to perform fire prevention duties and to supervise fire prevention activities.

(b) Volunteer firefighters and paid on-call firefighters serving in fire prevention positions are eligible to be members of the applicable firefighter relief association and to qualify for service pension or other benefit coverage of the relief association on the same basis as fire department personnel who perform fire suppression duties.

(c) Volunteer firefighters and paid on-call firefighters serving in fire prevention positions also are eligible to receive any other benefits under the applicable law or practice for services on the same basis as personnel who are employed to perform fire suppression duties.

Subd. 5a. MS 2022 [Repealed, 2024 c 102 art 2 s 32]

Subd. 6. MS 2024 [Repealed, 2026 c 106 art 7 s 19]

[See Note.]

History: *1979 c 201 s 11; 1981 c 224 s 274; 1982 c 460 s 7; 1983 c 219 s 5; 1989 c 319 art 10 s 2; 1996 c 438 art 8 s 3; 2009 c 169 art 10 s 21; 2010 c 359 art 13 s 4,5; 2012 c 286 art 12 s 10; 2013 c 111 art 6 s 5; 2018 c 211 art 14 s 8-12; 1Sp2019 c 8 art 4 s 3; 2021 c 22 art 10 s 3; 2024 c 102 art 2 s 11-13,31; 2026 c 106 art 15 s 23,26*

NOTE: The repeal of subdivision 6 is effective January 1, 2027. The text may be viewed at MS 2025 in the statutes archives.