

# SENATE BILL 571

L6, E4

9lr1473  
CF 9lr1739

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By: **Senators Bailey, Carozza, Cassilly, Gallion, Hershey, Hough, Jennings, Ready, Reilly, and Salling**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Volunteer Fire Company and Rescue Squads – Member Disability and Death**  
3 **Benefits – Appeals Process**

4 FOR the purpose of authorizing certain members of a volunteer fire company or rescue  
5 squad and certain individuals who are denied payment of a certain disability or  
6 death benefit by the Board of Trustees of the Maryland State Firemen’s Association  
7 to appeal the decision to a certain appeals panel; establishing a certain appeals  
8 panel; establishing membership of a certain appeals panel; requiring the Chair of  
9 the State Firemen’s Association to notify a certain member or a certain individual of  
10 the final decision of a certain board regarding payment of a certain benefit;  
11 authorizing a certain member or a certain individual to appeal a final decision of a  
12 certain board under certain circumstances; requiring notification of certain persons  
13 of the final decision of a certain appeals panel; providing for the timing and procedure  
14 for mailing and deciding a certain appeal; making stylistic changes; defining certain  
15 terms; and generally relating to volunteer fire company or rescue squad disability  
16 and death benefits.

17 BY repealing and reenacting, with amendments,  
18 Article – Public Safety  
19 Section 7–201 through 7–203  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume)

22 BY adding to  
23 Article – Public Safety  
24 Section 7–206  
25 Annotated Code of Maryland  
26 (2018 Replacement Volume)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Public Safety**

3 7–201.

4 **(A)** In Part I of this subtitle[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**  
5 **INDICATED.**

6 **(B)** **“APPEALS PANEL” MEANS A PANEL COMPOSED OF THE FOLLOWING**  
7 **MEMBERS:**

8 **(1) THE PRESIDENT OF THE ASSOCIATION;**

9 **(2) THE STATE FIRE MARSHALL; AND**

10 **(3) THE CHAIR OF THE MARYLAND FIRE RESCUE SERVICES**  
11 **MEMORIAL FOUNDATION.**

12 **(C)** **“ASSOCIATION” MEANS THE MARYLAND STATE FIREMEN’S**  
13 **ASSOCIATION.**

14 **(D)** **“Board” means the Board of Trustees of the [Maryland State Firemen’s]**  
15 **Association.**

16 7–202.

17 **(a)** **(1)** A member of a volunteer fire company or volunteer rescue squad is  
18 eligible for disability benefits from the [Maryland State Firemen’s] Association if:

19 **(i)** the member’s fire company or rescue squad recommends that the  
20 member receive benefits; and

21 **(ii)** the member is permanently or temporarily disabled:

22 1. as a direct result of actively participating in fighting a fire;

23 2. while going to or from a fire;

24 3. while performing other duties necessary to the operation  
25 or maintenance of the fire company;

26 4. while actively participating in the emergency medical  
27 services unit, or rescue work of a volunteer advanced life support unit or a volunteer fire,  
28 ambulance, or rescue company located in the State; or

1                   5.     while providing emergency or rescue assistance, whether  
2 acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced  
3 life support unit.

4                   (2)    A benefit under this section shall be paid:

5                   (i)     regardless of the district in which the beneficiary was disabled;  
6 or

7                   (ii)    regardless of whether the beneficiary was disabled in this State,  
8 Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

9                   (b)    The Board shall pay a benefit under this section from the treasury of the  
10 [Maryland State Firemen's] Association in the amount and in the manner that the Board  
11 determines until the beneficiary is no longer disabled.

12                  (c)    The secretary of the Board shall add the name of each beneficiary under this  
13 section to the Disabled Firemen's and Rescue Squadmen's List.

14                  **(D)    ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A**  
15 **DISABILITY BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE**  
16 **MEMBER OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN**  
17 **RECEIPT REQUESTED.**

18                  **(E)    SUBJECT TO § 7-206 OF THIS SUBTITLE, A MEMBER WHO WAS DENIED**  
19 **PAYMENT OF A DISABILITY BENEFIT UNDER THIS SECTION MAY APPEAL THE FINAL**  
20 **DECISION OF THE BOARD TO THE APPEALS PANEL.**

21 7-203.

22                  (a)    (1)    The Board shall pay death benefits under this section if a member of a  
23 volunteer fire company or member of a volunteer rescue squad dies:

24                   (i)     as a direct result of actively participating in fighting a fire;

25                   (ii)    while going to or from a fire;

26                   (iii)   while performing other duties necessary to the operation or  
27 maintenance of the fire company;

28                   (iv)   while actively participating in the ambulance, advanced life  
29 support, or rescue work of a volunteer advanced life support unit or volunteer fire,  
30 ambulance, or rescue company located in the State; or

31                   (v)     while providing emergency or rescue assistance, whether acting  
32 alone or at the direction of or with a fire, ambulance, or rescue company or advanced life

1 support unit.

2 (2) A benefit under this subsection shall be paid:

3 (i) regardless of the district in which the decedent died; or

4 (ii) regardless of whether the decedent died in this State, Delaware,  
5 the District of Columbia, Pennsylvania, Virginia, or West Virginia.

6 (b) (1) The Board shall pay a benefit under this section from the treasury of  
7 the [Maryland State Firemen's] Association in the amount that the Board determines, but  
8 not less than \$2,000.

9 (2) The Board shall pay a benefit under this subsection:

10 (i) to the decedent's surviving spouse or dependent child;

11 (ii) if no individual is eligible under item (i) of this paragraph, to the  
12 decedent's surviving dependent parent;

13 (iii) if no individual is eligible under item (i) or (ii) of this paragraph,  
14 to each surviving child of the decedent in equal shares;

15 (iv) if no individual is eligible under item (i), (ii), or (iii) of this  
16 paragraph, to the decedent's surviving parent; or

17 (v) if no individual is eligible under item (i), (ii), (iii), or (iv) of this  
18 paragraph, to each surviving sister, brother, or grandparent of the decedent in equal  
19 shares.

20 (c) (1) If there is a surviving spouse or dependent child:

21 (i) until the surviving spouse remarries, the surviving spouse is  
22 entitled to receive a pension from the [Maryland State Firemen's] Association; and

23 (ii) until the dependent child becomes an adult, each dependent child  
24 is entitled to receive a pension from the [Maryland State Firemen's] Association.

25 (2) The Board shall pay a benefit under this subsection from the treasury  
26 of the [Maryland State Firemen's] Association in the amount, at the times, and in the  
27 installments that the Board determines.

28 (3) The secretary of the Board shall add the name of each beneficiary under  
29 this subsection to the Disabled Firemen's and Rescue Squadmen's List.

30 (D) ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A

1 DEATH BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE INDIVIDUAL  
2 OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT  
3 REQUESTED.

4 (E) SUBJECT TO § 7-206 OF THIS SUBTITLE, AN INDIVIDUAL WHO WAS  
5 DENIED PAYMENT OF A DEATH BENEFIT UNDER THIS SECTION MAY APPEAL THE  
6 FINAL DECISION OF THE BOARD TO THE APPEALS PANEL.

7 7-206.

8 (A) AN APPEAL AUTHORIZED UNDER §§ 7-202(E) AND 7-203(E) OF THIS  
9 SUBTITLE SHALL:

10 (1) ON OR BEFORE 90 DAYS AFTER THE DATE OF SERVICE OF THE  
11 NOTIFICATION REQUIRED UNDER § 7-202(D) OR § 7-203(D) OF THIS SUBTITLE, BE  
12 FORWARDED TO THE CHAIR OF THE BOARD AND THE PRESIDENT OF THE  
13 ASSOCIATION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT  
14 REQUESTED;

15 (2) ON RECEIPT OF THE APPEAL BY THE PRESIDENT OF THE  
16 ASSOCIATION, BE FORWARDED PROMPTLY TO THE MEMBERS OF THE APPEALS  
17 PANEL; AND

18 (3) BE HEARD AND FINALLY DECIDED BY THE APPEALS PANEL NOT  
19 LATER THAN 90 DAYS AFTER THE APPEAL IS FORWARDED IN ACCORDANCE WITH  
20 PARAGRAPH (1) OF THIS SUBSECTION.

21 (B) ON A FINAL DECISION BY THE APPEALS PANEL AFFIRMING, REVERSING,  
22 OR MODIFYING THE FINAL DECISION OF THE BOARD, THE PRESIDENT OF THE  
23 ASSOCIATION SHALL PROMPTLY NOTIFY THE MEMBER OR INDIVIDUAL AND THE  
24 CHAIR OF THE BOARD OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID,  
25 RETURN RECEIPT REQUESTED.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2019.