

HOUSE BILL 433

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E4

1998 Regular Session
(8lr0189)

ENROLLED BILL
-- Appropriations/Finance --

Introduced by **Delegates Conway, Bozman, McClenahan, W. Baker, Guns,
Wood, Edwards, Slade, Malone, Linton, Eckardt, Walkup, O'Donnell,
Dewberry, D. Hughes, V. Mitchell, Rudolph, M. Burns, and Hutchins**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Volunteer Firefighters and Rescue Squad Personnel - Death Benefits**

3 FOR the purpose of requiring that the Board of Trustees of the Maryland State
4 Firemen's Association pay a certain amount of death benefits to certain persons
5 if a volunteer firefighter or individual serving on a volunteer rescue squad dies
6 under certain circumstances, regardless of the district in which the decedent
7 died or whether the decedent died while acting alone or at the direction of or
8 with a fire company or rescue squad; authorizing under certain circumstances a
9 designated relative of the decedent ~~or the decedent's estate~~ to collect death
10 benefits; providing for the application of this Act; and generally relating to death
11 benefits and volunteer firefighters and individuals serving on volunteer rescue
12 squads.

13 BY repealing and reenacting, with amendments,
14 Article 38A - Fires and Investigations

1 Section 42A
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 1997 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 38A - Fires and Investigations**

7 42A.

8 [(a) If any volunteer firefighter or individual serving on a volunteer rescue
9 squad dies as a direct result of active participation in fighting a fire or while going to
10 or from a fire, or performing any other duties necessary to the operation or
11 maintenance of the fire company or actively participating in the ambulance or rescue
12 work of an incorporated volunteer fire company or volunteer rescue squad in the
13 State, and leaves a surviving spouse, or minor child or children; or if there is no
14 surviving spouse or minor child or children, but leaves a parent or parents, or a sister
15 or brother, who were dependent upon the decedent for support, there shall be paid to
16 the surviving spouse, or to the guardian of the minor child or children, or the
17 surviving parent or parents or sister or brother dependent upon the decedent for
18 support, an amount determined by the board of trustees of at least the sum of \$2,000
19 from the treasury of the Maryland State Firemen's Association.]

20 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF TRUSTEES OF THE
21 MARYLAND STATE FIREMEN'S ASSOCIATION.

22 (B) (1) THE BOARD SHALL PAY DEATH BENEFITS UNDER THIS SECTION IF A
23 VOLUNTEER FIREFIGHTER OR INDIVIDUAL SERVING ON A VOLUNTEER RESCUE
24 SQUAD DIES:

25 (I) AS A DIRECT RESULT OF ACTIVELY PARTICIPATING IN
26 FIGHTING A FIRE OR WHILE GOING TO OR FROM A FIRE;

27 (II) WHILE PERFORMING ANY OTHER DUTIES NECESSARY TO THE
28 OPERATION OR MAINTENANCE OF THE FIRE COMPANY; ~~OR~~

29 (III) WHILE ACTIVELY PARTICIPATING IN THE AMBULANCE,
30 ADVANCED LIFE SUPPORT, OR RESCUE WORK OF A VOLUNTEER FIRE, AMBULANCE,
31 OR RESCUE COMPANY OR VOLUNTEER ADVANCED LIFE SUPPORT UNIT IN THE
32 STATE; OR

33 (IV) WHILE PROVIDING EMERGENCY OR RESCUE ASSISTANCE,
34 WHETHER ACTING ALONE OR AT THE DIRECTION OF OR WITH A FIRE, AMBULANCE,
35 OR RESCUE COMPANY OR ADVANCED LIFE SUPPORT UNIT.

36 (2) THE BENEFITS SHALL BE PAID FROM THE TREASURY OF THE
37 MARYLAND STATE FIREMEN'S ASSOCIATION IN AN AMOUNT THE BOARD
38 DETERMINES, BUT NOT LESS THAN \$2,000, REGARDLESS OF:

1 (I) THE DISTRICT IN WHICH THE DECEDENT DIED; OR

2 (II) WHETHER THE DECEDENT DIED ~~WHILE ACTING ALONE OR AT~~
 3 ~~THE DIRECTION OF OR WITH A FIRE, AMBULANCE, OR RESCUE COMPANY OR~~
 4 ~~ADVANCED LIFE SUPPORT UNIT IN:~~

5 1. THIS STATE;

6 2. ONE OF THE FOLLOWING ADJACENT STATES -
 7 DELAWARE, PENNSYLVANIA, WEST VIRGINIA, OR VIRGINIA; OR

8 3. THE DISTRICT OF COLUMBIA.

9 (3) THE BENEFITS SHALL BE PAID TO:

10 (I) THE SURVIVING SPOUSE, OR DEPENDENT CHILD OR CHILDREN;
 11 ~~OR A MINOR CHILD OF THE DECEDENT;~~

12 ~~(II) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OF THIS PARAGRAPH,~~
 13 THEN DEPENDENT PARENT OR PARENTS;

14 ~~(II) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OF THIS PARAGRAPH,~~
 15 ~~AN INDIVIDUAL WHO IS A PARENT, SISTER, BROTHER, OR GRANDPARENT OF THE~~
 16 ~~DECEDENT AND WHO WAS DEPENDENT UPON THE DECEDENT FOR SUPPORT; OR~~

17 ~~(III) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OR (II) OF THIS~~
 18 ~~PARAGRAPH, THE DECEDENT'S ESTATE.~~

19 ~~(III) (III) IF THERE IS NO SURVIVING SPOUSE NO ONE IS ELIGIBLE~~
 20 UNDER ITEM (I) OR (II) OF THIS PARAGRAPH, THE SURVIVING CHILD OR CHILDREN OF
 21 THE DECEDENT IN EQUAL SHARES;

22 ~~(III) (IV) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OR (II), (II), OR (III)~~
 23 OF THIS PARAGRAPH, THE SURVIVING PARENT OR PARENTS; OR

24 ~~(IV) (V) IF NO ONE IS ELIGIBLE UNDER ITEM (I), (II), OR (III) (III),~~
 25 OR (IV) OF THIS PARAGRAPH, A SURVIVING SISTER, BROTHER, OR GRANDPARENT OF
 26 THE DECEDENT IN EQUAL SHARES.

27 [(b)] (C) If there is a surviving spouse or a dependent child or children, the
 28 case shall be laid before the [board of trustees of the Maryland State Firemen's
 29 Association] BOARD, and if the facts are established as provided in § 42, the surviving
 30 spouse, or surviving spouse and child, or children as the case may be, shall be placed
 31 on the "Disabled Firemen's and Rescue Squadmen's List", and the surviving spouse,
 32 while remaining unmarried, shall be entitled to receive a pension from the Maryland
 33 State Firemen's Association in an amount determined by the [board of trustees of the
 34 Maryland State Firemen's Association] BOARD, to be paid out of its treasury at
 35 whatever times, in whatever installments and in whatever amount as the [board of
 36 trustees of the Maryland State Firemen's Association] BOARD may decide, until
 37 remarriage.

1 [(c)] (D) Each of the children of the deceased firefighters or individuals
2 serving on a rescue squad shall receive a pension from the Maryland State Firemen's
3 Association in an amount determined by the [board of trustees of the Maryland State
4 Firemen's Association] BOARD and be paid out of its treasury at whatever times, in
5 whatever installments and in whatever amount the [board of trustees of the
6 Maryland State Firemen's Association] BOARD may decide, until the children each
7 attain the age of 18 years.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed retroactively and shall be applied to and interpreted to affect volunteer
10 firefighters and individuals serving on volunteer rescue squads who have died, on or
11 after ~~January~~ July 1, 1996, while fighting a fire or performing any official task under
12 circumstances that would cause the Board of Trustees of the Maryland State
13 Firemen's Association to pay death benefits under this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect July 1, 1998.