

HOUSE BILL 520

L2

9lr1743

By: **Calvert County Delegation**

Introduced and read first time: February 5, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2009

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Length of Service Award Program – Burial Benefits and**
3 **Rescue Dive Team**

4 FOR the purpose of providing that certain individuals who have served as members of
5 certain Calvert County rescue dive teams are eligible to receive certain benefits
6 under certain circumstances; requiring certain rescue dive teams to maintain
7 certain records for certain volunteer members on certain forms; requiring a
8 certain report to be furnished to certain persons at certain times; requiring the
9 board of directors of certain rescue dive teams to furnish a certain statement
10 under oath to certain persons at certain times; requiring the Calvert County
11 Fire and Rescue Commission to approve a certain certified list; requiring the
12 Commission to forward a copy of a certain approved list to certain rescue dive
13 teams by a certain date each year; providing for certain points to be credited to
14 certain volunteers under certain circumstances; requiring certain rescue dive
15 teams to review certain membership rosters to make a certain determination;
16 requiring a certain approval for service to be certified by the board of directors
17 of certain rescue dive teams under certain circumstances; altering the amount
18 of certain burial benefits under certain circumstances; making a technical
19 correction; providing for the application of this Act; and generally relating to the
20 Calvert County length of service award program.

21 BY repealing and reenacting, without amendments,
22 The Public Local Laws of Calvert County
23 Section 14–101
24 Article 5 – Public Local Laws of Maryland
25 (2002 Edition and May 2008 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 The Public Local Laws of Calvert County
3 Section 14–102 through 14–104
4 Article 5 – Public Local Laws of Maryland
5 (2002 Edition and May 2008 Supplement, as amended)

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

8 **Article 5 – Calvert County**

9 14–101.

10 (a) (1) In this subtitle the following words have the meanings indicated.

11 (2) “Active volunteer member” means an individual who has
12 accumulated a minimum of 60 points per calendar year in accordance with the point
13 system set forth in this subtitle.

14 (3) “Certified volunteer” means an active volunteer member whose
15 service credit is verified through an oath taken by a department.

16 (4) “Credit” means points used by a department to determine
17 eligibility of an individual to qualify as an active volunteer member.

18 (5) “Department” means a volunteer fire, rescue, emergency medical
19 services, rescue dive team, or advanced life support unit department or company in
20 Calvert County, or any combination of those departments or companies.

21 (6) “Point” means a service credit value for activities toward the
22 qualification of an individual as an active volunteer member.

23 (7) “Qualified volunteer” means an individual who is receiving benefits
24 in accordance with the requirements of § 14–102(b), (c), (d), or (g) of this subtitle.

25 (b) There is a length of service award program for qualified active volunteer
26 members of the Calvert County volunteer fire, rescue, and emergency medical services
27 departments.

28 14–102.

29 (a) Any individual who has served as a member of any Calvert County
30 volunteer fire company [or], Calvert County volunteer rescue squad, **OR CALVERT**
31 **COUNTY RESCUE DIVE TEAM** is eligible to receive the following benefits, provided
32 that:

1 (1) The individual is certified in accordance with the provisions of §
2 14–101 of this subtitle to have served as an active volunteer subsequent to January 1,
3 1986.

4 (2) Any individual who discontinued active volunteer service prior to
5 January 1, 1986 may receive credit for the service after being certified in accordance
6 with the provisions of § 14–104(b) of this subtitle.

7 (b) Beginning January 1, 1992, any individual who has reached the age of 55
8 and who has completed a minimum of 25 years of certified active volunteer service,
9 with any Calvert County volunteer fire company [or], volunteer rescue squad, **OR**
10 **RESCUE DIVE TEAM** or any combination of volunteer fire company service [and],
11 volunteer rescue squad service, **AND RESCUE DIVE TEAM**, shall receive benefits in the
12 amount of \$400 per month, for life. Payments shall begin on the first day of the first
13 month following eligibility and payments shall be made directly to the volunteer
14 entitled to the benefits.

15 (c) An additional payment of \$4 per month shall be added to the benefits
16 described in Subsection (b) of this section, for each full year of volunteer service in
17 excess of 25 years, providing that a maximum benefit of \$500 per month or equivalent
18 shall be payable to any individual.

19 (d) In the event that any active volunteer becomes disabled during the course
20 of the volunteer's service as a volunteer fireman [or], rescue squad member, **OR**
21 **RESCUE DIVE TEAM MEMBER** while actively engaged in providing the services and in
22 the event that the disability prevents the volunteer from pursuing the normal
23 occupation of the volunteer and that the disability is of a permanent nature, as
24 certified by the State Workers' Compensation Commission or other competent medical
25 authority as designated by the Board of County Commissioners of Calvert County,
26 then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and
27 any other benefits the volunteer may be entitled to regardless of age or length of
28 service. These benefits shall begin on the first day of the first month following the
29 establishment of the permanency of the disability.

30 (e) In the event that any qualified volunteer dies while receiving benefits,
31 then the surviving spouse of the volunteer is entitled to benefits equal to 50 percent of
32 the volunteer's benefits. These benefits shall terminate upon death or remarriage of
33 the spouse.

34 (f) In the event that a volunteer who has completed 25 years of certified
35 service dies prior to receiving any benefits under this section, the surviving spouse of
36 the volunteer is entitled to benefits equal to 50 percent of the benefits earned by the
37 deceased volunteer. These benefits shall terminate upon death or remarriage.

38 (g) (1) In the event a qualified volunteer who has completed 25 years of
39 certified service dies, a burial benefit up to [\$3,000] **\$6,000** shall be payable.

1 (2) In the event a volunteer who is receiving benefits under Subsection
2 (h) of this section dies, a burial benefit up to [\$120] **\$240** for each ~~18~~ year of certified
3 service shall be payable.

4 (h) In the event that any active volunteer fireman [or], squad member, **OR**
5 **RESCUE DIVE TEAM MEMBER** (defined as an individual who has at least two years of
6 qualifying service in the five preceding years) attains the age of 70 years and fails to
7 achieve the required 25 years of service, the volunteer is entitled to a monthly benefit
8 of the number of years of certified service completed multiplied by \$8. These benefits
9 shall be payable in the normal manner.

10 14–103.

11 (a) It is the responsibility of each participating volunteer fire company [or],
12 rescue squad, **OR RESCUE DIVE TEAM** to maintain detailed and accurate monthly and
13 annual records for each volunteer member on forms prescribed by the executive
14 committee of the Calvert County Volunteer Fire and Rescue Association, Inc., and
15 approved by the Calvert County Fire and Rescue Commission. A monthly report on the
16 approved form for each member earning points during the previous month shall be
17 furnished to the Fire and Rescue Commission and the Board of County Commissioners
18 or the designee of the Board beginning February 1, 1986.

19 (b) Beginning January 15, 1987 and on January 15 of each year, the board of
20 directors of each volunteer fire company [or], rescue squad, **OR RESCUE DIVE TEAM**
21 shall furnish to the Fire and Rescue Commission and the Board of County
22 Commissioners or the designee of the board a statement under oath certifying all
23 volunteers of the company or squad who have qualified for credit for the previous year.
24 Each statement shall contain all members' ages and previous credits earned and other
25 information as may be required.

26 (c) After the Calvert County Fire and Rescue Commission approves the
27 certified list of each company the commission shall forward a copy of each approved
28 list to each fire company [or], rescue squad, **OR RESCUE DIVE TEAM** by April 15 of
29 each year. These lists shall be posted in a conspicuous place within each fire company
30 [or], rescue squad, **OR RESCUE DIVE TEAM** building for a period of not less than 30
31 days.

32 (d) An individual whose name does not appear on the certified list, or who is
33 denied credit for service prior to January 1, 1986, has the right to appeal within 30
34 days following the posting of these lists.

35 (e) The appeal shall be in writing and addressed to the Calvert County Fire
36 and Rescue Commission who shall make a final decision. The individual appealing
37 may request a hearing in lieu of the written appeal. The hearing shall be conducted by
38 the Fire and Rescue Commission within 60 days of the request and not less than 10
39 days after notifying the appellant of the date.

1 14-104.

2 (a) In order to qualify for any benefits, points shall be credited to each
3 volunteer in accordance with the following:

4 (1) Five points shall be credited for approved training courses of a
5 duration less than 25 hours. Ten points shall be credited for approved training courses
6 of a duration of 25 to 49 hours. Fifteen points shall be credited for approved training
7 courses of a duration of 50 hours or more. Not more than 30 points may be credited for
8 all training each year.

9 (2) One point shall be credited for each company or county drill of a
10 duration of two hours or more. No more than a total of 20 points may be credited for
11 all drills each year.

12 (3) One point shall be credited for attendance at any official county or
13 company fire [or], rescue squad, **OR RESCUE DIVE TEAM** meeting. No more than a
14 total of 20 points may be credited for attendance at all meetings each year.

15 (4) One point shall be credited for each call to which a volunteer
16 responds, providing that not more than 40 points may be credited for all calls
17 responded to each year, including standby at a station.

18 (5) Twenty points shall be credited for completion of a one year term
19 in an elected or appointed office in any of the fire or rescue service organizations of
20 Calvert County provided that not more than one office shall be counted in any
21 calendar year.

22 (6) One point shall be credited for each hour of acceptable collateral
23 duties, including fund-raising, apparatus and building maintenance, administrative
24 duties, fire prevention, and CPR instruction. No more than 20 points may be credited
25 for all collateral duties performed each year.

26 (7) A volunteer member who serves or has served full time military
27 service in the armed forces of the United States shall receive credit at the rate of six
28 points for each month served providing that not more than 60 points may be credited
29 for any calendar year. A maximum of four years of creditable service may be acquired
30 in this manner. In order to receive this credit a volunteer member must have received
31 an honorable discharge from the armed forces.

32 (8) A volunteer member who is prohibited from participating in duties
33 that would otherwise earn points because a pending workers' compensation claim
34 prohibits participation in the duties shall receive credit at the rate of six points for
35 each month during the pendency of the claim providing that the member is subject to
36 an order from the Workers' Compensation Commission declaring that the member is
37 temporarily totally disabled. A maximum of 60 points may be credited for any calendar
38 year.

1 (9) No member with less than 10 years service may earn points unless
2 the member is a certified emergency medical technician or fire fighter I.

3 (10) Points must be earned in at least four of seven categories.

4 (b) In order to provide credit for service prior to January 1, 1986, each
5 company shall review its past and present membership rosters to determine the
6 number of years of credit to which each member or past member is entitled. In making
7 this analysis, the standards for active service shall be used as guidelines. Approval for
8 service shall be certified by the board of directors of each company [or], rescue squad,
9 **OR RESCUE DIVE TEAM** and as provided in § 14–103 of this subtitle. If a volunteer
10 member has service in more than one company or squad that individual shall receive
11 credit for the service in each organization providing not more than one year's credits
12 may be granted for each calendar year of volunteer service.

13 (c) In the event that sufficient records are unavailable to prove service prior
14 to January 1, 1986, the certification may be made by a company after thorough
15 investigation, and on the best information, knowledge and belief of the board of
16 directors of the individual company.

17 (d) This program shall be funded from the public general funds of Calvert
18 County.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
20 construed to apply only prospectively and may not be applied or interpreted to have
21 any effect on or application to any member of a Calvert County rescue dive team
22 before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.