

Chapter 113

(House Bill 627)

AN ACT concerning

Calvert County – Length of Service Award Program – Death Benefits

FOR the purpose of altering the availability of certain death benefits of a qualified volunteer of certain fire and rescue entities in Calvert County who is unmarried at the time of death under certain circumstances; providing for the termination of certain death benefits of a qualified volunteer of certain fire and rescue entities in Calvert County who is unmarried at the time of death under certain circumstances; making a clarifying change; providing for the application of this Act; and generally relating to the Length of Service Award Program in Calvert County.

BY repealing and reenacting, with amendments,
 The Public Local Laws of Calvert County
 Section 14–102
 Article 5 – Public Local Laws of Maryland
 (2002 Edition and August 2017 Supplement)

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

Article 5 – Calvert County

14–102.

(a) Any individual who has served as a member of any Calvert County volunteer fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team is eligible to receive the following benefits, provided that:

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

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

(b) (1) Beginning January 1, 1992, and on or before June 30, 2015, any individual who has reached the age of 55 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company, volunteer rescue squad, or rescue dive team or any combination of volunteer fire company service, volunteer rescue squad service, and rescue dive team service, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled

to the benefits.

(2) Beginning July 1, 2015, any individual who has reached the age of 50 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company, volunteer rescue squad, or rescue dive team or any combination of volunteer fire company service, volunteer rescue squad service, and rescue dive team service, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(c) An additional payment of \$10 per month shall be added to the benefits described in Subsection (b) of this section, for each full year of volunteer service in excess of 25 years.

(d) In the event that any active volunteer becomes disabled during the course of the volunteer's service as a volunteer fireman, rescue squad member, or rescue dive team member while actively engaged in providing the services and in the event that the disability prevents the volunteer from pursuing the normal occupation of the volunteer and that the disability is of a permanent nature, as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the Board of County Commissioners of Calvert County, then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and any other benefits the volunteer may be entitled to regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

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

(E) BEGINNING JULY 1, 2015, IN THE EVENT A QUALIFIED VOLUNTEER, WHO HAS REACHED THE AGE OF 50 AND HAS COMPLETED A MINIMUM OF 25 YEARS OF CERTIFIED ACTIVE VOLUNTEER SERVICE, DIES WHILE RECEIVING BENEFITS:

(1) IF MARRIED AT THE TIME OF DEATH:

(I) THE SURVIVING SPOUSE OF THE VOLUNTEER IS ENTITLED TO BENEFITS EQUAL TO 50% OF THE BENEFITS EARNED BY THE DECEASED VOLUNTEER; AND

(II) THESE BENEFITS SHALL TERMINATE UPON DEATH OR REMARRIAGE OF THE SURVIVING SPOUSE; OR

(2) IF NOT MARRIED AT THE TIME OF DEATH:

(I) AN ALTERNATE BENEFICIARY DESIGNATED BY THE VOLUNTEER, WHO IS A CHILD, GRANDCHILD, OR GREAT-GRANDCHILD OF THE VOLUNTEER, IS ENTITLED TO BENEFITS EQUAL TO 50% OF THE BENEFITS EARNED BY THE DECEASED VOLUNTEER; AND

(II) THESE BENEFITS SHALL TERMINATE UPON THE EARLIER OF:

- 1. TEN YEARS OF BENEFITS;**
- 2. DEATH OF THE ALTERNATE BENEFICIARY; OR**
- 3. MARRIAGE OF THE ALTERNATE BENEFICIARY.**

(f) In the event that a volunteer who has completed 25 years of certified service dies prior to receiving any benefits under this section:

(1) If married at the time of death:

(i) The surviving spouse of the volunteer is entitled to benefits equal to 50% of the benefits earned by the deceased volunteer; and

(ii) These benefits shall terminate upon death or remarriage **OF THE SURVIVING SPOUSE**; or

(2) If not married at the time of death:

(i) An alternate beneficiary designated by the volunteer, **WHO IS A CHILD, GRANDCHILD, OR GREAT-GRANDCHILD OF THE VOLUNTEER**, is entitled to benefits equal to 50% of the benefits earned by the deceased volunteer; and

(ii) These benefits shall terminate upon the earlier of:

1. Ten years of benefits;
2. Death of the alternate beneficiary; or
3. Marriage of the alternate beneficiary.

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

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

(h) In the event that any active volunteer fireman, squad member, or rescue dive team member (defined as an individual who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$8. These benefits shall be payable in the normal manner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect the death benefits of any qualified volunteer of any Calvert County volunteer fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team who was receiving benefits at any time on or after July 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.