

HOUSE BILL 1258

L2

9lr1960

By: **Calvert County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Length of Service Award Program – Death Benefits**
3 **(Patricia Ann “Pat” Osburn Law)**

4 FOR the purpose of providing that a ~~qualified~~ volunteer of certain fire and rescue entities
5 in Calvert County who dies in the line of duty is eligible for a certain death benefit
6 under certain circumstances; altering a certain definition; providing for the
7 application of this Act; and generally relating to the Length of Service Award
8 Program in Calvert County.

9 BY repealing and reenacting, with amendments,
10 The Public Local Laws of Calvert County
11 Section 14–101
12 Article 5 – Public Local Laws of Maryland
13 (2002 Edition and August 2017 Supplement, as amended)

14 BY repealing and reenacting, with amendments,
15 The Public Local Laws of Calvert County
16 Section 14–102
17 Article 5 – Public Local Laws of Maryland
18 (2002 Edition and August 2017 Supplement, as amended)
19 (As enacted by Chapter 113 of the Acts of the General Assembly of 2018)

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

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 **Article 5 – Calvert County**

2 14–101.

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

4 (2) “Active volunteer member” means an individual who has accumulated
5 a minimum of 60 points per calendar year in accordance with the point system set forth in
6 this subtitle.7 (3) “Certified volunteer” means an active volunteer member whose service
8 credit is verified through an oath taken by a department.9 (4) “Credit” means points used by a department to determine eligibility of
10 an individual to qualify as an active volunteer member.11 (5) “Department” means a volunteer fire, rescue, emergency medical
12 services, rescue dive team, or advanced life support unit department or company in Calvert
13 County, or any combination of those departments or companies.14 (6) “Point” means a service credit value for activities toward the
15 qualification of an individual as an active volunteer member.16 (7) “Qualified volunteer” means an individual who is receiving benefits in
17 accordance with the requirements of § 14–102(b), (c), (d), [or] (g), **OR (H)** of this subtitle.18 (b) There is a length of service award program for qualified active volunteer
19 members of the Calvert County volunteer fire, rescue, and emergency medical services
20 departments.

21 14–102.

22 (a) Any individual who has served as a member of any Calvert County volunteer
23 fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team
24 is eligible to receive the following benefits, provided that:25 (1) The individual is certified in accordance with the provisions of § 14–101
26 of this subtitle to have served as an active volunteer subsequent to January 1, 1986.27 (2) Any individual who discontinued active volunteer service prior to
28 January 1, 1986, may receive credit for the service after being certified in accordance with
29 the provisions of § 14–104(b) of this subtitle.30 (b) (1) Beginning January 1, 1992, and on or before June 30, 2015, any
31 individual who has reached the age of 55 and who has completed a minimum of 25 years of
32 certified active volunteer service, with any Calvert County volunteer fire company,
33 volunteer rescue squad, or rescue dive team or any combination of volunteer fire company

1 service, volunteer rescue squad service, and rescue dive team service, shall receive benefits
2 in the amount of \$400 per month, for life. Payments shall begin on the first day of the first
3 month following eligibility and payments shall be made directly to the volunteer entitled
4 to the benefits.

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

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

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

25 (e) Beginning July 1, 2015, in the event a qualified volunteer, who has reached
26 the age of 50 and has completed a minimum of 25 years of certified active volunteer service,
27 dies while receiving benefits:

28 (1) If married at the time of death:

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

31 (ii) These benefits shall terminate upon death or remarriage of the
32 surviving spouse; or

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

34 (i) An alternate beneficiary designated by the volunteer, who is a
35 child, grandchild, or great-grandchild of the volunteer, is entitled to benefits equal to 50%
36 of the benefits earned by the deceased volunteer; and

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

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

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

6 (1) If married at the time of death:

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

9 (ii) These benefits shall terminate upon death or remarriage of the
10 surviving spouse; or

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

12 (i) An alternate beneficiary designated by the volunteer, who is a
13 child, grandchild, or great-grandchild of the volunteer, is entitled to benefits equal to 50%
14 of the benefits earned by the deceased volunteer; and

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

- 16 1. Ten years of benefits;
- 17 2. Death of the alternate beneficiary; or
- 18 3. Marriage of the alternate beneficiary.

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

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

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

1 **(I) IN ADDITION TO ANY OTHER BENEFIT PROVIDED UNDER THIS SECTION,**
2 **IN THE EVENT THAT A ~~QUALIFIED~~ VOLUNTEER DIES IN THE LINE OF DUTY, AS**
3 **DETERMINED BY THE STATE WORKERS' COMPENSATION COMMISSION, THE**
4 **~~QUALIFIED~~ VOLUNTEER IS ELIGIBLE TO RECEIVE A DEATH BENEFIT OF \$6,000.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
6 apply retroactively and shall be applied to and interpreted to affect the death benefits of
7 any qualified volunteer of any Calvert County volunteer fire company, Calvert County
8 volunteer rescue squad, or Calvert County rescue dive team who was eligible to receive
9 benefits on or after January 1, 2015.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.