

# SENATE BILL 571

L6, E4

9lr1473  
CF HB 1261

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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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

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## CHAPTER \_\_\_\_\_

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; providing for the application of this Act;  
15 making stylistic changes; defining certain terms; and generally relating to volunteer  
16 fire company or rescue squad disability 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

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### 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 – Public Safety  
 2 Section 7–206  
 3 Annotated Code of Maryland  
 4 (2018 Replacement Volume)

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

7 **Article – Public Safety**

8 7–201.

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

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

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

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

15 (3) **~~THE CHAIR OF THE MARYLAND FIRE RESCUE SERVICES~~**  
 16 **~~MEMORIAL FOUNDATION EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE~~**  
 17 **FOR EMERGENCY MEDICAL SERVICES SYSTEMS.**

18 (C) **“ASSOCIATION” MEANS THE MARYLAND STATE FIREMEN’S**  
 19 **ASSOCIATION.**

20 (D) “Board” means the Board of Trustees of the [Maryland State Firemen’s]  
 21 Association.

22 7–202.

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

25 (i) the member’s fire company or rescue squad recommends that the  
 26 member receive benefits; and

27 (ii) the member is permanently or temporarily disabled:

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

29 2. while going to or from a fire;

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

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

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

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

10                   (i)    regardless of the district in which the beneficiary was disabled;  
11 or

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

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

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

19                   **(D)    ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A**  
20 **DISABILITY BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE**  
21 **MEMBER OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN**  
22 **RECEIPT REQUESTED.**

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

26 7-203.

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

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

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

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

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

4 (v) while providing emergency or rescue assistance, whether acting  
5 alone or at the direction of or with a fire, ambulance, or rescue company or advanced life  
6 support unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           **(D) ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A  
7 DEATH BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE INDIVIDUAL  
8 OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT  
9 REQUESTED.**

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

13 **7-206.**

14           **(A) AN APPEAL AUTHORIZED UNDER §§ 7-202(E) AND 7-203(E) OF THIS  
15 SUBTITLE SHALL:**

16           **(1) ON OR BEFORE 90 DAYS AFTER THE DATE OF SERVICE OF THE  
17 NOTIFICATION REQUIRED UNDER § 7-202(D) OR § 7-203(D) OF THIS SUBTITLE, BE  
18 FORWARDED TO THE CHAIR OF THE BOARD AND THE PRESIDENT OF THE  
19 ASSOCIATION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT  
20 REQUESTED;**

21           **(2) ON RECEIPT OF THE APPEAL BY THE PRESIDENT OF THE  
22 ASSOCIATION, BE FORWARDED PROMPTLY TO THE MEMBERS OF THE APPEALS  
23 PANEL; AND**

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

27           **(B) ON A FINAL DECISION BY THE APPEALS PANEL AFFIRMING, REVERSING,  
28 OR MODIFYING THE FINAL DECISION OF THE BOARD, THE PRESIDENT OF THE  
29 ASSOCIATION SHALL PROMPTLY NOTIFY THE MEMBER OR INDIVIDUAL AND THE  
30 CHAIR OF THE BOARD OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID,  
31 RETURN RECEIPT REQUESTED.**

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
33 apply retroactively and shall be applied to and interpreted to affect any final decision by  
34 the Board of Trustees of the Maryland State Firemen's Association regarding the payment  
35 of a disability or death benefit made on or after May 1, 2017.

1        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.