SENATE BILL 571

L6, E4 9lr1473 CF HB 1261

By: Senators Bailey, Carozza, Cassilly, Gallion, Hershey, Hough, Jennings, Ready, Reilly, and Salling

Introduced and read first time: February 4, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER			

1 AN ACT concerning

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Volunteer Fire Company and Rescue Squads – Member Disability and Death 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 panel; establishing membership of a certain appeals panel; requiring the Chair of 8 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; making stylistic changes; defining certain terms; and generally relating to volunteer 15 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

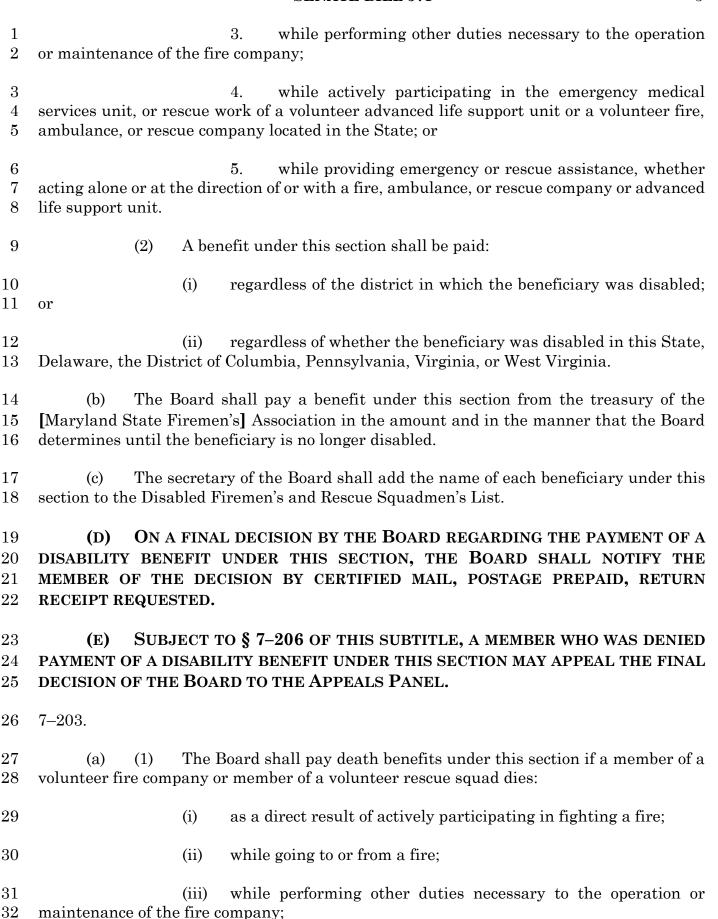
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

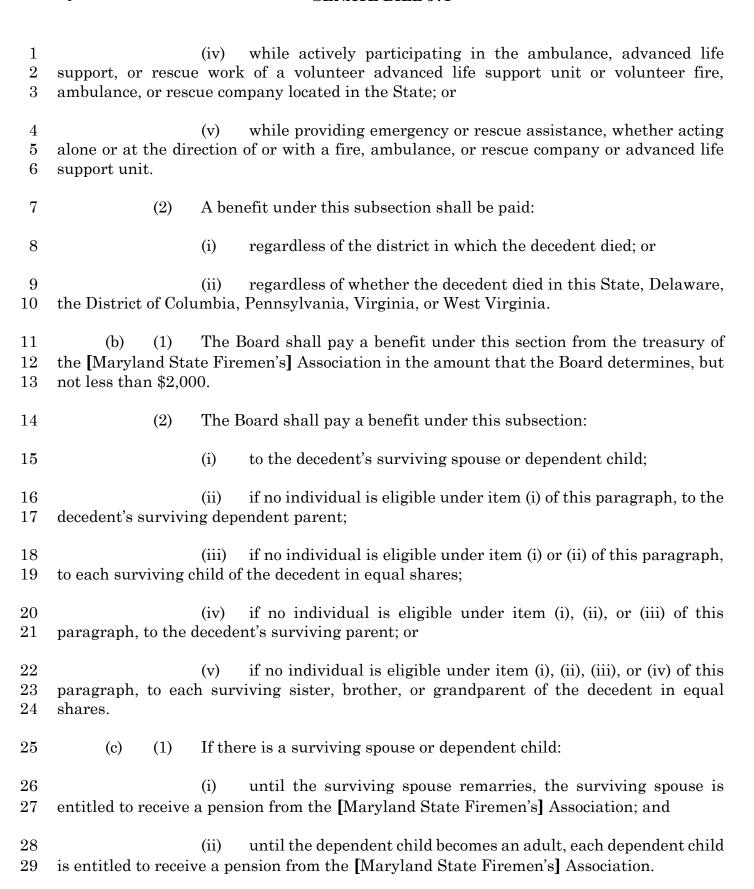
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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

1 2 3 4	Article – Public Safety Section 7–206 Annotated Code of Maryland (2018 Replacement Volume)
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
7	Article - Public Safety
8	7–201.
9 10	(A) In Part I of this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
11 12	(B) "APPEALS PANEL" MEANS A PANEL COMPOSED OF THE FOLLOWING MEMBERS:
13	(1) THE PRESIDENT OF THE ASSOCIATION;
14	(2) THE STATE FIRE MARSHALL; AND
15 16 17	(3) THE CHAIR OF THE MARYLAND FIRE RESCUE SERVICES MEMORIAL FOUNDATION EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS.
18 19	(C) "ASSOCIATION" MEANS THE MARYLAND STATE FIREMEN'S ASSOCIATION.
20 21	(D) "Board" means the Board of Trustees of the [Maryland State Firemen's] Association.
22	7–202.
23 24	(a) (1) A member of a volunteer fire company or volunteer rescue squad is eligible for disability benefits from the [Maryland State Firemen's] Association if:
25 26	$\hbox{(i)} \qquad \text{the member's fire company or rescue squad recommends that the member receive benefits; and}$
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 (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 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.
- 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 any final decision by the Board of Trustees of the Maryland State Firemen's Association regarding the payment of a disability or death benefit made on or after May 1, 2017.

	SECTION	<u>1 3</u> .	AND	BE	IΤ	FURTHE R	ENACTED,	<u>That</u>	this	Act	<u>shal</u> l	take	effe
Octob	er 1, 2019												
Appro	ved:												
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