

HOUSE BILL 1261

L6, E4

9lr1739
CF SB 571

By: **Delegates Morgan, Clark, Crosby, M. Fisher, and Patterson**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

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; making stylistic changes; defining certain
15 terms; and generally relating to volunteer fire company or rescue squad disability
16 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
23 Article – Public Safety
24 Section 7–206
25 Annotated Code of Maryland
26 (2018 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

7–201.

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

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

(1) THE PRESIDENT OF THE ASSOCIATION;

(2) THE STATE FIRE MARSHALL; AND

(3) THE CHAIR OF THE MARYLAND FIRE RESCUE SERVICES MEMORIAL FOUNDATION.

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

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

7–202.

(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:

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

(ii) the member is permanently or temporarily disabled:

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

2. while going to or from a fire;

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

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

5. while providing emergency or rescue assistance, whether

1 acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced
2 life support unit.

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

4 (i) regardless of the district in which the beneficiary was disabled;
5 or

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

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

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

13 **(D) ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A**
14 **DISABILITY BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE**
15 **MEMBER OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN**
16 **RECEIPT REQUESTED.**

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

20 7-203.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **(D) ON A FINAL DECISION BY THE BOARD REGARDING THE PAYMENT OF A**
30 **DEATH BENEFIT UNDER THIS SECTION, THE BOARD SHALL NOTIFY THE INDIVIDUAL**

1 OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT
2 REQUESTED.

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

6 7-206.

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

9 (1) ON OR BEFORE 90 DAYS AFTER THE DATE OF SERVICE OF THE
10 NOTIFICATION REQUIRED UNDER § 7-202(D) OR § 7-203(D) OF THIS SUBTITLE, BE
11 FORWARDED TO THE CHAIR OF THE BOARD AND THE PRESIDENT OF THE
12 ASSOCIATION BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT
13 REQUESTED;

14 (2) ON RECEIPT OF THE APPEAL BY THE PRESIDENT OF THE
15 ASSOCIATION, BE FORWARDED PROMPTLY TO THE MEMBERS OF THE APPEALS
16 PANEL; AND

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

20 (B) ON A FINAL DECISION BY THE APPEALS PANEL AFFIRMING, REVERSING,
21 OR MODIFYING THE FINAL DECISION OF THE BOARD, THE PRESIDENT OF THE
22 ASSOCIATION SHALL PROMPTLY NOTIFY THE MEMBER OR INDIVIDUAL AND THE
23 CHAIR OF THE BOARD OF THE DECISION BY CERTIFIED MAIL, POSTAGE PREPAID,
24 RETURN RECEIPT REQUESTED.

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