

1 S.189

2 Introduced by Senators Ingram, Hooker, Lyons and Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Internal security and public safety; public employees; survivor

6 benefits

7 Statement of purpose of bill as introduced: This bill proposes to provide the
8 same monetary benefit currently available to survivors of firefighters and
9 emergency personnel to survivors of any public employee killed in the line of
10 duty.

11 An act relating to survivor benefits for public employees

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 20 V.S.A. chapter 181 is amended to read:

14 CHAPTER 181. BENEFITS FOR THE SURVIVORS OF ~~EMERGENCY~~

15 ~~PERSONNEL~~ PUBLIC EMPLOYEES

16 § 3171. DEFINITIONS

17 ~~For purposes of~~ As used in this chapter:

18 (1) "Board" means the ~~emergency personnel survivors benefit review~~

19 ~~board~~ Public Employee Survivors Benefit Review Board.

20 (2) "Child" means a natural or legally adopted child, regardless of age.

1 (3) “Emergency ~~personnel~~ first responder” means:

2 (A)(i)(I) ~~firefighters~~ a firefighter as defined in subdivision 3151(3) of
3 this title; or

4 ~~(B)(II)~~ an individual who is an ambulance service, emergency
5 medical personnel, first responder service, and or volunteer personnel as those
6 terms are defined in 24 V.S.A. § 2651;

7 (ii) who is employed by or serves as a volunteer for the State of
8 Vermont, a county or municipality of the State, or a nonprofit entity that
9 provides emergency services in the State; and

10 (B) law enforcement officers employed by a law enforcement
11 agency.

12 (4) “Law enforcement agency” has the same meaning as in section
13 2351a of this title.

14 (5) “Law enforcement officer” means a law enforcement officer who
15 has been certified by the Vermont Criminal Justice Training Council pursuant
16 to chapter 151 of this title.

17 (6) “Line of duty” means:

18 (A) answering or returning from with respect to an emergency first
19 responder other than a law enforcement officer:

1 (i) service in answer to a call of the department or service for a
2 fire, or emergency or, including going to and returning from a fire or
3 emergency or participating in a fire or emergency training drill; or

4 ~~(B)~~(ii) similar service in another town or district to which the
5 department or service has been called for firefighting or emergency purposes;

6 (B) with respect to law enforcement officers:

7 (i) service as a law enforcement officer in answer to a complaint
8 lodged with a law enforcement agency, including going to, returning from, and
9 investigating the complaint or disorder; or

10 (ii) service under orders from a law enforcement agency or in any
11 emergency for which the law enforcement officer serves as a law enforcement
12 officer; and

13 (C) with respect to all other public employees, service in the course
14 of employment for the State, or a county, municipality, supervisory union, or
15 school district in the State.

16 ~~(5)~~(7) “Occupation-related illness” means a disease that directly arises
17 out of, and in the course of, service, including a heart injury or disease
18 symptomatic within 72 hours from the date of last service in the line of duty,
19 which shall be presumed to be incurred in the line of duty.

20 ~~(6)~~(8) “Parent” means a natural or adoptive parent.

1 ~~(7)~~(9) “Public employee” means an employee of the State or of a
2 county, municipality, supervisory union, or school district in the State; or an
3 emergency first responder.

4 (10) “School district” has the same meaning as in 16 V.S.A. § 11.

5 (11) “Supervisory union” has the same meaning as in 16 V.S.A. § 11.

6 (12) “Survivor” means a spouse, child, or parent of emergency
7 personnel a public employee.

8 § 3172. ~~EMERGENCY PERSONNEL~~ PUBLIC EMPLOYEE SURVIVORS
9 BENEFIT REVIEW BOARD

10 (a)(1) There is created the ~~emergency personnel survivors benefit review~~
11 ~~board which~~ Public Employee Survivors Benefit Review Board that shall
12 consist of the ~~state treasurer~~ State Treasurer or designee, the ~~attorney general~~
13 Attorney General or designee, the ~~executive director~~ Executive Director of the
14 Vermont ~~fire service training council~~ Fire Service Training Council or
15 designee, ~~and the Executive Director of the Vermont Criminal Justice Training~~
16 Council or designee, one member of the public to represent the interests of
17 emergency personnel appointed by the ~~governor~~ Governor for a term of two
18 years, one member of the public to represent the interests of law enforcement
19 officers appointed by the Governor for a term of two years, and one member of
20 the public to represent the interests of public employees who are not

1 emergency personnel or law enforcement officers appointed by the Governor
2 for a term of two years.

3 (2) ~~Survivors of emergency personnel, employed by or who volunteer~~
4 ~~for the state of Vermont, a county or municipality of the state, or a nonprofit~~
5 ~~entity which provides services in the state,~~ public employees who die in the
6 line of duty or of an occupation-related illness may request the ~~board~~ Board
7 award a monetary benefit under section 3173 of this title.

8 (3) The ~~board~~ Board shall be responsible for determining whether to
9 award monetary benefits under section 3173 of this title. A decision to award
10 monetary benefits shall be made by unanimous vote of the ~~board~~, Board and
11 shall be made within 60 days after the receipt of all information necessary to
12 enable the ~~board~~ Board to determine eligibility.

13 (4) The ~~board~~ Board may request any information necessary for the
14 exercise of its duties under this section. Nothing in this section shall prevent
15 the ~~board~~ Board from initiating the investigation or determination of a claim
16 before being requested by a survivor or employer ~~of emergency personnel~~.

17 * * *

18 (c) If the ~~board~~ Board decides to award a monetary benefit, the benefit shall
19 be paid to the surviving spouse or, if the ~~emergency personnel~~ public employee
20 had no spouse at the time of death, to the surviving child, or equally among
21 surviving children. If the deceased ~~emergency personnel~~ public employee is

1 not survived by a spouse or child, the benefit shall be paid to a surviving
2 parent, or equally between surviving parents. If the deceased ~~emergency~~
3 ~~personnel~~ public employee is not survived by a spouse, children, or parents, the
4 ~~board~~ Board shall not award a monetary benefit under this chapter.

5 * * *

6 (f) The ~~member~~ members of the public appointed by the ~~governor~~
7 Governor shall be entitled to per diem compensation authorized under
8 32 V.S.A. § 1010 for each day spent in the performance of ~~his or her~~ their
9 duties.

10 § 3173. MONETARY BENEFIT

11 (a) The survivors of ~~emergency personnel~~ a public employee who dies
12 while in the line of duty or from an occupation-related illness may apply for a
13 payment of \$50,000.00 from the ~~state~~ State.

14 (b) The ~~state treasurer~~ State Treasurer shall disburse from the ~~trust fund~~
15 Fund established in section 3175 of this title the monetary benefit described in
16 subsection (a) of this section, and shall adopt necessary procedures for the
17 disbursement of ~~such~~ the funds.

18 * * *

19 § 3175. ~~EMERGENCY PERSONNEL~~ PUBLIC EMPLOYEE SURVIVORS

20 BENEFIT SPECIAL FUND

