

1 S.235

2 Introduced by Senators Watson, MacDonald, McCormack, Perchlik,
3 Vyhovsky and White

4 Referred to Committee on

5 Date:

6 Subject: Internal security and public safety; benefits for survivors of
7 emergency and public works personnel

8 Statement of purpose of bill as introduced: This bill proposes to provide a
9 monetary benefit to survivors of public works employees killed in the line of
10 duty.

11 An act relating to survivor benefits for public works 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 AND PUBLIC WORKS PERSONNEL

16 § 3171. DEFINITIONS

17 As used in this chapter:

18 (1) “Board” means the Emergency and Public Works Personnel

19 Survivors Benefit Review Board.

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

1 (3) “Domestic partner” means an individual with whom the employee
2 has an enduring domestic relationship of a spousal nature, provided the
3 employee and the domestic partner:

4 (A) have shared a residence for at least six consecutive months;

5 (B) are at least 18 years of age;

6 (C) are not married to or considered a domestic partner of another
7 individual;

8 (D) are not related by blood closer than would bar marriage under
9 State law; and

10 (E) have agreed between themselves to be responsible for each
11 other’s welfare.

12 (4) “Emergency personnel” means:

13 (A) firefighters as defined in subdivision 3151(3) of this title; and

14 (B) emergency medical personnel and volunteer personnel as defined
15 in 24 V.S.A. § 2651.

16 ~~(4)~~(5) “Line of duty” means:

17 (A) for emergency personnel:

18 (i) answering or returning from a call of the department for a fire
19 or emergency or training drill; or

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

1 (B) for public works personnel, work performed:

2 (i) in a hazardous location;

3 (ii) as part of an emergency response to an all-hazards event, as
4 that term is defined in section 2 of this title; or

5 (iii) in conjunction with emergency personnel in a construction
6 zone, highway traffic area, or other location in which the public works
7 personnel is exposed to risk of injury or fatality from construction hazards,
8 highway traffic volume and speed, nighttime response, environmental factors,
9 weather, or other hazardous conditions.

10 ~~(5)~~(6) “Occupation-related illness” means a disease that directly arises
11 out of, and in the course of, service, including a heart injury or disease
12 symptomatic within 72 hours from the date of last service in the line of duty,
13 which shall be presumed to be incurred in the line of duty.

14 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

15 (8) “Spouse” includes a domestic partner or civil union partner.

16 ~~(7)~~(9) “Survivor” means a spouse, child, or parent of emergency
17 personnel or public works personnel who have died in the line of duty.

18 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

19 BENEFIT REVIEW BOARD

20 (a) There is created the Emergency and Public Works Personnel Survivors
21 Benefit Review Board, which shall consist of the State Treasurer or designee,

1 the Attorney General or designee, the Chief Fire Service Training Officer of
2 the Vermont Fire Service Training Council or designee, and ~~one member~~ two
3 members of the public, one to represent the interests of emergency personnel
4 and one to represent the interests of public works personnel, who shall be
5 appointed by the Governor for a term of two years. Survivors of emergency
6 personnel or public works personnel, employed by or who volunteer for the
7 State of Vermont, a county or municipality of the State, or a nonprofit entity
8 that provides services in the State, who die in the line of duty or of an
9 occupation-related illness may request the Board award a monetary benefit
10 under section 3173 of this title. The Board shall be responsible for
11 determining whether to award monetary benefits under section 3173. A
12 decision to award monetary benefits shall be made by unanimous vote of the
13 Board and shall be made within 60 days after the receipt of all information
14 necessary to enable the Board to determine eligibility. The Board may request
15 any information necessary for the exercise of its duties under this section.
16 Nothing in this section shall prevent the Board from initiating the investigation
17 or determination of a claim before being requested by a survivor or employer
18 of emergency personnel.

19 * * *

20 (c) If the Board decides to award a monetary benefit, the benefit shall be
21 paid to the surviving spouse or, if the emergency personnel or public works

1 personnel had no spouse at the time of death, to the surviving child, or equally
2 among surviving children. If the deceased emergency personnel or public
3 works personnel is not survived by a spouse or child, the benefit shall be paid
4 to a surviving parent, or equally between surviving parents. If the deceased
5 emergency personnel or public works personnel is not survived by a spouse,
6 children, or parents, the Board shall not award a monetary benefit under this
7 chapter.

8 * * *

9 (f) ~~The~~ Each member of the public appointed by the Governor shall be
10 entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each
11 day spent in the performance of ~~his or her~~ the member's duties.

12 § 3173. MONETARY BENEFIT

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

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17 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

18 BENEFIT SPECIAL FUND

19 (a) The Emergency and Public Works Personnel Survivors Benefit Special
20 Fund is established in the Office of the State Treasurer for the purpose of the
21 payment of claims distributed pursuant to this chapter. The Fund shall

