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S.310

Representatives Higley of Lowell and McCarthy of St. Albans City move that the House propose to the Senate that the bill be further amended by inserting a new section to be Sec. 6a to read as follows:

Sec. 6a. 20 V.S.A. chapter 181 is amended to read:

CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

PERSONNEL

§ 3171. DEFINITIONS

As used in this chapter:

(1) “Board” means the Emergency Personnel Survivors Benefit Review Board.

(2) “Child” means ~~a natural or legally adopted child~~, regardless of age, the deceased’s biological child, foster child, adoptive child, or stepchild; a child for whom the deceased is listed as a parent on the child’s birth certificate; a legal ward of the deceased; a child of the deceased’s spouse; or a child for whom the deceased had day-to-day responsibilities to care for and financially support at the time of death or when the child was under 18 years of age.

(3) “Correctional officer” has the same meaning as in 28 V.S.A. § 3.

(4) “Domestic partner” means an individual with whom the deceased had an enduring domestic relationship of a spousal nature at the time of death, provided that at the time of death the deceased and the domestic partner:

1 (A) had shared a residence for at least six consecutive months;

2 (B) were at least 18 years of age;

3 (C) were not married to or considered a domestic partner of another
4 individual;

5 (D) were not related by blood closer than would bar marriage under
6 State law; and

7 (E) had agreed between themselves to be responsible for each other’s
8 welfare.

9 (5) “Firefighter” has the same meaning as in subdivision 3151(3) of this
10 title.

11 (6) “Emergency medical personnel” has the same meaning as in 24
12 V.S.A. § 2651.

13 (7) “Emergency personnel” means:

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

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

17 (C) law enforcement officers; and

18 (D) correctional officers.

19 (8) “Law enforcement officer” means a law enforcement officer who
20 has been certified by the Vermont Criminal Justice Council pursuant to section
21 2358 of this title.

1 ~~(4)~~(9) “Line of duty” means:

2 (A) ~~answering or returning from~~ With respect to firefighters,
3 emergency medical personnel, and volunteer personnel:

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

7 ~~(B)~~(ii) similar service in another town or district to which the
8 department or service has been called for firefighting or emergency purposes.

9 (B) With respect to law enforcement officers:

10 (i) service as a law enforcement officer in answer to a complaint
11 lodged with the department or in response to a disorder, including going to,
12 returning from, and investigating or responding to the complaint or disorder; or

13 (ii) service under orders from the department or in any emergency
14 for which the law enforcement officer serves as a law enforcement officer.

15 (C) With respect to correctional officers:

16 (i) supervision or monitoring of inmates in a correctional facility;

17 (ii) supervision or monitoring of one or more persons serving a
18 sentence of incarceration outside a correctional facility; or

19 (iii) supervision or monitoring of a person on parole or probation.

20 ~~(5)~~(10) “Occupation-related illness” means a disease that directly arises
21 out of, and in the course of, service, including a heart injury or disease

1 symptomatic within 72 hours from the date of last service in the line of duty,
2 which shall be presumed to be incurred in the line of duty.

3 ~~(6)~~(11) “Parent” means ~~a natural or adoptive parent~~ the deceased’s
4 biological parent, foster parent, adoptive parent, or stepparent; an individual
5 who is listed as a parent on the deceased’s birth certificate; a legal guardian of
6 the deceased; or an individual who had day-to-day responsibilities to care for
7 and financially support the deceased when the deceased was under 18 years of
8 age.

9 (12) “Spouse” includes an individual’s domestic partner or civil union
10 partner.

11 ~~(7)~~(13) “Survivor” means a spouse, child, or parent of deceased
12 emergency personnel.

13 (14) “Volunteer personnel” has the same meaning as in 24 V.S.A.
14 § 2651.

15 § 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW

16 BOARD

17 (a)(1) There is created the Emergency Personnel Survivors Benefit Review
18 Board, which shall consist of the State Treasurer or designee, the Attorney
19 General or designee, the Chief Fire Service Training Officer of the Vermont
20 Fire Service Training Council or designee, ~~and one member of the public to~~
21 ~~represent the interests of emergency personnel appointed by the Governor for a~~

1 ~~term of two years~~ the Chair of the Law Enforcement Advisory Board or
2 designee, and the Commissioner of Corrections or designee.

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 that provides services in the State, who die in the line of duty or of an
6 occupation-related illness may, within 18 months after the death of the
7 emergency personnel, request the Board award a monetary benefit under
8 section 3173 of this ~~title~~ chapter.

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

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

18 * * *

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

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

6 * * *

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

10 § 3173. MONETARY BENEFIT

11 (a) The survivors of emergency personnel who ~~dies~~ die while in the line of
12 duty or from an occupation-related illness may apply for a payment of
13 \$80,000.00 from the State.

14 * * *

15 § 3175. EMERGENCY PERSONNEL SURVIVORS BENEFIT SPECIAL
16 FUND

17 (a) The Emergency Personnel Survivors Benefit Special Fund is
18 established in the Office of the State Treasurer for the purpose of the payment
19 of claims distributed pursuant to this chapter. The Fund shall comprise
20 appropriations made by the General Assembly, amounts transferred by the
21 Emergency Board when the General Assembly is not in session, and

1 contributions or donations from any other source. All balances in the Fund at
2 the end of the fiscal year shall be carried forward. Interest earned shall remain
3 in the Fund.

4 * * *

5 (c) In the event that the balance of the Fund is insufficient to pay monetary
6 benefits awarded by the Board when the General Assembly is not in session,
7 the Emergency Board may, pursuant to its authority under 32 V.S.A. § 133,
8 transfer into the Fund additional amounts necessary to pay the monetary
9 benefits.