

H.575

Introduced by Representative Oliver of Sheldon

Referred to Committee on

Date:

Subject: Public safety; law enforcement officers; survivors' benefits; disability
benefits

Statement of purpose of bill as introduced: This bill proposes to provide a
survivors' benefit for law enforcement officers and to add a disability benefit
for emergency personnel and law enforcement officers totally and permanently
disabled in the line of duty.

An act relating to survivor and disability benefits for emergency personnel

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

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

CHAPTER 181. SURVIVORS AND DISABILITY BENEFITS FOR ~~THE~~
~~SURVIVORS OF~~ EMERGENCY PERSONNEL

§ 3171. DEFINITIONS

As used in this chapter:

(1) "Board" means the Emergency Personnel Survivors ~~Benefit and~~
Disability Benefits Review Board.

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

2 (3) “Emergency personnel” means:

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

4 (B) emergency medical personnel and volunteer personnel as defined
5 in 24 V.S.A. § 2651; and

6 (C) law enforcement officers who have been certified by the Vermont
7 Criminal Justice Council pursuant to section 2358 of this title.

8 (4) “Line of duty” means:

9 (A) ~~answering or returning from~~ with respect to firefighters,
10 emergency personnel, and volunteer personnel:

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

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

17 (B) with respect to law enforcement officers:

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

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

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

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

8 (7) “Permanent total disability” means a disability as defined in 21
9 V.S.A. § 644.

10 (8) “Survivor” means a spouse, child, or parent of deceased emergency
11 personnel.

12 § 3172. EMERGENCY PERSONNEL SURVIVORS ~~BENEFIT~~ AND
13 DISABILITY BENEFITS REVIEW BOARD

14 (a)(1) There is created the Emergency Personnel Survivors ~~Benefit~~ and
15 Disability Benefits Review Board, which shall consist of the State Treasurer or
16 designee, the Attorney General or designee, the Chief Fire Service Training
17 Officer of the Vermont Fire Service Training Council or designee, the
18 Executive Director of the Vermont Criminal Justice Council or designee, and
19 one member of the public to represent the interests of emergency personnel
20 appointed by the Governor for a term of two years.

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

6 (3) Emergency personnel, employed by or who volunteer for the State of
7 Vermont, a county or municipality of the State, or a nonprofit entity that
8 provides services in the State, who suffer a permanent total disability in the
9 line of duty may request the Board award a monetary benefit under section
10 3173 of this title. An award of a monetary benefit under section 3173 of this
11 title shall not diminish or otherwise impair any other benefit that the disabled
12 emergency personnel is entitled to receive under any other State or federal law.

13 (4) The Board shall be responsible for determining whether to award
14 monetary benefits under section 3173 of this title. A decision to award
15 monetary benefits shall be made by unanimous vote of the Board and shall be
16 made within 60 days after the receipt of all information necessary to enable the
17 Board to determine eligibility.

18 (5) The Board may request any information necessary for the exercise of
19 its duties under this section. Nothing in this section shall prevent the Board
20 from initiating the investigation or determination of a claim before being

1 requested by a survivor, a disabled emergency personnel, or employer of
2 emergency personnel.

3 (b) Within 10 days after the Board has reached its decision, it shall notify
4 the named survivors or the disabled emergency personnel of its decision by
5 certified mail. If the Board denies the claim, the named survivors or the
6 disabled emergency personnel shall have 60 days from the date of receiving
7 the denial to file an appeal with the Superior Court in the county in which the
8 deceased or the disabled emergency personnel was employed or was an
9 authorized volunteer.

10 (c) If the Board decides to award a monetary benefit, the benefit shall be
11 paid to the disabled emergency personnel or to the surviving spouse or, if the
12 emergency personnel had no spouse at the time of death, to the surviving child,
13 or equally among surviving children. If the deceased emergency personnel is
14 not survived by a spouse or child, the benefit shall be paid to a surviving
15 parent, or equally between surviving parents. If the deceased emergency
16 personnel is not survived by a spouse, children, or parents, the Board shall not
17 award a monetary benefit under this chapter.

18 (d) Upon a Board decision to award a monetary benefit under this chapter,
19 the Treasurer shall make payment to the beneficiaries as described in
20 subsection (c) of this section.

1 (e) The State Treasurer's office shall provide staff, office space, and any
2 other reasonable and necessary resources to the Board.

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

6 § 3173. MONETARY BENEFIT

7 (a) The survivors of emergency personnel who ~~dies~~ die while in the line of
8 duty or from an occupation-related illness and emergency personnel who suffer
9 a permanent total disability in the line of duty may apply for a payment of
10 \$80,000.00 from the State.

11 * * *

12 § 3175. EMERGENCY PERSONNEL SURVIVORS ~~BENEFIT~~ BENEFIT AND
13 DISABILITY BENEFITS SPECIAL FUND

14 (a) The Emergency Personnel Survivors ~~Benefit~~ and Disability Benefits
15 Special Fund is established in the Office of the State Treasurer for the purpose
16 of the payment of claims distributed pursuant to this chapter. The Fund shall
17 comprise appropriations made by the General Assembly, amounts transferred
18 by the Emergency Board when the General Assembly is not in session, and
19 contributions or donations from any other source. All balances in the Fund at
20 the end of the fiscal year shall be carried forward. Interest earned shall remain
21 in the Fund.

1 (b) [Repealed.]

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

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on July 1, 2026.