



VERMONT LEGISLATIVE Joint Fiscal Office

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Fiscal Note

April 7, 2026

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S.89 – An act relating to expanding survivor benefits

DRAFT As recommended by the House Committee on General and Housing, Draft 2.1¹

Bill Summary

This bill, as recommended, would prospectively expand eligibility for the \$80,000 benefit offered by the Emergency Personnel Survivors Benefit Special Fund to include survivors of law enforcement officers, certain Department of Corrections (DOC) employees, certain classified employees of the Department for Children and Families' Family Services Division (DCF-FSD), classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units, and persons licensed to practice clinical social work or mental health counseling who die in the line of duty or from an occupation-related illness.

S.89 could lead to higher costs to the Emergency Personnel Survivors Benefit Special Fund (and General Fund) but this is dependent on the frequency of line of duty deaths and applications for benefits from eligible survivors.

Fiscal Impact

By prospectively expanding eligibility of survivor benefits to include additional occupations, this bill has the potential to lead to higher costs to the General Fund in future years subject to the occurrence of deaths and related claims – but these deaths occur infrequently and are not possible to predict. The bill does not propose to increase benefit amounts beyond the \$80,000 in current law, nor does it contain any appropriations or transfers.

Background and Details

Overview of the Emergency Personnel Survivors Benefit

Under current law, “the survivors of emergency personnel who dies while in the line of duty or from an occupation-related illness may apply for a payment of \$80,000.00 from the State.”² This payment is made from the Emergency Personnel Survivors Benefit Special Fund, which is administered by the State Treasurer. The Emergency Personnel Survivors Benefit Review Board is responsible for determining whether to award monetary benefits to applying “survivors of emergency personnel, employed by or who volunteer for the State of Vermont, a county or municipality of the State, or a nonprofit entity that provides services in the State,

¹ The Joint Fiscal Office (JFO) is a nonpartisan legislative office dedicated to producing unbiased fiscal analysis – this fiscal note is meant to provide information for legislative consideration, not to provide policy recommendations.

¹ The full fiscal note history is available on the fiscal tab of the bill page on the General Assembly website and can be pulled up through a bill number search on the JFO page.

² 20 V.S.A. § 3173(a)

who die in the line of duty or of an occupation-related illness...³ This benefit is separate from any survivor benefits that may be offered through the federal government, a retirement system, or an employer.

Currently, “emergency personnel” include firefighters as defined by 20 V.S.A. § 3151(3), and emergency medical personnel and volunteer personnel as defined in 24 V.S.A. § 2651. “Survivors” as defined by 20 V.S.A. § 3171 includes spouses, children, or parents.

The Fund is comprised of transfers made by the General Assembly (typically on an as-needed basis), contributions and donations from any other source, and interest earned on the balance in the Fund. According to the Office of the State Treasurer, the Fund has a balance of \$95,406 as of March 16, 2026 – enough to pay out one claim.

Benefit payments from the Fund occur irregularly and infrequently. According to the Office of the State Treasurer, seven benefits were paid between the Fund’s inception in 2002 and 2016. No benefits were awarded for approximately 8 years until December 2024. Four awards were approved and paid out since then. The most recent General Fund transfer to the Fund occurred in fiscal year 2025 (\$220,000).

Proposed Changes

This bill, as recommended, proposes to expand the definition of “emergency personnel” to include:

- Law enforcement officers who have been certified by the Vermont Criminal Justice Council;
- DOC facility employees and DOC employees who provide direct security and treatment services to offenders under supervision in the community;
- Classified employees of DCF-FSD;
- Classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units; and
- Persons licensed to practice clinical social work or mental health counseling.

The expanded eligibility proposed in the bill would take effect prospectively and apply to deaths that occur on or after July 1, 2026.

In the event that the balance of the Fund is insufficient to pay monetary benefits awarded by the Board when the General Assembly is not in session, the bill permits the Emergency Board to transfer into the Fund additional amounts necessary to pay the monetary benefits.

Fiscal Considerations

The changes the bill proposes could increase the number of applications for survivor benefit payments in the future, but it is not possible to accurately forecast the fiscal impact. As the expanded eligibility would take effect prospectively, the bill is not expected to lead to any significant increase in awards for deaths that occurred in prior years.

- Expanding eligibility has the potential to lead to higher costs in future years, subject to the occurrence of line of duty deaths, occupation-related illnesses, and associated applications for benefits from survivors. Any additional demands on the Fund would, in turn, represent a cost pressure on the General Fund.
- Line of duty deaths have been uncommon in Vermont. For a sense of scale, according to the Officer Down Memorial Page, there have been 29 line of duty deaths for Vermont law enforcement in the State’s history (including 3 who were corrections officers).⁴ The most recent line of duty death of a

³ 20 V.S.A. § 3172(a). The Review Board consists of the State Treasurer, Attorney General, Chief Fire Service Training Officer of the Vermont Fire Service Training Council, and one member of the public to represent the interests of emergency personnel.

⁴ <https://www.odmp.org/search/browse/vermont>

Vermont law enforcement officer (excluding federal officers) was in 2023. The most recent line of duty death for a DCF employee occurred in 2015.

- The Office of the State Treasurer may need resources for contracting support to deal with any increase in application activity – particularly for reviewing applications with more complex cases involving occupation-related illnesses, which have often been the circumstance behind the claims in more recent years. **As recommended, the bill would permit reasonable costs for medical experts and other services necessary to assist with the Board’s review of applications to be paid from the Fund.**

S.89 does not propose to change the \$80,000 benefit amount nor does it contain any appropriations or transfers. However, the General Assembly will ultimately have to fund the cost of future benefit payments unless they are offset through other means (e.g., contributions, donations, interest). The Fund currently has a balance sufficient to pay out one more claim.