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H.590

Introduced by Representatives Yantachka of Charlotte, Berry of Manchester,
Connor of Fairfield, Cupoli of Rutland City, Emmons of
Springfield, Forguites of Springfield, Gamache of Swanton,
Klein of East Montpelier, Manwaring of Wilmington, Masland
of Thetford, Mrowicki of Putney, Sweaney of Windsor, Tate of
Mendon, Van Wyck of Ferrisburgh, and Zagar of Barnard

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to provide the
same monetary benefit currently available to survivors of firefighters and
emergency personnel to survivors of law enforcement officers.

An act relating to survivor benefits for law enforcement officers

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. BENEFITS FOR THE SURVIVORS OF EMERGENCY
PERSONNEL AND LAW ENFORCEMENT OFFICERS

1 § 3171. DEFINITIONS

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

3 (1) “Board” means the ~~emergency personnel survivors benefit review~~
4 ~~board~~ Emergency Personnel and Law Enforcement Officers Survivors Benefit
5 Review Board.

6 * * *

7 (3) “Emergency personnel” means:

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

9 (B) ambulance service, emergency medical personnel, first responder
10 service, and volunteer personnel as defined in 24 V.S.A. § 2651.

11 (4) “Line of duty” means:

12 (A) With respect to emergency personnel:

13 (i) ~~answering or returning from~~ service in answer to a call of the
14 department or service for a fire; or emergency or training drill, including going
15 to and returning from a fire or emergency or participating in a fire or
16 emergency training drill; or

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

1 one member of the public to represent the interests of emergency personnel
2 appointed by the ~~governor~~ Governor for a term of two years, and one member
3 of the public to represent the interests of law enforcement officers appointed
4 by the Governor for a term of two years.

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

10 (A) emergency personnel, employed by or who volunteer for the
11 State of Vermont, a county or municipality of the State, or a nonprofit entity
12 that provides services in the State; or

13 (B) law enforcement officers.

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

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

1 before being requested by a survivor or employer of emergency personnel or a
2 law enforcement officer.

3 * * *

4 (c) If the ~~board~~ Board decides to award a monetary benefit, the benefit shall
5 be paid to the surviving spouse or, if the emergency personnel or law
6 enforcement officer had no spouse at the time of death, to the surviving child,
7 or equally among surviving children. If the deceased emergency personnel or
8 law enforcement officer is not survived by a spouse or child, the benefit shall
9 be paid to a surviving parent, or equally between surviving parents. If the
10 deceased emergency personnel or law enforcement officer is not survived by a
11 spouse, children, or parents, the ~~board~~ Board shall not award a monetary
12 benefit under this chapter.

13 * * *

14 § 3173. MONETARY BENEFIT

15 (a) The survivors of emergency personnel or a law enforcement officer who
16 dies while in the line of duty or from an occupation-related illness may apply
17 for a payment of \$50,000.00 from the ~~state~~ State.

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

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§ 3175. EMERGENCY PERSONNEL AND LAW ENFORCEMENT
OFFICERS SURVIVORS BENEFIT SPECIAL FUND

(a) The Emergency Personnel and Law Enforcement Officers Survivors Benefit Special Fund is established in the Office of the State Treasurer for the purpose of the payment of claims distributed pursuant to this chapter. The Fund shall comprise appropriations made by the General Assembly and contributions or donations from any other source. All balances in the Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the Fund.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.