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H.55

Introduced by Representatives Marcotte of Coventry, Carroll of Bennington,
Chase of Chester, Graning of Jericho, Jerome of Brandon,
Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of
Bradford, and White of Bethel

Referred to Committee on

Date:

Subject: Labor; unemployment insurance; benefits; nonprofit organizations

Statement of purpose of bill as introduced: This bill proposes to require all
Vermont nonprofit employers to participate in the unemployment insurance
program, to require nonprofit reimbursable employers to provide security for
the potential cost of unemployment benefits, and to amend the sunset for
supplemental unemployment insurance benefits paid out pursuant to 2022 Acts
and Resolves No. 183.

~~An act relating to miscellaneous unemployment insurance amendments~~

~~An act relating to miscellaneous unemployment insurance, workers'
compensation, and employment practices amendments, to establishing the
Vermont Baby Bond Trust, and to the Vermont Employment Growth
Incentive~~

*An act relating to miscellaneous unemployment insurance, workers'
compensation, and employment practices amendments and to establishing
the Vermont Baby Bond Trust*

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

2 ~~*** Deleted by H. 11, N. 1, S. 1, P. 1 ***~~
3 Sec. 1. 21 V.S.A. § 1301 is amended to read:

4 § 1301. DEFINITIONS

5 ~~The following words and phrases, as As used in this chapter, shall have the~~
6 ~~following meanings unless the context clearly requires otherwise:~~

7 * * *

8 (5) "Employer" includes:

9 (A) Any employing unit which, after December 31, 1971 that in any
10 calendar quarter in either the current or preceding calendar year paid for
11 service in employment, as ~~hereinafter~~ defined pursuant to subdivision (6) of
12 this section, wages of \$1,500.00 or more, or for some portion of a day in each
13 of 20 different calendar weeks, whether or not such weeks were consecutive,
14 in either the current or the preceding calendar year had in employment, as
15 ~~hereinafter defined~~, at least one individual (irrespective of whether the same
16 individual was in employment in each such day). When an employing unit
17 described in either this subdivision or subdivision (5)(B) of this section,
18 becomes an employer within any calendar year, it shall be subject to this
19 chapter for the whole of ~~such~~ the calendar year.

20 (B)(i) Any employing unit for which service in employment for a

21 ~~religious, charitable, educational, or other organization as defined in~~

1 ~~subdivision (5)(A)(i) shall mean service performed on or after January 1, 1978,~~
2 except as provided in subdivision (5)(C) of this section.

3 * * *

4 (6)(A)(i) "Employment," subject to the other provisions of this
5 subdivision (6), means service within the jurisdiction of this State, ~~performed~~
6 ~~prior to January 1, 1978, which was employment as defined in this subdivision~~
7 ~~prior to such date and, subject to the other provisions of this subdivision,~~
8 ~~service performed after December 31, 1977, performed~~ by an employee, as
9 defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act,
10 including service in interstate commerce, performed for wages or under any
11 contract of hire, written or oral, expressed or implied. Services partly within
12 and partly ~~without~~ outside this State may by election as ~~hereinbefore~~ provided
13 in subdivision (5)(E)(i) of this section be treated as if wholly within the
14 jurisdiction of this State. ~~And whenever~~ If an employing unit shall have has
15 elected to come under the provisions of a similar act of a state where a part of
16 the services of an employee are performed, the Commissioner, upon ~~his or her~~
17 ~~approval of said~~ approving the election as to any such the employee, may treat
18 the services covered by ~~said approved~~ the election as having been performed
19 wholly ~~without~~ outside the jurisdiction of this State.

20

1 ~~(c) The term "employment" shall mean employment by an~~
2 employing unit which is performed after December 31, 1971 by an individual
3 in the employ of a religious, charitable, educational, or other organization but
4 only if:

5 ~~(I) the service is excluded from "employment" as defined in~~
6 the Federal Unemployment Tax Act solely by reason of section subdivision
7 3306(c)(8) of that act; and

8 ~~(II) the organization had four or more individuals in~~
9 employment for some portion of a day in each of 20 different weeks, whether
10 or not such weeks were consecutive within either the current or preceding
11 calendar year, regardless of whether they were employed at the same moment
12 of time.

13 * * *

14 Sec. 2. 21 V.S.A. § 1321 is amended to read:

15 § 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES

16 * * *

17 (c)(1) Financing benefits paid to employees of nonprofit organizations.

18 (A) Benefits paid to employees of nonprofit organizations shall be
19 financed in accordance with the provisions of this subsection (c).

20 (B) For the purposes of As used in this subsection (c), a "nonprofit
21 ~~organization" means an organization (or group of organizations) described~~

1 ~~in Section 501(c)(2) of the Internal Revenue Code which that is exempt~~
2 from income tax under Section 501(a) of such the Internal Revenue Code.

3 (2) Liability for contributions and election of reimbursement. Any
4 nonprofit organization ~~which that~~, pursuant to subdivision 1301(5)(B)(i) of
5 this title chapter is, or becomes, subject to this chapter ~~on or after January 1,~~
6 1972 shall pay contributions under the provisions of this section, unless it
7 elects, in accordance with this subsection, to pay to the Commissioner, for the
8 Unemployment Insurance Trust Fund, an amount equal to the amount of
9 regular benefits and of one-half of the extended benefits paid, that is
10 attributable to service in the employ of such the nonprofit organization, to
11 individuals for weeks of unemployment ~~which that~~ begin during the effective
12 period of such the election.

13 (A) Any nonprofit organization ~~which is, or becomes,~~ subject to this
14 chapter ~~on January 1, 1972~~ may elect to become liable for payments in lieu of
15 contributions for a period of not less than one calendar year beginning with
16 January 1, 1972 ~~provided it files with the Commissioner a written notice of its~~
17 election within the 30-day period immediately following such ~~date~~ or within a
18 like period immediately following April 16, 1971, whichever occurs later.

19 [Repealed.]

20 (B) Any nonprofit organization ~~which that~~ becomes subject to this
21 ~~chapter after January 1, 1972~~ may elect to become liable for payments in lieu

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~~1. The Commission shall, on or after July 1, 2023, begin to apply the provisions of this chapter to the date on which such subjectivity begins by filing a written notice of its election with the Commissioner not later than 30 days immediately following the date of the determination of such subjectivity that the organization is subject to this chapter.~~

(C) Any nonprofit organization ~~which~~ that makes an election in accordance with ~~subdivisions (e)(2)(A) and subdivision (2)(B) of this section will subsection (c) shall~~ continue to be liable for payments in lieu of contributions until it files with the Commissioner a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which ~~such~~ the termination shall first be effective.

(D) Any nonprofit organization ~~which~~ that has been paying contributions under this chapter for a period subsequent to January 1, 1972 ~~may change to a reimbursable basis~~ elect to become liable for payments in lieu of contributions by filing with the Commissioner not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. ~~Such~~ An election under this subdivision (c)(2)(D) shall not be terminable by the organization for that year and the next year.

(E) The Commissioner may for good cause extend the period within

1 ~~permit an election to be retroactive but not any earlier than with respect to~~
2 ~~benefits paid after December 31, 1969.~~

3 (F) The Commissioner, in accordance with ~~such~~ any applicable rules
4 as adopted ~~by~~ the Board ~~may prescribe~~, shall notify each nonprofit
5 organization of any determination ~~which he or she may make of that the~~
6 Commissioner makes with regard to its status as an employer and of the
7 effective date of any election ~~which it that the organization makes and of any~~
8 termination of ~~such an~~ election. ~~Such~~ The determinations shall be subject to
9 reconsideration and to appeal and review in accordance with the provisions of
10 section 1337a of this title.

11 (G)(i) A nonprofit organization that elects to become liable for
12 payments in lieu of contributions shall, within 30 days after making its
13 election, either execute and file with the Commissioner a surety bond or
14 deposit with the Commissioner money or another form of security approved by
15 the Commissioner.

16 (ii) The amount of the bond, deposit, or other form of security
17 shall be two percent of the nonprofit organization's wages paid during the four
18 completed calendar quarters immediately preceding the effective date of the
19 election. If the nonprofit organization did not pay wages in each of those four
20 calendar quarters, the amount of the bond, deposit, or other form of security
21 shall be determined by the Commissioner.

1 ~~(iii) The bond, deposit, or other form of security shall be required~~
2 to be in force for a period of not less than two calendar years, as determined by
3 the Commissioner. Upon the expiration of the bond, deposit, or other form of
4 security, the nonprofit organization shall be required to execute and file with
5 the Commissioner a new surety bond or to deposit with the Commissioner
6 money or another form of security approved by the Commissioner. The
7 Commissioner shall determine the amount of the new bond, deposit, or other
8 form of security in accordance with subdivision (ii) of this subdivision
9 (c)(2)(G).

10 (iv) If a nonprofit organization fails to reimburse the Trust Fund
11 for the full amount of the benefits attributable to service in its employ as
12 provided pursuant to subdivision (3) of this subsection (c), the Commissioner
13 shall be permitted to recover from the bond, deposit, or other form of security
14 the unpaid amount plus any applicable penalties and interest.

15 (3) Reimbursement payments. Payments in lieu of contributions shall
16 be made in accordance with the provisions of this subdivision, including either
17 subdivision (A) or subdivision (B).

18 (A) At the end of each calendar quarter, or at the end of any other
19 period as determined by the Commissioner, the Commissioner shall bill each
20 nonprofit organization, or group of such nonprofit organizations, which has
21 has elected to make payments in lieu of contributions for an amount equal to

1 ~~the full amount of regular benefits plus one-half of the amount of extended~~
2 benefits paid during ~~such~~ the quarter or other prescribed period that is
3 attributable to service in the employ of ~~such~~ the organization.

4 (B)(i) Each nonprofit organization that has elected payments in lieu
5 of contributions may request permission to make ~~such~~ payments as provided in
6 this subdivision (c)(3)(B). ~~Such method of payment~~ Payment pursuant to the
7 provisions of this subdivision (c)(3)(B) shall become effective upon approval
8 of the Commissioner.

9 (ii) At the end of each calendar quarter, the Commissioner shall
10 bill each nonprofit organization approved to make payments pursuant to the
11 provisions of this subdivision (c)(3)(B) for an amount representing ~~one of the~~
12 following:

13 (I) ~~For 1972, two-tenths of one percent of its total payroll for~~
14 ~~1971.~~

15 (H) ~~For years after 1972, such a percentage of its total payroll~~
16 ~~for the immediately preceding calendar year as~~ that the Commissioner ~~shall~~
17 ~~determine. The determination shall be~~ determines to be appropriate based each
18 ~~year on the average benefit costs attributable to service in the employ of~~
19 ~~nonprofit organizations during the preceding calendar year.~~

20 (HH) ~~For~~ The Commissioner may determine a different rate for

21 ~~any organization which shall not pay more than eight percent of its total~~

1 ~~quarters of the preceding calendar year, such percentage of its payroll during~~
2 ~~that year as the Commissioner shall determine.~~

3 (iii) At the end of each calendar year, the Commissioner may
4 modify the quarterly percentage of payroll thereafter payable by the nonprofit
5 organization in order to minimize excess or insufficient payments.

6 (iv) At the end of each calendar year, the Commissioner shall
7 determine whether the total of payments for ~~such~~ the year made by a nonprofit
8 organization is less than, or in excess of, the total amount of regular benefits
9 plus one-half of the amount of extended benefits paid to individuals during
10 ~~such~~ the taxable year based on wages attributable to service in the employ of
11 ~~such~~ the organization. Each nonprofit organization whose total payments for
12 ~~such~~ the year are less than the amount so determined shall be liable for
13 payment of the unpaid balance to the Trust Fund in accordance with
14 subdivision (3)(C) of this subsection (c). If the total payments exceed the
15 amount so determined for the taxable year, all or a part of the excess shall, at
16 the election of the nonprofit organization, be refunded from the Trust Fund or
17 retained in the Trust Fund as part of the payments ~~which~~ that may be required
18 for the next calendar year.

19 (C) Payment of any bill rendered under subdivision (2) or
20 ~~subdivision~~ (3) of this subsection (c) shall be made not later than 30 days after
21 ~~the bill is mailed to the last known address of the nonprofit organization or is~~

1 otherwise delivered to it, unless there has been an application for
2 redetermination by the Commissioner or a petition for hearing before a referee
3 in accordance with subdivision (3)(E) of this subsection (c).

4 (D) Payments made by any nonprofit ~~corporation~~ organization under
5 the provisions of this section shall not be deducted or deductible, in whole or
6 in part, from the remuneration of individuals in the employ of the
7 organization.

8 (E)(i) The amount due specified in any bill from the Commissioner
9 shall be conclusive on the organization unless, not later than 30 days after the
10 date of the bill, the organization files an application for reconsideration by the
11 Commissioner, or a petition for a hearing before a referee, setting forth the
12 grounds for ~~such~~ the application or petition.

13 (ii) The Commissioner shall promptly review and reconsider the
14 amount due specified in the bill and shall thereafter issue a redetermination in
15 any case in which ~~such~~ an application for redetermination has been filed. Any
16 such redetermination shall be conclusive on the organization, unless, not later
17 than 30 days after the date of the redetermination, the organization files a
18 petition for a hearing before a referee, setting forth the grounds for the
19 petition.

20 (iii) Proceedings on the petition for a hearing before a referee on
21 ~~the amount of a bill rendered under this section or a redetermination of such~~

1 ~~the amount shall be in accordance with the provisions of section 1331 of this~~
2 title, and the decision of the referee shall be subject to the provisions of that
3 section. Review of the decision of the referee by the Employment Security
4 Board shall be in accordance with, and its decision shall be subject to, the
5 provisions of section 1332 of this title.

6 (F) Any employer, including the State of Vermont ~~which,~~ that makes
7 payments in lieu of contributions under this section shall be subject to the
8 provisions of sections 1314, 1322, 1328, 1329, 1334, and 1336 of this title as
9 follows:

10 (i) ~~that~~ The employer shall be liable for any reports as required by
11 the Commissioner ~~may require~~ pursuant to sections 1314 and 1322 of this
12 title;

13 (ii) ~~that~~ The employer shall be liable for any penalty imposed
14 pursuant to sections 1314 and 1328 of this title;

15 (iii) ~~that~~ The employer shall be liable for the same interest on past
16 due payments pursuant to subsection 1329(a) of this title;

17 (iv) ~~that~~ The employer shall be subject to a civil action for the
18 collection of past due payments as if those payments were contributions
19 pursuant to subsections 1329(b) and 1334(a) of this title; ~~and,~~

20 (v) ~~that~~ The employer shall be subject to ~~those~~ actions for the
21 ~~collection of past due payments as if those payments were contributions~~

1 ~~pursuant to subsections 1320(c) and (d) and 1324(b) and (c), and section 1326~~

2 of this title; however, those provisions shall not apply to the State of Vermont.

3 (4) Authority to terminate elections. If any nonprofit organization is
4 delinquent in making payments in lieu of contributions as required under this
5 subsection, the Commissioner may terminate ~~such~~ the organization's election
6 to make payments in lieu of contributions as of the beginning of the next
7 taxable year, and the termination shall be effective for that and the next taxable
8 year.

9 (5) Allocation of benefit costs.

10 (A) Each employer that is liable for payments in lieu of contributions
11 shall pay to the Commissioner for the Trust Fund the amount of regular
12 benefits plus the amount of one-half of extended benefits paid that are
13 attributable to service in the employ of ~~such~~ the employer.

14 (B) If benefits paid to an individual are based on wages paid by more
15 than one employer and one or more of ~~such~~ the employers are liable for
16 payments in lieu of contributions, the amount payable to the Trust Fund by
17 each employer that is liable for ~~such~~ payments in lieu of contributions shall be
18 ~~determined in accordance with subdivisions (5)(A) and (B) of this subsection~~

19 (e):

20 (A) ~~Proportionate allocation when fewer than all base-period~~

21 ~~employers are liable for reimbursement. If benefits paid to an individual are~~

1 ~~based on wages paid by one or more employers that are liable for payments in~~
2 ~~lieu of contributions and on wages paid by one or more employers who are~~
3 ~~liable for contributions, the amount of benefits payable by each employer that~~
4 ~~is liable for payments in lieu of contributions shall be an amount which that~~
5 ~~bears the same ratio to the total benefits paid to the individual as the total base-~~
6 ~~period wages paid to the individual by such the employer bear to the total~~
7 ~~base-period wages paid to the individual by all of his or her the individual's~~
8 ~~base-period employers.~~

9 ~~(B) Proportionate allocation when all base-period employers are~~
10 ~~liable for reimbursement. If benefits paid to an individual are based on wages~~
11 ~~paid by two or more employers that are liable for payments in lieu of~~
12 ~~contributions, the amount of benefits payable by each employer shall be an~~
13 ~~amount which bears the same ratio to the total benefits paid to the individual~~
14 ~~as the total base-period wages paid to the individual by the employer bear to~~
15 ~~the total base-period wages paid to the individual by all of his or her base-~~
16 ~~period employers.~~

17 ~~(6) Group accounts. Two or more employers that have become liable~~
18 ~~for payments in lieu of contributions, in accordance with the provisions of this~~
19 ~~section and section 1380 of this title, may file a joint application to the~~
20 ~~Commissioner for the establishment of a group account for the purpose of~~
21 ~~sharing the cost of benefits paid that are attributable to service in the employ~~

1 ~~of such the employers. Each application shall identify and authorize a group~~
2 representative to act as the group's agent for the purpose of this section. Upon
3 ~~his or her~~ approval of the application, the Commissioner shall establish a
4 group account for ~~sueh~~ the employers effective as of the beginning of the
5 calendar quarter in which ~~he or she~~ the Commissioner receives the application
6 and shall notify the group's representative of the effective date of the account.
7 The account shall remain in effect for not less than two years and thereafter
8 until terminated at the discretion of the Commissioner or upon application by
9 the group. Upon establishment of the account, each member of the group shall
10 be liable for payments in lieu of contributions with respect to each calendar
11 quarter in the amount that bears the same ratio to the total benefits paid in ~~sueh~~
12 the quarter that are attributable to service performed in the employ of all
13 members of the group as the total wages paid for service in employment by
14 ~~sueh~~ the member in ~~sueh~~ the quarter bear to the total wages paid during ~~sueh~~
15 the quarter for service performed in the employ of all members of the group.
16 The Board shall ~~prescribe regulations~~ adopt rules as it deems necessary with
17 respect to applications for establishment, maintenance, and termination of
18 group accounts that are authorized by this subdivision, for addition of new
19 members to, and withdrawal of active members from, such accounts, and for
20 the determination of the amounts that are payable under this section subsection
21 ~~by members of the group and the time and manner of sueh~~ the payments.

1 ~~(7) Notwithstanding any of the foregoing provisions of this section, any~~
2 ~~non-profit organization that prior to January 1, 1969, paid contributions~~
3 ~~required by this section, and, pursuant to subsection (c) of this section, elects~~
4 ~~within 30 days after January 1, 1972, to make payments in lieu of~~
5 ~~contributions, shall not be required to make any such payment on account of~~
6 ~~any regular or extended benefits paid, on the basis of wages paid by such~~
7 ~~organization to individuals for weeks of unemployment which begin on and~~
8 ~~after the effective date of the election until the total amount of benefits equals~~
9 ~~the amount (1) by which the contributions paid by the organization with~~
10 ~~respect to the two-year period before the effective date of the election under~~
11 ~~subsection (b) of this section exceed (2) the total amount of unemployment~~
12 ~~benefits paid for the same period that were attributable to service performed in~~
13 ~~the employ of the organization and were charged to the experience rating~~
14 ~~record of the organization. [Repealed.]~~

15 * * *

16 (f) Any employer who makes payments in lieu of contributions under the
17 provisions of this section is considered to be self-insuring and shall pay to the
18 Commissioner for the Unemployment Compensation Trust Fund such any
19 amounts as the Commissioner finds to be due under this chapter, including
20 benefits paid but denied on appeal or benefits paid in error which that cannot
21 be properly charged either against another employer who makes payments in

1 ~~in lieu of contributions or against the experience rating record of another~~
2 employer who pays contributions. Benefits improperly paid where repayment
3 by the claimant is ordered pursuant to subsection 1347(a) or (b) of this title
4 will be credited to the employer's account when repayment from the claimant
5 is actually received by the Commissioner.

6 Sec. 3. PROVISION OF SECURITY BY CURRENT REIMBURSABLE
7 EMPLOYERS

8 A nonprofit organization that is liable to make payments in lieu of
9 contributions pursuant to 21 V.S.A. § 1321(c) on July 1, 2023 shall, on or
10 before September 30, 2023, either execute and file with the Commissioner a
11 surety bond or deposit with the Commissioner money or another form of
12 security approved by the Commissioner in accordance with the provisions of
13 21 V.S.A. § 1321(c)(2)(G).

14 * * * Supplemental Unemployment Benefit Sunset * * *

15 Sec. 4. 2021 Acts and Resolves No. 183, Sec. 59(b)(6) is amended to read:

16 (6) Sec. 52g (prospective repeal of unemployment insurance benefit
17 increase) shall take effect upon the payment of a when the cumulative total
18 amount of additional benefits paid pursuant to 21 V.S.A. § 1338(e) when,
19 compared to the rate at which benefits would have been paid under the formula
20 set forth in 21 V.S.A. § 1338(e) on June 30, 2025 equal to \$92,000,000.00,
21 plus the difference between \$8,000,000.00 and the amount of additional

1 ~~benefits paid out pursuant to section 52b, if any, compared to the amount that~~
2 ~~would have been paid pursuant to the provisions of 21 V.S.A. § 1338(f)(1) on~~
3 ~~June 30, 2022, equals \$100,000,000.00 and shall apply to benefit weeks~~
4 ~~beginning after that date.~~

5 * * * Effective Date * *

6 Sec. 5. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2023.~~

Sec. 1. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

The following words and phrases as As used in this chapter, shall have the following meanings unless the context clearly requires otherwise:

** * **

(25) "Son," "daughter," and "child" include an individual's biological child, foster child, adoptive child, stepchild, a child for whom the individual is listed as a parent on the child's birth certificate, a legal ward of the individual, a child of the individual's spouse, or a child that the individual has day-to-day responsibilities to care for and financially support.

(26) "Spouse" includes an individual's domestic partner or civil union partner.

Sec. 2. 21 V.S.A. § 1301 is amended to read:

~~*§ 1301. DEFINITIONS*~~

~~As used in this chapter:~~

~~* * *~~

~~(5) "Employer" includes:~~

~~(A) Any employing unit which, after December 31, 1971 that in any calendar quarter in either the current or preceding calendar year paid for service in employment, as hereinafter defined pursuant to subdivision (6) of this section, wages of \$1,500.00 or more, or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment, as hereinafter defined, at least one individual (irrespective of whether the same individual was in employment in each such day). When an employing unit described in either this subdivision or subdivision (5)(B) of this section, becomes an employer within any calendar year, it shall be subject to this chapter for the whole of such the calendar year.~~

~~(B)(i) Any employing unit for which service in employment for a religious, charitable, educational, or other organization as defined in subdivision (6)(A)(ix) of this section is performed after December 31, 1971, except as provided in subdivision (5)(C) of this section.~~

~~* * *~~

~~(6)(A)(i) "Employment," subject to the other provisions of this subdivision (6), means service within the jurisdiction of this State, performed~~

~~prior to January 1, 1978, which was employment as defined in this subdivision
prior to such date and, subject to the other provisions of this subdivision,
service performed after December 31, 1977, performed by an employee, as
defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act,
including service in interstate commerce, performed for wages or under any
contract of hire, written or oral, expressed or implied. Services partly within
and partly without outside this State may by election as hereinbefore provided
in subdivision (5)(E)(i) of this section be treated as if wholly within the
jurisdiction of this State. And whenever If an employing unit shall have has
elected to come under the provisions of a similar act of a state where a part of
the services of an employee are performed, the Commissioner, upon his or her
approval of said approving the election as to any such the employee, may treat
the services covered by said approved the election as having been performed
wholly without outside the jurisdiction of this State.~~

~~***~~

~~(ix) The term "employment" shall also include service for any
employing unit which is performed after December 31, 1971 by an individual
in the employ of a religious, charitable, educational, or other organization, but
only if-~~

~~(I) the service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section subdivision 3306(c)(8) of that act; and~~

~~(II) the organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.~~

~~***~~

~~Sec. 3. 21 V.S.A. § 1321 is amended to read:~~

~~§ 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES~~

~~***~~

~~(c)(1) Financing benefits paid to employees of nonprofit organizations.~~

~~(A) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection (c).~~

~~(B) For the purposes of As used in this subsection (c), a "nonprofit organization" is means an organization (, or group of organizations), described in Section 501(c)(3) of the U.S. Internal Revenue Code which that is exempt from income tax under Section 501(a) of such the Internal Revenue Code.~~

~~(2) Liability for contributions and election of reimbursement. Any nonprofit organization which that, pursuant to subdivision 1301(5)(B)(i) of this title chapter, is, or becomes, subject to this chapter on or after January 1, 1972 shall pay contributions under the provisions of this section, unless it elects, in accordance with this subsection, to pay to the Commissioner, for the Unemployment Insurance Trust Fund, an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of ~~sueh~~ the nonprofit organization, to individuals for weeks of unemployment which that begin during the effective period of ~~sueh~~ the election.~~

~~(A) Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one calendar year beginning with January 1, 1972 provided it files with the Commissioner a written notice of its election within the 30-day period immediately following such date or within a like period immediately following April 16, 1971, whichever occurs later.~~
~~[Repealed.]~~

~~(B) Any nonprofit organization which that becomes subject to this chapter after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than 12 months beginning with the date on which such subjectivity begins by filing a written notice of its election~~

~~with the Commissioner not later than 30 days immediately following the date of the determination of such subjectivity that the organization is subject to this chapter.~~

~~(C) Any nonprofit organization which that makes an election in accordance with subdivisions (c)(2)(A) and subdivision (B) of this section will subdivision (c)(2) shall continue to be liable for payments in lieu of contributions until it files with the Commissioner a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such the termination shall first be effective.~~

~~(D) Any nonprofit organization which that has been paying contributions under this chapter for a period subsequent to January 1, 1972 may change to a reimbursable basis elect to become liable for payments in lieu of contributions by filing with the Commissioner not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such An election under this subdivision (c)(2)(D) shall not be terminable by the organization for that year and the next year.~~

~~(E) The Commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.~~

~~(E) The Commissioner, in accordance with such any applicable rules as adopted by the Board may prescribe, shall notify each nonprofit organization of any determination which he or she may make of that the Commissioner makes with regard to its status as an employer and of the effective date of any election which it that the organization makes and of any termination of such an election. ~~Such~~ The determinations shall be subject to reconsideration and to appeal and review in accordance with the provisions of section 1337a of this title.~~

~~(3) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this subdivision, including either subdivision (A) or ~~subdivision~~ (B).~~

~~(A) At the end of each calendar quarter, or at the end of any other period as determined by the Commissioner, the Commissioner shall bill each nonprofit organization, or group of ~~such nonprofit~~ organizations, which that has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during ~~such~~ the quarter or other prescribed period that is attributable to service in the employ of ~~such~~ the organization.~~

~~(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make ~~such~~ payments as provided in this subdivision (C)(D). ~~Such method of payment~~ Payment pursuant to the~~

~~provisions of this subdivision (c)(3)(B) shall become effective upon approval of the Commissioner:~~

~~(ii) At the end of each calendar quarter, the Commissioner shall bill each nonprofit organization approved to make payments pursuant to the provisions of this subdivision (c)(3)(B) for an amount representing one of the following:~~

~~(I) For 1972, two-tenths of one percent of its total payroll for 1971.~~

~~(II) For years after 1972, such a percentage of its total payroll for the immediately preceding calendar year as that the Commissioner shall determine. The determination shall be determines to be appropriate based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.~~

~~(III) For The Commissioner may determine a different rate for any organization which that did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during that year as the Commissioner shall determine.~~

~~(iii) At the end of each calendar year, the Commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.~~

~~(iv) At the end of each calendar year, the Commissioner shall determine whether the total of payments for ~~such~~ the year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during ~~such~~ the taxable year based on wages attributable to service in the employ of ~~such~~ the organization. Each nonprofit organization whose total payments for ~~such~~ the year are less than the amount so determined shall be liable for payment of the unpaid balance to the Trust Fund in accordance with subdivision (3)(C) of this subsection (c). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess shall, at the election of the nonprofit organization, be refunded from the Trust Fund or retained in the Trust Fund as part of the payments ~~which~~ that may be required for the next calendar year.~~

~~(C) Payment of any bill rendered under subdivision (2) or subdivision (3) of this subsection (c) shall be made not later than 30 days after the bill is mailed to the last known address of the nonprofit organization or is otherwise delivered to it, unless there has been an application for redetermination by the Commissioner or a petition for hearing before a referee in accordance with subdivision (3)(E) of this subsection (c).~~

~~(D) Payments made by any nonprofit corporation organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.~~

~~(E)(i) The amount due specified in any bill from the Commissioner shall be conclusive on the organization unless, not later than 30 days after the date of the bill, the organization files an application for reconsideration by the Commissioner, or a petition for a hearing before a referee, setting forth the grounds for ~~such~~ the application or petition.~~

~~(ii) The Commissioner shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which ~~such~~ an application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than 30 days after the date of the redetermination, the organization files a petition for a hearing before a referee, setting forth the grounds for the petition.~~

~~(iii) Proceedings on the petition for a hearing before a referee on the amount of a bill rendered under this section or a redetermination of ~~such~~ the amount shall be in accordance with the provisions of section 1331 of this title, and the decision of the referee shall be subject to the provisions of that section. ~~Review of the decision of the referee by the Employment Security~~~~

~~Board shall be in accordance with, and its decision shall be subject to, the provisions of section 1332 of this title.~~

~~(F) Any employer, including the State of Vermont which, that makes payments in lieu of contributions under this section shall be subject to the provisions of sections 1314, 1322, 1328, 1329, 1334, and 1336 of this title as follows:~~

~~(i) that The employer shall be liable for any reports as required by the Commissioner ~~may require~~ pursuant to sections 1314 and 1322 of this title;~~

~~(ii) that The employer shall be liable for any penalty imposed pursuant to sections 1314 and 1328 of this title;~~

~~(iii) that The employer shall be liable for the same interest on past due payments pursuant to subsection 1329(a) of this title;~~

~~(iv) that The employer shall be subject to a civil action for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(b) and 1334(a) of this title; ~~and~~~~

~~(v) that The employer shall be subject to those actions for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(c) and (d), and 1334(b) and (c), and section 1336 of this title; however, those provisions shall not apply to the State of Vermont.~~

~~(4) Authority to terminate elections. If any nonprofit organization is delinquent in making payments in lieu of contributions as required under this subsection, the Commissioner may terminate such the organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and the termination shall be effective for that and the next taxable year.~~

~~(5) Allocation of benefit costs.~~

~~(A) Each employer that is liable for payments in lieu of contributions shall pay to the Commissioner for the Trust Fund the amount of regular benefits plus the amount of one half of extended benefits paid that are attributable to service in the employ of such the employer.~~

~~(B) If benefits paid to an individual are based on wages paid by more than one employer and one or more of such the employers are liable for payments in lieu of contributions, the amount payable to the Trust Fund by each employer that is liable for such payments in lieu of contributions shall be determined in accordance with subdivisions (5)(A) and (B) of this subsection (c):~~

~~(A) Proportionate allocation when fewer than all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are~~

~~liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which that bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by ~~such~~ the employer bear to the total base-period wages paid to the individual by all of his or her the individual's base-period employers.~~

~~(B) Proportionate allocation when all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by the employer bear to the total base-period wages paid to the individual by all of his or her base-period employers.~~

~~(6) Group accounts. Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of this section and section 1380 of this title, may file a joint application to the Commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of ~~such~~ the employers. Each application shall identify and authorize a group representative to act as the group's agent for the purpose of this section. Upon~~

~~his or her approval of the application, the Commissioner shall establish a group account for ~~such~~ the employers effective as of the beginning of the calendar quarter in which ~~he or she~~ the Commissioner receives the application and shall notify the group's representative of the effective date of the account. The account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Commissioner or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in ~~such~~ the quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by ~~such~~ the member in ~~such~~ the quarter bear to the total wages paid during ~~such~~ the quarter for service performed in the employ of all members of the group. The Board shall ~~prescribe regulations~~ adopt rules as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this ~~section~~ subsection by members of the group and the time and manner of ~~such~~ the payments.~~

~~(7) Notwithstanding any of the foregoing provisions of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by this section, and, pursuant to subsection (c) of this section, elects within 30 days after January 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on and after the effective date of the election until the total amount of benefits equals the amount (1) by which the contributions paid by the organization with respect to the two-year period before the effective date of the election under subsection (b) of this section exceed (2) the total amount of unemployment benefits paid for the same period that were attributable to service performed in the employ of the organization and were charged to the experience rating record of the organization. [Repealed.]~~

~~***~~

~~(f) Any employer who makes payments in lieu of contributions under the provisions of this section is considered to be self-insuring and shall pay to the Commissioner for the Unemployment Compensation Trust Fund such any amounts as the Commissioner finds to be due under this chapter, including benefits paid but denied on appeal or benefits paid in error which that cannot be properly charged either against another employer who makes payments in~~

~~lieu of contributions on against the experience rating record of another employer who pays contributions. Benefits improperly paid where repayment by the claimant is ordered pursuant to subsection 1347(a) or (b) of this title will be credited to the employer's account when repayment from the claimant is actually received by the Commissioner.~~

~~Sec. 4. NONPROFIT AND MUNICIPAL REIMBURSABLE EMPLOYERS;~~

~~EDUCATION; OUTREACH~~

~~(a) On or before October 1, 2023, the Commissioner of Labor, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall develop information and education materials for nonprofit and municipal employers regarding the unemployment insurance system. At a minimum, the materials shall:~~

~~(1) explain the options available to nonprofit and municipal employers, including paying regular unemployment insurance contributions, reimbursing the Unemployment Insurance Trust Fund for attributable unemployment insurance costs, and, with respect to nonprofit employers, quarterly payments of estimated unemployment insurance costs;~~

~~(2) identify the potential benefits and drawbacks of each of the options identified in subdivision (1) of this subsection,~~

~~(3) provide information on how a nonprofit or municipal employer can evaluate its potential liability under each of the options identified in subdivision (1) of this subsection;~~

~~(4) provide information developed by the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders regarding how a nonprofit or municipal employer can plan and budget for the potential expenses associated with each of the options identified in subdivision (1) of this subsection; and~~

~~(5) provide additional information regarding the Unemployment Insurance program and related laws that the Commissioner determines, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, to be helpful or necessary for nonprofit and municipal employers.~~

~~(b)(1) The informational and educational materials developed pursuant to subsection (a) of this section shall be made available on the Department's website and shall, in coordination with the Secretary of State, Common Good Vermont, United Way of Northwest Vermont, the Vermont League of Cities and Towns, and other interested stakeholders, be shared directly with Vermont nonprofit and municipal employers to the extent practicable.~~

~~(2) The Secretary of State shall assist the Commissioner of Labor in identifying and contacting all active Vermont nonprofit employers. The Office~~

~~of the Secretary of State shall also make available on its website a link to the information and educational materials provided on the Department of Labor's website pursuant to this section.~~

~~(c) The Department of Labor, in collaboration with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall hold one or more informational sessions to present the materials and information developed pursuant to subsection (a) of this section to nonprofit employers and municipal employers. At least one session shall be held on or before November 1, 2023. Each session shall allow for both in-person and remote participation and shall be recorded. Recordings shall be made available to the public and to stakeholder organizations for distribution to their members.~~

~~Sec. 5. 2021 Acts and Resolves No. 183, Sec. 52(b)(6) is amended to read:~~

~~(6) Sec. 52g (prospective repeal of unemployment insurance benefit increase) shall take effect upon the payment of a when the cumulative total amount of additional benefits paid pursuant to 21 V.S.A. § 1338(e) when, compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2025, equal to \$92,000,000.00, plus the difference between \$8,000,000.00 and the amount of additional benefits paid out pursuant to section 52b, if any, compared to the amount that would have been paid pursuant to the provisions of 21 V.S.A.~~

~~§ 1228(4)(1) on June 30, 2022, equals \$100,000,000.00 and shall apply to benefit weeks beginning after that date.~~

Sec. 6. UNEMPLOYMENT DUE TO URGENT, COMPELLING, OR NECESSITOUS CIRCUMSTANCES; COVERAGE; IMPACT; REPORT

(a) On or before January 15, 2024, the Commissioner of Labor shall submit a written report prepared in consultation with the Joint Fiscal Office to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential impact of extending eligibility for unemployment insurance benefits to individuals who separate from employment due to urgent, compelling, or necessitous circumstances, including the individual's injury or illness, to obtain or recover from medical treatment, to escape domestic or sexual violence, to care for a child following an unexpected loss of child care, or to care for an ill or injured family member.

(b) The report shall include:

(1) a list of states in which individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are eligible for unemployment insurance and shall identify the specific circumstances for separation from employment in each identified state for

~~which there is no waiting period or period of disqualification related to the
circumstance;~~

~~(2) information, to the extent it is available, regarding the number of
approved claims in the states identified pursuant to subdivision (1) of this
subsection where the individual separated from employment due to
circumstances similar to those described in subsection (a) of this section;~~

~~(3) an estimate of the projected range of additional approved claims per
year in Vermont if individuals who separate from employment due to
circumstances similar to those described in subsection (a) of this section are
made eligible for unemployment insurance;~~

~~(4) an estimate of the range of potential impacts on the Unemployment
Insurance Trust Fund of making individuals who separate from employment
due to circumstances similar to those described in subsection (a) of this section
eligible for unemployment insurance; and~~

~~(5) any recommendations for legislative action.~~

Sec. 7. DOMESTIC AND SEXUAL VIOLENCE SURVIVORS'

*TRANSITIONAL EMPLOYMENT PROGRAM; UTILIZATION;
REPORT*

~~On or before January 15, 2024, the Commissioner of Labor shall submit a
written report to the House Committee on Commerce and Economic
Development and the Senate Committee on Economic Development, Housing~~

~~and General Affairs regarding the utilization of the Domestic and Sexual Violence Survivors' Transitional Employment Program. The report shall include information regarding the utilization of the Program during the past 10 years, a summary of the Department's efforts to make members of the public aware of the Program and improve access to it, how the identified changes have impacted utilization of the Program in comparison to prior years, any potential ways to further increase awareness and utilization of the Program, and any suggestions for legislative action to improve awareness or utilization of the Program.~~

~~Sec. 8. 21 V.S.A. § 1256 is added to read:~~

~~§ 1256. NOTIFICATION TO THE PUBLIC~~

~~The Department shall take reasonable measures to provide information to the public about the Program, including publishing information on the Department's website and providing timely materials related to the Program to public agencies of the State and organizations that work with domestic and sexual violence survivors, including law enforcement, State's Attorneys, community justice centers, the Center for Crime Victim Services, the Vermont Network Against Domestic and Sexual Violence (the Network), and any others deemed appropriate by the Commissioner in consultation with the Network.~~

~~Sec. 9. EFFECTIVE DATES~~

~~(a) This section and Secs. 1, 2, 4, 5, 6, 7, and 8 shall take effect on July 1, 2023.~~

~~(b) Sec. 2 shall take effect on July 1, 2024.~~

** * * Unemployment Insurance * * **

Sec. 1. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

** * **

(2) If an individual's unemployment is directly caused by a major disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an

~~employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of ~~four~~ 10 weeks.~~

~~***~~

~~Sec. 2. 21 V.S.A. § 1347 is amended to read:~~

~~§ 1347. NONDISCLOSURE OR MISREPRESENTATION;~~

~~OVERPAYMENTS; WAIVER~~

~~***~~

~~(e) In addition to the foregoing, when it is found by the Commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her the person's claim for benefits and in the event the person is not prosecuted, the Commissioner may prosecute the person under section 1368 of this title and penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for such number of weeks not exceeding 26 as the Commissioner shall deem just. The notice of determination shall also specify the period of disqualification imposed hereunder.~~

~~(f)(1) Notwithstanding any provision of subsection (a), (b), or (d) of this section to the contrary, the Commissioner may waive up to the full amount of~~

~~any overpayment that is not a result of the person's intentional
misrepresentation of or failure to disclose a material fact if:~~

~~(A) the overpayment occurs through no fault of the person; and~~

~~(B) recovery of the overpayment would be against equity and good
conscience.~~

~~(2) A person may request a waiver of an overpayment at any time after
receiving notice of a determination pursuant to subsection (a) or (b) of this
section.~~

~~(3) Upon making a determination that an overpayment occurred
pursuant to subsection (a) or (b) of this section, the Commissioner shall, to the
extent possible and in consideration of the information available to the
Department, determine whether waiver of the amount of overpaid benefits is
appropriate.~~

~~(4) The Commissioner shall provide notice of the right to request a
waiver of an overpayment with each determination that an overpayment has
occurred. The notice shall include clear instructions regarding the
circumstances under which a waiver may be granted and how a person may
apply for a waiver.~~

~~(5) If the Commissioner denies an application for a waiver, the
Commissioner shall provide written notice of.~~

~~(A) the denial with enough information to ensure that the person can understand the reason for the denial; and~~

~~(B) the person's right to appeal the determination pursuant to subsection (h) of this section.~~

~~(6)(A) A person whose request to waive an overpayment pursuant to this subsection has been denied pursuant to subdivision (5) of this subsection (f) and whose rights to appeal the denial pursuant to subsection (h) have been exhausted shall be permitted to submit an additional request to waive the overpayment if the person can demonstrate a material change in the person's circumstances such that recovery of the overpayment would be against equity and good conscience.~~

~~(B) The Commissioner may dismiss a request to waive an overpayment that is submitted pursuant to this subdivision (6) if the Commissioner finds that there is no material change in the person's circumstances such that recovery of the overpayment would be against equity and good conscience. The Commissioner's determination pursuant to this subdivision (6) shall be final and shall not be subject to appeal.~~

~~(7) In the event that an overpayment is waived on appeal, the Commissioner shall, as soon as practicable, refund any amounts collected or withheld in relation to the overpayment pursuant to the provisions of this section.~~

~~(g) The provisions of subsection (f) of this section shall, to the extent permitted by federal law, apply to overpayments made in relation to any federal unemployment insurance benefits or similar federal benefits.~~

~~(h) Interested parties shall have the right to appeal from any determination under this section, and the same procedure shall be followed as provided for in subsection 1348(a) and section 1349 of this title.~~

~~(i) The Commissioner shall not attempt to recover an overpayment or withhold any amounts of unemployment insurance benefits from a person:~~

~~(1) until after the Commissioner has made a final determination regarding whether an overpayment of benefits to the person occurred and the person's right to appeal the determination has been exhausted; or~~

~~(2) if the person filed an application for a waiver, until after the Commissioner has made an initial determination regarding the application.~~

~~(j)(1) The Commissioner shall provide any person who received an overpayment of benefits and is not currently receiving benefits pursuant to this chapter with the option of entering into a plan to repay the amount of the overpayment. The plan shall provide for reasonable weekly, biweekly, or monthly payments in an amount that permits the person to continue to afford the person's ordinary living expenses.~~

~~(2) The Commissioner shall permit a person to request a modification to a repayment plan created pursuant to this subsection if the person's ability to afford ordinary living expenses changes.~~

Sec. 3. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION;
OVERPAYMENTS; WAIVER

* * *

~~(d) In any case in which under this section a person is liable to repay any amount to the Commissioner for the Fund, the Commissioner may withhold, in whole or in part, any future benefits payable to such the person, in amounts equal to not more than 50 percent of the person's weekly benefit amount, and credit such the withheld benefits against the amount due from such the person until it is repaid in full, less any penalties assessed under subsection (c) of this section.~~

* * *

Sec. 4. WAIVER OF UI OVERPAYMENT; RULEMAKING

On or before November 1, 2024, the Employment Security Board shall commence rulemaking and file proposed rule amendments pursuant to 3 V.S.A. § 838 as necessary to implement the provisions of Sec. 2 of this act, amending 21 V.S.A. § 1347.

~~Sec. 5. 21 V.S.A. § 1368 is amended to read:~~

~~§ 1368. FALSE STATEMENTS TO INCREASE PAYMENTS~~

~~(a) A person shall not willfully and who intentionally make makes a false statement or representation to obtain ~~or~~ increase, or initiate any benefit or other payment under this chapter, ~~either for himself, herself, whether for themselves or any other person, shall, after notice and an opportunity for a hearing, be:~~~~

~~(1) liable to repay the amount of overpaid benefits and any applicable penalty imposed pursuant to section 1347 of this chapter;~~

~~(2) assessed a further administrative penalty of up to \$5,000.00; and~~

~~(3) ineligible to receive benefits pursuant to this chapter for a period of up to five years from the date on which the false statement or representation was discovered.~~

~~(b) Interested parties shall have the right to appeal from any determination under this section and the same procedure shall be followed as provided for in subsection 1348(a) and section 1349 of this chapter.~~

~~(c) The Commissioner may collect an unpaid administrative penalty by filing a civil action in the Superior Court.~~

~~*** Unemployment Insurance Technical Corrections ***~~

~~Sec. 6. 21 V.S.A. § 1301 is amended to read:~~

~~§ 1301. DEFINITIONS~~

~~As used in this chapter:~~

~~***~~

~~(3) “Contributions” means the money payments to the State Unemployment Compensation Trust Fund required by this chapter.~~

~~***~~

~~(25) ~~“Son,” “daughter,” and “child” include~~ “Child” includes an individual’s biological child, foster child, adoptive child, stepchild, a child for whom the individual is listed as a parent on the child’s birth certificate, a legal ward of the individual, a child of the individual’s spouse, or a child that the individual has day-to-day responsibilities to care for and financially support.~~

~~***~~

~~Sec. 7. 21 V.S.A. § 1321(d) is amended to read:~~

~~(d) Financing benefits paid to employees of State. In lieu of contributions required of employers subject to this chapter, the State of Vermont, including State hospitals but excluding any State institution of higher education, shall pay to the Commissioner, for the Unemployment Compensation Trust Fund, an amount equal to the amount of benefits paid, including the full amount of ~~extended benefits paid, attributable to service by individuals in the employ of~~~~

~~the State. At the end of each calendar quarter, or at the end of any other period as determined by the Commissioner; the Commissioner shall bill the State for the amount of benefits paid during such the quarter or other prescribed period that is attributable to service in the employ of the State. Subdivisions (c)(3)(C) through (3)(F), inclusive, and subdivisions (c)(5) and (6) of this section as they apply to nonprofit organizations shall also apply to the State of Vermont, except that the State shall be liable for all benefits paid, including the full amount of extended benefits paid, attributable to service in the employ of the State.~~

~~Sec. 8. 21 V.S.A. § 1361 is amended to read:~~

~~§ 1361. MANAGEMENT OF FUNDS UPON DISCONTINUANCE OF
UNEMPLOYMENT TRUST FUND~~

~~The provisions of sections 1358–1360 of this title subchapter to the extent that they relate to the federal Unemployment Trust Fund, shall be operative only ~~so long as such~~ if the federal Unemployment Trust Fund continues to exist and ~~so long as the~~ U.S. Secretary of the Treasury continues to maintain for this State a separate book account of all Funds deposited ~~therein~~ in the federal Unemployment Trust Fund by this State for benefit purposes, together with this State's proportionate share of the earnings of ~~such~~ the Unemployment Trust Fund, from which only the Commissioner of Labor is permitted to make ~~withdrawals. If and when such Unemployment Trust Fund shall~~ federal law no~~

~~longer be required by the laws of the United States requires the federal Unemployment Trust Fund to be maintained as aforesaid as a condition of approval of this chapter as provided in Title III of the Social Security Act, then all monies, properties, or securities therein in the federal Unemployment Trust Fund, belonging to the Unemployment Compensation Trust Fund of this State, shall be transferred to the treasurer of the Unemployment Compensation Trust Fund, who shall hold, invest, transfer, sell, deposit, and release such the monies, properties, or securities in a manner approved by the Commissioner and appropriate for trust funds, subject to all claims for benefits under this chapter.~~

~~Sec. 9. 21 V.S.A. § 1362 is amended to read:~~

~~§ 1362. UNEMPLOYMENT COMPENSATION ADMINISTRATION~~

~~FUND~~

~~There is hereby created the The Unemployment Compensation Administration Fund is created to consist of all monies received by the State or by the Commissioner for the administration of this chapter. This special fund The Unemployment Compensation Administration Fund shall be a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5. The Unemployment Compensation Administration Fund shall be handled through the State Treasurer as other State monies are handled, but it shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor for~~

~~the proper and efficient administration of such this chapter and its balance~~
~~shall not lapse at any time but shall remain continuously available to the~~
~~Commissioner for expenditures consistent herewith with the provisions of this~~
~~section. All federal monies allotted or apportioned to the State by the~~
~~Secretary of Labor; or other agency, for the administration of this chapter shall~~
~~be paid into the Unemployment Compensation Administration Fund and are~~
~~hereby appropriated to ~~such~~ the Unemployment Compensation Administration~~
~~Fund.~~

~~Sec. 10. 21 V.S.A. § 1365 is amended to read:~~

~~§ 1365. CONTINGENT FUND~~

~~(a) There is hereby created a special fund to be known as the Contingent~~
~~Fund. All interest, fines, and penalties collected under the provisions of ~~the~~~~
~~~~unemployment compensation law after April 1, 1947~~ this chapter, together~~  
~~with any voluntary contributions tendered as a contribution to ~~this~~ the~~  
~~Contingent Fund, shall be paid into ~~this~~ the Contingent Fund. ~~Such~~ The~~  
~~monies shall not be expended or available for expenditures in any manner~~  
~~~~which~~ that would permit their substitution for; or a corresponding reduction in,~~  
~~federal funds ~~which~~ that would in the absence of ~~such~~ the monies be available~~
~~to finance expenditures for the administration of the unemployment~~
~~compensation law.~~

~~(b) But nothing in this chapter shall prevent such the monies from being used as a revolving fund to cover expenditures, necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such the expenditures against such the funds when received.~~

~~(c) The monies in this the Contingent Fund shall be used by the Commissioner for the payment of costs of administration which that are found not to have been properly and validly chargeable against federal grants, or other funds, received for or in the Unemployment Compensation Administration Fund on or after January 1, 1947. No expenditure of the Contingent Fund shall be made unless and until the Commissioner finds that no other funds are available or can properly be used to finance such the expenditures.~~

~~(d) The State Treasurer shall co-sign all expenditures from this the Contingent Fund authorized by the Commissioner.~~

~~(e) The monies in this the Contingent Fund are hereby specifically made available to replace, within a reasonable time, any monies received by this State pursuant to section 302 of the federal Social Security Act, as amended, which 42 U.S.C. § 502 that because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of,~~

~~those necessary for the proper administration of the unemployment compensation law.~~

~~(f) The monies in this the Contingent Fund shall be continuously available to the Commissioner for expenditure in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund except as herein provided pursuant to this section.~~

~~(g) ~~Provided, however that on~~ On December 31 of each year, all monies in excess of \$10,000.00 in ~~this~~ the Contingent Fund shall be transferred to the Unemployment Compensation Trust Fund. On or before March 31 of each year, an audit of ~~this~~ the Contingent Fund ~~will~~ shall be completed and a report of that audit ~~will~~ shall be made public.~~

~~(h) In the event that a refund of interest, a fine, or a penalty is found necessary, and ~~such~~ the interest, fine, or penalty has been deposited in the Contingent Fund, ~~such~~ the refund shall be made from ~~the~~ Contingent Fund.~~

~~*** Workers' Compensation ***~~

~~Sec. 11. 2023 Acts and Resolves No. 76, Sec. 38 is amended to read:~~

~~Sec. 38. ADOPTION OF RULES~~

~~The Commissioner of Labor shall, on or before July 1, 2024, adopt rules as necessary to implement the provisions of Secs. 29, 30, 31, 32, 33, 34, ~~35~~, 36, ~~and 37~~, and ~~38~~ of this act.~~

~~Sec. 12-21 VS 4, § 601 is amended to read:~~

~~§ 601. DEFINITIONS~~

~~As used in this chapter:~~

~~* * *~~

~~(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.~~

~~* * *~~

~~(1)(i) In the case of police officers, rescue or ambulance workers, ~~or~~ firefighters, or State employees, as that term is defined pursuant to subdivision (iii)(VI) of this subdivision (11)(I), post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.~~

~~(ii) A police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee who is diagnosed with post-traumatic stress disorder within three years ~~of following~~ the last active date of employment as a police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee shall be eligible ~~for benefits under this subdivision (11).~~~~

~~(iii) As used in this subdivision (II)(I):~~

~~(I) “Classified employee” means an employee in the classified service, as defined pursuant to 3 V.S.A. § 311.~~

~~(II) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).~~

~~(H)(III) “Mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed to provide mental health care services and for whom diagnoses of mental conditions are within his or her the person’s scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.~~

~~(H)(IV) “Police officer” means a law enforcement officer who has been certified by the Vermont Criminal Justice Council pursuant to 20 V.S.A. chapter 151.~~

~~(H)(V) “Rescue or ambulance worker” means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.~~

~~(VI) “State employees” means:~~

~~(aa) facility employees of the Department of Corrections,~~

~~(bb) employees of the Department of Corrections who provide direct security or treatment services to offenders under supervision in the community;~~

~~(cc) classified employees of State-operated therapeutic community residences or inpatient psychiatric hospital units;~~

~~(dd) classified employees of public safety answering points;~~

~~(ee) classified employees of the Family Services Division of the Department for Children and Families;~~

~~(ff) classified employees of the Vermont Veterans' Home;~~

~~(gg) classified employees of the Department of State's Attorneys and Sheriffs, State's Attorneys, and employees of the Department of State's Attorneys and Sheriffs who are assigned to a State's Attorney's field office; and~~

~~(hh) classified employees in the Criminal Division of the Attorney General's Office.~~

* * *

Sec. 13. SURVEY OF FIRE DEPARTMENTS; REPORT

~~(a) The Executive Director of the Division of Fire Safety shall conduct an annual survey of Vermont municipal fire departments and private volunteer fire departments during calendar years 2025, 2027, and 2029 regarding the~~

~~following information, to the extent such information is available to the departments:~~

~~(1) the number of firefighters in the department;~~

~~(2) the number of firefighters in the department who use tobacco products; and~~

~~(3) for each firefighter in the department, the firefighter's:~~

~~(A) age;~~

~~(B) gender;~~

~~(C) position or rank in the department;~~

~~(D) if a professional firefighter, the date of hire, and if a volunteer firefighter, the date on which service in the department began;~~

~~(E) the period of employment or service with the department;~~

~~(F) if the firefighter's employment or service with the department terminated during the previous 24 months, the date on which the employment or service terminated;~~

~~(G) if a professional firefighter, the annual salary or hourly wage paid by the department;~~

~~(H) if a volunteer firefighter, the annual salary or hourly wage paid by the volunteer firefighter's regular employment; and~~

~~(I) the number of fires responded to during the previous 24 months.~~

~~(b)(1) Except as provided pursuant to subsection (c) of this section, all information obtained as part of the surveys conducted pursuant to subsection (a) of this section shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.~~

~~(2) The reports prepared pursuant to subsection (c) of this section shall present the results of the surveys conducted pursuant to subsection (a) of this section in an aggregated and anonymized manner and shall not include personally identifying information for any firefighter.~~

~~(c) On or before December 15 of 2025, 2027, and 2029, the Executive Director shall report to the Commissioner of Financial Regulation, the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development regarding the results of the survey.~~

**Sec. 14. FIREFIGHTERS' WORKERS' COMPENSATION CLAIMS FOR
CANCER; ANNUAL REPORT**

~~(a) The Commissioner of Financial Regulation shall, on or before February 1 of 2026, 2028, and 2030, report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development regarding:~~

~~(1) the number of workers' compensation claims for cancer that were submitted by Vermont firefighters in the previous 24 months,~~

~~(2) the number and percentage of those claims that were approved;~~

~~(3) the types of cancer for which the claims were submitted; and~~

~~(4) national trends with respect to workers' compensation claims for cancer submitted by firefighters during the previous 24 months, including, to the extent that information is available, the number of claims filed, the rate of claim approval, and, to the extent information is available, the types of cancer for which claims were submitted.~~

~~(b) All workers' compensation insurers doing business in Vermont shall report to the Commissioner of Financial Regulation, in a time and manner specified by the Commissioner:~~

~~(1) the number of workers' compensation claims for cancer that were received by the insurer from Vermont firefighters;~~

~~(2) the number of those claims that were approved; and~~

~~(3) the types of cancer for which the claims were submitted.~~

~~(c) The February 1, 2030 report required pursuant to subsection (a) of this section shall, in addition to setting forth the information required pursuant to subsection (a):~~

~~(1) aggregate and summarize the data required pursuant to subsection (a) for the preceding six years;~~

~~(2) compare the incidence of cancer among firefighters in Vermont to the incidence of cancer among firefighters nationally, and~~

~~(3) include a recommendation regarding any legislative action needed to better address the occurrence of cancer among firefighters in Vermont.~~

~~Sec. 15. DIVISION OF FIRE SAFETY; FIRE DEPARTMENTS;~~

~~SUBSIDY FOR ANNUAL CANCER SCREENING~~

~~(a) The Division of Fire Safety shall subsidize the cost of providing cancer screening to Vermont professional and volunteer firefighters, as well as all enrollees in the Vermont Fire Academy Firefighter I program, during fiscal year 2025 to the extent that funds are appropriated for that purpose.~~

~~(b)(1) Cancer screening subsidized pursuant to this section shall consist of:~~

~~(A) a multi-cancer early detection blood test;~~

~~(B) an ultrasound of vital organs, including abdominal aorta, thyroid, liver, gallbladder, spleen, bladder, kidney, testicles for males, and exterior pelvis for females; and~~

~~(C) any additional screening that the Executive Director determines to be appropriate.~~

~~(2) The Executive Director shall determine the specific types of screening tests to subsidize pursuant to the provision of this section in consultation with appropriate licensed medical professionals.~~

~~(c) The Executive Director may utilize the funds appropriated pursuant to subsection (a) of this section to.~~

~~(1) provide grants to fire departments to subsidize the cost of cancer screening; or~~

~~(2) contract directly with one or more entities to provide cancer screening to fire departments at a discounted rate; or~~

~~(3) both.~~

~~*** Unpaid Medical Leave ***~~

~~Sec. 16. 21 V.S.A. § 471 is amended to read:~~

~~§ 471. DEFINITIONS~~

~~As used in this subchapter:~~

~~***~~

~~(3) "Family leave" means a leave of absence from employment by an employee who works for an employer which ~~which~~ that employs 15 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

~~(A) the serious ~~illness~~ health condition of the employee; or~~

~~(B) the serious ~~illness~~ health condition of the employee's child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse.~~

~~(4) "Health care provider" means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.~~

~~(5) "Parental leave" means a leave of absence from employment by an employee who works for an employer which that employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

~~* * *~~

~~(5)(6) "Serious illness health condition" means:~~

~~(A) an accident, illness, injury, disease, or physical or mental condition that:~~

~~(A)(i) poses imminent danger of death;~~

~~(B)(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or~~

~~(C)(iii) requires continuing in-home care under the direction of treatment by a physician health care provider; or~~

~~(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (6), including treatment for substance use disorder.~~

~~Sec. 17. 21 V.S.A. § 472 is amended to read:~~

~~§ 472. LEAVE~~

~~(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:~~

~~(2) for family leave, for the serious illness health condition of the employee or the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse.~~

~~* * *~~

~~(e)(1) An employee shall give reasonable written notice of intent to take leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.~~

~~(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.~~

~~(3) In the case of a serious illness health condition of the employee or a member of the employee's family, an employer may require certification from a physician health care provider to verify the condition and the amount and necessity for the leave requested.~~

~~(4) An employee may return from leave earlier than estimated upon approval of the employer.~~

~~(5) An employee shall provide reasonable notice to the employer of his ~~or her~~ the need to extend leave to the extent provided by this ~~chapter~~ subchapter.~~

~~(b) Except for serious illness health condition of the employee, an employee who does not return to employment with the employer who provided the leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments for accrued sick leave or vacation leave.~~

~~*** Baby Bonds Trust Program ***~~

~~Sec. 18. 3 V.S.A. chapter 20 is added to read:~~

~~CHAPTER 20. VERMONT BABY BOND TRUST~~

~~§ 601. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) “Designated beneficiary” means an individual born on or after July 1, 2024 who was eligible at birth for coverage in the Dr. Dynasaur program established in accordance with Title XIX (Medicaid) and Title XXI (SCHIP) of the Social Security Act or for coverage available pursuant to 33 V.S.A. chapter 19, subchapter 9.~~

~~(2) “Eligible expenditure” means an expenditure associated with any of the following, each as prescribed by the Treasurer:~~

~~(A) education of a designated beneficiary;~~

~~(B) purchase of a dwelling unit or real property in Vermont by a designated beneficiary,~~

~~(C) investment in a business in Vermont by a designated beneficiary;~~

~~or~~

~~(D) investment or rollover in a qualified retirement account, Section 529 account, or Section 529A account established for the benefit of a designated beneficiary.~~

~~(3) "Trust" means the Vermont Baby Bond Trust established by this chapter.~~

~~§ 602. VERMONT BABY BOND TRUST; ESTABLISHMENT~~

~~(a) There is established the Vermont Baby Bond Trust, to be administered by the Office of the State Treasurer. The Trust shall constitute an instrumentality of the State and shall perform essential governmental functions as provided in this chapter. The Trust shall receive and hold until disbursed in accordance with section 607 of this title all payments, deposits, and contributions intended for the Trust; as well as gifts, bequests, and endowments; federal, State, and local grants; any other funds from any public or private source; and all earnings on these funds.~~

~~(b)(1) The amounts on deposit in the Trust shall not constitute property of the State, and the Trust shall not be construed to be a department, institution, or agency of the State. Amounts on deposit in the Trust shall not be commingled with State funds, and the State shall have no claim to or against, or interest in, the amounts on deposit in the Trust.~~

~~(2) Any contract entered into by, or any obligation of, the Trust shall not constitute a debt or obligation of the State, and the State shall have no obligation to any designated beneficiary or any other person on account of the Trust.~~

~~(3) All amounts obligated to be paid from the Trust shall be limited to the amounts available for that obligation on deposit in the Trust, and the availability of amounts for a class of designated beneficiaries does not constitute an assurance that amounts will be available to the same degree, or at all, to another class of designated beneficiaries. The amounts on deposit in the Trust shall only be disbursed in accordance with the provisions of section 607 of this title.~~

~~(4) The Trust shall continue in existence until it no longer holds any deposits or has any obligations and its existence is terminated by law. Upon termination, any unclaimed assets shall return to the State and shall be governed by the provisions of 27 V.S.A chapter 18.~~

~~(c) The Treasurer shall be responsible for receiving, maintaining, administering, investing, and disbursing amounts from the Trust. The Trust shall not receive deposits in any form other than cash.~~

§ 603. TREASURER'S TRUST AUTHORITY

~~The Treasurer, on behalf of the Trust and for purposes of the Trust, may.~~

~~(1) receive and invest monies in the Trust in any instruments obligations, securities, or property in accordance with section 604 of this title;~~

~~(2) enter into one or more contractual agreements, including contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing, or consulting services, for the Trust and pay for such services from the assets of the Trust;~~

~~(3) procure insurance in connection with the Trust's property, assets, activities, or deposits and pay for such insurance from the assets of the Trust;~~

~~(4) apply for, accept, and expend gifts, grants, and donations from public or private sources to enable the Trust to carry out its objectives;~~

~~(5) adopt rules pursuant to 3 V.S.A. chapter 25;~~

~~(6) sue and be sued;~~

~~(7) establish one or more funds within the Trust and expend reasonable amounts from the funds for internal costs of administration; and~~

~~(8) take any other action necessary to carry out the purposes of this chapter.~~

§ 604. INVESTMENT OF FUNDS IN THE TRUST

~~The Treasurer shall invest the amounts on deposit in the Trust in a manner reasonable and appropriate to achieve the objectives of the Trust, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The Treasurer shall give due consideration to the rate of~~

~~return, risk, term or maturity, and liquidity of any investment; diversification of the total portfolio of investments within the Trust; projected disbursements and expenditures; and the expected payments, deposits, contributions, and gifts to be received. The Treasurer shall not invest directly in obligations of the State or any political subdivision of the State or in any investment or other fund administered by the Treasurer. The assets of the Trust shall be continuously invested and reinvested in a manner consistent with the objectives of the Trust until disbursed for eligible expenditures or expended on expenses incurred by the operations of the Trust.~~

§ 605. EXEMPTION FROM TAXATION

~~The property of the Trust and the earnings on the Trust shall be exempt from all taxation by the State or any political subdivision of the State.~~

§ 606. MONIES INVESTED IN TRUST NOT CONSIDERED ASSETS OR INCOME

~~(a) Notwithstanding any provision of law to the contrary, and to the extent permitted by federal law, no sum of money invested in the Trust shall be considered to be an asset or income for purposes of determining an individual's eligibility for assistance under any program administered by the Agency of Human Services.~~

~~(b) Notwithstanding any provision of law to the contrary, no sum of money invested in the Trust shall be considered to be an asset for purposes of~~

~~determining an individual's eligibility for need based institutional aid grants offered to an individual by a public postsecondary school located in Vermont.~~

§ 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS

REQUIREMENTS

~~(a) The Treasurer shall establish in the Trust an accounting for each designated beneficiary in the amount of \$3,200.00. Each accounting shall include the initial amount of \$3,200.00, plus the designated beneficiary's pro rata share of total net earnings from investments of sums held in the Trust.~~

~~(b) A designated beneficiary shall become eligible to receive the total sum of the accounting under subsection (a) of this section upon the designated beneficiary's 18th birthday and completion of a financial coaching requirement as prescribed by the Treasurer. The sum shall only be used for eligible expenditures.~~

~~(c) The Treasurer shall create a financial coaching program and materials designed to educate designated beneficiaries and others about the permissible use of funds available under this chapter.~~

~~(d) A designated beneficiary, or the designated beneficiary's authorized representative in the case of a designated beneficiary unable to make a claim due to disability, may submit a claim for accounting until the designated beneficiary's 30th birthday, provided the designated beneficiary is a resident of the State at the time of the claim. If a designated beneficiary dies before~~

~~submitting a valid claim or fails to submit a valid claim before the designated beneficiary's 30th birthday, the designated beneficiary's accounting shall be credited back to the assets of the Trust.~~

~~(e) The Treasurer shall adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the purposes of this section, including prescribing the process for submitting a valid claim for accounting.~~

~~§ 608. DATA SHARING~~

~~In carrying out the purposes of this chapter, the Treasurer may enter into an intergovernmental agreement or memorandum of understanding with any agency or instrumentality of the State requiring disclosure to execute the purposes of this chapter to receive outreach, technical assistance, enforcement, and compliance services; collection or dissemination of information pertinent to the Trust, including protected health information and personal identification information, subject to such obligations of confidentiality as may be agreed to or required by law; or other services or assistance.~~

~~§ 609. IMPLEMENTATION; PILOT PROGRAM~~

~~The Treasurer's duty to implement this chapter is contingent upon publication by the Treasurer of an official statement that the Treasurer has received donations designated for purposes of implementation or administration of the Trust in an amount sufficient to operate a pilot program.~~

~~Upon publication, the Treasurer shall commence a pilot program implementing~~

~~the Trust pursuant to the provisions of this chapter. The pilot program shall be used to evaluate the impact, effectiveness, and operational necessities of a permanent program consistent with this chapter.~~

Sec. 19. VERMONT BABY BOND TRUST; HOUSING OPPORTUNITIES;

REPORT

~~*(a) The Office of the State Treasurer, in consultation with interested stakeholders, shall evaluate the following issues and options under the Vermont Baby Bond Trust program established in 3 V.S.A. chapter 20:*~~

~~*(1) increasing housing opportunities in Vermont through investment of Trust funds, including:*~~

~~*(A) how the Treasurer may, consistent with the Treasurer's fiduciary obligations and subject to the provisions of 32 V.S.A. chapter 7, subchapter 2, invest the funds to advance housing opportunities in Vermont;*~~

~~*(B) the amount of funds that could be invested in this manner; and*~~

~~*(C) the anticipated impact of these investments on housing in Vermont;*~~

~~*(2) potential funding sources for the program;*~~

~~*(3) creating eligibility conditions for, and safeguards to protect, a beneficiary's investment in a business in Vermont;*~~

~~*(4) additional mechanisms to encourage beneficiaries to stay in Vermont, including.*~~

~~(A) incentives to encourage beneficiaries to expend funds on education at in-State institutions; and~~

~~(B) the feasibility of limiting expenditures on education to in-State institutions while permitting waivers to access out-of-State institutions based on program availability and capacity;~~

~~(5) modifications to the financial coaching element of the program, including:~~

~~(A) ensuring a parent or caretaker of a beneficiary is made aware of the program at or around the time of the beneficiary's birth and offered a financial coaching program substantially similar to that offered beneficiaries;~~

~~(B) providing additional financial coaching opportunities for beneficiaries who delay withdrawing funds after meeting eligibility conditions;~~

~~(C) utilizing an advisory board to assist in developing the financial coaching element; and~~

~~(D) measures to expand financial coaching to all children living in Vermont;~~

~~(6) measures for achieving inflationary adjustment of the statutorily mandated accounting;~~

~~(7) whether additional needs-based programs administered by the State may be impacted by a beneficiary's entitlement to funds in the Trust,~~

~~(8) the feasibility of altering the program to permit unclaimed funds to roll over into a beneficiary's retirement account, including mechanisms for creating an account on behalf of a beneficiary and ensuring funds in the account are not accessible until the beneficiary reaches retirement age; and~~

~~(9) any other issues relating to the Vermont Baby Bond Trust investments that the Treasurer identifies as warranting study.~~

~~(b) On or before January 15, 2025, the Office of the State Treasurer shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.~~

~~*** Extension of Vermont Employment Growth Incentive Program ***~~

~~Sec. 20. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5 and 2023 Acts and Resolves No. 72, Sec. 39, is further amended to read:~~

~~Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD INCENTIVES~~

~~Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, 2025 January 1, 2027.~~

~~*** Effective Dates ***~~

~~Sec. 21. EFFECTIVE DATES~~

~~(a) This section and Sec. 11 (workers' compensation rulemaking technical corrections) shall take effect on passage.~~

~~(b) Sec. 3 (amending 21 V.S.A. § 1347(a)) shall take effect upon the earlier of July 1, 2026 or the implementation of the Department of Labor's updated unemployment insurance information technology system.~~

~~(c) The remaining sections shall take effect on July 1, 2024.~~

~~*** Unemployment Insurance ***~~

~~Sec. 1. 21 V.S.A. § 1325 is amended to read:~~

~~§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;~~

~~DISCLOSURE TO SUCCESSOR ENTITY~~

~~(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:~~

* * *

(2) If an individual's unemployment is directly caused by a major disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of ~~four~~ 10 weeks.

* * *

Sec. 2. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION;

OVERPAYMENTS; WAIVER

* * *

(f)(1) Notwithstanding any provision of subsection (a), (b), or (d) of this section to the contrary, the Commissioner may waive up to the full amount of any overpayment that is not a result of the person's intentional misrepresentation of or failure to disclose a material fact if:

(A) the overpayment occurs through no fault of the person; and

(B) recovery of the overpayment would be against equity and good conscience.

(2) A person may request a waiver of an overpayment at any time after receiving notice of a determination pursuant to subsection (a) or (b) of this section.

(3) Upon making a determination that an overpayment occurred pursuant to subsection (a) or (b) of this section, the Commissioner shall, to the extent possible and in consideration of the information available to the Department, determine whether waiver of the amount of overpaid benefits is appropriate.

(4) The Commissioner shall provide notice of the right to request a waiver of an overpayment with each determination that an overpayment has occurred. The notice shall include clear instructions regarding the circumstances under which a waiver may be granted and how a person may apply for a waiver.

(5) If the Commissioner denies an application for a waiver, the Commissioner shall provide written notice of:

(A) the denial with enough information to ensure that the person can understand the reason for the denial; and

(B) the person's right to appeal the determination pursuant to subsection (h) of this section.

(6)(A) A person whose request to waive an overpayment pursuant to this subsection (f) has been denied pursuant to subdivision (5) of this subsection (f)

and whose rights to appeal the denial pursuant to subsection (h) have been exhausted shall be permitted to submit an additional request to waive the overpayment if the person can demonstrate a material change in the person's circumstances such that recovery of the overpayment would be against equity and good conscience.

(B) The Commissioner may dismiss a request to waive an overpayment that is submitted pursuant to this subdivision (6) if the Commissioner finds that there is no material change in the person's circumstances such that recovery of the overpayment would be against equity and good conscience. The Commissioner's determination pursuant to this subdivision (6) shall be final and shall not be subject to appeal.

(7) In the event that an overpayment is waived on appeal, the Commissioner shall, as soon as practicable, refund any amounts collected or withheld in relation to the overpayment pursuant to the provisions of this section.

(g) The provisions of subsection (f) of this section shall, to the extent permitted by federal law, apply to overpayments made in relation to any federal unemployment insurance benefits or similar federal benefits.

(h) Interested parties shall have the right to appeal from any determination under this section and the same procedure shall be followed as provided for in subsection 1348(a) and section 1349 of this title.

(i) The Commissioner shall not attempt to recover an overpayment or withhold any amounts of unemployment insurance benefits from a person:

(1) until after the Commissioner has made a final determination regarding whether an overpayment of benefits to the person occurred and the person's right to appeal the determination has been exhausted; or

(2) if the person filed an application for a waiver, until after the Commissioner has made an initial determination regarding the application.

(j)(1) The Commissioner shall provide any person who received an overpayment of benefits and is not currently receiving benefits pursuant to this chapter with the option of entering into a plan to repay the amount of the overpayment. The plan shall provide for reasonable weekly, biweekly, or monthly payments in an amount that permits the person to continue to afford the person's ordinary living expenses.

(2) The Commissioner shall permit a person to request a modification to a repayment plan created pursuant to this subsection if the person's ability to afford ordinary living expenses changes.

Sec. 3. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION;

OVERPAYMENTS; WAIVER

* * *

(d) In any case in which under this section a person is liable to repay any amount to the Commissioner for the Fund, the Commissioner may withhold, ~~in whole or in part,~~ any future benefits payable to ~~such~~ the person, in amounts equal to not more than 50 percent of the person's weekly benefit amount, and credit ~~such~~ the withheld benefits against the amount due from ~~such~~ the person until it is repaid in full, less any penalties assessed under subsection (c) of this section.

* * *

Sec. 4. WAIVER OF UI OVERPAYMENT; RULEMAKING

On or before November 1, 2024, the Employment Security Board shall commence rulemaking and file proposed rule amendments pursuant to 3 V.S.A. § 838 as necessary to implement the provisions of Sec. 2 of this act, amending 21 V.S.A. § 1347.

** * * Unemployment Insurance Technical Corrections * * **

Sec. 5. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

As used in this chapter:

* * *

(3) "Contributions" means the money payments to the State Unemployment Compensation Trust Fund required by this chapter.

* * *

(25) ~~“Son,” “daughter,” and “child” include~~ “Child” includes an individual’s biological child, foster child, adoptive child, stepchild, a child for whom the individual is listed as a parent on the child’s birth certificate, a legal ward of the individual, a child of the individual’s spouse, or a child that the individual has day-to-day responsibilities to care for and financially support.

* * *

Sec. 6. 21 V.S.A. § 1321(d) is amended to read:

(d) Financing benefits paid to employees of State. In lieu of contributions required of employers subject to this chapter, the State of Vermont, including State hospitals but excluding any State institution of higher education, shall pay to the Commissioner, for the Unemployment Compensation Trust Fund, an amount equal to the amount of benefits paid, including the full amount of extended benefits paid, attributable to service by individuals in the employ of the State. At the end of each calendar quarter, or at the end of any other period as determined by the Commissioner, the Commissioner shall bill the State for the amount of benefits paid during ~~such~~ the quarter or other prescribed period that is attributable to service in the employ of the State. Subdivisions (c)(3)(C) through (3)(F), inclusive, and subdivisions (c)(5) and (6) of this section as they apply to nonprofit organizations shall also apply to the State of Vermont, except that the State shall be liable for all benefits paid,

including the full amount of extended benefits paid, attributable to service in the employ of the State.

Sec. 7. 21 V.S.A. § 1361 is amended to read:

*§ 1361. MANAGEMENT OF FUNDS UPON DISCONTINUANCE OF
UNEMPLOYMENT TRUST FUND*

The provisions of sections 1358–1360 of this ~~title~~ subchapter to the extent that they relate to the federal Unemployment Trust Fund, shall be operative only ~~so long as such~~ if the federal Unemployment Trust Fund continues to exist and so long as the U.S. Secretary of the Treasury continues to maintain for this State a separate book account of all Funds deposited therein in the federal Unemployment Trust Fund by this State for benefit purposes, together with this State's proportionate share of the earnings of ~~such~~ the Unemployment Trust Fund, from which only the Commissioner of Labor is permitted to make withdrawals. ~~If and when such Unemployment Trust Fund shall federal law no longer be required by the laws of the United States~~ requires the federal Unemployment Trust Fund to be maintained as aforesaid as a condition of approval of this chapter as provided in Title III of the Social Security Act, then all monies, properties, or securities ~~therein in the federal Unemployment Trust Fund~~, belonging to the Unemployment Compensation Trust Fund of this State, shall be transferred to the treasurer of the Unemployment Compensation Trust Fund, who shall hold, invest, transfer, sell, deposit, and release ~~such~~ the

monies, properties, or securities in a manner approved by the Commissioner and appropriate for trust funds, subject to all claims for benefits under this chapter.

Sec. 8. 21 V.S.A. § 1362 is amended to read:

§ 1362. UNEMPLOYMENT COMPENSATION ADMINISTRATION

FUND

~~There is hereby created the~~ The Unemployment Compensation Administration Fund ~~is created~~ to consist of all monies received by the State or by the Commissioner for the administration of this chapter. ~~This special fund~~ The Unemployment Compensation Administration Fund shall be a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5. The Unemployment Compensation Administration Fund shall be handled through the State Treasurer as other State monies are handled, but it shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor for the proper and efficient administration of ~~such~~ this chapter and its balance shall not lapse at any time but shall remain continuously available to the Commissioner for expenditures consistent ~~herewith~~ with the provisions of this section. All federal monies allotted or apportioned to the State by the Secretary of Labor, or other agency, for the administration of this chapter shall be paid into the Unemployment Compensation Administration Fund and are

hereby appropriated to ~~such~~ the Unemployment Compensation Administration Fund.

Sec. 9. 21 V.S.A. § 1365 is amended to read:

§ 1365. CONTINGENT FUND

(a) There is ~~hereby~~ created a special fund to be known as the Contingent Fund. All interest, fines, and penalties collected under the provisions of ~~the unemployment compensation law after April 1, 1947~~ this chapter, together with any voluntary contributions tendered as a contribution to ~~this~~ the Contingent Fund, shall be paid into ~~this~~ the Contingent Fund. ~~Such~~ The monies shall not be expended or available for expenditures in any manner ~~which~~ that would permit their substitution for, or a corresponding reduction in, federal funds ~~which~~ that would in the absence of ~~such~~ the monies be available to finance expenditures for the administration of the unemployment compensation law.

(b) ~~But nothing~~ Nothing in this chapter shall prevent ~~such~~ the monies from being used as a revolving fund to cover expenditures, necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of ~~such~~ the expenditures against ~~such~~ the funds when received.

(c) The monies in ~~this~~ the Contingent Fund shall be used by the Commissioner for the payment of costs of administration ~~which~~ that are found

not to have been properly and validly chargeable against federal grants, or other funds, received for or in the Unemployment Compensation Administration Fund on or after January 1, 1947. No expenditure of the Contingent Fund shall be made unless and until the Commissioner finds that no other funds are available or can properly be used to finance ~~such~~ the expenditures.

(d) The State Treasurer shall co-sign all expenditures from ~~this~~ the Contingent Fund authorized by the Commissioner.

(e) The monies in ~~this~~ the Contingent Fund are ~~hereby specifically made~~ available to replace, within a reasonable time, any monies received by this State pursuant to ~~section 302 of the federal Social Security Act, as amended,~~ ~~which~~ 42 U.S.C. § 502 that because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those necessary for the proper administration of the unemployment compensation law.

(f) The monies in ~~this~~ the Contingent Fund shall be continuously available to the Commissioner for expenditure in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund except as ~~herein~~ provided pursuant to this section.

(g) ~~Provided, however, that on~~ On December 31 of each year, all monies in excess of \$10,000.00 in ~~this~~ the Contingent Fund shall be transferred to the

Unemployment Compensation Trust Fund. On or before March 31 of each year, an audit of ~~this~~ the Contingent Fund ~~will~~ shall be completed and a report of that audit ~~will~~ shall be made public.

(h) In the event that a refund of interest, a fine, or a penalty is found necessary, and ~~such~~ the interest, fine, or penalty has been deposited in the Contingent Fund, ~~such~~ the refund shall be made from the Contingent Fund.

** * * Workers' Compensation * * **

Sec. 10. 2023 Acts and Resolves No. 76, Sec. 38 is amended to read:

Sec. 38. ADOPTION OF RULES

The Commissioner of Labor shall, on or before July 1, 2024, adopt rules as necessary to implement the provisions of Secs. 29, 30, 31, 32, 33, 34, ~~35~~, 36, and ~~37~~, ~~and~~ ~~38~~ of this act.

Sec. 11. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

As used in this chapter:

** * **

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

** * **

(I)(i) In the case of police officers, rescue or ambulance workers, ~~or~~ firefighters, or State employees, as that term is defined pursuant to subdivision (iii)(VI) of this subdivision (11)(I), post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee who is diagnosed with post-traumatic stress disorder within three years ~~of following~~ the last active date of employment as a police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) “Classified employee” means an employee in the classified service, as defined pursuant to 3 V.S.A. § 311.

(II) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

~~(H)~~(III) “Mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed to

provide mental health care services and for whom diagnoses of mental conditions are within ~~his or her~~ the person's scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

~~(H)~~(IV) "Police officer" means a law enforcement officer who has been certified by the Vermont Criminal Justice Council pursuant to 20 V.S.A. chapter 151.

~~(H)~~(V) "Rescue or ambulance worker" means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

(VI) "State employees" means:

(aa) facility employees of the Department of Corrections;

(bb) employees of the Department of Corrections who provide direct security or treatment services to offenders under supervision in the community;

(cc) classified employees of State-operated therapeutic community residences or inpatient psychiatric hospital units;

(dd) classified employees of public safety answering points;

(ee) classified employees of the Family Services Division of the Department for Children and Families;

(ff) classified employees of the Vermont Veterans' Home;

(gg) classified employees of the Department of State's Attorneys and Sheriffs, State's Attorneys, and employees of the Department of State's Attorneys and Sheriffs who are assigned to a State's Attorney's field office; and

(hh) classified employees in the Criminal Division of the Attorney General's Office.

* * *

Sec. 12. SURVEY OF FIRE DEPARTMENTS; REPORT

(a) The Executive Director of the Division of Fire Safety shall conduct an annual survey of Vermont municipal fire departments and private volunteer fire departments during calendar years 2025, 2027, and 2029 regarding the following information, to the extent such information is available to the departments:

(1) the number of firefighters in the department;

(2) the number of firefighters in the department who use tobacco products; and

(3) for each firefighter in the department, the firefighter's:

(A) age;

(B) gender;

(C) position or rank in the department;

(D) if a professional firefighter, the date of hire, and if a volunteer firefighter, the date on which service in the department began;

(E) the period of employment or service with the department;

(F) if the firefighter's employment or service with the department terminated during the previous 24 months, the date on which the employment or service terminated;

(G) if a professional firefighter, the annual salary or hourly wage paid by the department;

(H) if a volunteer firefighter, the annual salary or hourly wage paid by the volunteer firefighter's regular employment; and

(I) the number of fires responded to during the previous 24 months.

(b)(1) Except as provided pursuant to subsection (c) of this section, all information obtained as part of the surveys conducted pursuant to subsection (a) of this section shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.

(2) The reports prepared pursuant to subsection (c) of this section shall present the results of the surveys conducted pursuant to subsection (a) of this section in an aggregated and anonymized manner and shall not include personally identifying information for any firefighter.

(c) On or before December 15 of 2025, 2027, and 2029, the Executive Director shall report to the Commissioner of Financial Regulation, the Senate

Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development regarding the results of the survey.

*Sec. 13. FIREFIGHTERS' WORKERS' COMPENSATION CLAIMS FOR
CANCER; ANNUAL REPORT*

(a) The Commissioner of Financial Regulation shall, on or before February 1 of 2026, 2028, and 2030, report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development regarding:

(1) the number of workers' compensation claims for cancer that were submitted by Vermont firefighters in the previous 24 months;

(2) the number and percentage of those claims that were approved;

(3) the types of cancer for which the claims were submitted; and

(4) national trends with respect to workers' compensation claims for cancer submitted by firefighters during the previous 24 months, including, to the extent that information is available, the number of claims filed, the rate of claim approval, and, to the extent information is available, the types of cancer for which claims were submitted.

(b) All workers' compensation insurers doing business in Vermont shall report to the Commissioner of Financial Regulation, in a time and manner specified by the Commissioner:

(1) the number of workers' compensation claims for cancer that were received by the insurer from Vermont firefighters;

(2) the number of those claims that were approved; and

(3) the types of cancer for which the claims were submitted.

(c) The February 1, 2030 report required pursuant to subsection (a) of this section shall, in addition to setting forth the information required pursuant to subsection (a):

(1) aggregate and summarize the data required pursuant to subsection (a) for the preceding six years;

(2) compare the incidence of cancer among firefighters in Vermont to the incidence of cancer among firefighters nationally; and

(3) include a recommendation regarding any legislative action needed to better address the occurrence of cancer among firefighters in Vermont.

Sec. 14. DIVISION OF FIRE SAFETY; FIRE DEPARTMENTS;

SUBSIDY FOR ANNUAL CANCER SCREENING

(a) The Division of Fire Safety shall subsidize the cost of providing cancer screening to Vermont professional and volunteer firefighters, as well as all enrollees in the Vermont Fire Academy Firefighter I program, during fiscal year 2025 to the extent that funds are appropriated for that purpose.

(b)(1) Cancer screening subsidized pursuant to this section shall consist of:

(A) a multicancer early detection blood test;

(B) an ultrasound of vital organs, including abdominal aorta, thyroid, liver, gallbladder, spleen, bladder, kidney, testicles for males, and exterior pelvis for females; and

(C) any additional screening that the Executive Director determines to be appropriate.

(2) The Executive Director shall determine the specific types of screening tests to subsidize pursuant to the provision of this section in consultation with appropriate licensed medical professionals.

(c) The Executive Director may utilize the funds appropriated pursuant to subsection (a) of this section to:

(1) provide grants to fire departments to subsidize the cost of cancer screening;

(2) contract directly with one or more entities to provide cancer screening to fire departments at a discounted rate; or

(3) both.

** * * Unpaid Medical Leave * * **

Sec. 15. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

** * **

(3) “Family leave” means a leave of absence from employment by an employee who works for an employer ~~which~~ that employs 15 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) ~~the serious illness~~ health condition of the employee; or

(B) ~~the serious illness~~ health condition of the employee’s child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse.

(4) “Health care provider” means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(5) “Parental leave” means a leave of absence from employment by an employee who works for an employer ~~which~~ that employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

* * *

~~(5)~~(6) “Serious illness health condition” means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

~~(A)~~(i) poses imminent danger of death;

~~(B)~~(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or

~~(C)(iii) requires continuing in-home care under the direction of treatment by a physician health care provider; or~~

~~(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (6), including treatment for substance use disorder.~~

Sec. 16. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

** * **

(2) for family leave, for the serious ~~illness~~ health condition of the employee or the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse.

** * **

(e)(1) An employee shall give reasonable written notice of intent to take leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of ~~a serious illness~~ health condition of the employee or a member of the employee's family, an employer may require certification from a ~~physician~~ health care provider to verify the condition and the amount and necessity for the leave requested.

(4) An employee may return from leave earlier than estimated upon approval of the employer.

(5) An employee shall provide reasonable notice to the employer of ~~his or her~~ the need to extend leave to the extent provided by this ~~chapter~~ subchapter.

* * *

(h) Except for serious ~~illness~~ health condition of the employee, an employee who does not return to employment with the employer who provided the leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments for accrued sick leave or vacation leave.

* * * *Baby Bonds Trust Program* * * *

Sec. 17. 3 V.S.A. chapter 20 is added to read:

CHAPTER 20. VERMONT BABY BOND TRUST

§ 601. DEFINITIONS

As used in this chapter:

(1) “Designated beneficiary” means an individual born on or after July 1, 2024 who was eligible at birth for coverage in the Dr. Dynasaur program established in accordance with Title XIX (Medicaid) and Title XXI (SCHIP) of the Social Security Act or for coverage available pursuant to 33 V.S.A. chapter 19, subchapter 9.

(2) “Eligible expenditure” means an expenditure associated with any of the following, each as prescribed by the Treasurer:

(A) education of a designated beneficiary;

(B) purchase of a dwelling unit or real property in Vermont by a designated beneficiary;

(C) investment in a business in Vermont by a designated beneficiary;

or

(D) investment or rollover in a qualified retirement account, Section 529 account, or Section 529A account established for the benefit of a designated beneficiary.

(3) “Trust” means the Vermont Baby Bond Trust established by this chapter.

§ 602. VERMONT BABY BOND TRUST; ESTABLISHMENT

(a) There is established the Vermont Baby Bond Trust, to be administered by the Office of the State Treasurer. The Trust shall constitute an instrumentality of the State and shall perform essential governmental functions

as provided in this chapter. The Trust shall receive and hold until disbursed in accordance with section 607 of this title all payments, deposits, and contributions intended for the Trust; as well as gifts, bequests, and endowments; federal, State, and local grants; any other funds from any public or private source; and all earnings on these funds.

(b)(1) The amounts on deposit in the Trust shall not constitute property of the State, and the Trust shall not be construed to be a department, institution, or agency of the State. Amounts on deposit in the Trust shall not be commingled with State funds, and the State shall have no claim to or against, or interest in, the amounts on deposit in the Trust.

(2) Any contract entered into by, or any obligation of, the Trust shall not constitute a debt or obligation of the State, and the State shall have no obligation to any designated beneficiary or any other person on account of the Trust.

(3) All amounts obligated to be paid from the Trust shall be limited to the amounts available for that obligation on deposit in the Trust, and the availability of amounts for a class of designated beneficiaries does not constitute an assurance that amounts will be available to the same degree, or at all, to another class of designated beneficiaries. The amounts on deposit in the Trust shall only be disbursed in accordance with the provisions of section 607 of this title.

(4) The Trust shall continue in existence until it no longer holds any deposits or has any obligations and its existence is terminated by law. Upon termination, any unclaimed assets shall return to the State and shall be governed by the provisions of 27 V.S.A chapter 18.

(c) The Treasurer shall be responsible for receiving, maintaining, administering, investing, and disbursing amounts from the Trust. The Trust shall not receive deposits in any form other than cash.

§ 603. TREASURER'S TRUST AUTHORITY

The Treasurer, on behalf of the Trust and for purposes of the Trust, may:

(1) receive and invest monies in the Trust in any instruments, obligations, securities, or property in accordance with section 604 of this title;

(2) enter into one or more contractual agreements, including contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing, or consulting services, for the Trust and pay for such services from the assets of the Trust;

(3) procure insurance in connection with the Trust's property, assets, activities, or deposits and pay for such insurance from the assets of the Trust;

(4) apply for, accept, and expend gifts, grants, and donations from public or private sources to enable the Trust to carry out its objectives;

(5) adopt rules pursuant to 3 V.S.A. chapter 25;

(6) sue and be sued;

(7) establish one or more funds within the Trust and expend reasonable amounts from the funds for internal costs of administration; and

(8) take any other action necessary to carry out the purposes of this chapter.

§ 604. INVESTMENT OF FUNDS IN THE TRUST

The Treasurer shall invest the amounts on deposit in the Trust in a manner reasonable and appropriate to achieve the objectives of the Trust, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The Treasurer shall give due consideration to the rate of return, risk, term or maturity, and liquidity of any investment; diversification of the total portfolio of investments within the Trust; projected disbursements and expenditures; and the expected payments, deposits, contributions, and gifts to be received. The Treasurer shall not invest directly in obligations of the State or any political subdivision of the State or in any investment or other fund administered by the Treasurer. The assets of the Trust shall be continuously invested and reinvested in a manner consistent with the objectives of the Trust until disbursed for eligible expenditures or expended on expenses incurred by the operations of the Trust.

§ 605. EXEMPTION FROM TAXATION

The property of the Trust and the earnings on the Trust shall be exempt from all taxation by the State or any political subdivision of the State.

§ 606. MONIES INVESTED IN TRUST NOT CONSIDERED ASSETS OR
INCOME

(a) Notwithstanding any provision of law to the contrary, and to the extent permitted by federal law, no sum of money invested in the Trust shall be considered to be an asset or income for purposes of determining an individual's eligibility for assistance under any program administered by the Agency of Human Services.

(b) Notwithstanding any provision of law to the contrary, no sum of money invested in the Trust shall be considered to be an asset for purposes of determining an individual's eligibility for need-based institutional aid grants offered to an individual by a public postsecondary school located in Vermont.

§ 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS
REQUIREMENTS

(a) The Treasurer shall establish in the Trust an accounting for each designated beneficiary in the amount of \$3,200.00. Each accounting shall include the initial amount of \$3,200.00, plus the designated beneficiary's pro rata share of total net earnings from investments of sums held in the Trust.

(b) A designated beneficiary shall become eligible to receive the total sum of the accounting under subsection (a) of this section upon the designated beneficiary's 18th birthday and completion of a financial coaching

requirement as prescribed by the Treasurer. The sum shall only be used for eligible expenditures.

(c) The Treasurer shall create a financial coaching program and materials designed to educate designated beneficiaries and others about the permissible use of funds available under this chapter.

(d) A designated beneficiary, or the designated beneficiary's authorized representative in the case of a designated beneficiary unable to make a claim due to disability, may submit a claim for accounting until the designated beneficiary's 30th birthday, provided the designated beneficiary is a resident of the State at the time of the claim. If a designated beneficiary dies before submitting a valid claim or fails to submit a valid claim before the designated beneficiary's 30th birthday, the designated beneficiary's accounting shall be credited back to the assets of the Trust.

(e) The Treasurer shall adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the purposes of this section, including prescribing the process for submitting a valid claim for accounting.

§ 608. DATA SHARING

In carrying out the purposes of this chapter, the Treasurer may enter into an intergovernmental agreement or memorandum of understanding with any agency or instrumentality of the State requiring disclosure to execute the purposes of this chapter to receive outreach, technical assistance, enforcement,

and compliance services; collection or dissemination of information pertinent to the Trust, including protected health information and personal identification information, subject to such obligations of confidentiality as may be agreed to or required by law; or other services or assistance.

§ 609. IMPLEMENTATION; PILOT PROGRAM

The Treasurer's duty to implement this chapter is contingent upon publication by the Treasurer of an official statement that the Treasurer has received donations designated for purposes of implementation or administration of the Trust in an amount sufficient to operate a pilot program. Upon publication, the Treasurer shall commence a pilot program implementing the Trust pursuant to the provisions of this chapter. The pilot program shall be used to evaluate the impact, effectiveness, and operational necessities of a permanent program consistent with this chapter.

Sec. 18. VERMONT BABY BOND TRUST; HOUSING OPPORTUNITIES;

REPORT

(a) The Office of the State Treasurer, in consultation with interested stakeholders, shall evaluate the following issues and options under the Vermont Baby Bond Trust program established in 3 V.S.A. chapter 20:

(1) increasing housing opportunities in Vermont through investment of Trust funds, including:

(A) how the Treasurer may, consistent with the Treasurer's fiduciary obligations and subject to the provisions of 32 V.S.A. chapter 7, subchapter 2, invest the funds to advance housing opportunities in Vermont;

(B) the amount of funds that could be invested in this manner; and

(C) the anticipated impact of these investments on housing in Vermont;

(2) potential funding sources for the program;

(3) creating eligibility conditions for; and safeguards to protect, a beneficiary's investment in a business in Vermont;

(4) additional mechanisms to encourage beneficiaries to stay in Vermont, including:

(A) incentives to encourage beneficiaries to expend funds on education at in-state institutions; and

(B) the feasibility of limiting expenditures on education to in-state institutions while permitting waivers to access out-of-state institutions based on program availability and capacity;

(5) modifications to the financial coaching element of the program, including:

(A) ensuring a parent or caretaker of a beneficiary is made aware of the program at or around the time of the beneficiary's birth and offered a financial coaching program substantially similar to that offered beneficiaries;

(B) providing additional financial coaching opportunities for beneficiaries who delay withdrawing funds after meeting eligibility conditions;

(C) utilizing an advisory board to assist in developing the financial coaching element; and

(D) measures to expand financial coaching to all children living in Vermont;

(6) measures for achieving inflationary adjustment of the statutorily mandated accounting;

(7) whether additional needs-based programs administered by the State may be impacted by a beneficiary's entitlement to funds in the Trust;

(8) the feasibility of altering the program to permit unclaimed funds to roll over into a beneficiary's retirement account, including mechanisms for creating an account on behalf of a beneficiary and ensuring funds in the account are not accessible until the beneficiary reaches retirement age; and

(9) any other issues relating to the Vermont Baby Bond Trust investments that the Treasurer identifies as warranting study.

(b) On or before January 15, 2025, the Office of the State Treasurer shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.

** * * Effective Dates * * **

Sec. 19. EFFECTIVE DATES

(a) This section and Sec. 10 (workers' compensation rulemaking technical corrections) shall take effect on passage.

(b) Sec. 3 (amending 21 V.S.A. § 1347(d)) shall take effect upon the earlier of July 1, 2026 or the implementation of the Department of Labor's updated unemployment insurance information technology system.

(c) The remaining sections shall take effect on July 1, 2024.