

1 S.56

2 Introduced by Senators Hardy, Lyons, Baruth, Bray, Champion, Chittenden,  
3 Clarkson, Cummings, Gulick, Hashim, McCormack, Perchlik,  
4 Ram Hinsdale, Sears, Vyhovsky, Watson and White

5 Referred to Committee on Health and Welfare

6 Date: February 1, 2023

7 Subject: Human services; education; prekindergarten; child care

8 Statement of purpose of bill as introduced: This bill proposes to establish the  
9 public prekindergarten education program. It proposes to designate a second  
10 Deputy Secretary within the Agency of Education. It further proposes to  
11 establish a property tax exemption for child care providers. This bill proposes  
12 to reorganize the Department for Children and Families and establish the  
13 Department of Economic Empowerment. It also proposes to increase family  
14 eligibility and provider payments in the Child Care Financial Assistance  
15 Program, to establish the Noncitizen Child Care Assistance Program, and to  
16 provide child care workforce retention grants.

17 An act relating to child care and early childhood education

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

2 ~~\*\*\* Agency of Education Structure and Prekindergarten \*\*\*~~

3 Sec. 1. 16 V.S.A. § 11 is amended to read:

4 § 11. CLASSIFICATIONS AND DEFINITIONS

5 (a) As used in this title, unless the context otherwise clearly requires:

6 \* \* \*

7 (31) “Early childhood education,” or “early education,” ~~or~~  
8 ~~“prekindergarten education,”~~ means services designed to provide  
9 developmentally appropriate early development and learning experiences  
10 based on Vermont’s early learning standards to children who are three to four  
11 years of age and to ~~five-year-old children~~ five years of age who are not eligible  
12 for or enrolled in kindergarten.

13 \* \* \*

14 (36) “Prekindergarten education” has the same meaning as in section  
15 829 of this title.

16 \* \* \*

17 Sec. 2. 16 V.S.A. § 213 is amended to read:

18 § 213. DEPUTY SECRETARIES

19 The Secretary shall employ ~~such number of deputy secretaries as he or she~~  
20 ~~deems necessary~~ at least two deputy secretaries. ~~One deputy secretary shall.~~

1 ~~(1) solely manage the Division of Student Support Services, which shall~~  
2 ~~govern special education, early education, and multitiered systems of support;~~  
3 ~~and~~

4 ~~(2) hold at least a master's level degree in early childhood education,~~  
5 ~~special education, child development, or a related field.~~

6 Sec. 3. 16 V.S.A. § 255 is amended to read:

7 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

8 CONTRACTORS

9 \* \* \*

10 ~~(k) The requirements of this section shall not apply to superintendents and~~  
11 ~~headmasters with respect to persons operating or employed by a child care~~  
12 ~~facility, as defined under 33 V.S.A. § 3511, that provides prekindergarten~~  
13 ~~education pursuant to section 829 of this title and that is required to be~~  
14 ~~licensed by the Department for Children and Families pursuant to 33 V.S.A.~~  
15 ~~§ 3502. Superintendents and headmasters are not prohibited from conducting~~  
16 ~~a criminal record check as a condition of hiring an employee to work in a child~~  
17 ~~care facility that provides prekindergarten education operated by the school.~~

18 [Repealed.]

19

1 ~~See 16 V.S.A. § 829 is amended to read:~~

2 § 829. PUBLIC PREKINDERGARTEN EDUCATION PROGRAM

3 (a) Definitions. As used in this section:

4 (1) “Prekindergarten child” means a child who, ~~as of the date~~  
5 ~~established by the district of residence for kindergarten eligibility, on or before~~  
6 September 1, is three or four years of age or is five years of age but is not yet  
7 enrolled in kindergarten.

8 (2) “Prekindergarten education” means services designed ~~to provide to~~  
9 for prekindergarten children that are play-based, developmentally appropriate,  
10 and foster early development and learning experiences based on Vermont’s  
11 early learning standards.

12 (3) ~~“Prequalified private provider” means a private provider of~~  
13 ~~prekindergarten education that is qualified pursuant to subsection (c) of this~~  
14 ~~section. “Public prekindergarten education program” means the provision of~~  
15 high quality, publicly funded full-day prekindergarten education at a public  
16 school, which is available to prekindergarten children either within a child’s  
17 district of residence or paid for by a child’s district of residence if the district  
18 does not maintain an elementary school.

19 (b) Access to ~~publicly funded a public~~ prekindergarten education program.

20 (1) ~~No fewer than ten hours per week of publicly funded~~ Each school,  
21 district that maintains an elementary school for its resident students shall

1 ~~maintain a full-time public prekindergarten education program, which shall be~~  
2 available for 35 weeks annually to each prekindergarten child whom a parent  
3 or guardian wishes to enroll in an available, prequalified program operated by  
4 a public school or a private provider. Each public prekindergarten education  
5 program shall operate for the school year, as defined in section 1071 of this  
6 title. A school district that does not maintain an elementary school and does  
7 not maintain a public prekindergarten education program shall pay tuition for  
8 its resident students to attend a public prekindergarten education program  
9 outside the district.

10 (2) If a parent or guardian chooses to enroll a prekindergarten child in  
11 ~~an available, prequalified a public prekindergarten education program, then,~~  
12 ~~pursuant to the parent or guardian's choice,~~ the school district of residence  
13 shall:

14 (A) pay tuition pursuant to subsections subsection (d) and (h) of this  
15 section upon the request of the parent or guardian to: a public prekindergarten  
16 education program outside the district of residence if it does not maintain a  
17 public prekindergarten education program; or

18 (i) ~~a prequalified private provider; or~~

19 (ii) ~~a public school located outside the district that operates a~~  
20 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~

21 ~~of this section, or~~

1 ~~(B) enroll the child in the public prekindergarten education program~~  
2 that it operates.

3 ~~(3) If requested by the parent or guardian of a prekindergarten child, the~~  
4 ~~school district of residence shall pay tuition to a prequalified program operated~~  
5 ~~by a private provider or a public school in another district even if the district of~~  
6 ~~residence operates a prekindergarten education program.~~

7 ~~(4) If the supply of prequalified private and public providers is~~  
8 ~~insufficient to meet the demand for publicly funded prekindergarten education~~  
9 ~~in any region of the State, nothing in this section shall be construed to require~~  
10 ~~a district to begin or expand a program to satisfy that demand; but rather, in~~  
11 ~~collaboration with the Agencies of Education and of Human Services, the local~~  
12 ~~Building Bright Futures Council shall meet with school districts and private~~  
13 ~~providers in the region to develop a regional plan to expand capacity.~~

14 Nothing in this subsection shall preclude a school district from:

15 (A) operating a public prekindergarten education program in a  
16 building other than an elementary school building; or

17 (B) maintaining a public prekindergarten education program within  
18 the district when the district does not maintain one or more elementary  
19 schools.

20 ~~(c) Prequalification. Pursuant to rules jointly developed and overseen by~~  
21 ~~the Secretaries of Education and of Human Services and adopted by the State~~

1 ~~Board pursuant to 2 V.S.A. chapter 25, the Agencies jointly may determine~~  
2 ~~that a private or public provider of prekindergarten education is qualified for~~  
3 ~~purpose of this section and include the provider in a publicly accessible~~  
4 ~~database of prequalified providers. At a minimum, the rules shall define the~~  
5 ~~process by which a provider applies for and maintains prequalification status,~~  
6 ~~shall identify the minimum quality standards for prequalification, and shall~~  
7 ~~include the following requirements:~~

8 ~~(1) Program requirements. A program of public prekindergarten~~  
9 ~~education, whether provided by a school district or a private provider, program~~  
10 ~~shall have received:~~

11 ~~(A)(1) have received National Association for the Education of~~  
12 ~~Young Children (NAEYC) accreditation;~~

13 ~~(B) at least four stars in the Department for Children and Families'~~  
14 ~~STARS system; or~~

15 ~~(C) three stars in the STARS system if the provider has developed a~~  
16 ~~plan, approved by the Commissioner for Children and Families and the~~  
17 ~~Secretary of Education, to achieve four or more stars.~~

18 ~~(2) A licensed provider shall employ or contract for the services of at~~  
19 ~~least one teacher who is licensed and endorsed in early childhood education or~~  
20 ~~in early childhood special education under Chapter 51 of this title;~~

1 ~~(3) A registered home provider that is not licensed and endorsed in early~~  
2 ~~childhood education or early childhood special education shall receive regular,~~  
3 ~~active supervision and training from a teacher who is licensed and endorsed in~~  
4 ~~early childhood education or in early childhood special education under~~  
5 ~~chapter 51 of this title meet the criteria for hours of operation and minimum~~  
6 ~~number of school days pursuant to section 1071 of this title;~~

7 ~~(4) allow a prekindergarten child to attend on a part-time basis on a~~  
8 ~~schedule established by school board policy pursuant to subdivision 563(1) of~~  
9 ~~this title; and~~

10 ~~(5) use play-based curriculum and programming.~~

11 ~~(d) Tuition, budgets, and average daily membership.~~

12 ~~(1) On behalf of a resident prekindergarten child, a district shall pay~~  
13 ~~tuition for prekindergarten education for ten hours per week for 35 weeks~~  
14 ~~annually to a prequalified private provider or to a public school outside the~~  
15 ~~district that is prequalified pursuant to subsection (c) of this section; provided,~~  
16 ~~however, that the district shall pay tuition for weeks that are within the~~  
17 ~~district's academic year. Tuition paid under this section shall be at a statewide~~  
18 ~~rate, which may be adjusted regionally, that is established annually through a~~  
19 ~~process jointly developed and implemented by the Agencies of Education and~~  
20 ~~of Human Services. A district shall pay tuition upon: In a district that~~  
21 ~~maintains a public prekindergarten education program, a parent or guardian~~



1 ~~may enroll a child in the public prekindergarten education program maintained~~  
2 by the district of residence by enrolling the child in the district of residence.

3 (2) In a district that does not maintain a public prekindergarten  
4 education program, the district shall pay tuition pursuant to subsection 823(a)  
5 of this title upon

6 (A) receiving notice from the child's parent or guardian that the child  
7 is or will be ~~admitted to the~~ enrolled in a public prekindergarten education  
8 program operated by the prequalified private provider or the other district  
9 outside the district of residence; and

10 (B) concurrent enrollment of the prekindergarten child in the district  
11 of residence for purposes of budgeting and determining average daily  
12 membership.

13 ~~(2)~~(3) In addition to any direct costs of operating a public  
14 prekindergarten education program, a district of residence shall include  
15 anticipated public prekindergarten education program tuition payments and  
16 any administrative, quality assurance, quality improvement, transition  
17 planning, or other prekindergarten-related costs in its annual budget presented  
18 to the voters.

19 ~~(3)~~(4) Pursuant to subdivision 4001(1)(C) of this title, the district of  
20 ~~residence may include within its average daily membership any~~

1 ~~prekindergarten child for whom it has provided prekindergarten education or~~  
2 on whose behalf it has paid tuition pursuant to this section.

3 ~~(d) A prequalified private provider may receive additional payment~~  
4 ~~directly from the parent or guardian only for prekindergarten education in~~  
5 ~~excess of the hours paid for by the district pursuant to this section or for child~~  
6 ~~care services, or both. The provider is not bound by the statewide rate~~  
7 ~~established in this subsection when determining the rates it will charge the~~  
8 ~~parent or guardian.~~

9 (e) Rules. The Secretary of Education and the Commissioner for Children  
10 and Families, in consultation with Building Bright Futures, shall jointly  
11 develop and agree to rules and present them to the State Board for adoption  
12 under 3 V.S.A. chapter 25 as follows:

13 (1) ~~To permit private providers that are not prequalified pursuant to~~  
14 ~~subsection (c) of this section to create new or continue existing partnerships~~  
15 ~~with school districts through which the school district provides supports that~~  
16 ~~enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and~~  
17 ~~through which the district may or may not make in-kind payments as a~~  
18 ~~component of the statewide tuition established under this section.~~

19 (2) ~~To authorize a district to begin or expand a school-based~~  
20 ~~prekindergarten education program only upon prior approval obtained through~~  
21 ~~a process jointly overseen by the Secretaries of Education and of Human~~

1 ~~Services, which shall be based upon analysis of the number of prekindergarten~~  
2 ~~children residing in the district and the availability of enrollment opportunities~~  
3 ~~with prequalified private providers in the region. Where the data are not clear~~  
4 ~~or there are other complex considerations, the Secretaries may choose to~~  
5 ~~conduct a community needs assessment.~~

6 (3) To require that the school district provides opportunities for  
7 effective parental participation in the public prekindergarten education  
8 program.

9 (4)(2) To establish a process by which:

10 (A) a parent or guardian notifies the district that the prekindergarten  
11 child is or will be ~~admitted to~~ enrolled in a public prekindergarten education  
12 program ~~not operated by the district and concurrently enrolls the child in the~~  
13 ~~district pursuant to subdivision~~ subdivisions (d)(1) and (2) of this section;

14 (B) a district:

15 (i) ~~pays tuition pursuant to a schedule that does not inhibit the~~  
16 ~~ability of a parent or guardian to enroll a prekindergarten child in a~~  
17 ~~prekindergarten education program or the ability of a prequalified private~~  
18 ~~provider to maintain financial stability; and~~

19 (ii) ~~enters into an agreement with any provider to which it will~~  
20 ~~pay tuition regarding quality assurance, transition, and any other matters, and~~

1 ~~(C) a provider that has received tuition payments under this section~~  
2 ~~on behalf of a prekindergarten child notifies a district that the child is no~~  
3 ~~longer enrolled.~~

4 ~~(5) To establish a process to calculate an annual statewide tuition rate~~  
5 ~~that is based upon the actual cost of delivering ten hours per week of~~  
6 ~~prekindergarten education that meets all established quality standards and to~~  
7 ~~allow for regional adjustments to the rate.~~

8 ~~(6) [Repealed.]~~

9 ~~(7)(3) To require a district to include identifiable costs for public~~  
10 ~~prekindergarten education programs and essential early education services in~~  
11 ~~its annual budgets and reports to the community.~~

12 ~~(8)(4) To require a district to report to the Agency of Education annual~~  
13 ~~expenditures made in support of public prekindergarten education programs,~~  
14 ~~with distinct figures provided for expenditures made from the General Fund,~~  
15 ~~from the Education Fund, and from all other sources, which shall be specified.~~

16 ~~(9)(5) To provide an administrative process for:~~

17 ~~(A) a parent, guardian, or provider to challenge an action of a school~~  
18 ~~district or the State when the complainant believes that the district or State is~~  
19 ~~in violation of State statute or rules regarding the public prekindergarten~~  
20 ~~education program, and~~

1 ~~(P) a school district to challenge an action of a provider or the State~~  
2 when the district believes that ~~the provider or the State~~ is in violation of State  
3 statute or rules regarding the public prekindergarten education program.

4 ~~(10)(C)~~ To establish a system by which the Agency of Education and  
5 ~~Department for Children and Families~~ shall jointly monitor and evaluate  
6 public prekindergarten education programs to promote optimal results for  
7 children that support the relevant population-level outcomes set forth in 3  
8 V.S.A. § 2311 and to collect data that will inform future decisions. The  
9 Agency and ~~Department~~ shall be required to report annually to the General  
10 Assembly in January. At a minimum, the system shall monitor and evaluate:

11 (A) programmatic details, including the number of children served,  
12 the number of ~~private and public~~ prekindergarten education programs  
13 operated, and the public financial investment made to ensure access to quality  
14 prekindergarten education;

15 (B) the quality of public and ~~private~~ prekindergarten education  
16 programs and efforts to ensure continuous quality improvements through  
17 mentoring, training, technical assistance, and otherwise; and

18 (C) the results for children, including school readiness and  
19 proficiency in numeracy and literacy social-emotional development.

20 ~~(11)(7)~~ To establish a process for documenting the progress of children  
21 enrolled in public prekindergarten education programs and to require public

1 ~~and private providers prekindergarten education programs to use the process~~

2 to:

3 (A) help individualize instruction and improve program practice; and

4 (B) collect and report child progress data to the Secretary of

5 Education on an annual basis.

6 (f) ~~Other provisions of law. Section 836 of this title shall not apply to this~~

7 ~~section. [Repealed.]~~

8 (g) Limitations. Nothing in this section shall be construed to ~~permit or~~

9 ~~require payment of public funds to a private provider of prekindergarten~~

10 ~~education in violation of Chapter I, Article 3 of the Vermont Constitution or in~~

11 ~~violation of the Establishment Clause of the U.S. Constitution prohibit a~~

12 ~~private prekindergarten provider from providing prekindergarten education in~~

13 ~~accordance with rules adopted by the Department for Children and Families'~~

14 ~~Division of Child Development.~~

15 (h) ~~Geographic limitations:~~

16 (1) ~~Notwithstanding the requirement that a district pay tuition to any~~

17 ~~prequalified public or private provider in the State, a school board may choose~~

18 ~~to limit the geographic boundaries within which the district shall pay tuition by~~

19 ~~paying tuition solely to those prequalified providers in which parents and~~

20 ~~guardians choose to enroll resident prekindergarten children that are located~~

1 ~~within the district's "prekindergarten region" as determined in subdivision (2)~~  
2 ~~of this subsection.~~

3 ~~(2) For purposes of this subsection, upon application from the school~~  
4 ~~board, a district's prekindergarten region shall be determined jointly by the~~  
5 ~~Agencies of Education and of Human Services in consultation with the school~~  
6 ~~board, private providers of prekindergarten education, parents and guardians of~~  
7 ~~prekindergarten children, and other interested parties pursuant to a process~~  
8 ~~adopted by rule under subsection (e) of this section. A prekindergarten region:~~

9 ~~(A) shall not be smaller than the geographic boundaries of the school~~  
10 ~~district;~~

11 ~~(B) shall be based in part upon the estimated number of~~  
12 ~~prekindergarten children residing in the district and in surrounding districts,~~  
13 ~~the availability of prequalified private and public providers of prekindergarten~~  
14 ~~education, commuting patterns, and other region-specific criteria; and~~

15 ~~(C) shall be designed to support existing partnerships between the~~  
16 ~~school district and private providers of prekindergarten education.~~

17 ~~(3) If a school board chooses to pay tuition to providers solely within its~~  
18 ~~prekindergarten region, and if a resident prekindergarten child is unable to~~  
19 ~~access publicly funded prekindergarten education within that region, then the~~  
20 ~~child's parent or guardian may request and in its discretion the district may pay~~

1 ~~tuition at the statewide rate for a prekindergarten education program operated~~  
2 ~~by a prequalified provider located outside the prekindergarten region.~~

3 ~~(4) Except for the narrow exception permitting a school board to limit~~  
4 ~~geographic boundaries under subdivision (1) of this subsection, all other~~  
5 ~~provisions of this section and related rules shall continue to apply.~~

6 Sec. 5. 16 V.S.A. § 1073 is amended to read:

7 § 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

8 (a) Definition. ~~Legal~~ As used in this section, “legal pupil” means an  
9 individual who has attained the ~~age of five~~ four years of age on or before  
10 January ~~September 1 next following the beginning~~ of the school year.

11 However, a school district may require that students admitted to kindergarten  
12 have attained ~~the age of five years of age~~ or before any date between  
13 August 31 and January 1.

14 \* \* \*

15 ~~(c) Prekindergarten and essential~~ Essential early education. An individual  
16 who is not a legal pupil may be enrolled ~~in a public school in a prekindergarten~~  
17 ~~program offered by or through a public school pursuant to rules adopted under~~  
18 ~~section 829 of this title or~~ in a program of essential early education offered  
19 pursuant to section 2956 of this title.

20 (d) Relocation. If one or both of a child’s parents or guardians are being  
21 ~~relocated to the State under military orders, a school district shall allow~~



1 ~~registration of the student by mail, telephone, or electronically and shall not~~  
2 require the parent or legal guardian of the student or the student themselves to  
3 physically appear at a location within the district to register the student. Proof  
4 of required residency shall not be required at the time of the remote  
5 registration but shall be required within 10 days of following the student's  
6 attendance in the school district.

7 Sec. 6. 16 V.S.A. § 4001 is amended to read:

8 § 4001. DEFINITIONS

9 As used in this chapter:

10 (1) "Average daily membership" of a school district or, if needed in  
11 order to calculate the appropriate home head tax rate, of the municipality as  
12 defined in 32 V.S.A. § 5401(9), in any year means:

13 (A) The full-time equivalent enrollment of prekindergarten children  
14 and students in grades kindergarten through 12, as defined by the State Board  
15 by rule, who are legal residents of the district or municipality attending a  
16 school owned and operated by the district, attending a public school outside  
17 the district under section 822a of this title, or for whom the district pays tuition  
18 to one or more approved independent schools or public schools outside the  
19 district during the annual census period. The census period consists of the  
20 11th day through the 30th day of the school year in which school is actually in  
21 session.

1 \* \* \*

2 (C) The full-time equivalent enrollment for each ~~prekindergarten~~  
3 child receiving essential early education services is as follows: If a child is  
4 enrolled in ~~10 or more hours of prekindergarten education per week or~~  
5 receives 10 or more hours of essential early education services per week and is  
6 not enrolled in a public prekindergarten program, the child shall be counted as  
7 one full-time equivalent pupil. If a child is ~~enrolled in six or more but fewer~~  
8 ~~than 10 hours of prekindergarten education per week or if a child receives~~  
9 fewer than 10 hours of essential early education services per week, the child  
10 shall be counted as a percentage of one full-time equivalent pupil, calculated as  
11 one multiplied by the number of hours per week divided by ~~ten~~ 10. ~~A child~~  
12 ~~enrolled in prekindergarten education for fewer than six hours per week shall~~  
13 ~~not be included in the district's average daily membership.~~ There is no limit  
14 on the total number of children who ~~may be enrolled in prekindergarten~~  
15 ~~education or who receive essential early education services.~~

16 \* \* \*

17 (15) "Prekindergarten child" means a ~~three or four-year-old~~ child who  
18 is enrolled in a public prekindergarten education program offered by or  
19 ~~through a school district pursuant to rules adopted under section 829 of this~~  
20 ~~title or who is receiving essential early education services offered pursuant to~~  
21 ~~section 2950 of this title.~~ Prekindergarten child also means a five-year-old

1 ~~child who otherwise meets the terms of this definition if that child is not yet~~  
2 eligible for or enrolled in kindergarten.

3 ~~(16) “Child receiving essential early education services” means a three-~~  
4 ~~or four-year-old child who is receiving essential early education services~~  
5 ~~offered pursuant to section 2956 of this title. Child receiving essential early~~  
6 ~~education services also means a five-year-old child who otherwise meets the~~  
7 ~~terms of this definition if that child is not yet eligible for or enrolled in~~  
8 ~~kindergarten.~~

9 Sec. 7. 16 V.S.A. § 4010 is amended to read:

10 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP  
11 AND PER PUPIL EDUCATION SPENDING

12 \* \* \*

13 (d) Determination of weighted long-term membership. For each weighting  
14 category except the small schools weighting category under subdivision (b)(3)  
15 of this section, the Secretary shall compute the weighting count by using the  
16 long-term membership, as defined in subdivision 4001(7) of this title, in that  
17 category.

18 (1) The Secretary shall first apply grade level weights. Each pupil  
19 included in long-term membership from subsection (b) of this section shall  
20 count as one, multiplied by the following amounts:

21 ~~(A) prekindergarten—negative 0.54; [Repealed.]~~

1 ~~(B) grades six through eight—0.36; and~~

2 (C) grades nine through 12—0.39.

3 \* \* \*

4 Sec. 8. 19 V.S.A. § 921 is amended to read:

5 § 921. SCHOOL ZONES

6 (a) Municipalities shall erect or cause to be erected on all public highways  
7 near a school warning signs conforming to the standards of the Manual on  
8 Uniform Traffic Control Devices as provided in 23 V.S.A. § 1025.

9 (b) For the purposes of this section and 23 V.S.A. § 1025, the term  
10 “school” shall include ~~school-district-operated~~ public prekindergarten  
11 education program facilities owned or leased by a school district.

12 Sec. 9. 23 V.S.A. § 1003 is amended to read:

13 § 1003. STATE SPEED ZONES

14 (a) When the Traffic Committee constituted under 19 V.S.A. § 1(24)  
15 determines, on the basis of an engineering and traffic investigation that shall  
16 take into account, if applicable, safe speeds within school zones (or safe speeds  
17 within 200 feet of ~~school-district-operated~~ public prekindergarten education  
18 program facilities owned or leased by a school district) when children are  
19 traveling to or from such schools or facilities, that a maximum speed limit  
20 established by this chapter is greater or less than is reasonable or safe under  
21 ~~conditions found to exist at any place or upon any part of a State highway,~~

1 including the Dwight D. Eisenhower National System of Interstate and  
2 Defense Highways, it may determine and declare a reasonable and safe limit  
3 that is effective when appropriate signs stating the limit are erected. This limit  
4 may be declared to be effective at all times or at times indicated upon the  
5 signs; and differing limits may be established for different times of day,  
6 different types of vehicles, varying weather conditions, or based on other  
7 factors bearing on safe speeds, which are effective when posted upon  
8 appropriate fixed or alterable signs.

9 \* \* \*

10 Sec. 10. AGENCY OF EDUCATION; DEPUTY SECRETARY  
11 AUTHORIZATION; APPROPRIATION

12 (a) The establishment of a second Deputy Secretary position within the  
13 Agency of Education pursuant to 16 V.S.A. § 213 is authorized beginning in  
14 fiscal year 2024.

15 (b) In fiscal year 2024, \$200,000.00 is appropriated for the creation of a  
16 second Deputy Secretary position within the Agency of Education.

17 Sec. 11. RULEMAKING

18 (a) The Department for Children and Family's Child Development  
19 Division, in consultation with Building Bright Futures, shall amend the  
20 following rules pursuant to 3 V.S.A. chapter 25 to reflect the creation of the  
21 public prekindergarten education program pursuant to 16 V.S.A. § 829.

1 ~~(1) Department for Children and Families, Licensing Regulations for~~  
2 ~~Afterschool Child Care Programs (CVR 13-171-003);~~

3 ~~(2) Department for Children and Families, Licensing Regulations for~~  
4 ~~Center-Based Child Care and Preschool Programs (CVR 13-171-004); and~~

5 ~~(3) Department for Children and Families, Child Care Licensing~~  
6 ~~Regulations; Registered and Licensed Family Child Care Homes (CVR 13-~~  
7 ~~171-005).~~

8 ~~(b) The Agency of Education, in consultation with Building Bright~~  
9 ~~Futures, shall amend the following rules pursuant to 3 V.S.A. chapter 25 to~~  
10 ~~reflect the creation of the public prekindergarten education program pursuant~~  
11 ~~to 16 V.S.A. § 829:~~

12 ~~(1) Agency of Education, Length of School Day and Year—Specific~~  
13 ~~Program Requirements for Public Schools (CVR 22-000-005);~~

14 ~~(2) Agency of Education, Full-time Equivalent Enrollment of Pupils~~  
15 ~~(CVR 22-000-027); and~~

16 ~~(3) Agency of Education, Prekindergarten Education (CVR 22-000-~~  
17 ~~035).~~

18 ~~\*\*\* Property Tax Exemption; Property Used by a Child Care Provider \*\*\*~~

19 Sec. 12. 32 V.S.A. § 3802(22) is added to read:

20 ~~(22) Up to \$10,000.00 of value of real and personal property.~~

1 ~~(A) owned by a home based child care provider as defined by~~  
2 ~~33 V.S.A. § 3511(3) and used to provide child care services as defined by~~  
3 ~~33 V.S.A. § 3511(4); or~~

4 ~~(B) rented at not less than 25 percent below fair market value as~~  
5 ~~determined by the prevailing area market prices for comparable space or~~  
6 ~~property to a center based child care provider as defined by 33 V.S.A.~~  
7 ~~§ 3511(3) and used to provide child care services as defined by 33 V.S.A.~~  
8 ~~§ 3511(4).~~

9 Sec. 13. 32 V.S.A. § 3800(q) is added to read:

10 ~~(q) The statutory purpose of the exemption for property owned by or~~  
11 ~~rented to a child care provider in subdivision 3802(22) of this title is to lower~~  
12 ~~the cost of providing child care services in Vermont.~~

13 Sec. 14. 32 V.S.A. § 5401(7) is amended to read:

14 (7) "Homestead":

15 (A) "Homestead" means the principal dwelling and parcel of land  
16 surrounding the dwelling, owned and occupied by a resident individual as the  
17 individual's domicile or owned and fully leased on April 1, provided the  
18 property is not leased for more than 182 days out of the calendar year or, for  
19 purposes of the renter credit under subsection 6066(b) of this title, is rented  
20 and occupied by a resident individual as the individual's domicile.

21

1 ~~(E) A homestead also includes any other improvement or structure on~~  
2 the homestead parcel that is not used for business purposes. A homestead does  
3 not include that portion of a principal dwelling used for business purposes if  
4 the portion used for business purposes includes more than 25 percent of the  
5 floor space of the building.

6 \* \* \*

7 (H)(i) A homestead does not include any portion of a dwelling that is  
8 rented, and a dwelling is not a homestead for any portion of the year in which  
9 it is rented.

10 (ii) Notwithstanding subdivision (i) of this subdivision (7)(H), a  
11 homestead shall include a dwelling, or a portion of a dwelling, that otherwise  
12 qualifies as a homestead and that is rented at not less than 25 percent below  
13 fair market value as determined by the prevailing area market prices for  
14 comparable space or property to a center-based child care provider as defined  
15 by 33 V.S.A. § 3511(3) and is used to provide child care services as defined by  
16 33 V.S.A. § 3511(4).

17 \* \* \* Department for Children and Families Restructure and Creation of

18 Department of Economic Empowerment \* \* \*

19 Sec. 15. 3 V.S.A. § 212 is amended to read:

20 ~~§ 212. DEPARTMENTS CREATED~~



1 ~~The following administrative departments are hereby created, through the~~  
2 instrumentality of which the Governor, under the Constitution, shall exercise  
3 such functions as are by law assigned to each department respectively:

4 \* \* \*

5 (24) ~~The Department of Vermont Health Access.~~

6 (25) The Department of Economic Empowerment.

7 Sec. 16. 3 V.S.A. § 241 is amended to read:

8 § 241. BACKGROUND INVESTIGATIONS

9 (a) “Federal tax information” or “FTI” means returns and return  
10 information as defined in 26 U.S.C. § 6103(b) that are received directly from  
11 the Internal Revenue Service or obtained through an IRS-authorized secondary  
12 source, that are in the Recipient’s possession or control, and that are subject to  
13 the confidentiality protections and safeguarding requirements of the Internal  
14 Revenue Code and corresponding federal regulations and guidance.

15 (b) As used in this chapter, “Recipient” means the following authorities of  
16 the Executive Branch of State government that receive FTI.

17 (1) Agency of Human Services, including:

18 (A) Department for Children and Families;

19 (B) Department of Economic Empowerment;

20 (C) Department of Health;

21 ~~(D) Department of Mental Health, and~~

1 ~~(D)(E) Department of Vermont Health Access.~~

2 (2) Department of Labor.

3 (3) Department of Motor Vehicles.

4 (4) Department of Taxes.

5 (5) Agency of Digital Services.

6 (6) Department of Buildings and General Services.

7 \* \* \*

8 Sec. 17. 3 V.S.A. § 816 is amended to read:

9 § 816. EXEMPTIONS

10 (a) Sections 809–813 of this title shall not apply to:

11 (1) Acts, decisions, findings, or determinations by the Human Services  
12 Board or the ~~Commissioner~~ Commissioners of Economic Empowerment or for  
13 Children and Families or a duly authorized agent, and to procedures or  
14 hearings before and by the Board or Commissioner or agent.

15 \* \* \*

16 Sec. 18. 3 V.S.A. § 3002 is amended to read:

17 § 3002. CREATION OF AGENCY

18 (a) An Agency of Human Services is created consisting of the following:

19 (1) The Department of Corrections.

20 (2) The Department for Children and Families.

21 ~~(3) The Department of Health.~~

1 ~~(4) The Department of Disabilities, Aging, and Independent Living~~

2 (5) The Human Services Board.

3 (6) The Department of Vermont Health Access.

4 (7) The Department of Mental Health.

5 (8) The Department of Economic Empowerment.

6 \* \* \*

7 Sec. 19. 3 V.S.A. § 3051 is amended to read:

8 § 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;

9 APPOINTMENT; TERM

10 \* \* \*

11 (c) For the Department for Children and Families, the Secretary, with the

12 approval of the Governor, shall appoint deputy commissioners for the

13 following divisions of the Department:

14 (1) ~~Economic Services;~~

15 (2) Child Development; and

16 (3)(2) Family Services.

17 \* \* \*

18 (e) For the Department of Economic Empowerment, the Secretary, with the

19 approval of the Governor, shall appoint deputy commissioners for the

20 following divisions of the Department:

21 ~~(1) Disability Determination Services, and~~

1 ~~(2) Economic Services Division~~

2 ~~(f) Deputy commissioners shall be exempt from the classified service.~~

3 ~~Their appointments shall be in writing and shall be filed in the Office of the~~  
4 ~~Secretary of State.~~

5 ~~Sec. 20. 3 V.S.A. § 3084 is amended to read:~~

6 ~~§ 3084. DEPARTMENT FOR CHILDREN AND FAMILIES~~

7 ~~(a) The Department for Children and Families is created within the Agency~~  
8 ~~of Human Services as the successor to and the continuation of the Department~~  
9 ~~of Social and Rehabilitation Services, the Department of Prevention,~~  
10 ~~Assistance, Transition, and Health Access, excluding the Department of~~  
11 ~~Vermont Health Access, the Office of Economic Opportunity, and the Office~~  
12 ~~of Child Support. The Department shall also include a Division of Child~~  
13 ~~Development Programs to promote the healthy development of children and~~  
14 ~~youth, oversee and support a system of high-quality child care programs in~~  
15 ~~home- and community-based settings, and provide assistance and support to~~  
16 ~~parents and families. It shall include the Divisions of Child Development and~~  
17 ~~of Family Services and the Offices of Children with Special Health Needs and~~  
18 ~~of Maternal and Child Health.~~

19 ~~(b) An investigations unit is created within the Department for Children~~  
20 ~~and Families as the successor to and continuation of the investigation functions~~

1 ~~of the Social Services Division of the Department of Social and Rehabilitation~~

2 Services under 33 V.S.A. chapter 49.

3 Sec. 21. 3 V.S.A. § 3091 is amended to read:

4 § 3091. HEARINGS

5 (a) An applicant for or a recipient of assistance, benefits, or social services  
6 from the Department for Children and Families, of Economic Empowerment,  
7 of Vermont Health Access, of Disabilities, Aging, and Independent Living, or  
8 of Mental Health, ~~or;~~ an applicant for a license from one of those  
9 departments; ~~;~~ or a licensee may file a request for a fair hearing with the  
10 Human Services Board. An opportunity for a fair hearing ~~will~~ shall be granted  
11 to any individual requesting a hearing because ~~his or her~~ the individual's claim  
12 for assistance, benefits, or services is denied; or is not acted upon with  
13 reasonable promptness; or because the individual is aggrieved by any other  
14 Agency action affecting ~~his or her~~ the individual's receipt of assistance,  
15 benefits, or services, or license or license application; or because the individual  
16 is aggrieved by Agency policy as it affects ~~his or her~~ the individual's situation.

17 \* \* \*

18 Sec. 22. 3 V.S.A. § 3094 is amended to read:

19 ~~§ 3094. OFFICE OF CHILD SUPPORT~~

1 ~~(a) The Office of Child Support is created within the Department for~~  
2 ~~Children and Families of Economic Empowerment and shall be designated the~~  
3 ~~IV-D agency for purposes of Title IV-D of the federal Social Security Act.~~

4 (b) The Office shall be headed by a Director who shall be appointed by the  
5 Secretary of Human Services subject to section 3054 of this title.

6 Sec. 23. 3 V.S.A. § 3098 is added to read:

7 § 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

8 The Department of Economic Empowerment is created within the Agency  
9 of Human Services to empower families and individuals through the provision  
10 of financial support, case management, and other assistance aimed at building  
11 skills and independence. It shall include the Office of Child Support, the  
12 Office of Economic Opportunity, the Disability Determination Services  
13 Division, and the Economic Services Division.

14 Sec. 24. 4 V.S.A. § 953 is amended to read:

15 § 953. SOURCES OF NAMES

16 (a) The clerk, in order to ascertain names of persons eligible as jurors, may  
17 consult the latest census enumeration, the latest published city, town, or village  
18 telephone or other directory, the listers' records, the elections records, and any  
19 other general source of names.

20 (b) Notwithstanding any law to the contrary, the Court Administrator may  
21 ~~obtain the names, addresses, and dates of birth of persons which that are~~

1 ~~contained in the records of the Department of Motor Vehicles, the Department~~  
2 of Labor, the Department of Taxes, the Department of Health, the Department  
3 of Economic Empowerment, and the Department for Children and Families.

4 The Court Administrator may also obtain the names of voters from the  
5 Secretary of State. After the names have been obtained, the Court  
6 Administrator shall compile them and provide the names, addresses, and dates  
7 of birth to the clerk in a form that will not reveal the source of the names.

8 The clerk shall include the names provided by the Court Administrator in the  
9 list of potential jurors.

10 \* \* \*

11 Sec. 25. 8 V.S.A. § 10204 is amended to read:

12 § 10204. EXCEPTIONS

13 This subchapter does not prohibit any of the activities listed in this section.

14 This section shall not be construed to require any financial institution to make

15 any disclosure not otherwise required by law. This section shall not be

16 construed to require or encourage any financial institution to alter any

17 procedures or practices not inconsistent with this subchapter. This section

18 shall not be construed to expand or create any authority in any person or entity

19 other than a financial institution.  
20

1 ~~(4) Disclosure of information sought by the Department for Children~~  
2 and Families pursuant to its authority and obligations under 33 V.S.A. § 112.

3 \* \* \*

4 (27) Disclosure of information sought by the Department of Economic  
5 Empowerment pursuant to its authority and obligations under 33 V.S.A. § 212.

6 Sec. 26. 9 V.S.A. § 2480h is amended to read:

7 § 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME  
8 IN EFFECT

9 \* \* \*

10 (l) The provisions of this section, including the security freeze, do not  
11 apply to the use of a consumer report by the following:

12 \* \* \*

13 (5) The Economic Services Division of the Department for Children and  
14 Families of Economic Empowerment or the Department of Vermont Health  
15 Access or its agents or assignee acting to investigate welfare or Medicaid  
16 fraud.

17 \* \* \*

18 Sec. 27. 9 V.S.A. § 2483a is amended to read:

19 § 2483a. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN  
20 EFFECT

21



1 ~~(1) The provisions of this section, including the protected consumer~~  
2 security freeze, do not apply to the use of a consumer report by the following:

3 \* \* \*

4 (5) The Economic Services Division of the Department for Children and  
5 Families of Economic Empowerment or the Department of Vermont Health  
6 Access or its agents or assignees acting to investigate welfare or Medicaid  
7 fraud.

8 \* \* \*

9 Sec. 28. 9 V.S.A. § 4472 is amended to read:

10 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

11 \* \* \*

12 (b) Not less than 30 days before the date of termination, the protected  
13 tenant shall provide to the landlord:

14 (1) a written notice of termination; and

15 (2) documentation from one or more of the following sources

16 supporting ~~his or her~~ the tenant's reasonable belief that it is necessary to vacate  
17 the dwelling unit:

18 (A) a court, law enforcement, or other government agency;

19 ~~(B) an abuse, sexual assault, or stalking assistance program,~~

1 ~~(C) a legal, clerical, medical, or other professional from whom the~~  
2 tenant, or the minor or dependent of the tenant, received counseling or other  
3 assistance concerning abuse, sexual assault, or stalking; or

4 ~~(D) a self-certification of a protected tenant's status as a victim of~~  
5 ~~abuse, sexual assault, or stalking, signed under penalty of perjury, on a~~  
6 ~~standard form adopted for that purpose by:~~

7 ~~(i) a federal or State government entity, including the federal~~  
8 ~~Department of Housing and Urban Development, the Vermont Department of~~  
9 ~~Economic Empowerment, or the Vermont Department for Children and~~  
10 ~~Families; or~~

11 ~~(ii) a nonprofit organization that provides support services to~~  
12 ~~protected tenants.~~

13 \* \* \*

14 Sec. 29. 10 App. V.S.A. § 16 is amended to read:

15 § 16. SUSPENSION OF LICENSES: ENFORCEMENT OF CHILD

16 SUPPORT ORDERS, 15 V.S.A. § 798

17 \* \* \*

18 16.3 All notices of compliance with a child support order shall be upon a  
19 standard compliance form, as devised and approved by the court, the Vermont  
20 Agency of Human Services, Department of ~~Children and Families~~ Economic  
21 Empowerment, and this Department.

1 ~~16.4. If the motion for the court order was brought by the Vermont Agency~~  
2 of Human Services, Department of ~~Children and Families~~ Economic  
3 Empowerment, then notice of compliance shall only be accepted from the  
4 Vermont Agency of Human Services, Department of ~~Children and Families~~  
5 Economic Empowerment or the court.

6 \* \* \*

7 16.8 Department personnel shall direct all inquiries from persons seeking  
8 reinstatement to the court of the Vermont Agency of Human Services,  
9 Department of ~~Children and Families~~ Economic Empowerment, if the Vermont  
10 Agency of Human Services, Department of ~~Children and Families~~ Economic  
11 Empowerment was the entity ~~which~~ that brought the motion for suspension  
12 before this court.

13 Sec. 30. 12 V.S.A. § 3169 is amended to read:

14 § 3169. HEARING ON MOTION; FINDINGS; ORDER

15 (a) At the hearing on the motion the court shall determine on the basis of  
16 the motion and any affidavit of the judgment creditor, the record in the civil  
17 action and any testimony offered by either party, and by the trustee whether  
18 the judgment debtor has neglected or refused to pay or make reasonable  
19 arrangements to pay the money judgment in question. If the court so finds, it  
20 shall also determine:

21 ~~(1) the amount of the judgment unpaid,~~

1 ~~(2) the amount of the judgment debtor's weekly disposable earnings;~~

2 (3) whether the judgment debtor has been a recipient of assistance from  
3 the Vermont Department Departments for Children and Families, of Economic  
4 Empowerment, or the Department of Vermont Health Access within the two  
5 months preceding the date of the hearing; and

6 \* \* \*

7 Sec. 31. 12 V.S.A. § 3170 is amended to read:

8 § 3170. EXEMPTIONS; ISSUANCE OF ORDER

9 (a) No order approving the issuance of trustee process against earnings  
10 shall be entered against a judgment debtor who was, within the two-month  
11 period preceding the hearing provided in section 3169 of this title, a recipient  
12 of assistance from the Vermont Department ~~for Children and Families~~ of  
13 Economic Empowerment or the Department of Vermont Health Access. The  
14 judgment debtor must establish this exemption at the time of hearing.

15 \* \* \*

16 Sec. 32. 13 V.S.A. § 1028 is amended to read:

17 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH  
18 BODILY FLUIDS

19 \* \* \*

20 ~~(d) As used in this section.~~

1 ~~(1) "Protected professional" shall mean means a law enforcement~~  
2 officer; a firefighter; a health care worker; an employee, contractor, or grantee  
3 of the Department for Children and Families or Department of Economic  
4 Empowerment; or any emergency medical personnel as defined in 24 V.S.A.  
5 § 2651(6).

6 \* \* \*

7 Sec. 33. 15 V.S.A. § 294 is amended to read:

8 § 294. ~~MAN~~ UNRELATED ADULT IN THE HOUSE

9 (a) When the ~~mother parent~~ of minor children is residing within the same  
10 household as a ~~man~~ an adult unrelated to ~~her~~ the parent and not otherwise  
11 liable for the support of the ~~mother and her parent and the parent's~~ children, on  
12 the complaint of the ~~mother parent~~ or, if ~~she~~ the parent is receiving public  
13 assistance, the ~~Department~~ Departments of Economic Empowerment or for  
14 Children and Families, the Superior Court shall make such decree concerning  
15 the support of the ~~mother parent~~ and the care, custody, maintenance, and  
16 education of the children as in cases where the ~~husband~~ non-residential parent  
17 refuses without just cause to support ~~his wife~~ the parent living with the  
18 children and the children. The decree shall by its terms continue in force for  
19 so long as the defendant resides within the household or until further order of  
20 the court.

21 ~~(b) This section shall not apply to persons living in boarding houses.~~

1 ~~See 24-15 V.S.A. § 606 is amended to read:~~

2 § 606. ACTION TO RECOVER MAINTENANCE, CHILD SUPPORT, AND  
3 SUIT MONEY; SANCTION FOR NONCOMPLIANCE

4 (a) When a judgment or order for the payment of either temporary or  
5 permanent maintenance, child support, or suit money has been made by the  
6 Family Division of the Superior Court, and personal jurisdiction of the person  
7 liable for the payment of money under the judgment or order has been  
8 obtained, the party entitled by the terms of the judgment or order to payment  
9 thereunder, or the Office of Child Support in all cases in which the party or  
10 dependent children of the parties are the recipients of financial assistance from  
11 the ~~Department~~ Departments of Economic Empowerment or for Children and  
12 Families, may file a motion in the Family Division of the Superior Court  
13 asking for a determination of the amount due. Upon notice to the other party  
14 and hearing thereon, the Family Division of the Superior Court shall render  
15 judgment for the amount due under the judgment or order; the court may order  
16 restitution to the ~~Department~~ Departments, order that payments be made to the  
17 Office of Child Support for distribution, or make such other orders or  
18 conditions as it deems proper. The judgment shall be as binding and as  
19 enforceable in all respects as though rendered in any other civil action. Notice  
20 shall be given in such manner as the Supreme Court shall by rule provide. An  
21 ~~additional motion may be brought at any time for further unpaid balances.~~

1 ~~The Family Division of the Superior Court in which the cause was pending at~~  
2 the time the original judgment or order was made shall have jurisdiction of  
3 motions under the provisions of this section, irrespective of the amount in  
4 controversy or the residence of the parties. The motions may be brought and  
5 judgment obtained on judgments, decrees, and orders previously rendered and  
6 still in force.

7 \* \* \*

8 Sec. 35. 15 V.S.A. § 658 is amended to read:

9 § 658. SUPPORT

10 (a) In an action under this chapter or under chapter 21 of this title, the court  
11 shall order either or both parents owing a duty of support to a child to pay an  
12 amount for the support of the child in accordance with the support guidelines  
13 as set forth in this subchapter, unless otherwise determined under section 659  
14 of this title.

15 (b) A request for support may be made by either parent, a guardian, or the  
16 Department for Children and Families, Department of Economic  
17 Empowerment, or the Department of Vermont Health Access, if a party in  
18 interest. A court may also raise the issue of support on its own motion.

19 \* \* \*

20 Sec. 36. 16 V.S.A. § 1592 is amended to read:

21 ~~§ 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES~~

1 ~~With respect to the provision of postsecondary career technical education~~  
2 programs, in addition to those powers and responsibilities set forth in chapter  
3 72 of this title, the Vermont State Colleges Board of Trustees shall:

4 \* \* \*

5 (3) coordinate such programs with other employment and training  
6 programs such as those offered by the Department of Employment and  
7 Training, the Department of Labor, the Department for Children and Families  
8 of Economic Empowerment, the Agency of Commerce and Community  
9 Development, independent colleges, and the Vermont Student Assistance  
10 Corporation; and

11 (4) possess all other necessary and implied powers to carry out such  
12 responsibilities.

13 Sec. 37. 18 V.S.A. § 5227 is amended to read:

14 § 5227. RIGHT TO DISPOSITION

15 \* \* \*

16 (d)(1) If the disposition of the remains of a decedent is determined under  
17 subdivision (a)(10) of this section, the Office of the Chief Medical Examiner  
18 may contract with a funeral director or disposition facility to cremate the  
19 remains of the decedent.

20 (2)(A) If the cremation of the decedent is arranged and paid for under

21 ~~55 V.S.A. § 2501, the Department for Children and Families of Economic~~



1 ~~Empowerment shall pay the cremation expenses to the funeral home, up to the~~  
2 maximum payment permitted by rule by the Department for ~~Children and~~  
3 ~~Families~~ of Economic Empowerment.

4 (B) If the cremation of the decedent is not arranged and paid for  
5 under 33 V.S.A. § 2301, the Department of Health shall pay the cremation  
6 expenses to the funeral home, up to the maximum payment permitted by rule  
7 by the Department for ~~Children and Families~~ of Economic Empowerment.

8 \* \* \*

9 Sec. 38. 18 V.S.A. § 8101 is amended to read:

10 § 8101. LIABILITY

11 \* \* \*

12 (e) In ~~his or her~~ the Commissioner's investigation, keeping of accounts,  
13 and collection of charges, the Commissioner shall have the support and  
14 cooperation of the Department for ~~Children and Families~~ of Economic  
15 Empowerment insofar as the records of that Department relate to the ability to  
16 pay.

17 \* \* \*

18 Sec. 39. 28 V.S.A. § 755 is amended to read:

19 § 755. DISPOSITION OF EARNINGS

20 An inmate participating in a work release program shall cause to be given  
21 ~~to the Commissioner the inmate's total earnings less payroll deductions~~

1 ~~authorized by law, including income taxes. Upon receipt of the earnings the~~

2 Commissioner, to the extent reasonable, may:

3 (1) Deduct an amount determined to be equivalent to the cost of  
4 providing for the living expenses of the inmate.

5 (2) Cause to be paid, as are needed, any of the following:

6 (A) Any costs or fine imposed by the sentencing court.

7 (B) Any restitution included as part of the sentence of the inmate by  
8 the court.

9 (C) Any sum as is needed for the support of the dependents of the  
10 inmate, in which case the Commissioner shall notify the ~~Commissioner~~  
11 Commissioners of Economic Empowerment and for Children and Families of  
12 the support payments.

13 \* \* \*

14 Sec. 40. 30 V.S.A. § 218 is amended to read:

15 § 218. JURISDICTION OVER CHARGES AND RATES

16 \* \* \*

17 (c)(1) The Public Utility Commission shall take any action necessary to  
18 enable the State of Vermont and telecommunications companies offering  
19 service in Vermont to participate in the federal Lifeline program administered  
20 by the Federal Communications Commission (FCC) or its agent and also the  
21 ~~vermont Lifeline program described in subdivision (2) of this subsection.~~

1 \* \* \*

2 (4) Notwithstanding any provisions of this subsection to the contrary, a  
3 subscriber who is enrolled in the Lifeline program and has obtained a final  
4 relief from abuse order in accordance with the provisions of 15 V.S.A. chapter  
5 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the  
6 amount of the incremental charges imposed by the local telecommunications  
7 company for treating the number of the subscriber as nonpublished and any  
8 charges required to change from a published to a nonpublished number. As  
9 used in this section, “nonpublished” means that the customer’s telephone  
10 number is not listed in any published directories, is not listed on directory  
11 assistance records of the company, and is not made available on request by a  
12 member of the general public, notwithstanding any claim of emergency a  
13 requesting party may present. ~~The Department for Children and Families of~~  
14 Economic Empowerment shall develop an application form and certification  
15 process for obtaining this Lifeline benefit credit.

16 \* \* \*

17 Sec. 41. 32 V.S.A. § 308b is amended to read:

18 § 308b. HUMAN SERVICES CASELOAD RESERVE

19 (a) There is created within the General Fund a the Human Services  
20 Caseload Reserve. Expenditures from the Reserve shall be subject to an  
21 ~~appropriation by the General Assembly or approval by the Emergency Board.~~

1 ~~Expenditures from the Reserve shall be limited to Agency of Human Services~~  
2 case load-related needs primarily in the Departments for Children and Families,  
3 of Economic Empowerment, of Health, of Mental Health, of Disabilities,  
4 Aging, and Independent Living, of Vermont Health Access, and settlement  
5 costs associated with managing the Global Commitment waiver.

6 \* \* \*

7 Sec. 42. 32 V.S.A. § 1003 is amended to read:

8 § 1003. STATE OFFICERS

9 \* \* \*

10 (b) The Governor may appoint each officer of the Executive Branch listed  
11 in this subsection at a starting salary ranging from the base salary stated for  
12 that position to a salary that does not exceed the maximum salary unless  
13 otherwise authorized by this subsection. The maximum salary for each  
14 appointive officer shall be 50 percent above the base salary. Annually, the  
15 Governor may grant to each of those officers an annual salary adjustment  
16 subject to the maximum salary. The annual salary adjustment granted to  
17 officers under this subsection shall not exceed the average rate of adjustment  
18 available to classified employees under the collective bargaining agreement  
19 then in effect. In addition to the annual salary adjustment specified in this  
20 subsection, the Governor may grant a special salary increase subject to the  
21 ~~maximum salary, or a bonus, to any officer listed in this subsection whose job~~

1 ~~duties have significantly increased, or whose contributions to the State in the~~  
2 preceding year are deemed especially significant. Special salary increases or  
3 bonuses granted to any individual shall not exceed the average rate of  
4 adjustment available to classified employees under the collective bargaining  
5 agreement then in effect.

6 (1) Heads of the following Departments and Agencies:

	Base Salary	Base Salary
	as of	as of
	January 5, 2020	July 4, 2021
10 (A) Administration	\$121,634	\$126,378
11 (B) Agriculture, Food and Markets	121,634	126,378
12 (C) Financial Regulation	113,710	118,145
13 (D) Buildings and General Services	113,710	118,145
14 (E) Children and Families	113,710	118,145
15 (F) Commerce and Com-		
16 munity Development	121,634	126,378
17 (G) Corrections	113,710	118,145
18 (H) Defender General	113,710	118,145
19 (I) Disabilities, Aging, and	113,710	118,145
20 <del>Independent Living</del>		

1	<del>(D) Economic Development</del>	<del>103,149</del>	<del>107,172</del>
2	(K) Education	121,634	126,378
3	(L) Environmental Conservation	113,710	118,145
4	(M) Finance and Management	113,710	118,145
5	(N) Fish and Wildlife	103,149	107,172
6	(O) Forests, Parks and Recreation	103,149	107,172
7	(P) Health	113,710	118,145
8	(Q) Housing and Community	103,149	107,172
9	Development		
10	(R) Human Resources	113,710	118,145
11	(S) Human Services	121,634	126,378
12	(T) Digital Services	121,634	126,378
13	(U) Labor	113,710	118,145
14	(V) Libraries	103,149	107,172
15	(W) Liquor and Lottery	103,149	107,172
16	(X) [Repealed.]		
17	(Y) Mental Health	113,710	118,145
18	(Z) Military	113,710	118,145
19	(AA) Motor Vehicles	103,149	107,172
20	(BB) Natural Resources	121,634	126,378
21	<del>(CC) Natural Resources Board Chair</del>	<del>103,149</del>	<del>107,172</del>

1	<del>(DD) Public Safety</del>	<del>113,710</del>	<del>118,145</del>
2	(EE) Public Service	113,710	118,145
3	(FF) Taxes	113,710	118,145
4	(GG) Tourism and Marketing	103,149	107,172
5	(HH) Transportation	121,634	126,378
6	(II) Vermont Health Access	113,710	118,145
7	(JJ) Veterans' Home	113,710	118,145
8	<u>(KK) Economic Empowerment</u>	<u>113,710</u>	<u>118,145</u>

9 \* \* \*

10 Sec. 43. 32 V.S.A. § 3102 is amended to read:

11 § 3102. CONFIDENTIALITY OF TAX RECORDS

12 \* \* \*

13 (f) Notwithstanding the provisions of this section, information obtained  
14 from the Commissioner for Children and Families under 33 V.S.A. § 112(c),  
15 from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c),  
16 from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or  
17 from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential,  
18 and it shall be unlawful for anyone to divulge such information except in  
19 accordance with a judicial order or as provided under another provision of law.

20 \* \* \*

21 ~~Sec. 44. 32 V.S.A. § 3952 is amended to read.~~

1 § 5022. DEFINITIONS

2 Terms used in this chapter:

3 \* \* \*

4 (2) "Debtor" means any individual owing a debt to a claimant agency or  
5 owing any support debt that may be collected by the ~~Department~~ Departments  
6 for Children and Families and of Economic Empowerment.

7 \* \* \*

8 Sec. 45. 33 V.S.A. chapter 1 is amended to read:

9 CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

10 Subchapter 1. Policy, Organization, Powers, and Duties

11 § 101. POLICY

12 It is the policy of the State of Vermont that

13 (1) Its social and child welfare programs shall provide assistance,  
14 support, and benefits to persons of the State in proven need thereof and  
15 ~~eligible for such assistance and benefits of and eligible for assistance, support,~~  
16 and benefits under the provisions of this title.

17 (2) It is the purpose of its social and child welfare laws to establish and  
18 support programs that contribute to the prevention of dependency and social  
19 maladjustment and contribute to the rehabilitation and protection of persons of  
20 ~~the State.~~



1 ~~(3) Assistance and benefits shall be administered promptly, with due~~  
2 regard for the welfare of children and youth and the preservation of family  
3 life, and without restriction of individual rights or discrimination on account of  
4 gender, sexual orientation, gender identity, race, religion, political affiliation,  
5 or place of residence within the State.

6 (4) Assistance and benefits shall be so administered as to maintain and  
7 encourage dignity, self-respect, and self-reliance. It is the legislative intent  
8 that assistance granted shall be adequate to maintain a reasonable standard of  
9 health and decency based on current cost of living indices. ~~Notwithstanding~~  
10 ~~this subdivision, the Department will amend rules that establish new maximum~~  
11 ~~Reach Up grant amounts only when the General Assembly has taken~~  
12 ~~affirmative action to increase or decrease the Reach Up financial assistance~~  
13 ~~appropriation.~~

14 (5) The programs of the Department for Children and Families shall be  
15 designed to strengthen family life for the care and protection of children;  
16 promote healthy child development and support a high-quality child care  
17 system throughout the State; to assist and encourage the use by any family of  
18 all available personal and reasonable community resources to this end; and to  
19 provide substitute care of children only when the family, with the use of  
20 ~~available resources, is unable to provide the necessary care and protection to~~

1 ~~ensure the right of any child to sound health and to normal physical, mental,~~  
2 ~~spiritual, and moral development.~~

3 ~~(C) The child care system shall provide affordable, high-quality care in a~~  
4 ~~manner that fosters child brain development, nurtures socio-emotional skills,~~  
5 ~~and supports young families. The Department shall provide leadership and~~  
6 ~~expertise to early educators and child care programs to ensure that children~~  
7 ~~receive age-appropriate care tailored to their unique needs.~~

8 \* \* \*

9 § 104. FUNCTION AND POWERS OF DEPARTMENT

10 (a) The Department shall administer all laws specifically assigned to it for  
11 administration.

12 (b) In addition to other powers vested in it by law, the Department may do  
13 all of the following:

14 (1) ~~Provide for the administration of the following programs and~~  
15 ~~services:~~

16 ~~(A) aid to the aged, blind, and disabled;~~

17 ~~(B) Reach Up financial assistance and support services;~~

18 ~~(C) [Repealed.]~~

19 ~~(D) federal Supplemental Nutrition Assistance Program benefits;~~

20 ~~(E) General Assistance;~~

21 ~~(F) medical assistance, and~~

1 ~~(C) public assistance programs funded with State general funds or~~  
2 ~~the Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

3 (2) Cooperate with the appropriate federal agencies in receiving, to the  
4 extent available, federal funds in support of programs that the Department  
5 administers.

6 (3) Submit plans and reports, adopt rules, and in other respects comply  
7 with the provisions of the Social Security Act that pertain to programs  
8 administered by the Department.

9 (4) Receive and disburse funds that are assigned, donated, or  
10 bequeathed to it for charitable purposes or for the benefit of recipients of  
11 assistance, benefits, or social services. This subdivision shall not be construed  
12 to require the Department to accept funds or trusts when the Commissioner,  
13 with the approval of the Governor, considers it in the best interests of the State  
14 to refuse them.

15 (5) Receive in trust and expend, in accordance with the provisions of the  
16 trust, funds and property assigned, donated, devised, or bequeathed to it for  
17 charitable purposes or for the benefit of recipients of assistance, benefits, or  
18 social services. Trust funds accepted by the Department shall be safely  
19 invested by the State Treasurer. Real property received in trust may, at the  
20 discretion of the Commissioner, be administered by the Department of  
21 ~~Buildings and General Services of the Agency of Administration. This~~

1 ~~subdivision shall not be construed to require the Department to accept funds or~~  
2 trusts when the Commissioner, with the approval of the Governor, considers it  
3 in the best interests of the State to refuse them.

4 (6) Aid and assist in charitable work as in the judgment of the  
5 Commissioner will best promote the general welfare of the State.

6 (7) Visit all institutions, homes, places, and establishments soliciting  
7 public support and located in the State that are devoted to or used for the care  
8 of ~~needy persons~~ children.

9 (8) Visit all institutions, homes, places, and establishments providing  
10 room, board, or care to ~~persons~~ children receiving social services or benefits  
11 from the Department.

12 (9) Supervise and control children under its care and custody and  
13 provide for their care, maintenance, and education.

14 (c) The Department for Children and Families, in cooperation with the  
15 Department of Corrections, shall have the responsibility to administer a  
16 comprehensive program for youthful offenders and children who commit  
17 delinquent acts, including utilization of probation services; of a range of  
18 community-based and other treatment, training, and rehabilitation programs;  
19 and of secure detention and treatment programs when necessary in the interests  
20 of public safety, designed with the objective of preparing those children to live  
21 ~~in their communities as productive and mature adults.~~

1 ~~§ 105. COMMISSIONER; APPOINTMENT TERM, DUTIES, AND~~

2 POWERS

3 (a) The Commissioner may exercise the powers and perform duties  
4 required for effective administration of the Department, and he or she shall  
5 determine the policies of the Department.

6 (b) In addition to other duties imposed by law, the Commissioner shall:

7 (1) administer the laws assigned to the Department;

8 (2) fix standards and adopt rules necessary to administer those laws and  
9 for the custody and preservation of records of the Department;

10 (3) appoint all necessary assistants, prescribe their duties, and adopt  
11 rules necessary to ensure that the assistants shall hold merit system status while  
12 in the employ of the Department, unless otherwise specifically provided by  
13 law.

14 (c) ~~The Commissioner or the Governor, whenever the federal law so~~  
15 ~~provides, may cooperate with the federal government in providing relief and~~  
16 ~~work relief and community work and training programs in the State shall hold~~  
17 at least a master's level degree in child development, early childhood  
18 education, or related field.

19 (d) The Commissioner, with the approval of the Attorney General, may  
20 enter into reciprocal agreements with social and child welfare agencies in other  
21 ~~states in matters relating to social welfare, children, and families.~~

1 ~~(e) The Commissioner shall ensure the provision of services to children~~  
2 and adolescents with a severe emotional disturbance in coordination with the  
3 Secretary of Education and the Commissioners of Mental Health and of  
4 Disabilities, Aging, and Independent Living in accordance with the provisions  
5 of chapter 43 of this title.

6 (f) Notwithstanding any other provision of law, the Commissioner may  
7 delegate to any appropriate employee of the Department any of the  
8 administrative duties and powers imposed on ~~him or her~~ the Commissioner by  
9 law, with the exception of the duties and powers enumerated in this section.

10 The delegation of authority and responsibility shall not relieve the  
11 Commissioner of accountability for the proper administration of the  
12 Department.

13 (g) The Commissioner may publicly disclose findings or information about  
14 any case of child abuse or neglect that has resulted in the fatality or near  
15 fatality of a child, including information obtained under chapter 49 of this title,  
16 unless the State's Attorney or Attorney General who is investigating or  
17 prosecuting any matter related to the fatality requests the Commissioner to  
18 withhold disclosure, in which case the Commissioner shall not disclose any  
19 information until completion of any criminal proceedings related to the fatality  
20 or until the State's Attorney or Attorney General consents to disclosure,  
21 ~~whichever occurs earlier.~~

\*\*\*

Subchapter 3. Provisions of General Applicability

§ 121. CANCELLATION OF ASSISTANCE OR BENEFITS

If at any time the Commissioner for Children and Families or the Commissioner of Vermont Health Access has reason to believe that assistance or benefits have been improperly obtained, he or she the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If, on investigation, the Commissioner for Children and Families or the Commissioner of Vermont Health Access is satisfied that the assistance or benefits were illegally obtained, he or she the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until his or her the person's need has been reestablished.

§ 122. RECOVERY OF PAYMENTS

(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner for Children and Families or the Commissioner of Vermont Health Access finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department for Children and Families or the Department of Vermont Health Access shall inform the recipient that changes in his or her the recipient's circumstances must be promptly reported to the Department.

1 ~~(b) When on the death of a person receiving assistance it is found that the~~  
2 recipient possessed income or property in excess of that reported to the  
3 Department for Children and Families ~~or the Department of Vermont Health~~  
4 ~~Access~~, up to double the total amount of assistance in excess of that to which  
5 the recipient was lawfully entitled may be recovered by the Commissioner for  
6 Children and Families ~~or the Commissioner of Vermont Health Access~~ as a  
7 preferred claim from the estate of the recipient. The Commissioner for  
8 Children and Families ~~or the Commissioner of Vermont Health Access~~ shall  
9 calculate the amount of the recovery by applying the legal interest rate to the  
10 amount of excess recovery paid, except that the recovery shall be capped at  
11 double the excess assistance paid.

12 (c) When the Commissioner for Children and Families ~~or the~~  
13 ~~Commissioner of Vermont Health Access~~ finds that a recipient of benefits  
14 received assistance in excess of that to which the recipient was lawfully  
15 entitled, because the recipient possessed income or property in excess of  
16 Department standards, the Commissioner for Children and Families ~~or the~~  
17 ~~Commissioner of Vermont Health Access~~ may take actions to recover the  
18 overpayment.

19 (d) In the event of recovery, an amount may be retained by the  
20 Commissioner for Children and Families ~~or the Commissioner of Vermont~~  
21 ~~Health Access~~ in a special fund for use in offsetting program expenses and an



1 ~~amount equivalent to the pro rata share to which the United States of America~~  
2 is equitably entitled shall be paid promptly to the appropriate federal agency.

3 § 123. ~~GUARDIAN OR LEGAL REPRESENTATIVE~~

4 (a) ~~If the Commissioner finds that an applicant for or recipient of~~  
5 ~~assistance is incapable of taking care of himself or herself or his or her~~  
6 ~~business affairs, the Commissioner may direct the payment of the assistance to~~  
7 ~~a guardian appointed by the Probate Division of the Superior Court.~~

8 (b) ~~If the Commissioner finds that an applicant for or recipient of~~  
9 ~~assistance is incapable of prudently attending to his or her business affairs, the~~  
10 ~~Commissioner may direct the payment of the assistance to the legal~~  
11 ~~representative of the person appointed by the Probate Division of the Superior~~  
12 ~~Court. [Repealed.]~~

13 \* \* \*

14 Subchapter 5. Prohibited Practices: Penalties

15 § 141. FRAUD

16 (a) A person who knowingly fails, by false statement, misrepresentation,  
17 impersonation, or other fraudulent means, to disclose a material fact used to  
18 determine whether that person is qualified to receive aid or benefits under a  
19 State or federally funded assistance program; or who knowingly fails to  
20 disclose a change in circumstances in order to obtain or continue to receive aid  
21 or benefits to which ~~he or she~~ the person is not entitled or in an amount larger

1 ~~then that to which he or she the person is entitled; or who knowingly aids and~~  
2 ~~abets another person in the commission of any such act shall be punished as~~  
3 ~~provided in section 143 of this title.~~

4 ~~(b) A person who knowingly uses, transfers, acquires, traffics, alters,~~  
5 ~~forges, or possesses; or who knowingly attempts to use, transfer, acquire,~~  
6 ~~traffic, alter, forge, or possess; or who knowingly aids and abets another~~  
7 ~~person in the use, transfer, acquisition, traffic, alteration, forgery, or possession~~  
8 ~~of a Supplemental Nutrition Assistance Program benefit card, authorization for~~  
9 ~~the purchase of Supplemental Nutrition Assistance Program benefits,~~  
10 ~~certificate of eligibility for medical services, or State health care program~~  
11 ~~identification card in a manner not authorized by law shall be punished as~~  
12 ~~provided in section 143 of this title. [Repealed.]~~

13 ~~(c) A person who administers a State or federally funded assistance~~  
14 ~~program who fraudulently misappropriates, attempt to misappropriate, or aids~~  
15 ~~and abets in the misappropriation of a Supplemental Nutrition Assistance~~  
16 ~~Program benefit, authorization for Supplemental Nutrition Assistance Program~~  
17 ~~benefits, a Supplemental Nutrition Assistance Program benefit identification~~  
18 ~~card, certificate of eligibility for prescribed medicine, State health care~~  
19 ~~program identification card, or assistance from any other State or federally~~  
20 ~~funded program with which he or she has been entrusted or of which he or she~~  
21 ~~has gained possession by virtue of his or her position, or who knowingly~~

1 ~~misappropriates, attempts to misappropriate, or aids or abets in the~~  
2 ~~misappropriation of funds given in exchange for Supplemental Nutrition~~  
3 ~~Assistance Program benefits shall be punished as provided in section 143 of~~  
4 ~~this title. [Repealed.]~~

5 (d) A person who knowingly files, attempts to file, or aids and abets in the  
6 filing of a claim for services to a recipient of benefits under a State or federally  
7 funded assistance program for services that were not rendered; or who  
8 knowingly files a false claim or a claim for unauthorized items or services  
9 under such a program; or who knowingly bills the recipient of benefits under  
10 such a program or ~~his or her~~ the person's family for an amount in excess of  
11 that provided for by law or regulation; or who knowingly fails to credit the  
12 State or its agent for payments received from Social Security, insurance, or  
13 other sources; or who in any way knowingly receives, attempts to receive, or  
14 aids and abets in the receipt of unauthorized payment as provided herein shall  
15 be punished as provided in section 143 of this title.

16 (e) A person providing service for which compensation is paid under a  
17 State or federally funded assistance program who requests, and receives, either  
18 actually or constructively, any payment or contribution through a payment,  
19 assessment, gift, devise, bequest, or other means, whether directly or  
20 indirectly, from either a recipient of assistance from the assistance program or  
21 ~~from the family of the recipient shall notify the Commissioner for Children~~

1 ~~and Families or the Commissioner of Vermont Health Access, on a form~~  
2 provided by ~~him or her~~ the Commissioner, of the amount of the payment or  
3 contribution and of such other information as specified by the Commissioner  
4 for Children and Families ~~or the Commissioner of Vermont Health Access~~  
5 within 10 days after the receipt of the payment or contribution or, if the  
6 payment or contribution is to become effective at some time in the future,  
7 within 10 days of ~~following~~ the consummation of the agreement to make the  
8 payment or contribution. Failure to notify the Commissioner for Children and  
9 Families ~~or the Commissioner of Vermont Health Access~~ within the time  
10 prescribed is punishable as provided in section 143 of this title.

11 (f) Repayment of assistance or services wrongfully obtained shall not  
12 constitute a defense to or ground for dismissal of criminal charges brought  
13 under this section.

14 § 142. BRINGING ~~NEEDY~~ PERSON IN NEED INTO THE STATE

15 (a) Any person who knowingly brings or causes to be brought a ~~needy~~  
16 person in need from out of the state into this State for the purpose of securing  
17 assistance for the ~~needy~~ person in need or making ~~him or her~~ the person in  
18 need a public charge, shall be obligated to support the ~~needy~~ person in need at  
19 ~~his or her~~ the person's own expense for as long as the ~~needy~~ person in need or  
20 persons dependent on the ~~needy~~ person in need remain in the State.

1 ~~(b) The Commissioner may bring a civil action on this statute to enforce~~  
2 support of the needy person in need and ~~his or her~~ the person's dependents. In  
3 the action, the court may make an order, which shall be subject to change by  
4 the court from time to time as the circumstances require, directing the  
5 defendant to pay a certain sum periodically to the Department for the benefit  
6 of the needy person in need and ~~his or her~~ the person's dependents residing in  
7 the State. The court may punish for violation of the order as for contempt.

8 § 143. GENERAL PENALTY

9 (a) A person who knowingly violates a provision of this title for which no  
10 penalty is specifically provided shall:

11 (1) if the assistance or benefits obtained pursuant to a single fraudulent  
12 scheme or a course of conduct are in violation of subsection 141(a) ~~or (b)~~ of  
13 this title involving \$1,000.00 or less, be fined not more than the amount of  
14 assistance or benefits wrongfully obtained or be imprisoned not more than one  
15 year, or both;

16 (2) if the assistance or benefits obtained pursuant to a single fraudulent  
17 scheme or course of conduct are in violation of subsection (a) ~~or (b)~~ of section  
18 141 of this title and involve more than \$1,000.00, be fined not more than an  
19 amount equal to the assistance or benefits wrongfully obtained or be  
20 ~~imprisoned not more than three years, or both, or~~

1 ~~(2) if the violation is under subsection (a), (d), 141(d) or (e) of section~~  
2 141 of this title, be fined up to \$1,000.00 or up to an amount equal to twice the  
3 amount of assistance, benefits, or payments wrongfully obtained, or be  
4 imprisoned for not more than 10 years, or both.

5 (b) If the person convicted is receiving assistance, benefits, or payments,  
6 the Commissioner for Children and Families or the Commissioner of Vermont  
7 Health Access may recoup the amount of assistance or benefits wrongfully  
8 obtained by reducing the assistance, benefits, or payments periodically paid to  
9 the recipient, as limited by federal law, until the amount is fully recovered.

10 ~~(c) If a provider of services is convicted of a violation of subsection 141(d)~~  
11 ~~or (e) of this title, the Commissioner of Vermont Health Access shall, within~~  
12 ~~90 days of the conviction, suspend the provider from further participation in~~  
13 ~~the medical assistance program administered under Title XIX of the Social~~  
14 ~~Security Act for a period of four years. The suspension required by this~~  
15 ~~subsection may be waived by the Secretary of Human Services only upon a~~  
16 ~~finding that the recipients served by the convicted provider would suffer~~  
17 ~~substantial hardship through a denial of medical services that could not~~  
18 ~~reasonably be obtained through another provider. [Repealed.]~~

19 § 143a. CIVIL REMEDIES

20 (a) A person who violates subsection 141(e), (d), or (e) of this title with  
21 actual knowledge may be subject to a civil suit by the Attorney General for.

1 ~~(1) restitution of the amount of assistance, benefits, or payments~~

2 ~~wrongfully obtained;~~

3 ~~(2) interest; and~~

4 ~~(3) a civil penalty of up to three times the amount of the wrongfully~~  
5 ~~obtained assistance, benefits, or payments; or \$500.00 per false claim; or~~  
6 ~~\$500.00 for each false document submitted in support of a false claim,~~  
7 ~~whichever is greatest.~~

8 ~~(b) The remedies provided in this section shall be in addition to any other~~  
9 ~~remedies provided by law.~~

10 ~~(c) The right to a jury trial shall attach to actions under this section.~~

11 ~~§ 143b. EDUCATION AND INFORMATION~~

12 ~~By January 1, 2005, the Department of Vermont Health Access shall issue~~  
13 ~~rules establishing a procedure for health care providers enrolled in State and~~  
14 ~~federally funded medical assistance programs to obtain advisory opinions~~  
15 ~~regarding coverage and reimbursement under those programs. Each advisory~~  
16 ~~opinion issued by the Department of Vermont Health Access shall be binding~~  
17 ~~on that Department and the party or parties requesting the opinion only with~~  
18 ~~regard to the specific questions posed in the opinion, the facts and information~~  
19 ~~set forth in it, and the statutes and rules specifically noted in the opinion.~~

20 ~~[repeated.]~~

1 ~~§ 144. STATUTORY CONSTRUCTION~~

2 ~~(a) Section 143 of this title shall not preclude prosecution under 13 V.S.A.~~  
3 ~~§ 1801, 1802, or 2002 when the alleged violation involves forging an~~  
4 ~~economic assistance check or where duplicate economic assistance checks~~  
5 ~~have been wrongfully negotiated during any one welfare period. [Repealed.]~~

6 (b) Section 143 of this title shall not preclude prosecution under any other  
7 title or sections of this title when the alleged violation is under subsection  
8 141(e) or (d) of this title.

9 \* \* \*

10 Sec. 46. 33 V.S.A. chapter 2 is added to read:

11 CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

12 Subchapter 1. Policy, Organization, Powers, and Duties

13 § 201. POLICY

14 It is the policy of the State of Vermont that:

15 (1) Its social and child welfare programs shall provide assistance and  
16 benefits to persons of the State in proven need thereof and eligible for such  
17 assistance and benefits under the provisions of this title.

18 (2) It is the purpose of its social and child welfare laws to establish and  
19 support programs that contribute to the prevention of dependency and social  
20 maladjustment and contribute to the rehabilitation and protection of persons of  
21 the State.



1 ~~(3) Assistance and benefits shall be administered promptly, with due~~  
2 regard for the preservation of family life, and without restriction of individual  
3 rights or discrimination on account of gender, race, age, religion, ethnicity,  
4 sexual orientation, gender identity, political affiliation, disability status,  
5 primary language, or place of residence within the State.

6 (4) Assistance and benefits shall be so administered as to maintain and  
7 encourage dignity, self-respect, and self-reliance. It is the legislative intent  
8 that assistance granted shall be adequate to maintain a reasonable standard of  
9 health and decency based on current cost of living indices. Notwithstanding  
10 this subdivision, the Department shall amend rules that establish new  
11 maximum Reach Up grant amounts only when the General Assembly has  
12 taken affirmative action to increase or decrease the Reach Up financial  
13 assistance appropriation.

14 (5) The programs of the Department of Economic Empowerment shall  
15 be designed to strengthen family life for the care and protection of children  
16 and to assist and encourage the use by any family of all available personal and  
17 reasonable community resources to this end.

18 § 202. DEFINITIONS AND CONSTRUCTION

19 (a) As used in this chapter:

20 ~~(1) Aid means financial assistance.~~

1 ~~(2) "Assistance" when not modified by an adjective, means general~~  
2 ~~assistance or public assistance, or both.~~

3 ~~(3) "Benefits" means aid or commodities furnished under chapter 17 of~~  
4 ~~this title.~~

5 ~~(4) "Commissioner" means the Commissioner of Economic~~  
6 ~~Empowerment.~~

7 ~~(5) "Department" means the Department of Economic Empowerment.~~

8 ~~(6) "Federal department" or "federal agency" means a department or~~  
9 ~~agency of the United States of America.~~

10 ~~(7) "Guardian" means a legal guardian appointed by a Probate Division~~  
11 ~~of the Superior Court or by a court in a divorce or other proceeding or action.~~

12 ~~(8) "Public assistance" means aid provided by the Department under~~  
13 ~~Title IV, XVI, or XIX of the Social Security Act.~~

14 ~~(9) "Regulation" means a rule or regulation.~~

15 ~~(10) "Social Security Act" means the federal Social Security Act and~~  
16 ~~regulations promulgated under the Act, as amended at any time.~~

17 ~~(b) The laws relating to the Department of Economic Empowerment and~~  
18 ~~its programs shall be construed liberally to carry out the policies stated in this~~  
19 ~~chapter.~~

1 § 203. COMPOSITION OF DEPARTMENT

2 The Department of Economic Empowerment, created pursuant to 3 V.S.A.  
3  §§ 212 and 3098, shall consist of the Commissioner of Economic  
4  Empowerment and all divisions, councils, boards, committees, and offices  
5  within the Department.

6 § 204. FUNCTION AND POWERS OF DEPARTMENT

7 (a) The Department shall administer all laws specifically assigned to it for  
8  administration.

9 (b) In addition to other powers vested in it by law, the Department may do  
10  all of the following:

11 (1) Provide for the administration of the following programs and  
12  services:

13 (A) aid to the aged, blind, and disabled;

14 (B) Reach Up financial assistance and support services;

15 (C) federal Supplemental Nutrition Assistance Program benefits;

16 (D) General Assistance;

17 (E) medical assistance; and

18 (F) public assistance programs funded with State general funds of the  
19  Temporary Assistance to Needy Families (TANF) block grant.

1 ~~(2) Cooperate with the appropriate federal agencies in receiving, to the~~  
2 extent available, federal funds in support of programs that the Department  
3 administers.

4 ~~(3) Submit plans and reports, adopt rules, and in other respects comply~~  
5 with the provisions of the Social Security Act that pertain to programs  
6 administered by the Department.

7 ~~(4) Receive and disburse funds that are assigned, donated, or~~  
8 bequeathed to it for charitable purposes or for the benefit of recipients of  
9 assistance, benefits, or social services. This subdivision shall not be construed  
10 to require the Department to accept funds or trusts when the Commissioner,  
11 with the approval of the Governor, considers it in the best interests of the State  
12 to refuse them.

13 ~~(5) Receive in trust and expend, in accordance with the provisions of the~~  
14 trust, funds, and property assigned, donated, devised, or bequeathed to it for  
15 charitable purposes or for the benefit of recipients of assistance, benefits, or  
16 social services. Trust funds accepted by the Department shall be safely  
17 invested by the State Treasurer. Real property received in trust may, at the  
18 discretion of the Commissioner, be administered by the Department of  
19 Buildings and General Services of the Agency of Administration. This  
20 subdivision shall not be construed to require the Department to accept funds or

1 ~~trusts when the Commissioner, with the approval of the Governor, considers it~~  
2 in the best interests of the State to refuse them.

3 (6) Aid and assist in charitable work as in the judgment of the  
4 Commissioner will best promote the general welfare of the State.

5 (7) Visit all institutions, homes, places, and establishments soliciting  
6 public support and located in the State that are devoted to or used for the care  
7 of persons in need.

8 (8) Visit all institutions, homes, places, and establishments providing  
9 room, board, or care to persons receiving social services or benefits from the  
10 Department.

11 § 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND  
12 POWERS

13 (a) The Commissioner may exercise the powers and perform duties  
14 required for effective administration of the Department and shall determine the  
15 policies of the Department.

16 (b) In addition to other duties imposed by law, the Commissioner shall:

17 (1) administer the laws assigned to the Department;

18 (2) fix standards and adopt rules necessary to administer those laws and

19 for the custody and preservation of records of the Department, and

1 ~~(2) appoint all necessary assistants, prescribe their duties, and adopt~~  
2 ~~rules necessary to ensure that the assistants shall hold merit system status while~~  
3 ~~in the employ of the Department unless otherwise specifically provided by law.~~

4 ~~(c) The Commissioner or the Governor, whenever the federal law so~~  
5 ~~provides, may cooperate with the federal government in providing relief and~~  
6 ~~work relief and community work and training programs in the State.~~

7 ~~(d) Notwithstanding any other provision of law, the Commissioner may~~  
8 ~~delegate to any appropriate employee of the Department any of the~~  
9 ~~administrative duties and powers imposed on the Commissioner by law, with~~  
10 ~~the exception of the duties and powers enumerated in this section. The~~  
11 ~~delegation of authority and responsibility shall not relieve the Commissioner~~  
12 ~~of accountability for the proper administration of the Department.~~

13 Subchapter 2. General Administrative Provisions

14 § 211. RECORDS; RESTRICTIONS; PENALTIES

15 ~~(a) The names of or information pertaining to applicants for or recipients~~  
16 ~~of assistance or benefits, including information obtained under section 212 of~~  
17 ~~this title, shall not be disclosed to anyone, except for the purposes directly~~  
18 ~~connected with the administration of the Department or when required by law.~~

19 ~~(b) A person shall not publish, use, disclose, or divulge any of those~~  
20 ~~records for purposes not directly connected with the administration of~~  
21 ~~programs of the Department or contrary to rules adopted by the Commissioner.~~

~~§ 212. BANKS AND AGENCIES TO FURNISH INFORMATION~~

~~(a) An officer of a financial institution, as described in 8 V.S.A. § 11101(32); a credit union; or an independent trust company in this State, when requested by the Commissioner, shall furnish the Commissioner information in the possession of the bank or company with reference to any person or the person's spouse who is applying for or is receiving assistance or benefits from the Department.~~

~~(b) Any governmental official or agency in the State, when requested by the Commissioner, shall furnish to the Commissioner information in the official's or agency's possession with reference to aid given or money paid or to be paid to any person or person's spouse who is applying for or is receiving assistance or benefits from the Department.~~

~~(c) The Commissioner of Taxes, when requested by the Commissioner of Economic Empowerment, and unless otherwise prohibited by federal law, shall compare the information furnished by an applicant or recipient of assistance with the State income tax returns filed by such person and shall report the Commissioner of Taxes' findings to the Commissioner of Economic Empowerment. Each application for assistance shall contain a form of consent, executed by the applicant, granting permission to the Commissioner of Taxes to disclose such information to the Commissioner for Economic Empowerment.~~

~~§ 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION~~

~~INSUFFICIENT~~

~~Should the funds available for assistance be insufficient to provide assistance to all those eligible, the amounts of assistance granted in any program or portion thereof shall be reduced equitably, in the discretion of the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access by rule.~~

~~Subchapter 3. Provisions of General Applicability~~

~~§ 221. CANCELLATION OF ASSISTANCE OR BENEFITS~~

~~If at any time the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access has reason to believe that assistance or benefits have been improperly obtained, the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If on investigation the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access is satisfied that the assistance or benefits were illegally obtained, the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until the person's need has been reestablished.~~



1 § 222. RECOVERY OF PAYMENTS

2 (a) The amount of assistance or benefits may be changed or cancelled at  
3 any time if the Commissioner of Economic Empowerment or the  
4 Commissioner of Vermont Health Access finds that the recipient's  
5 circumstances have changed. Upon granting assistance or benefits, the  
6 Department of Economic Empowerment or the Department of Vermont Health  
7 Access shall inform the recipient that changes in the recipient's circumstances  
8 must be promptly reported to the Department.

9 (b) When on the death of a person receiving assistance it is found that the  
10 recipient possessed income or property in excess of that reported to the  
11 Department of Economic Empowerment or the Department of Vermont Health  
12 Access, up to double the total amount of assistance in excess of that to which  
13 the recipient was lawfully entitled may be recovered by the Commissioner of  
14 Economic Empowerment or the Commissioner of Vermont Health Access as a  
15 preferred claim from the estate of the recipient. The Commissioner of  
16 Economic Empowerment or the Commissioner of Vermont Health Access shall  
17 calculate the amount of the recovery by applying the legal interest rate to the  
18 amount of excess recovery paid, except that the recovery shall be capped at  
19 double the excess assistance paid.

20 (c) When the Commissioner of Economic Empowerment or the  
21 Commissioner of Vermont Health Access finds that a recipient of benefits

1 ~~received assistance in excess of that to which the recipient was lawfully~~  
2 entitled because the recipient possessed income or property in excess of  
3 Department standards, the Commissioner of Economic Empowerment or the  
4 Commissioner of Vermont Health Access may take actions to recover the  
5 overpayment.

6 (d) In the event of recovery, an amount may be retained by the  
7 Commissioner of Economic Empowerment or the Commissioner of Vermont  
8 Health Access in a special fund for use in offsetting program expenses, and an  
9 amount equivalent to the pro rata share to which the United States of America  
10 is equitably entitled shall be paid promptly to the appropriate federal agency.

11 § 224. INALIENABILITY OF ASSISTANCE PAYMENTS

12 All rights to and all monies or orders granted to persons as assistance shall  
13 be inalienable by assignment, transfer, attachment, trustee process, execution,  
14 or otherwise. In case of bankruptcy, the assistance shall not pass to or through  
15 a trustee or other person acting on behalf of creditors.

16 Subchapter 4. Prohibited Practices; Penalties

17 § 241. FRAUD

18 (a) A person who knowingly fails, by false statement, misrepresentation,  
19 impersonation, or other fraudulent means, to disclose a material fact used to  
20 determine whether that person is qualified to receive aid or benefits under a  
21 State or federally funded assistance program, or who knowingly fails to

1 disclose a change in circumstances in order to obtain or continue to receive aid  
2 or benefits to which the person is not entitled or in an amount larger than that  
3 to which the person is entitled; or who knowingly aids and abets another  
4 person in the commission of any such act shall be punished as provided in  
5 section 143 of this title.

6 (b) A person who knowingly uses, transfers, acquires, traffics, alters,  
7 forges, or possesses; or who knowingly attempts to use, transfer, acquire,  
8 traffic, alter, forge, or possess; or who knowingly aids and abets another  
9 person in the use, transfer, acquisition, traffic, alteration, forgery, or possession  
10 of a Supplemental Nutrition Assistance Program benefit card, authorization for  
11 the purchase of Supplemental Nutrition Assistance Program benefits,  
12 certificate of eligibility for medical services, or State health care program  
13 identification card in a manner not authorized by law shall be punished as  
14 provided in section 143 of this title.

15 (c) A person who administers a State or federally funded assistance  
16 program who fraudulently misappropriates, attempts to misappropriate, or aids  
17 and abets in the misappropriation of a Supplemental Nutrition Assistance  
18 Program benefit, authorization for Supplemental Nutrition Assistance Program  
19 benefits, a Supplemental Nutrition Assistance Program benefit identification  
20 card, certificate of eligibility for prescribed medicine, State health care  
21 program identification card, or assistance from any other State or federally

1 ~~funded program with which the person has been entrusted or of which the~~  
2 person has gained possession by virtue of the person's position; or who  
3 knowingly misappropriates, attempts to misappropriate, or aids or abets in the  
4 misappropriation of funds given in exchange for Supplemental Nutrition  
5 Assistance Program benefits shall be punished as provided in section 143 of  
6 this title.

7 (d) A person who knowingly files, attempts to file, or aids and abets in the  
8 filing of a claim for services to a recipient of benefits under a State or federally  
9 funded assistance program for services that were not rendered; or who  
10 knowingly files a false claim or a claim for unauthorized items or services  
11 under such a program; or who knowingly bills the recipient of benefits under  
12 such a program or the recipient's family for an amount in excess of that  
13 provided for by law or regulation; or who knowingly fails to credit the State or  
14 its agent for payments received from Social Security, insurance, or other  
15 sources; or who in any way knowingly receives, attempts to receive, or aids  
16 and abets in the receipt of unauthorized payment as provided herein shall be  
17 punished as provided in section 143 of this title.

18 (e) A person providing service for which compensation is paid under a  
19 State or federally funded assistance program who requests, and receives either  
20 actually or constructively, any payment or contribution through a payment,  
21 assessment, gift, devise, bequest, or other means, whether directly or

1 ~~indirectly from either a recipient of assistance from the assistance program or~~  
2 from the family of the recipient shall notify the Commissioner of Economic  
3 Empowerment or the Commissioner of Vermont Health Access, on a form  
4 provided by the Commissioner, of the amount of the payment or contribution  
5 and of such other information as specified by the Commissioner of Economic  
6 Empowerment or the Commissioner of Vermont Health Access within 10 days  
7 after the receipt of the payment or contribution or, if the payment or  
8 contribution is to become effective at some time in the future, within 10 days  
9 after the consummation of the agreement to make the payment or contribution.  
10 Failure to notify the Commissioner of Economic Empowerment or the  
11 Commissioner of Vermont Health Access within the time prescribed is  
12 punishable as provided in section 143 of this title.

13 (f) Repayment of assistance or services wrongfully obtained shall not  
14 constitute a defense to or ground for dismissal of criminal charges brought  
15 under this section.

16 § 242. BRINGING PERSON IN NEED INTO THE STATE

17 (a) Any person who knowingly brings or causes to be brought a person in  
18 need from out of the state into this State for the purpose of securing assistance  
19 for the person in need or making the person in need a public charge shall be  
20 obligated to support the person in need at the person's own expense for as long

1 ~~as the person in need or persons dependent on the person in need remain in the~~  
2 State.

3 (b) The Commissioner may bring a civil action on this statute to enforce  
4 support of the person in need and the person's dependents. In the action, the  
5 court may make an order, which shall be subject to change by the court from  
6 time to time as the circumstances require, directing the defendant to pay a  
7 certain sum periodically to the Department for the benefit of the person in  
8 need and the person's dependents residing in the State. The court may punish  
9 for violation of the order as for contempt.

10 § 243. GENERAL PENALTY

11 (a) A person who knowingly violates a provision of this title for which no  
12 penalty is specifically provided shall:

13 (1) if the assistance or benefits obtained pursuant to a single fraudulent  
14 scheme or a course of conduct are in violation of subsection 241(a) or (b) of  
15 this title involving \$1,000.00 or less, be fined not more than the amount of  
16 assistance or benefits wrongfully obtained or be imprisoned not more than one  
17 year, or both;

18 (2) if the assistance or benefits obtained pursuant to a single fraudulent  
19 scheme or course of conduct are in violation of subsection 241(a) or (b) of this  
20 title and involve more than \$1,000.00, be fined not more than an amount equal

1 ~~to the assistance or benefits wrongfully obtained or be imprisoned not more~~  
2 ~~than three years, or both; or~~

3 ~~(a) if the violation is under subsection 241(c), (d), or (e) of this title, be~~  
4 ~~fined up to \$1,000.00 or up to an amount equal to twice the amount of~~  
5 ~~assistance, benefits, or payments wrongfully obtained or be imprisoned for not~~  
6 ~~more than 10 years, or both.~~

7 ~~(b) If the person convicted is receiving assistance, benefits, or payments,~~  
8 ~~the Commissioner of Economic Empowerment or the Commissioner of~~  
9 ~~Vermont Health Access may recoup the amount of assistance or benefits~~  
10 ~~wrongfully obtained by reducing the assistance, benefits, or payments~~  
11 ~~periodically paid to the recipient, as limited by federal law, until the amount is~~  
12 ~~fully recovered.~~

13 ~~(c) If a provider of services is convicted of a violation of subsection 241(d)~~  
14 ~~or (e) of this title, the Commissioner of Vermont Health Access shall, within~~  
15 ~~90 days following the conviction, suspend the provider from further~~  
16 ~~participation in the medical assistance program administered under Title XIX~~  
17 ~~of the Social Security Act for a period of four years. The suspension required~~  
18 ~~by this subsection may be waived by the Secretary of Human Services only~~  
19 ~~upon a finding that the recipients served by the convicted provider would~~  
20 ~~suffer substantial hardship through a denial of medical services that could not~~  
21 ~~reasonably be obtained through another provider.~~

1 ~~§ 243a. CIVIL REMEDIES~~

2 ~~(a) A person who violates subsection 241(c), (d), or (e) of this title with~~  
3 ~~actual knowledge may be subject to a civil suit by the Attorney General for:~~

4 ~~(1) restitution of the amount of assistance, benefits, or payments~~  
5 ~~wrongfully obtained;~~

6 ~~(2) interest; and~~

7 ~~(3) a civil penalty of up to three times the amount of the wrongfully~~  
8 ~~obtained assistance, benefits, or payments; \$500.00 per false claim; or \$500.00~~  
9 ~~for each false document submitted in support of a false claim, whichever is~~  
10 ~~greatest.~~

11 ~~(b) The remedies provided in this section shall be in addition to any other~~  
12 ~~remedies provided by law.~~

13 ~~(c) The right to a jury trial shall attach to actions under this section.~~

14 ~~§ 243b. EDUCATION AND INFORMATION~~

15 ~~The Department of Vermont Health Access shall issue rules establishing a~~  
16 ~~procedure for health care providers enrolled in State and federally funded~~  
17 ~~medical assistance programs to obtain advisory opinions regarding coverage~~  
18 ~~and reimbursement under those programs. Each advisory opinion issued by~~  
19 ~~the Department of Vermont Health Access shall be binding on that Department~~  
20 ~~and the party or parties requesting the opinion only with regard to the specific~~



1 ~~questions posed in the opinion, the facts and information set forth in it, and the~~  
2 statutes and rules specifically noted in the opinion.

3 § 244. STATUTORY CONSTRUCTION

4 (a) Section 243 of this title shall not preclude prosecution under 13 V.S.A.  
5 § 1801, 1802, or 2002 when the alleged violation involves forging an  
6 economic assistance check or where duplicate economic assistance checks  
7 have been wrongfully negotiated during any one welfare period.

8 (b) Section 243 of this title shall not preclude prosecution under any other  
9 title or sections of this title when the alleged violation is under subsection  
10 241(c) or (d) of this title.

11 Sec. 47. 33 V.S.A. § 1001 is amended to read:

12 § 1001. DEFINITIONS

13 As used in this chapter:

14 \* \* \*

15 (8) "Commissioner" means the Commissioner for Children and Families  
16 or his or her of Economic Empowerment or designee.

17 (9) "Department" means the Department for Children and Families of  
18 Economic Empowerment.

19

1 ~~Sec. 48. 33 V.S.A. § 1101 is amended to read:~~

2 § 1101. DEFINITIONS

3 As used in this chapter:

4 \* \* \*

5 (8) “Commissioner” means the Commissioner ~~for Children and Families~~  
6 ~~or his or her~~ of Economic Empowerment or designee.

7 (9) “Department” means the Department ~~for Children and Families of~~  
8 Economic Empowerment.

9 \* \* \*

10 Sec. 49. 33 V.S.A. § 1107 is amended to read:

11 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
12 COORDINATED SERVICES

13 \* \* \*

14 (d) The Secretary of Education, with the assistance and support of the  
15 Commissioner ~~for Children and Families of Economic Empowerment~~, the  
16 Commissioner of Disabilities, Aging, and Independent Living, and the  
17 Commissioner of Labor, shall develop and implement comparable and  
18 reciprocally recognized literacy assessment protocols that will be used for all  
19 clients seeking adult education and literacy services; related services of the  
20 Agency of Education; or the services of the Department of Disabilities, Aging,  
21 ~~and Independent Living, the Department of Labor, or the Department for~~

1 ~~Children and Families of Economic Empowerment, when such services are~~  
2 being sought for the purpose of developing or strengthening competencies or  
3 skills related to the clients' current or future employment. Such protocols  
4 shall, to the extent practicable, utilize the same terminology and apply  
5 comparable criteria, consistent with individual program purposes and  
6 authorization, in determining when testing, other standardized measurement  
7 tools, or referrals to relevant professionals for evaluation or diagnosis are  
8 appropriate.

9 \* \* \*

10 Sec. 50. 33 V.S.A. § 1201 is amended to read:

11 § 1201. DEFINITIONS

12 As used in this chapter:

13 \* \* \*

14 (4) "Commissioner" means the Commissioner for ~~Children and Families~~  
15 ~~or his or her~~ Economic Empowerment or designee.

16 (5) "Department" means the Department for ~~Children and Families of~~  
17 Economic Empowerment.

18

1 ~~Sec. 51. 33 V.S.A. § 1301 is amended to read:~~

2 § 1301. ELIGIBILITY REQUIREMENTS—; GENERAL

3 To be eligible for State aid to the aged, blind, or disabled, in addition to the  
4 requirements in sections 1301–1303 of this chapter governing eligibility for a  
5 specific program, an individual shall:

6 \* \* \*

7 (4) Not have sufficient income or other resources to provide a  
8 reasonable subsistence compatible with decency and health, and not be  
9 receiving or able to secure support from persons legally responsible for the  
10 individual's support. In determining whether the income of an applicant for or  
11 a recipient of aid is sufficient, the Department for ~~Children and Families of~~  
12 Economic Empowerment may disregard, within the limits of available funds,  
13 income used to further the purposes of rehabilitation and self-support.

14 Sec. 52. 33 V.S.A. § 1306 is amended to read:

15 § 1306. APPLICATION AND INVESTIGATION

16 Applications for State aid to the aged, blind, or disabled may be made at  
17 any office of the Department for ~~Children and Families of Economic~~  
18 Empowerment. Upon receipt of an application, the Commissioner for  
19 ~~Children and Families of Economic Empowerment~~ shall investigate and  
20 prescribe the amount of the grant to be given, if any. No individual shall  
21 receive more than one type of grant or aid under this chapter.

1 ~~Sec. 53. 33 V.S.A. § 1307 is amended to read:~~

2 § 1307. AMOUNT OF STATE AID

3 The amount of State aid to which an eligible individual is entitled shall be  
4 determined with due regard to the income, resources, and maintenance  
5 available to the individual and, when an eligible individual lives with the  
6 individual's ineligible spouse or a ~~needy~~ an essential person in need, or both,  
7 as defined by the Commissioner, with due regard to the needs of the ineligible  
8 spouse and with due regard to the needs, income, and resources of the ~~needy~~  
9 essential person in need. To the extent funds are available, aid shall provide a  
10 reasonable subsistence compatible with decency and health. The  
11 ~~Commissioner for Children and Families~~ of Economic Empowerment may by  
12 rule fix maximum amounts of aid and take measures to ensure that the  
13 expenditures for the programs shall not exceed the funds provided for them.

14 Sec. 54. 33 V.S.A. § 1308 is amended to read:

15 § 1308. RULES

16 In fixing standards and adopting rules under this chapter, the Commissioner  
17 ~~for Children and Families~~ of Economic Empowerment shall be guided by the  
18 statutory standards set forth in this chapter, which standards shall not be  
19 deemed necessarily to incorporate by reference decisional or statutory law  
20 applicable to the aid to the aged, blind, and disabled program in effect prior to  
21 ~~January 1, 1974.~~

1 ~~Sec. 55. 33 V.S.A. § 1701 is amended to read:~~

2 § 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

3 \* \* \*

4 (d) As used in this chapter, “Commissioner” means the Commissioner for  
5 ~~Children and Families of Economic Empowerment~~ and “Department” means  
6 the Department for ~~Children and Families of Economic Empowerment~~.

7 Sec. 56. 33 V.S.A. § 1702 is amended to read:

8 § 1702. PAYMENT ERROR RATE REPORT

9 On or before January 1 of the year following any federal fiscal year in  
10 which the State of Vermont receives a federal sanction for a payment error rate  
11 greater than the federal threshold in the Supplemental Nutrition Assistance  
12 Program (SNAP), the Department for ~~Children and Families of Economic~~  
13 ~~Empowerment~~ shall report to the Senate Committee on Appropriations  
14 regarding:

15 (1) the number of households that received SNAP benefits and were  
16 discovered to have an overpayment or underpayment in the sanction year due  
17 to agency error, including the average amount of the overpayments and  
18 underpayments and the total amount of each; and

19 (2) the Department’s specific plans for sanction reinvestment to  
20 improve its error rate for the next federal fiscal year and prevent sanction in

21 the future.

1 ~~Sec. 57. 33 V.S.A. § 1901b is amended to read:~~

2 § 1901b. PHARMACY PROGRAM ENROLLMENT

3 (a) The Department of Vermont Health Access and the Department for  
4 ~~Children and Families of Economic Empowerment~~ shall monitor actual  
5 caseloads, revenue, and expenditures; anticipated caseloads, revenue, and  
6 expenditures; and actual and anticipated savings from implementation of the  
7 preferred drug list, supplemental rebates, and other cost containment activities  
8 in each State pharmaceutical assistance program, including VPharm. When  
9 applicable, the Departments shall allocate supplemental rebate savings to each  
10 program proportionate to expenditures in each program.

11 \* \* \*

12 Sec. 58. 33 V.S.A. § 2101 is amended to read:

13 § 2101. DEFINITIONS

14 As used in this chapter:

15 (1) "Commissioner" means the Commissioner for ~~Children and Families~~  
16 of Economic Empowerment.

17 \* \* \*

18 Sec. 59. 33 V.S.A. § 2103 is amended to read:

19 § 2103. ELIGIBILITY

20 (a) Consistent with available appropriations, the Department for ~~Children~~  
21 and Families of Economic Empowerment shall furnish General Assistance

1 ~~under this chapter, except as provided in this section, to any otherwise eligible~~  
2 individual unable to provide the necessities of life for the individual and for  
3 those whom the individual is legally obligated to support. Except for those in  
4 catastrophic situations as defined in rules, no General Assistance shall be  
5 provided in the following situations:

6 (1) to any individual whose income from any source, including the  
7 Department for Children and Families of Economic Empowerment, during the  
8 30 days immediately preceding the date on which assistance is sought is equal  
9 to the General Assistance eligibility standard; and

10 (2) to any able-bodied individual without minor dependents included in  
11 ~~his or her~~ the individual's application.

12 \* \* \*

13 (e) As used in this section, "able-bodied individual" does not include a  
14 person subject to such conditions as are determined by rule of the  
15 Commissioner for Children and Families of Economic Empowerment, to  
16 constitute barriers to employment.

17 (f) [Repealed.]

18 Sec. 60. 33 V.S.A. § 2114 is amended to read:

19 § 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

20 (a) The Department for Children and Families of Economic Empowerment  
21 shall provide up to three months of rental or mortgage arrearage assistance to



1 ~~eligible families. Assistance under this section is not an entitlement and shall~~  
2 be limited to the funds appropriated.

3 \* \* \*

4 Sec. 61. 33 V.S.A. § 2115 is amended to read:

5 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

6 On or before September 1 of each year, the Commissioner for ~~Children and~~  
7 Families of Economic Empowerment shall submit a written report to the Joint  
8 Fiscal Committee; the House Committees on Appropriations, on General, and  
9 ~~Housing, and Military Affairs, and on Human Services; and the Senate~~  
10 Committees on Appropriations and on Health and Welfare. The report shall  
11 contain the following:

12 \* \* \*

13 Sec. 62. 33 V.S.A. § 2301 is amended to read:

14 § 2301. BURIAL RESPONSIBILITY

15 \* \* \*

16 (d) As used in this chapter:

17 (1) "Burial" means the final disposition of human remains, including  
18 interring or cremating a decedent and the ceremonies directly related to that  
19 cremation or interment at the gravesite.

20 (2) "Department" means the Department for ~~Children and Families of~~  
21 Economic Empowerment.

1 ~~(2) "Funeral" means the ceremonies prior to burial by interment,~~

2 cremation, or other method.

3 Sec. 63. 33 V.S.A. § 2607 is amended to read:

4 § 2607. PAYMENTS TO FUEL SUPPLIERS

5 \* \* \*

6 (g)(1) The Public Utility Commission shall require natural gas suppliers  
7 subject to regulation under 30 V.S.A. § 203 to provide a discount program to  
8 customers with incomes ~~no~~ not greater than 200 percent of the federal poverty  
9 level or who meet the Department for Children and Families' of Economic  
10 Empowerment's means test of eligibility for LIHEAP crisis fuel assistance.  
11 Eligibility for the discount shall be verified by the Department for ~~Children~~  
12 ~~and Families~~ of Economic Empowerment.

13 \* \* \*

14 Sec. 64. 33 V.S.A. § 3901 is amended to read:

15 § 3901. DEFINITIONS

16 As used in this chapter:

17 (1) "Order of support" means any judgment or order for the support of  
18 dependent children issued by any court of the State of Vermont or another state  
19 or an order under an administrative proceeding of another state, including an  
20 ~~order in a final decree of divorce.~~

1 ~~(2) "Custodial parent" means any person with whom a dependent child~~  
2 actually resides, whether or not the parent is receiving public assistance  
3 benefits under chapter 11 of this title, or the Commissioner for Children and  
4 Families if the dependent child is under the care and control of ~~that~~ the  
5 Department ~~for Children and Families.~~

6 (3) "Department" means the Vermont Department ~~for Children and~~  
7 Families of Economic Empowerment.

8 \* \* \*

9 Sec. 65. 33 V.S.A. § 3902 is amended to read:

10 § 3902. ASSIGNMENT OF SUPPORT RIGHTS BY PUBLIC ASSISTANCE  
11 RECIPIENTS; PROCEEDINGS TO ESTABLISH SUPPORT  
12 OBLIGATION

13 (a) As a condition of eligibility for public assistance, each applicant or  
14 recipient shall assign to the Department any right to support from a responsible  
15 parent that has accrued at the time of the assignment and that the applicant  
16 may have in the applicant's own behalf or on behalf of any other family  
17 member for whom the applicant is applying or receiving assistance.

18 (b) An assignment in effect under this section shall be subject to the  
19 provisions of section 4106 of this title.

20 (c) Whenever a support obligation is in effect against a responsible parent  
21 ~~for the benefit of a dependent child of a custodial parent, payments required~~

1 ~~under the support obligation shall be sent to the Office of Child Support upon~~  
2 notice to the responsible parent, without further order of the court. When an  
3 assignment is in effect pursuant to subsection (a) of this section, any amounts  
4 accrued under the support obligation as of the date of assignment, and any  
5 amount accruing while the assignment is in effect, shall be owing to and  
6 payable to the Department for Children and Families without further order of  
7 the court.

8 \* \* \*

9 (e) If a support order has been entered and the legal custodian and obligee  
10 relinquishes physical responsibility of the child to a caretaker without  
11 modifying the physical rights and responsibilities order, the Office of Child  
12 Support may change the payee of support upon the caretaker's receipt of  
13 Reach Up family assistance from the Department for Children and Families.  
14 The obligor's obligation under the support order to pay child support and  
15 medical support continues but shall be payable to the Office of Child Support  
16 upon the caretaker's receipt of Reach Up family assistance and shall continue  
17 ~~so~~ for as long as the assignment is in effect. The Office of Child Support shall  
18 notify the obligor and obligee under the support order, by first-class mail at  
19 ~~last known address, of the change of payee.~~

1 ~~Sec. 66. 22 V.S.A. § 2002 is amended to read:~~

2 § 3903. CHILD SUPPORT DEBT

3 (a) Except as otherwise provided in this section, any payment of Reach Up  
4 financial assistance made to or for the benefit of a dependent child creates a  
5 debt due and owing to the Department for Children and Families by any  
6 responsible parent in an amount equal to the amount of Reach Up financial  
7 assistance paid.

8 (b) Collection of child support debts shall be made as provided by this  
9 section and section 3902 of this title and by 15 V.S.A. chapter 11, subchapter  
10 7. Regardless of the amount of Reach Up financial assistance paid, the court  
11 may limit the child support debt, taking into consideration the criteria of  
12 15 V.S.A. § 659. The Department for Children and Families and the  
13 responsible parent may limit the child support debt by stipulation, which shall  
14 be enforceable on its terms unless it is modified.

15 Sec. 67. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF  
16 RULES TO THE DEPARTMENT OF ECONOMIC  
17 EMPOWERMENT

18 (a) The statutory authority to adopt the following rules by the Department  
19 for Children and Families adopted under 3 V.S.A. chapter 25 is transferred  
20 from the Department for Children and Families to the Department of  
21 Economic Empowerment.

- 1 ~~(1) Child Support Guidelines (CVR 13-161-001);~~
  - 2 ~~(2) OCS Administrative Review (CVR 13-161-002);~~
  - 3 ~~(3) Reach First Program (CVR 13-170-210);~~
  - 4 ~~(4) Reach Up (CVR 13-170-220);~~
  - 5 ~~(5) Reach Up Services (CVR 13-170-230);~~
  - 6 ~~(6) Postsecondary Education (CVR 13-170-240);~~
  - 7 ~~(7) Reach Ahead (CVR 13-170-250);~~
  - 8 ~~(8) General Assistance (CVR 130-170-260);~~
  - 9 ~~(9) Assistance to the Aged, Blind, or Disabled (CVR 130-170-270);~~
  - 10 ~~(10) Emergency Assistance (CVR 130-170-280);~~
  - 11 ~~(11) Fuel (CVR 130-170-290); and~~
  - 12 ~~(12) Refugee Cash Assistance (CVR 130-170-300).~~
- 13 (b) All rules listed in subsection (a) of this section adopted by the  
14 Department for Children and Families under 3 V.S.A. chapter 25 prior to  
15 July 1, 2024 shall be deemed the rules of the Department of Economic  
16 Empowerment and remain in effect until amended or repealed by the  
17 Department of Economic Empowerment pursuant to 3 V.S.A. chapter 25.
- 18 (c) The Department of Economic Empowerment shall provide notice of the  
19 transfer to the Secretary of State and the Legislative Committee on  
20 Administrative Rules in accordance with 3 V.S.A. § 8-40(d)(2).

1 ~~Sec. 68. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF~~

2 RULES TO THE DEPARTMENT FOR CHILDREN AND  
3 FAMILIES

4 (a) The statutory authority to adopt the following rules by the Department  
5 of Health adopted under 3 V.S.A. chapter 25 is transferred from the  
6 Department of Health to the Department for Children and Families:

7 (1) Newborn Screening Program Regulations (CVR 13-140-057);

8 (2) Blood Lead Screening, Reporting and Response Rule (CVR 13-140-  
9 070);

10 (3) Maternal Mortality Review Panel Rule (CVR 13-140-057);

11 (4) Maternal Child Health; Subchapter 4 Home Visiting Rule (CVR 13-  
12 140-074); and

13 (5) Birth Information Network (CVR 13-140-078).

14 (b) All rules listed in subsection (a) of this section and adopted by the  
15 Department of Health under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be  
16 deemed the rules of the Department for Children and Families and remain in  
17 effect until amended or repealed by the Department for Children and Families  
18 pursuant to 3 V.S.A. chapter 25.

19 (c) The Department for Children and Families shall provide notice of the  
20 transfer to the Secretary of State and the Legislative Committee on

21 Administrative Rules in accordance with 3 V.S.A. § 8-48(d)(2).

~~\*\*\* Child Care and Child Care Subsidies \*\*\*~~

Sec. 69. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services ~~in order to obtain employment, to retain employment, or to obtain training leading to employment.~~ Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 425 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it



1 ~~encourages employment. If the federal poverty guidelines decrease in a given~~  
2 year, the Division shall maintain the previous year's federal poverty guidelines  
3 for the purpose of determining eligibility and benefit amount under this  
4 subsection.

5 (3) Earnings deposited in a qualified child education savings account,  
6 such as the Vermont Higher Education Investment Plan, established in  
7 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be  
8 disregarded in determining the amount of a family's income for the purpose of  
9 determining continuing eligibility.

10 (4) ~~After September 30, 2023,~~ a A regulated center-based child care  
11 program or family child care home as defined by the Department in rule shall  
12 not receive funds pursuant to this subsection that are in excess of the usual and  
13 customary rate for services at the center-based child care program or family  
14 child care home.

15 (5) The Department shall ensure that applications for the Child Care  
16 Financial Assistance Program use a simple, plain-language format.

17 Applications shall be available in both electronic and paper formats.

18 \* \* \*

19 Sec. 70. 33 V.S.A. § 3512 is amended to read:

20 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

21 ~~ELIGIBILITY~~

1 ~~(a)(1) The Child Care Financial Assistance Program is established to~~  
2 subsidize, to the extent that funds permit, the costs of child care for families  
3 that need child care services.

4 (2) The subsidy authorized by this subsection shall be established by the  
5 Commissioner, by rule, and shall bear a reasonable relationship to income and  
6 family size. Families shall be found eligible using an income eligibility scale  
7 based on the current federal poverty level and adjusted for the size of the  
8 family. Co-payments shall be assigned to the whole family and shall not  
9 increase if more than one eligible child is enrolled in child care. Families with  
10 an annual gross income of less than or equal to 185 percent of the current  
11 federal poverty guidelines shall not have a family co-payment. Families with  
12 an annual gross income up to and including ~~425~~ 450 percent of current federal  
13 poverty guidelines, adjusted for family size, shall be eligible for a subsidy  
14 authorized by the subsection. The scale shall be structured so that it  
15 encourages employment. If the federal poverty guidelines decrease in a given  
16 year, the Division shall maintain the previous year's federal poverty guidelines  
17 for the purpose of determining eligibility and benefit amount under this  
18 subsection.

19 \* \* \*

20 (6)(A) The Department, in consultation with Building Bright Futures,  
21 shall adopt by rule, pursuant to 5 v.S.A. chapter 25, a tiered professional

1 ~~compensation standard for employees of child care providers, which is~~  
2 comparable to compensation received by early childhood educators in  
3 Vermont's public school system who serve children from prekindergarten  
4 through grade three. Annually, the Commissioner shall amend the rule  
5 containing the professional compensation standard required by this section to  
6 account for inflation and increases due to renegotiated public school teacher  
7 compensation levels. The Commissioner shall ensure that the professional  
8 compensation standard is posted on the Department's website.

9 (B) To participate in the Child Care Financial Assistance Program,  
10 child care providers shall minimally compensate employees providing child  
11 care services in accordance with the professional compensation standard  
12 established pursuant to this subsection (a).

13 \* \* \*

14 Sec. 71. 33 V.S.A. § 3514 is amended to read:

15 § 3514. PAYMENT TO PROVIDERS

16 (a) The Commissioner shall establish a payment schedule for purposes of  
17 reimbursing providers for full- or part-time child care services rendered to  
18 families who participate in the programs established under section 3512 or  
19 3513 of this title. Payments established under this section shall reflect the  
20 following considerations: whether the provider operates a licensed child care  
21 ~~facility or a registered family child care home, type of service provided, cost~~

1 ~~of providing the service, and the prevailing market rate for comparable~~  
2 service. Payments shall be based on enrollment status or any other basis  
3 agreed to by the provider and the Division.

4 \* \* \*

5 Sec. 72. 33 V.S.A. § 3514 is amended to read:

6 § 3514. PAYMENT TO PROVIDERS

7 (a) The Commissioner shall establish a payment schedule by rule, pursuant  
8 to 3 V.S.A. chapter 25 and in consultation with Building Bright Futures, for  
9 purposes the purpose of reimbursing providers for full- or part-time child care  
10 services rendered to families who participate in the programs established under  
11 section 3512 or 3513 of this title. Payments established under this section  
12 shall reflect the following considerations: total cost of care, including whether  
13 the provider operates a licensed child care facility or a registered family child  
14 care home, type of service provided, cost of providing the service, and the  
15 prevailing market rate for comparable service provider credentials. Payments  
16 shall be based on enrollment and the professional standard established in  
17 subdivision 3512(a)(6)(A) of this title.

18 (b) The Commissioner may establish a separate payment schedule for child  
19 care providers who have received specialized training, approved by the  
20 ~~Commissioner, relating to protective or family support services.~~

1 ~~(c)(1) The payment schedule established by the Commissioner may~~  
2 ~~reimburse providers in accordance with the results of the most recent Vermont~~  
3 ~~Child Care Market Rate Survey.~~

4 ~~(2) The payment schedule shall include reimbursement rate caps tiered~~  
5 ~~in relation to provider ratings in the Vermont STARS program. The lower limit~~  
6 ~~of the reimbursement rate caps shall be not less than the 50th percentile of all~~  
7 ~~reported rates for the same provider setting in each rate category. Annually, the~~  
8 ~~Commissioner shall amend the rule containing the payment schedule required~~  
9 ~~by this section to account for inflation. The Commissioner shall ensure that~~  
10 ~~the payment schedule is posted on the Department's website.~~

11 Sec. 73. 33 V.S.A. § 3515 is added to read:

12 § 3515. CHILD CARE WAITLIST AND APPLICATION FEES

13 A child care provider shall not charge an application or waitlist fee for child  
14 care services where the applying child qualifies for the Child Care Financial  
15 Assistance Program pursuant to section 3512 of this title. A child care  
16 provider shall reimburse an individual who is charged an application or  
17 waitlist fee for child care services if it is later determined that the applying  
18 child qualified for the Child Care Financial Assistance Program at the time the  
19 fee or fees were paid.

20 Sec. 74. 33 V.S.A. chapter 35, subchapter 6 is added to read:

21 Subchapter 6. Child Care Assistance for Additional Populations

§ 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

LEGISLATIVE INTENT

In establishing the Noncitizen Child Care Assistance Program to provide child care subsidies for children who are not eligible for the Child Care Financial Assistance Program because of their citizenship status, it is the intent of the General Assembly that the benefits and eligibility criteria set forth in section 3552 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this chapter and corresponding rule.

§ 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

(a) For purposes of this section, the phrase “Vermont residents who have a citizenship status for which Child Care Financial Assistance Program (CCFAP) participation is not available” includes children of migrant workers who are employed in seasonal occupations in this State.

(b) The Department for Children and Families shall provide State-funded child care subsidies equivalent to those offered in the Child Care Financial Assistance Program (CCFAP) to Vermont residents who have a citizenship status for which CCFAP participation is not available and meet the service need and income eligibility standards established by the Department in rule.

1 ~~(c)(1) The Department shall not inquire about or record the citizenship and~~  
2 ~~immigration status of the applicant or any member of the applicant's family.~~

3 ~~(2) All applications submitted and records created pursuant to this~~  
4 ~~section shall be exempt from public inspection and copying under the Public~~  
5 ~~Records Act and shall be kept confidential. Absent a request for information~~  
6 ~~by a U.S. agency pursuant to federal law, the Department shall not disclose~~  
7 ~~any personally identifiable information regarding applicants or enrollees to the~~  
8 ~~U.S. government.~~

9 ~~(d) The Department for Children and Families may adopt rules in~~  
10 ~~accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.~~

11 Sec. 75. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
12 CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
13 YEAR 2025 ESTIMATE

14 ~~The Department for Children and Families shall provide information on the~~  
15 ~~estimated fiscal year 2025 costs of providing coverage to Vermont residents~~  
16 ~~who have a citizenship status for which Child Care Financial Assistance~~  
17 ~~Program participation is not available pursuant to 33 V.S.A. § 3552 beginning~~  
18 ~~on July 1, 2024 as part of the Department's fiscal year 2025 budget~~  
19 ~~presentation to the House Committees on Appropriations and on Human~~  
20 ~~Services and the Senate Committees on Appropriations and on Health and~~  
21 ~~welfare.~~

~~\*\*\* Special Accommodations Grant \*\*\*~~

~~Sec. 76. REPORT; SPECIAL ACCOMMODATIONS GRANT~~

~~On or before January 15, 2024, the Department for Children and Family's  
Child Development Division shall submit a report to the House Committee on  
Human Services and to the Senate Committee on Health and Welfare  
providing a proposal to streamline the application process for special  
accommodation grants, including:~~

~~(1) moving to a 12-month grant cycle;~~

~~(2) improving support and training for providing inclusive care for  
children with special needs; and~~

~~(3) determining how to better meet the early learning needs of children  
with disabilities within a child care setting.~~

~~\*\*\* Child Care Workforce Retention Grants \*\*\*~~

~~Sec. 77. FY 2024 APPROPRIATION; CHILD CARE WORKER~~

~~RETENTION GRANT PROGRAM~~

~~In fiscal year 2024, the sum of \$7,300,000.00 is appropriated from the  
General Fund to the Department for Children and Families for the early  
childhood staff and home-based provider retention grant program established  
in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by 2022 Acts  
and Resolves No. 63, Sec. 06.~~



1 \*\*\* Scholarship for Prospective Early Childhood Providers \*\*\*

2 Sec. 78. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

3 Sec. 8. REPEALS

4 (a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance  
5 program) is repealed on July 1, 2026.

6 (b) 33 V.S.A. § 3542 (scholarships for prospective early childhood  
7 providers) is repealed on July 1, 2026. [Repealed.]

8 (c) 33 V.S.A. § 3543 (student loan repayment assistance program) is  
9 repealed on July 1, 2026.

10 Sec. 79. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY  
11 CHILDHOOD PROVIDERS

12 In fiscal year 2024, \$500,000.00 is appropriated in addition to the base  
13 funding to the Department for Children and Families for the purpose of  
14 funding scholarships for current early childhood providers pursuant to 33  
15 V.S.A. § 3541.

16 \*\*\* Transitional Assistance \*\*\*

17 Sec. 80. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

18 The Agency of Education and the Department for Children and Families  
19 shall consult with and receive technical assistance from Building Bright  
20 Futures for the purpose of implementing the provisions of this act, including  
21 establishing the public prekindergarten education program pursuant to 10

1 ~~V.S.A. § 820, reorganizing the Department for Children and Families, and~~  
2 implementing changes to the Child Care Financial Assistance Program and  
3 establishing the Noncitizen Child Care Assistance Program pursuant to 33  
4 V.S.A. chapter 35.

5 \* \* \* Effective Dates \* \* \*

6 Sec. 81. EFFECTIVE DATES

7 (a) Except as provided in subsection (b) of this section, this act shall take  
8 effect on July 1, 2023, with the Department for Children and Families making  
9 child care subsidies available to Vermont residents who have an immigration  
10 status for which Child Care Financial Assistance Program participation is not  
11 available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to  
12 fiscal year 2025 appropriations for this purpose.

13 (b)(1) Secs. 1, 3–9, and 11 (related to the public prekindergarten education  
14 program) shall take effect on July 1, 2024, except that the Secretary of  
15 Education and the Commissioner for Children and Families shall amend any  
16 rules necessary prior to that date in order to perform their duties under this act.

17 (2) Secs. 12–14 (property tax exemption; property used by child care  
18 providers) shall take effect on July 1, 2024.

19 (3) Secs. 15–68 (relating to the reorganization of the Department for  
20 Children and Families and creation of the Department of Economic  
21 Empowerment) shall take effect on July 1, 2024.

1 ~~(4) Sec. 70 (Child Care Financial Assistance Program; eligibility) and~~  
2 ~~Sec. 72 (provider payments) shall take effect on July 1, 2024, subject to fiscal~~  
3 ~~year 2025 appropriations for this purpose, except that the Commissioner for~~  
4 ~~Children and Families shall adopt any rules necessary prior to that date in~~  
5 ~~order to perform the Commissioner's duties under this act.~~

*\* \* \* Legislative Intent \* \* \**

*Sec. 1. LEGISLATIVE INTENT*

*It is the intent of the General Assembly that investments in and policy changes to Vermont's child care system shall:*

*(1) increase access to and the quality of child care services throughout the State;*

*(2) provide financial stability to child care programs;*

*(3) stabilize Vermont's talented child care workforce;*

*(4) address the workforce needs of the State's employers;*

*(5) provide policy recommendations for expanding access and capacity in Vermont's prekindergarten system; and*

*(6) reorganize the Department for Children and Families to ensure greater oversight and focus on child care and early childhood education.*

*\* \* \* Prekindergarten \* \* \**

*Sec. 1a. PREKINDERGARTEN EDUCATION STUDY COMMITTEE;  
REPORT*

*(a) Creation. There is created the Prekindergarten Education Study Committee to make recommendations on how to improve and expand accessible, affordable, and high-quality prekindergarten education.*

*(b) Membership. The Committee shall be composed of the following members:*

*(1) the Secretary of Education or designee, who shall serve as chair;*

*(2) the Secretary of Human Services or designee;*

*(3) the Executive Director of the Vermont Principals' Association or designee.*

~~(4) the Executive Director of the Vermont Superintendents Association or designee;~~

~~(5) the Executive Director of the Vermont School Board Association or designee;~~

~~(6) the Executive Director of the Vermont National Education Association or designee;~~

~~(7) the Chair of the Vermont Council of Special Education Administrators or designee;~~

~~(8) the Executive Director of the Vermont Curriculum Leaders Association or designee;~~

~~(9) the Executive Director of Building Bright Futures or designee;~~

~~(10) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;~~

~~(11) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a regulated family child care home, appointed by the Committee on Committees;~~

~~(12) the Head Start Collaboration Office Director or designee;~~

~~(13) the Executive Officer of Let's Grow Kids or designee; and~~

~~(14) a family representative with a prekindergarten-age child, appointed by the Building Bright Futures Council.~~

~~(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations for expanding equitable access for all children three and four years of age in a manner that achieves the best outcomes for children, whether through the current mixed-delivery system, the public school system, the private prekindergarten system, or a system that allows school districts to contract with private providers. The Committee shall also examine and make recommendations on the changes necessary to provide prekindergarten education to all children three and four years of age through the public school system, including a timeline and transition plan for such changes. In conducting its analysis, the Committee shall address the following topics and questions, which may yield distinct recommendations for children three and four years of age:~~

~~(1) Outcomes and quality.~~

~~(A) What are the benchmarks for "high quality" in prekindergarten~~

education?

(B) How should best practices be implemented and measured across various prekindergarten education settings?

(2) Capacity and demand.

(A) How many children, by age, does the current mixed-delivery system have the capacity to serve? In studying this issue, the Committee shall consider the number of children on waitlists and the number of vacancies in programs.

(B) What are the workforce requirements to expand prekindergarten education? In studying this question, the Committee may consider:

(i) whether there is a gap between the total number of licensed teachers currently working and the number needed for expansion;

(ii) whether there is a gap between the total prekindergarten education workforce, including paraeducators, and the number needed for expansion; and

(iii) the educational and training costs associated with training and retaining the workforce necessary for expansion?

(C) If prekindergarten education in the public school system is provided solely to children four years of age, what is the impact on the capacity and workforce of private prekindergarten providers?

(3) Special education.

(A) How many children three and four years of age are currently on individual education programs receiving services in public and private settings?

(B) Are children three and four years of age on individual education plans receiving the full range of services that they are entitled to?

(C) Does the availability or cost of special education services vary between private and public prequalified providers?

(4) Public school expansion.

(A) What infrastructure changes are necessary to expand prekindergarten education?

(B) How would the current prekindergarten education mixed-delivery system transition to a program within the public school system?

(C) What capacity needs to be built for developmentally appropriate afterschool and out-of-school-time care?

(D) Are changes needed to existing health and safety standards for public schools to accommodate children three and four years of age?

(5) Funding and costs.

(A) What are fiscally strategic options to sustain and expand universal prekindergarten education?

(B) What is the financial and business impact on regulated private childcare providers if the prekindergarten system transitions to public schools?

(C) What, if any, changes need to be made to pupil weights for prekindergarten students?

(D) What, if any, changes need to be made to tuition rates for private prekindergarten programs?

(6) Oversight.

(A) What additional Agency of Education personnel or resources would be needed to oversee an expansion of the current prekindergarten education system under either a mixed-delivery model, a public school system model, or a system that allows school districts to contract with private providers?

(B) What additional Agency of Human Services personnel or resources would be needed to oversee an expansion of the current mixed-delivery model or a private prekindergarten system?

(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its findings and recommendations based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee's recommendations.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

(2) A majority of the membership shall constitute a quorum.

~~(2) The Committee shall cease to exist on February 1, 2024.~~

~~(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 10 meetings per year. These payments shall be made from monies appropriated to the Agency of Education.~~

~~(h) Appropriations.~~

~~(1) The sum of \$5,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.~~

~~(2) The sum of \$100,000.000 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for cost of retaining a contractor as provided under subsection (d) of this section.~~

~~(3) Any unused portion of these appropriations shall, as of July 1, 2024, revert to the General Fund.~~

~~Sec. 1b. 16 V.S.A. § 213 is amended to read:~~

~~§ 213. DEPUTY SECRETARIES~~

~~The Secretary shall employ such number of deputy secretaries as he or she deems necessary at least two deputy secretaries. One deputy secretary shall:~~

~~(1) solely manage the Division of Student Support Services, which shall govern special education, early education, and multitiered systems of support; and~~

~~(2) hold at least a master's level degree in early childhood education, special education, child development, or a related field.~~

~~Sec. 1c. AGENCY OF EDUCATION; DEPUTY SECRETARY  
AUTHORIZATION~~

~~The establishment of a second Deputy Secretary position within the Agency of Education pursuant to 16 V.S.A. § 213 is authorized beginning in fiscal year 2025.~~

~~\* \* \* Child Care and Child Care Subsidies \* \* \*~~

~~§ 3512. 22 V.S.A. § 3512 is amended to read:~~

~~§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY~~

~~(a)(1) The Child Care Financial Assistance Program is established to~~

~~subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.~~

~~(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

~~(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.~~

~~(4) After September 30, 2021, a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.~~

~~(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.~~

~~\*\*\*~~

~~Sec. 2. 33 V.S.A. § 3512 is amended to read:~~

~~§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY~~

~~(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families~~



~~that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.~~

~~(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~450~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

~~(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.~~

~~(4) After September 30, 2021, a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.~~

~~(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.~~

### ~~Sec. 3. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM~~

~~On January 1, 2024, the Department for Children and Families shall provide a one-time adjustment to the child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services provided to children from birth through four years of age, including children five years of age who are not yet enrolled for kindergarten. The adjusted~~

~~reimbursement rate shall account for the age of the children served and be 3 to 5 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. All providers in the same child care setting category shall receive an identical reimbursement rate payment dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home.~~

~~Sec. 4. 33 V.S.A. § 3514 is amended to read:~~

~~§ 3514. PAYMENT TO PROVIDERS FOR SCHOOL AGE CHILDREN~~

~~(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services to children over four years of age, excluding children five years of age who are not yet enrolled for kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division.~~

~~\*\*\*~~

~~Sec. 4a. 33 V.S.A. § 3515 is added to read:~~

~~§ 3515. PAYMENT TO PROVIDERS FOR CHILDREN BIRTH THROUGH FOUR YEARS OF AGE; HIGH QUALITY INCENTIVE PROGRAM~~

~~(a) The Commissioner shall establish a payment schedule that accounts for the age of the children served for the purpose of reimbursing providers for full- or part-time child care services to children from birth through four years of age, including children five years of age who are not yet enrolled for kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. All providers in the same child care setting category shall receive an identical reimbursement rate payment dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home. The rate used to reimburse providers shall be increased over the previous year's rate annually on July 1 in alignment with the most recent annual average wage growth for NAICS code 611, Educational Services, not to fall below zero percent. Child care services to infants and toddlers shall receive an enhanced reimbursement rate set by the Commissioner. Payments shall be based on enrollment.~~

~~(b) The Commissioner may establish a separate payment schedule for child~~

~~care providers who have received specialized training, approved by the Commissioner, relating to protective or family support services.~~

~~(c)(1) Annually, the Department shall provide a flat incentive payment to all providers earning five STARS in the Vermont STARS system from the High-Quality Early Care and Education Special Fund pursuant to section 3516 of this chapter:~~

~~(2) Upon notice from a provider that the provider has achieved an increased STAR level in the Vermont STARS system, the Department shall award the provider a flat incentive payment equivalent to that received by providers earning five STARS pursuant to subdivision (1) of this subsection. Incentive payments shall be funded through the High-Quality Early Care and Education Special Fund pursuant to section 3516 of this chapter. A provider may earn an incentive payment under this subdivision for each additional STAR level achieved in the STARS system.~~

~~Sec. 4b. 33 V.S.A. § 3516 is added to read:~~

~~§ 3516. HIGH-QUALITY EARLY CARE AND EDUCATION SPECIAL FUND~~

~~(a) There is created a High-Quality Early Care and Education Special Fund administered by the Department for Children and Families, which shall be a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5.~~

~~(b) The High-Quality Early Care and Education Special Fund shall consist of any appropriation from the General Fund and any gifts, devises, or grants received for the purpose of this section.~~

~~(c) The High-Quality Early Care and Education Special Fund shall be used for the implementation and ongoing provision of incentive payments to providers pursuant to subsection 3515(c) of this chapter.~~

~~Sec. 5. 33 V.S.A. § 3517 is added to read:~~

~~§ 3517. CHILD CARE WAITLIST AND APPLICATION FEES~~

~~A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.~~

~~Sec. 6. PROVIDER COMPENSATION AND TOTAL COST OF CARE;~~

RECOMMENDATIONS

(a) On or before November 1, 2023, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare addressing the following:

(1) whether and how to integrate a tiered professional pay scale for professionals who provide child care services as part of the Child Care Financial Assistance Program;

(2) the structure of tiered professional pay scales for professionals who provide child care services that have been implemented in other jurisdictions, including in New Mexico and the District of Columbia.

(3) the appropriate legal mechanism to implement any approved tiered professional pay scale for professionals who provide child care services, including consideration of statute, rule, departmental guidance, or some other appropriate mechanism.

(b) On or before November 1, 2024, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) A tiered professional pay scale for professionals who provide child care services as defined in 33 V.S.A. § 3511 that is designed to provide professionals who provide child care services with compensation comparable to that received by early childhood educators in Vermont's public school system who serve children from prekindergarten through grade three. The tiered professional pay scale shall account for professionals' credentialing and professional child care experience and shall include the addition of an appropriate fringe benefit rate. In developing the tiered professional pay scale, the Department for Children and Families shall refer to the child care and early childhood education financing study required pursuant to 2021 Acts and Resolves No. 45, Sec. 14; and

(2) A formula to calculate the total cost of care to serve children in a regulated child care facility as defined in 33 V.S.A. § 3511.

Sec. 7. 33 V.S.A. chapter 35, subchapter 6 is added to read:

Subchapter 6. Child Care Assistance for Additional Populations

§ 2551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

LEGISLATIVE INTENT

In establishing the Noncitizen Child Care Assistance Program to provide child care subsidies for children who are not eligible for the Child Care Financial Assistance Program because of their citizenship status, it is the intent of the General Assembly that the benefits and eligibility criteria set forth in section 3552 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this chapter and corresponding rule.

§ 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM  
SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

(a) For purposes of this section, the phrase “Vermont residents who have a citizenship status for which Child Care Financial Assistance Program (CCFAP) participation is not available” includes children of migrant workers who are employed in seasonal occupations in this State.

(b) The Department for Children and Families shall provide State-funded child care subsidies equivalent to those offered in the Child Care Financial Assistance Program (CCFAP) to Vermont residents who have a citizenship status for which CCFAP participation is not available and meet the service need and income eligibility standards established by the Department in rule.

(c)(1) The Department shall not inquire about or record the citizenship and immigration status of the applicant or any member of the applicant’s family.

(2) All applications submitted and records created pursuant to this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Absent a request for information by a U.S. agency pursuant to federal law, the Department shall not disclose any personally identifiable information regarding applicants or enrollees to the U.S. government.

(d) The Department for Children and Families may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 8. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
YEAR 2025 ESTIMATE

The Department for Children and Families shall provide information on the estimated fiscal year 2025 costs of providing coverage to Vermont residents who have a citizenship status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024 as part of the Department’s fiscal year 2025 budget presentation to the House Committees on Appropriations and on Human

~~Services and the Senate Committees on Appropriations and on Health and Welfare.~~

~~\*\*\* Special Accommodations Grant \*\*\*~~

~~Sec. 9. REPORT; SPECIAL ACCOMMODATIONS GRANT~~

~~On or before January 15, 2024, the Department for Children and Families' Child Development Division shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a proposal to streamline the application process for special accommodation grants, including:~~

~~(1) the suitability of moving to a 12-month grant cycle and for which populations;~~

~~(2) improving support and training for providing inclusive care for children with special needs;~~

~~(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and~~

~~(4) any other proposals the Department deems essential to the goal of streamlining the application process for special accommodation grants.~~

~~\*\*\* Child Care Workforce Retention Grants \*\*\*~~

~~Sec. 10. FY 2024 APPROPRIATION; CHILD CARE WORKER  
RETENTION GRANT PROGRAM~~

~~In fiscal year 2024, the sum of \$7,300,000.00 is appropriated from the General Fund to the Department for Children and Families for the early childhood staff and home-based provider retention grant program established in 2021 Acts and Resolves No. 74, Sec. G.300(a)(50), as added by 2022 Acts and Resolves No. 83, Sec. 68.~~

~~\*\*\* Scholarship for Prospective Early Childhood Providers \*\*\*~~

~~Sec. 11. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:~~

~~Sec. 8. REPEALS~~

~~(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.~~

~~(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026. [Repealed.]~~

~~(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.~~

~~Sec. 12. APPROPRIATION, SCHOLARSHIPS FOR CURRENT EARLY~~

CHILDHOOD PROVIDERS

In fiscal year 2024, \$500,000.00 is appropriated in addition to the base funding to the Department for Children and Families for the purpose of funding scholarships for current early childhood providers pursuant to 33 V.S.A. § 3541.

\* \* \* Transitional Assistance \* \* \*

Sec. 13. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

(a) Building Bright Futures shall consult with and provide technical assistance to the Department for Children and Families for the purpose of implementing the provisions of this act, including reorganization of the Department for Children and Families, implementation of the changes to the Child Care Financial Assistance Program, and establishment the Noncitizen Child Care Assistance Program pursuant to 33 V.S.A. chapter 35. Specifically, Building Bright Futures shall assist the Department to:

(1) develop a concrete transition plan in relation to both the reorganization of the Department and changes to the Child Care Financial Assistance Program that ensures accountability using various metrics and addresses workforce and programmatic costs; and

(2) define and measure success in process and outcomes using a continuous quality improvement framework.

(b) Building Bright Futures shall monitor the transitions referenced in subsection (a) of this section and annually on January 15 between 2025–2028, submit a report to the House Committee on Human Services and the Senate Committee on Health and Welfare with its observations and recommendations.

\* \* \* Property Tax Exemption, Property Used by a Child Care Provider \* \* \*

Sec. 14. 33 V.S.A. § 3802(22) is added to read:

(22) Up to \$10,000.00 of value of real and personal property:

(A) owned by a home-based child care provider as defined by 33 V.S.A. § 3511(3) and used to provide child care services as defined by 33 V.S.A. § 3511(4); or

(B) rented at not less than 25 percent below fair market value as determined by the prevailing area market prices for comparable space or property to a center-based child care provider as defined by 33 V.S.A. § 3511(3) and used to provide child care services as defined by 33 V.S.A. § 3511(4).

~~Sec. 15. 32 V.S.A. § 3800(g) is added to read:~~

~~(a) The statutory purpose of the exemption for property owned by or rented to a child care provider in subdivision 3802(22) of this title is to lower the cost of providing child care services in Vermont.~~

~~Sec. 16. 32 V.S.A. § 5401(7) is amended to read:~~

~~(7) "Homestead":~~

~~(A) "Homestead" means the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual as the individual's domicile or owned and fully leased on April 1, provided the property is not leased for more than 182 days out of the calendar year or, for purposes of the renter credit under subsection 6066(b) of this title, is rented and occupied by a resident individual as the individual's domicile.~~

~~\*\*\*~~

~~(F) A homestead also includes any other improvement or structure on the homestead parcel that is not used for business purposes. A homestead does not include that portion of a principal dwelling used for business purposes if the portion used for business purposes includes more than 25 percent of the floor space of the building.~~

~~\*\*\*~~

~~(H)(i) A homestead does not include any portion of a dwelling that is rented, and a dwelling is not a homestead for any portion of the year in which it is rented.~~

~~(ii) Notwithstanding subdivision (i) of this subdivision (7)(H), a homestead shall include a dwelling, or a portion of a dwelling, that otherwise qualifies as a homestead and that is rented at not less than 25 percent below fair market value as determined by the prevailing area market prices for comparable space or property to a center-based child care provider as defined by 33 V.S.A. § 3511(3) and is used to provide child care services as defined by 33 V.S.A. § 3511(4).~~

~~\*\*\* Repeals; Child Tax Credit \*\*\*~~

~~Sec. 14. REPEALS; CHILD TAX CREDIT~~

~~The following are repealed:~~

~~(1) 32 V.S.A. § 5830f (Vermont child tax credit); and~~

~~(2) 32 V.S.A. § 5813(y) (statutory purpose; Vermont child tax credit).~~

~~\*\*\* Child Care and Parental Leave Contribution \*\*\*~~



~~Sec. 15. 32 V.S.A. chapter 246 is added to read:~~

~~CHAPTER 246. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION~~

~~§ 10551. PURPOSE~~

~~The Child Care and Parental Leave Contribution is established to provide funding for State support of child care and the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201.~~

~~§ 10552. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Covered wages" means wages paid to an employee by an employer up to the amount of the Social Security Contribution and Benefit Base.~~

~~(2) "Employee" means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to chapter 151, subchapter 4 of this title.~~

~~(3) "Employer" means a person who employs one or more employees who is required to withhold income tax from wages paid to the employees pursuant to chapter 151, subchapter 4 of this title.~~

~~(4) "Self-employed individual" means a sole proprietor or partner owner of an unincorporated business, the sole member of an LLC, or the sole shareholder of a corporation.~~

~~(5) "Self-employment income" has the same meaning as in 26 U.S.C. § 1402.~~

~~(6) "Wages" means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.~~

~~§ 10553. CONTRIBUTION; RATE; COLLECTION~~

~~(a)(1) Each employer shall pay the Child Care and Parental Leave Contribution on all covered wages paid to each of the employer's employees and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. An employer may deduct and withhold from an employee's covered wages an amount equal to not more than one quarter of the contribution required pursuant to subsection (b) of this section. An employer shall pay the contributions required pursuant to this section as if the contributions were Vermont income tax subject to the withholding requirements of chapter 151, subchapter 4 of this title, including the requirements relating to the time and manner of payment.~~

~~(2) Each self-employed individual shall pay the Child Care and~~

~~Parental Leave Contribution on the individual's self-employment income and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. A self-employed individual shall make installment payments of estimated contributions pursuant to this subdivision from the enrolled self-employed individual's self-employment income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5, including the time and manner of payment.~~

~~(b) The contribution rate shall be 0.42 percent of each employee's covered wages and each self-employed individual's self-employment income.~~

~~(c)(1) The Department shall collect the contributions required pursuant to this section. The administrative and enforcement provisions of chapter 151 of this title shall apply to the contribution requirements under this section as if the contributions required pursuant to this section were Vermont income tax, except penalty and interest shall apply according to chapter 103 of this title.~~

~~(2) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section. Self-employed individuals shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(2) of this section.~~

§ 10554. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
SPECIAL FUND

~~(a) The Child Care and Parental Leave Contribution Special Fund is created pursuant to chapter 7, subchapter 5 of this title and shall be administered by the Department for Children and Families and the Department of Taxes. Monies in the Fund may be expended by the Department of Taxes for the administration of the Child Care and Parental Leave Contribution created under this chapter; by the Department for Children and Families for benefits provided by State supported child care and under the Parental Leave Benefit Program established pursuant to 23 V.S.A. § 2201, and by the Departments for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.~~

~~(b) The Fund shall consist of:~~

~~(1) contributions collected or recovered pursuant to section 10553 of this title;~~

~~(2) any amounts transferred or appropriated to the Fund by the General Assembly; and~~

~~(3) any interest earned by the Fund.~~

~~(c) The Departments may seek and accept grants from any source, public~~

~~or private, to be dedicated for deposit into the Fund.~~

~~Sec. 16. DEPARTMENT OF TAXES; POSITIONS~~

~~The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2024:~~

~~(1) eight full-time, classified tax examiners within the Taxpayer Services Division;~~

~~(2) two full-time, classified tax examiners within the Compliance Division;~~

~~(3) three full-time, classified tax compliance officers within the Compliance Division;~~

~~(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and~~

~~(5) one business analyst—tax within the VTax Division.~~

~~\* \* \* Department for Children and Families Restructure and Creation of Department of Economic Empowerment \* \* \*~~

~~Sec. 17. 3 V.S.A. § 212 is amended to read:~~

~~§ 212. DEPARTMENTS CREATED~~

~~The following administrative departments are hereby created, through the instrumentality of which the Governor, under the Constitution, shall exercise such functions as are by law assigned to each department respectively:~~

~~\* \* \*~~

~~(24) The Department of Vermont Health Access-~~

~~(25) The Department of Economic Empowerment.~~

~~Sec. 18. 3 V.S.A. § 241 is amended to read:~~

~~§ 241. BACKGROUND INVESTIGATIONS~~

~~(a) “Federal tax information” or “FTI” means returns and return information as defined in 26 U.S.C. § 6103(b) that are received directly from the Internal Revenue Service or obtained through an IRS-authorized secondary source, that are in the Recipient’s possession or control, and that are subject to the confidentiality protections and safeguarding requirements of the Internal Revenue Code and corresponding federal regulations and guidance.~~

~~(b) As used in this chapter, “Recipient” means the following authorities of the Executive Branch of State government that receive FTI:~~

~~(1) Agency of Human Services, including:~~

- ~~(A) Department for Children and Families,  
(B) Department of Economic Empowerment;  
(C) Department of Health;  
(D) Department of Mental Health; and  
(E) Department of Vermont Health Access.~~

- (2) Department of Labor.  
(3) Department of Motor Vehicles.  
(4) Department of Taxes.  
(5) Agency of Digital Services.  
(6) Department of Buildings and General Services.

\* \* \*

Sec. 19. 3 V.S.A. § 816 is amended to read:

§ 816. EXEMPTIONS

(a) Sections 809–813 of this title shall not apply to:

(1) Acts, decisions, findings, or determinations by the Human Services Board or the ~~Commissioner~~ Commissioners of Economic Empowerment or for Children and Families or a duly authorized agent, and to procedures or hearings before and by the Board or Commissioner or agent.

\* \* \*

Sec. 20. 3 V.S.A. § 3002 is amended to read:

§ 3002. CREATION OF AGENCY

(a) An Agency of Human Services is created consisting of the following:

- (1) The Department of Corrections.  
(2) The Department for Children and Families.  
(3) The Department of Health.  
(4) The Department of Disabilities, Aging, and Independent Living.  
(5) The Human Services Board.  
(6) The Department of Vermont Health Access.  
(7) The Department of Mental Health.

~~(8) The Department of Economic Empowerment~~

\* \* \*

*Sec. 21. 3 V.S.A. § 3051 is amended to read:*

*§ 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;  
APPOINTMENT; TERM*

\* \* \*

*(c) For the Department for Children and Families, the Secretary, with the approval of the Governor, shall appoint deputy commissioners for the following divisions of the Department:*

- (1) ~~Economic Services;~~*
- (2) ~~Child Development; and~~*
- (3)(2) Family Services.*

\* \* \*

*(e) For the Department of Economic Empowerment, the Secretary, with the approval of the Governor, shall appoint deputy commissioners for the following divisions of the Department:*

- (1) Disability Determination Services; and*
- (2) Economic Services Division.*

*(f) Deputy commissioners shall be exempt from the classified service. Their appointments shall be in writing and shall be filed in the Office of the Secretary of State.*

*Sec. 22. 3 V.S.A. § 3084 is amended to read:*

*§ 3084. DEPARTMENT FOR CHILDREN AND FAMILIES*

*(a) The Department for Children and Families is created within the Agency of Human Services as the successor to and the continuation of the Department of Social and Rehabilitation Services, the Department of Prevention, Assistance, Transition, and Health Access, excluding the Department of Vermont Health Access, the Office of Economic Opportunity, and the Office of Child Support. The Department shall also include a Division of Child Development Programs to promote the healthy development of children and youth, oversee and support a system of high-quality child care programs in home- and community-based settings, and provide assistance and support to parents and families. It shall include the Divisions of Child Development and of Family.*

*(b) An investigations unit is created within the Department for Children and Families as the successor to and continuation of the investigation*

~~Junctions of the Social Services Division of the Department of Social and Rehabilitation Services under 33 V.S.A. chapter 49.~~

~~Sec. 23. 3 V.S.A. § 3091 is amended to read:~~

~~§ 3091. HEARINGS~~

~~(a) An applicant for or a recipient of assistance, benefits, or social services from the Department for Children and Families, of Economic Empowerment, of Vermont Health Access, of Disabilities, Aging, and Independent Living, or of Mental Health; or an applicant for a license from one of those departments; or a licensee may file a request for a fair hearing with the Human Services Board. An opportunity for a fair hearing will shall be granted to any individual requesting a hearing because ~~his or her~~ the individual's claim for assistance, benefits, or services is denied; or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other Agency action affecting ~~his or her~~ the individual's receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by Agency policy as it affects ~~his or her~~ the individual's situation.~~

~~\* \* \*~~

~~Sec. 24. 3 V.S.A. § 3094 is amended to read:~~

~~§ 3094. OFFICE OF CHILD SUPPORT~~

~~(a) The Office of Child Support is created within the Department ~~for Children and Families~~ of Economic Empowerment and shall be designated the IV-D agency for purposes of Title IV-D of the federal Social Security Act.~~

~~(b) The Office shall be headed by a Director who shall be appointed by the Secretary of Human Services subject to section 3054 of this title.~~

~~Sec. 25. 3 V.S.A. § 3098 is added to read:~~

~~§ 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT~~

~~The Department of Economic Empowerment is created within the Agency of Human Services to empower families and individuals through the provision of financial support, case management, and other assistance aimed at building skills and independence. It shall include the Office of Child Support, the Office of Economic Opportunity, the Disability Determination Services Division, and the Economic Services Division.~~

~~Sec. 26. 4 V.S.A. § 953 is amended to read:~~

~~§ 953. SOURCES OF NAMES~~

~~(a) The clerk, in order to ascertain names of persons eligible as jurors, may~~

~~consult the latest census enumeration, the latest published city, town, or village telephone or other directory, the listers' records, the elections records, and any other general source of names.~~

~~(b) Notwithstanding any law to the contrary, the Court Administrator may obtain the names, addresses, and dates of birth of persons which that are contained in the records of the Department of Motor Vehicles, the Department of Labor, the Department of Taxes, the Department of Health, the Department of Economic Empowerment, and the Department for Children and Families. The Court Administrator may also obtain the names of voters from the Secretary of State. After the names have been obtained, the Court Administrator shall compile them and provide the names, addresses, and dates of birth to the clerk in a form that will not reveal the source of the names. The clerk shall include the names provided by the Court Administrator in the list of potential jurors.~~

~~\* \* \*~~

~~Sec. 27. 8 V.S.A. § 10204 is amended to read:~~

~~§ 10204. EXCEPTIONS~~

~~This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.~~

~~\* \* \*~~

~~(4) Disclosure of information sought by the Department for Children and Families pursuant to its authority and obligations under 33 V.S.A. § 112.~~

~~\* \* \*~~

~~(27) Disclosure of information sought by the Department of Economic Empowerment pursuant to its authority and obligations under 33 V.S.A. § 212.~~

~~Sec. 28. 9 V.S.A. § 2480h is amended to read:~~

~~§ 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY, TIME IN EFFECT~~

~~\* \* \*~~

~~(l) The provisions of this section, including the security freeze, do not apply to the use of a consumer report by the following:~~

\* \* \*

~~(5) The Economic Services Division of the Department for Children and Families of Economic Empowerment or the Department of Vermont Health Access, or its agents or assignee acting to investigate welfare or Medicaid fraud.~~

\* \* \*

~~Sec. 29. 9 V.S.A. § 2483a is amended to read:~~

~~§ 2483a. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN EFFECT~~

\* \* \*

~~(l) The provisions of this section, including the protected consumer security freeze, do not apply to the use of a consumer report by the following:~~

\* \* \*

~~(5) The Economic Services Division of the Department for Children and Families of Economic Empowerment or the Department of Vermont Health Access or its agents or assignees acting to investigate welfare or Medicaid fraud.~~

\* \* \*

~~Sec. 30. 9 V.S.A. § 4472 is amended to read:~~

~~§ 4472. RIGHT TO TERMINATE RENTAL AGREEMENT~~

\* \* \*

~~(b) Not less than 30 days before the date of termination, the protected tenant shall provide to the landlord:~~

~~(1) a written notice of termination; and~~

~~(2) documentation from one or more of the following sources supporting his or her the tenant's reasonable belief that it is necessary to vacate the dwelling unit:~~

~~(A) a court, law enforcement, or other government agency;~~

~~(B) an abuse, sexual assault, or stalking assistance program;~~

~~(C) a legal, clerical, medical, or other professional from whom the tenant, or the minor or dependent of the tenant, received counseling or other assistance concerning abuse, sexual assault, or stalking; or~~

~~(D) a self-certification of a protected tenant's status as a victim of abuse, sexual assault, or stalking, signed under penalty of perjury, on a~~



~~standard form adopted for that purpose by:~~

~~(i) a federal or State government entity, including the federal Department of Housing and Urban Development, the Vermont Department of Economic Empowerment, or the Vermont Department for Children and Families; or~~

~~(ii) a nonprofit organization that provides support services to protected tenants.~~

~~\*\*\*~~

~~Sec. 31. 10 App. V.S.A. § 16 is amended to read:~~

~~§ 16. SUSPENSION OF LICENSES: ENFORCEMENT OF CHILD SUPPORT ORDERS, 15 V.S.A. § 798~~

~~\*\*\*~~

~~16.3 All notices of compliance with a child support order shall be upon a standard compliance form, as devised and approved by the court, the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, and this Department.~~

~~16.4 If the motion for the court order was brought by the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, then notice of compliance shall only be accepted from the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment or the court.~~

~~\*\*\*~~

~~16.8 Department personnel shall direct all inquiries from persons seeking reinstatement to the court or the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, if ~~the Vermont Agency of Human Services, Department of Children and Families~~ Economic Empowerment was the entity ~~which~~ that brought the motion for suspension before this court.~~

~~Sec. 32. 12 V.S.A. § 3169 is amended to read:~~

~~§ 3169. HEARING ON MOTION; FINDINGS; ORDER~~

~~(a) At the hearing on the motion the court shall determine on the basis of the motion and any affidavit of the judgment creditor, the record in the civil action and any testimony offered by either party, and by the trustee whether the judgment debtor has neglected or refused to pay or make reasonable arrangements to pay the money judgment in question. If the court so finds, it shall also determine:~~

- ~~(1) the amount of the judgment unpaid;~~  
~~(2) the amount of the judgment debtor's weekly disposable earnings;~~  
~~(3) whether the judgment debtor has been a recipient of assistance from the Vermont Department Departments for Children and Families, of Economic Empowerment, or the Department of Vermont Health Access within the two months preceding the date of the hearing; and~~

~~\*\*\*~~

~~Sec. 33. 12 V.S.A. § 3170 is amended to read:~~

~~§ 3170. EXEMPTIONS; ISSUANCE OF ORDER~~

~~(a) No order approving the issuance of trustee process against earnings shall be entered against a judgment debtor who was, within the two-month period preceding the hearing provided in section 3169 of this title, a recipient of assistance from the Vermont Department for Children and Families of Economic Empowerment or the Department of Vermont Health Access. The judgment debtor must establish this exemption at the time of hearing.~~

~~\*\*\*~~

~~Sec. 34. 13 V.S.A. § 1028 is amended to read:~~

~~§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH BODILY FLUIDS~~

~~\*\*\*~~

~~(d) As used in this section:~~

~~(1) "Protected professional" shall ~~mean~~ means a law enforcement officer; a firefighter; a health care worker; an employee, contractor, or grantee of the Department for Children and Families or Department of Economic Empowerment; or any emergency medical personnel as defined in 24 V.S.A. § 2651(6).~~

~~\*\*\*~~

~~Sec. 35. 15 V.S.A. § 294 is amended to read:~~

~~§ 294. MAN UNRELATED ADULT IN THE HOUSE~~

~~(a) When the ~~mother~~ parent of minor children is residing within the same household as ~~a man~~ an adult unrelated to ~~her~~ the parent and not otherwise liable for the support of the ~~mother and her~~ parent and the parent's children, on the complaint of the ~~mother~~ parent or, if ~~she~~ the parent is receiving public assistance, the ~~Department~~ Departments of Economic Empowerment or ~~for Children and Families~~, the Superior Court shall make such decree concerning~~

~~the support of the mother parent and the care, custody, maintenance, and education of the children as in cases where the husband nonresidential parent refuses without just cause to support his-wife the parent living with the children and the children. The decree shall by its terms continue in force for so long as the defendant resides within the household or until further order of the court.~~

~~(b) This section shall not apply to persons living in boarding houses.~~

~~Sec. 36. 15 V.S.A. § 606 is amended to read:~~

~~§ 606. ACTION TO RECOVER MAINTENANCE, CHILD SUPPORT, AND SUIT MONEY; SANCTION FOR NONCOMPLIANCE~~

~~(a) When a judgment or order for the payment of either temporary or permanent maintenance, child support, or suit money has been made by the Family Division of the Superior Court, and personal jurisdiction of the person liable for the payment of money under the judgment or order has been obtained, the party entitled by the terms of the judgment or order to payment thereunder, or the Office of Child Support in all cases in which the party or dependent children of the parties are the recipients of financial assistance from the ~~Department~~ Departments of Economic Empowerment or for Children and Families, may file a motion in the Family Division of the Superior Court asking for a determination of the amount due. Upon notice to the other party and hearing thereon, the Family Division of the Superior Court shall render judgment for the amount due under the judgment or order; the court may order restitution to the ~~Department~~ Departments, order that payments be made to the Office of Child Support for distribution, or make such other orders or conditions as it deems proper. The judgment shall be as binding and as enforceable in all respects as though rendered in any other civil action. Notice shall be given in such manner as the Supreme Court shall by rule provide. An additional motion may be brought at any time for further unpaid balances. The Family Division of the Superior Court in which the cause was pending at the time the original judgment or order was made shall have jurisdiction of motions under the provisions of this section, irrespective of the amount in controversy or the residence of the parties. The motions may be brought and judgment obtained on judgments, decrees, and orders previously rendered and still in force.~~

~~\* \* \*~~

~~Sec. 37. 15 V.S.A. § 658 is amended to read:~~

~~§ 658. SUPPORT~~

~~(a) In an action under this chapter or under chapter 21 of this title, the court shall order either or both parents owing a duty of support to a child to pay an amount for the support of the child in accordance with the support~~

~~guidelines as set forth in this subchapter, unless otherwise determined under section 659 of this title.~~

~~(b) A request for support may be made by either parent, a guardian, or the Department for Children and Families, Department of Economic Empowerment, or the Department of Vermont Health Access, if a party in interest. A court may also raise the issue of support on its own motion.~~

~~\*\*\*~~

~~Sec. 38. 16 V.S.A. § 1592 is amended to read:~~

~~§ 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES~~

~~With respect to the provision of postsecondary career technical education programs, in addition to those powers and responsibilities set forth in chapter 72 of this title, the Vermont State Colleges Board of Trustees shall:~~

~~\*\*\*~~

~~(3) coordinate such programs with other employment and training programs such as those offered by the Department of Employment and Training, the Department of Labor, the Department for Children and Families of Economic Empowerment, the Agency of Commerce and Community Development, independent colleges, and the Vermont Student Assistance Corporation; and~~

~~(4) possess all other necessary and implied powers to carry out such responsibilities.~~

~~Sec. 39. 18 V.S.A. § 5227 is amended to read:~~

~~§ 5227. RIGHT TO DISPOSITION~~

~~\*\*\*~~

~~(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or disposition facility to cremate the remains of the decedent.~~

~~(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department for Children and Families of Economic Empowerment shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families of Economic Empowerment.~~

~~(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by~~

~~the Department for Children and Families of Economic Empowerment.~~

~~\*\*\*~~

~~Sec. 40. 18 V.S.A. § 8101 is amended to read:~~

~~§ 8101. LIABILITY~~

~~\*\*\*~~

~~(e) In his or her the Commissioner's investigation, keeping of accounts, and collection of charges, the Commissioner shall have the support and cooperation of the Department for Children and Families of Economic Empowerment insofar as the records of that Department relate to the ability to pay.~~

~~\*\*\*~~

~~Sec. 41. 28 V.S.A. § 755 is amended to read:~~

~~§ 755. DISPOSITION OF EARNINGS~~

~~An inmate participating in a work release program shall cause to be given to the Commissioner the inmate's total earnings less payroll deductions authorized by law, including income taxes. Upon receipt of the earnings the Commissioner, to the extent reasonable, may:~~

~~(1) Deduct an amount determined to be equivalent to the cost of providing for the living expenses of the inmate.~~

~~(2) Cause to be paid, as are needed, any of the following::~~

~~(A) Any costs or fine imposed by the sentencing court.~~

~~(B) Any restitution included as part of the sentence of the inmate by the court.~~

~~(C) Any sum as is needed for the support of the dependents of the inmate, in which case the Commissioner shall notify the Commissioner Commissioners of Economic Empowerment and for Children and Families of the support payments.~~

~~\*\*\*~~

~~Sec. 42. 30 V.S.A. § 218 is amended to read:~~

~~§ 218. JURISDICTION OVER CHARGES AND RATES~~

~~\*\*\*~~

~~(c)(1) The Public Utility Commission shall take any action necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the federal Lifeline program administered~~

~~by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this subsection.~~

~~\*\*\*~~

~~(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. As used in this section, "nonpublished" means that the customer's telephone number is not listed in any published directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for Children and Families of Economic Empowerment shall develop an application form and certification process for obtaining this Lifeline benefit credit.~~

~~\*\*\*~~

~~Sec. 43. 32 V.S.A. § 308b is amended to read:~~

~~§ 308b. HUMAN SERVICES CASELOAD RESERVE~~

~~(a) There is created within the General Fund a the Human Services Caseload Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families, of Economic Empowerment, of Health, of Mental Health, of Disabilities, Aging, and Independent Living, of Vermont Health Access, and settlement costs associated with managing the Global Commitment waiver.~~

~~\*\*\*~~

~~Sec. 44. 32 V.S.A. § 1003 is amended to read:~~

~~§ 1003. STATE OFFICERS~~

~~\*\*\*~~

~~(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the~~

*Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average rate of adjustment available to classified employees under the collective bargaining agreement then in effect.*

*(1) Heads of the following Departments and Agencies:*

	<i>Base Salary as of January 5, 2020</i>	<i>Base Salary as of July 4, 2021</i>
<i>(A) Administration</i>	<i>\$121,634</i>	<i>\$126,378</i>
<i>(B) Agriculture, Food and Markets</i>	<i>121,634</i>	<i>126,378</i>
<i>(C) Financial Regulation</i>	<i>113,710</i>	<i>118,145</i>
<i>(D) Buildings and General Services</i>	<i>113,710</i>	<i>118,145</i>
<i>(E) Children and Families</i>	<i>113,710</i>	<i>118,145</i>
<i>(F) Commerce and Community Development</i>	<i>121,634</i>	<i>126,378</i>
<i>(G) Corrections</i>	<i>113,710</i>	<i>118,145</i>
<i>(H) Defender General</i>	<i>113,710</i>	<i>118,145</i>
<i>(I) Disabilities, Aging, and Independent Living</i>	<i>113,710</i>	<i>118,145</i>
<i>(J) Economic Development</i>	<i>103,149</i>	<i>107,172</i>
<i>(K) Education</i>	<i>121,634</i>	<i>126,378</i>
<i>(L) Environmental Conservation</i>	<i>113,710</i>	<i>118,145</i>
<i>(M) Finance and Management</i>	<i>113,710</i>	<i>118,145</i>
<i>(N) Fish and Wildlife</i>	<i>103,149</i>	<i>107,172</i>
<i>(O) Forests, Parks and Recreation</i>	<i>103,149</i>	<i>107,172</i>
<i>(P) Health</i>	<i>113,710</i>	<i>118,145</i>

<del>(Q)</del>	<del>Housing and Community Development</del>	<del>103,149</del>	<del>107,172</del>
(R)	Human Resources	113,710	118,145
(S)	Human Services	121,634	126,378
(T)	Digital Services	121,634	126,378
(U)	Labor	113,710	118,145
(V)	Libraries	103,149	107,172
(W)	Liquor and Lottery	103,149	107,172
(X)	[Repealed.]		
(Y)	Mental Health	113,710	118,145
(Z)	Military	113,710	118,145
(AA)	Motor Vehicles	103,149	107,172
(BB)	Natural Resources	121,634	126,378
(CC)	Natural Resources Board Chair	103,149	107,172
(DD)	Public Safety	113,710	118,145
(EE)	Public Service	113,710	118,145
(FF)	Taxes	113,710	118,145
(GG)	Tourism and Marketing	103,149	107,172
(HH)	Transportation	121,634	126,378
(II)	Vermont Health Access	113,710	118,145
(JJ)	Veterans' Home	113,710	118,145
(KK)	Economic Empowerment	113,710	118,145

\* \* \*

Sec. 45. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

~~(f) Notwithstanding the provisions of this section, information obtained from the Commissioner for Children and Families under 33 V.S.A. § 112(c), from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c), from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential.~~



~~and it shall be unlawful for anyone to divulge such information except in accordance with a judicial order or as provided under another provision of law.~~

~~\*\*\*~~

~~Sec. 46. 32 V.S.A. § 5932 is amended to read:~~

~~§ 5932. DEFINITIONS~~

~~As used in this chapter:~~

~~\*\*\*~~

~~(2) "Debtor" means any individual owing a debt to a claimant agency or owing any support debt that may be collected by the Department Departments for Children and Families and of Economic Empowerment.~~

~~\*\*\*~~

~~Sec. 47. 33 V.S.A. chapter 1 is amended to read:~~

~~CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES~~

~~Subchapter 1. Policy, Organization, Powers, and Duties~~

~~§ 101. POLICY~~

~~It is the policy of the State of Vermont that:~~

~~(1) Its social and child welfare programs shall provide assistance, support, and benefits to persons of the State in proven need thereof and eligible for such assistance and benefits of and eligible for assistance, support, and benefits under the provisions of this title.~~

~~(2) It is the purpose of its social and child welfare laws to establish and support programs that contribute to the prevention of dependency and social maladjustment and contribute to the rehabilitation and protection of persons of the State.~~

~~(3) Assistance and benefits shall be administered promptly, with due regard for the welfare of children and youth and the preservation of family life, and without restriction of individual rights or discrimination on account of gender, sexual orientation, gender identity, race, religion, political affiliation, or place of residence within the State.~~

~~(4) Assistance and benefits shall be ~~so~~ administered ~~as~~ to maintain and encourage dignity, self-respect, and self-reliance. It is the legislative intent that assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living indices. Notwithstanding this subdivision, the Department will amend rules that establish new maximum~~

~~Reach Up grant amounts only when the General Assembly has taken affirmative action to increase or decrease the Reach Up financial assistance appropriation.~~

~~(5) The programs of the Department for Children and Families shall be designed to strengthen family life for the care and protection of children; promote healthy child development and support a high-quality child care system throughout the State; to assist and encourage the use by any family of all available personal and reasonable community resources to this end; and to provide substitute care of children only when the family, with the use of available resources, is unable to provide the necessary care and protection to ensure the right of any child to sound health and to normal physical, mental, spiritual, and moral development.~~

~~(6) The child care system shall provide affordable, high-quality care in a manner that fosters child brain development, nurtures socio-emotional skills, and supports young families. The Department shall provide leadership and expertise to early educators and child care programs to ensure that children receive age-appropriate care tailored to their unique needs.~~

~~\*\*\*~~

#### ~~§ 104. FUNCTION AND POWERS OF DEPARTMENT~~

~~(a) The Department shall administer all laws specifically assigned to it for administration.~~

~~(b) In addition to other powers vested in it by law, the Department may do all of the following:~~

~~(1) Provide for the administration of the following programs and services:~~

~~(A) aid to the aged, blind, and disabled;~~

~~(B) Reach Up financial assistance and support services;~~

~~(C) [Repealed.]~~

~~(D) federal Supplemental Nutrition Assistance Program benefits;~~

~~(E) General Assistance;~~

~~(F) medical assistance; and~~

~~(G) public assistance programs funded with State general funds or the Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

~~(2) Cooperate with the appropriate federal agencies in receiving, to the extent available, federal funds in support of programs that the Department administers.~~

*(3) Submit plans and reports, adopt rules, and in other respects comply with the provisions of the Social Security Act that pertain to programs administered by the Department.*

*(4) Receive and disburse funds that are assigned, donated, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.*

*(5) Receive in trust and expend, in accordance with the provisions of the trust, funds and property assigned, donated, devised, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. Trust funds accepted by the Department shall be safely invested by the State Treasurer. Real property received in trust may, at the discretion of the Commissioner, be administered by the Department of Buildings and General Services of the Agency of Administration. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.*

*(6) Aid and assist in charitable work as in the judgment of the Commissioner will best promote the general welfare of the State.*

*(7) Visit all institutions, homes, places, and establishments soliciting public support and located in the State that are devoted to or used for the care of needy persons children.*

*(8) Visit all institutions, homes, places, and establishments providing room, board, or care to persons children receiving social services or benefits from the Department.*

*(9) Supervise and control children under its care and custody and provide for their care, maintenance, and education.*

*(c) The Department for Children and Families, in cooperation with the Department of Corrections, shall have the responsibility to administer a comprehensive program for youthful offenders and children who commit delinquent acts, including utilization of probation services; of a range of community-based and other treatment, training, and rehabilitation programs; and of secure detention and treatment programs when necessary, in the interests of public safety, designed with the objective of preparing those children to live in their communities as productive and mature adults.*

*§ 105. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND  
POWERS*

~~(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department, and he or she shall determine the policies of the Department.~~

~~(b) In addition to other duties imposed by law, the Commissioner shall:~~

~~(1) administer the laws assigned to the Department;~~

~~(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department;~~

~~(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department, unless otherwise specifically provided by law.~~

~~(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State shall hold at least a master's level degree in child development, early childhood education, or related field.~~

~~(d) The Commissioner, with the approval of the Attorney General, may enter into reciprocal agreements with social and child welfare agencies in other states in matters relating to social welfare, children, and families.~~

~~(e) The Commissioner shall ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the Secretary of Education and the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living in accordance with the provisions of chapter 43 of this title.~~

~~(f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on ~~him or her~~ the Commissioner by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.~~

~~(g) The Commissioner may publicly disclose findings or information about any case of child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality~~

~~until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier.~~

~~\*\*\*~~

~~§ 112a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;  
ASSET VERIFICATION~~

~~(a)(1) A financial institution, when requested by Department, shall furnish to the Commissioner or the Commissioner's designee information in the possession of the financial institution about the assets of any applicant who is applying for or is receiving assistance or benefits from the Department or the applicant's spouse. The Department shall issue instructions to the financial institution detailing the nature of the request and the information necessary to satisfy the request.~~

~~(2) A financial institution or employee of a financial institution shall not be subject to criminal or civil liability for actions taken in accordance with this subsection.~~

~~(b)(1) Each application for assistance or benefits submitted to the Department shall contain a form of authorization, executed by the applicant, granting authority for the Department and its authorized agents to obtain financial information about the applicant's assets from financial institutions in order to verify the applicant's eligibility for the applicable program. The Department or its authorized agent shall obtain the applicant's authorization prior to requesting the applicant's financial information from any financial institution.~~

~~(2) The Department shall ensure the applicant receives notice written in plain language explaining the Department's electronic asset verification system.~~

~~(c) In the event that the financial information of an applicant's spouse is required to determine an applicant's eligibility for a program, the Department shall provide written notice regarding the asset verification process to the spouse and shall obtain the spouse's written authorization for the Department and its agents to obtain the spouse's financial information from financial institutions prior to requesting the spouse's financial information from any financial institution. The Department may determine an applicant to be ineligible if the applicant's spouse refuses to provide or revokes consent.~~

~~(d) As used in this section:~~

~~(1) "Bank" has the same meaning as in 8 V.S.A. § 11101.~~

~~(2) "Broker-dealer" has the same meaning as in 9 V.S.A. § 5102.~~

~~(2) "Credit union" has the same meaning as in 8 V.S.A. § 20101.~~

~~(4) "Financial institution" means any Vermont financial institution, state financial institution, and national financial institution, including a bank, credit union, broker-dealer, investment advisor, mutual fund, or investment company.~~

~~(5) "Investment advisor" has the same meaning as in 9 V.S.A. § 5102.~~

~~(6) "Mutual fund" has the same meaning as in 8 V.S.A. § 3461.~~

~~\* \* \*~~

### ~~Subchapter 3. Provisions of General Applicability~~

#### ~~§ 121. CANCELLATION OF ASSISTANCE OR BENEFITS~~

~~If at any time the Commissioner for Children and Families or the Commissioner of Vermont Health Access has reason to believe that assistance or benefits have been improperly obtained, he or she the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If, on investigation, the Commissioner for Children and Families or the Commissioner of Vermont Health Access is satisfied that the assistance or benefits were illegally obtained, he or she the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until his or her the person's need has been reestablished.~~

#### ~~§ 122. RECOVERY OF PAYMENTS~~

~~(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner for Children and Families or the Commissioner of Vermont Health Access finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department for Children and Families or the Department of Vermont Health Access shall inform the recipient that changes in his or her the recipient's circumstances must be promptly reported to the Department.~~

~~(b) When on the death of a person receiving assistance it is found that the recipient possessed income or property in excess of that reported to the Department for Children and Families or the Department of Vermont Health Access, up to double the total amount of assistance in excess of that to which the recipient was lawfully entitled may be recovered by the Commissioner for Children and Families or the Commissioner of Vermont Health Access as a preferred claim from the estate of the recipient. The Commissioner for Children and Families or the Commissioner of Vermont Health Access shall calculate the amount of the recovery by applying the legal interest rate to the amount of excess recovery paid, except that the recovery shall be capped at~~

~~double the excess assistance paid.~~

~~(c) When the Commissioner for Children and Families or the Commissioner of Vermont Health Access finds that a recipient of benefits received assistance in excess of that to which the recipient was lawfully entitled, because the recipient possessed income or property in excess of Department standards, the Commissioner for Children and Families or the Commissioner of Vermont Health Access may take actions to recover the overpayment.~~

~~(d) In the event of recovery, an amount may be retained by the Commissioner for Children and Families or the Commissioner of Vermont Health Access in a special fund for use in offsetting program expenses and an amount equivalent to the pro rata share to which the United States of America is equitably entitled shall be paid promptly to the appropriate federal agency.~~

#### ~~§ 123. GUARDIAN OR LEGAL REPRESENTATIVE~~

~~(a) If the Commissioner finds that an applicant for or recipient of assistance is incapable of taking care of himself or herself or his or her business affairs, the Commissioner may direct the payment of the assistance to a guardian appointed by the Probate Division of the Superior Court.~~

~~(b) If the Commissioner finds that an applicant for or recipient of assistance is incapable of prudently attending to his or her business affairs, the Commissioner may direct the payment of the assistance to the legal representative of the person appointed by the Probate Division of the Superior Court. [Repealed.]~~

~~\* \* \*~~

#### ~~Subchapter 5. Prohibited Practices: Penalties~~

#### ~~§ 141. FRAUD~~

~~(a) A person who knowingly fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used to determine whether that person is qualified to receive aid or benefits under a State or federally funded assistance program; or who knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits to which ~~he or she~~ the person is not entitled or to an amount larger than that to which ~~he or she~~ the person is entitled; or who knowingly aids and abets another person in the commission of any such act shall be punished as provided in section 143 of this title.~~

~~(b) A person who knowingly uses, transfers, acquires, traffics, alters, forges, or possesses; or who knowingly attempts to use, transfer, acquire, traffic, alter, forge, or possess; or who knowingly aids and abets another~~

~~person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a Supplemental Nutrition Assistance Program benefit card, authorization for the purchase of Supplemental Nutrition Assistance Program benefits, certificate of eligibility for medical services, or State health care program identification card in a manner not authorized by law shall be punished as provided in section 143 of this title. [Repealed.]~~

~~(c) A person who administers a State or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of a Supplemental Nutrition Assistance Program benefit, authorization for Supplemental Nutrition Assistance Program benefits, a Supplemental Nutrition Assistance Program benefit identification card, certificate of eligibility for prescribed medicine, State health care program identification card, or assistance from any other State or federally funded program with which he or she has been entrusted or of which he or she has gained possession by virtue of his or her position; or who knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of funds given in exchange for Supplemental Nutrition Assistance Program benefits shall be punished as provided in section 143 of this title. [Repealed.]~~

~~(d) A person who knowingly files, attempts to file, or aids and abets in the filing of a claim for services to a recipient of benefits under a State or federally funded assistance program for services that were not rendered; or who knowingly files a false claim or a claim for unauthorized items or services under such a program; or who knowingly bills the recipient of benefits under such a program or his or her the person's family for an amount in excess of that provided for by law or regulation; or who knowingly fails to credit the State or its agent for payments received from Social Security, insurance, or other sources; or who in any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein shall be punished as provided in section 143 of this title.~~

~~(e) A person providing service for which compensation is paid under a State or federally funded assistance program who requests, and receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, whether directly or indirectly, from either a recipient of assistance from the assistance program or from the family of the recipient shall notify the Commissioner for Children and Families or the Commissioner of Vermont Health Access, on a form provided by him or her the Commissioner, of the amount of the payment or contribution and of such other information as specified by the Commissioner for Children and Families or the Commissioner of Vermont Health Access within 10 days after the receipt of the payment or contribution or, if the payment or contribution is~~



~~to become effective at some time in the future, within 10 days of following the consummation of the agreement to make the payment or contribution. Failure to notify the Commissioner for Children and Families or the Commissioner of Vermont Health Access within the time prescribed is punishable as provided in section 143 of this title.~~

~~(f) Repayment of assistance or services wrongfully obtained shall not constitute a defense to or ground for dismissal of criminal charges brought under this section.~~

~~§ 142. BRINGING ~~NEEDY~~ PERSON IN NEED INTO THE STATE~~

~~(a) Any person who knowingly brings or causes to be brought a needy person in need from out of the state into this State for the purpose of securing assistance for the needy person in need or making ~~him or her~~ the person in need a public charge, shall be obligated to support the needy person in need at ~~his or her~~ the person's own expense for as long as the needy person in need or persons dependent on the needy person in need remain in the State.~~

~~(b) The Commissioner may bring a civil action on this statute to enforce support of the needy person in need and ~~his or her~~ the person's dependents. In the action, the court may make an order, which shall be subject to change by the court from time to time as the circumstances require, directing the defendant to pay a certain sum periodically to the Department for the benefit of the needy person in need and ~~his or her~~ the person's dependents residing in the State. The court may punish for violation of the order as for contempt.~~

~~§ 143. GENERAL PENALTY~~

~~(a) A person who knowingly violates a provision of this title for which no penalty is specifically provided shall:~~

~~(1) if the assistance or benefits obtained pursuant to a single fraudulent scheme or a course of conduct are in violation of subsection 141(a) or (b) of this title involving \$1,000.00 or less, be fined not more than the amount of assistance or benefits wrongfully obtained or be imprisoned not more than one year, or both;~~

~~(2) if the assistance or benefits obtained pursuant to a single fraudulent scheme or course of conduct are in violation of subsection (a) or (b) of section 141 of this title and involve more than \$1,000.00, be fined not more than an amount equal to the assistance or benefits wrongfully obtained or be imprisoned not more than three years, or both; or~~

~~(3) if the violation is under subsection (c), (d), 141(d) or (e) of section 141 of this title, be fined up to \$1,000.00 or up to an amount equal to twice the amount of assistance, benefits, or payments wrongfully obtained, or be~~

~~imprisoned for not more than 10 years, or both.~~

~~(b) If the person convicted is receiving assistance, benefits, or payments, the Commissioner for Children and Families or the Commissioner of Vermont Health Access may recoup the amount of assistance or benefits wrongfully obtained by reducing the assistance, benefits, or payments periodically paid to the recipient, as limited by federal law, until the amount is fully recovered.~~

~~(c) If a provider of services is convicted of a violation of subsection 141(d) or (e) of this title, the Commissioner of Vermont Health Access shall, within 90 days of the conviction, suspend the provider from further participation in the medical assistance program administered under Title XIX of the Social Security Act for a period of four years. The suspension required by this subsection may be waived by the Secretary of Human Services only upon a finding that the recipients served by the convicted provider would suffer substantial hardship through a denial of medical services that could not reasonably be obtained through another provider. [Repealed.]~~

#### ~~§ 143a. CIVIL REMEDIES~~

~~(a) A person who violates subsection 141(e), (d), or (e) of this title with actual knowledge may be subject to a civil suit by the Attorney General for:~~

~~(1) restitution of the amount of assistance, benefits, or payments wrongfully obtained;~~

~~(2) interest; and~~

~~(3) a civil penalty of up to three times the amount of the wrongfully obtained assistance, benefits, or payments; or \$500.00 per false claim; or \$500.00 for each false document submitted in support of a false claim, whichever is greatest.~~

~~(b) The remedies provided in this section shall be in addition to any other remedies provided by law.~~

~~(c) The right to a jury trial shall attach to actions under this section.~~

#### ~~§ 143b. EDUCATION AND INFORMATION~~

~~By January 1, 2005, the Department of Vermont Health Access shall issue rules establishing a procedure for health care providers enrolled in State and federally funded medical assistance programs to obtain advisory opinions regarding coverage and reimbursement under those programs. Each advisory opinion issued by the Department of Vermont Health Access shall be binding on that Department and the party or parties requesting the opinion only with regard to the specific questions posed in the opinion, the facts and information set forth in it, and the statutes and rules specifically noted in the opinion.~~

~~[Repealed.]~~

~~§ 144. STATUTORY CONSTRUCTION~~

~~(a) Section 143 of this title shall not preclude prosecution under 13 V.S.A. § 1801, 1802, or 2002 when the alleged violation involves forging an economic assistance check or where duplicate economic assistance checks have been wrongfully negotiated during any one welfare period. [Repealed.]~~

~~(b) Section 143 of this title shall not preclude prosecution under any other title or sections of this title when the alleged violation is under subsection 141(e) or (d) of this title.~~

~~\* \* \*~~

~~Sec. 48. 33 V.S.A. chapter 2 is added to read:~~

~~CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT~~

~~Subchapter 1. Policy, Organization, Powers, and Duties~~

~~§ 201. POLICY~~

~~It is the policy of the State of Vermont that:~~

~~(1) Its social and child welfare programs shall provide assistance and benefits to persons of the State in proven need thereof and eligible for such assistance and benefits under the provisions of this title.~~

~~(2) It is the purpose of its social and child welfare laws to establish and support programs that contribute to the prevention of dependency and social maladjustment and contribute to the rehabilitation and protection of persons of the State.~~

~~(3) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of gender, race, age, religion, ethnicity, sexual orientation, gender identity, political affiliation, disability status, primary language, or place of residence within the State.~~

~~(4) Assistance and benefits shall be so administered as to maintain and encourage dignity, self-respect, and self-reliance. It is the legislative intent that assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living indices. Notwithstanding this subdivision, the Department shall amend rules that establish new maximum Reach Up grant amounts only when the General Assembly has taken affirmative action to increase or decrease the Reach Up financial assistance appropriation.~~

~~(5) The programs of the Department of Economic Empowerment shall~~

be designed to strengthen family life for the care and protection of children and to assist and encourage the use by any family of all available personal and reasonable community resources to this end.

§ 202. DEFINITIONS AND CONSTRUCTION

(a) As used in this chapter:

(1) "Aid" means financial assistance.

(2) "Assistance," when not modified by an adjective, means general assistance or public assistance, or both.

(3) "Benefits" means aid or commodities furnished under chapter 17 of this title.

(4) "Commissioner" means the Commissioner of Economic Empowerment.

(5) "Department" means the Department of Economic Empowerment.

(6) "Federal department" or "federal agency" means a department or agency of the United States of America.

(7) "Guardian" means a legal guardian appointed by a Probate Division of the Superior Court or by a court in a divorce or other proceeding or action.

(8) "Public assistance" means aid provided by the Department under Title IV, XVI, or XIX of the Social Security Act.

(9) "Regulation" means a rule or regulation.

(10) "Social Security Act" means the federal Social Security Act and regulations promulgated under the Act, as amended at any time.

(b) The laws relating to the Department of Economic Empowerment and its programs shall be construed liberally to carry out the policies stated in this chapter.

§ 203. COMPOSITION OF DEPARTMENT

The Department of Economic Empowerment, created pursuant to 3 V.S.A. §§ 212 and 3098, shall consist of the Commissioner of Economic Empowerment and all divisions, councils, boards, committees, and offices within the Department.

§ 204. FUNCTION AND POWERS OF DEPARTMENT

(a) The Department shall administer all laws specifically assigned to it for administration.

~~(b) In addition to other powers vested in it by law, the Department may do all of the following:~~

~~(1) Provide for the administration of the following programs and services:~~

~~(A) aid to the aged, blind, and disabled;~~

~~(B) Reach Up financial assistance and support services;~~

~~(C) federal Supplemental Nutrition Assistance Program benefits;~~

~~(D) General Assistance;~~

~~(E) medical assistance; and~~

~~(F) public assistance programs funded with State general funds or the Temporary Assistance to Needy Families (TANF) block grant.~~

~~(2) Cooperate with the appropriate federal agencies in receiving, to the extent available, federal funds in support of programs that the Department administers.~~

~~(3) Submit plans and reports, adopt rules, and in other respects comply with the provisions of the Social Security Act that pertain to programs administered by the Department.~~

~~(4) Receive and disburse funds that are assigned, donated, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.~~

~~(5) Receive in trust and expend, in accordance with the provisions of the trust, funds, and property assigned, donated, devised, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. Trust funds accepted by the Department shall be safely invested by the State Treasurer. Real property received in trust may, at the discretion of the Commissioner, be administered by the Department of Buildings and General Services of the Agency of Administration. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.~~

~~(6) Aid and assist in charitable work as in the judgment of the Commissioner will best promote the general welfare of the State.~~

~~(7) Visit all institutions, homes, places, and establishments soliciting~~

public support and located in the State that are devoted to or used for the care of persons in need.

(8) Visit all institutions, homes, places, and establishments providing room, board, or care to persons receiving social services or benefits from the Department.

§ 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND POWERS

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department and shall determine the policies of the Department.

(b) In addition to other duties imposed by law, the Commissioner shall:

(1) administer the laws assigned to the Department;

(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department; and

(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department unless otherwise specifically provided by law.

(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State.

(d) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on the Commissioner by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

Subchapter 2. General Administrative Provisions

§ 211. RECORDS; RESTRICTIONS; PENALTIES

(a) The names of or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 212 of this title, shall not be disclosed to anyone, except for the purposes directly connected with the administration of the Department or when required by law.

(b) A person shall not publish, use, disclose, or divulge any of those records for purposes not directly connected with the administration of programs of the Department or contrary to rules adopted by the Commissioner.

~~§ 212. BANKS AND AGENCIES TO FURNISH INFORMATION~~

~~(a) An officer of a financial institution, as described in 8 V.S.A. § 11101(32); a credit union; or an independent trust company in this State, when requested by the Commissioner, shall furnish the Commissioner information in the possession of the bank or company with reference to any person or the person's spouse who is applying for or is receiving assistance or benefits from the Department.~~

~~(b) Any governmental official or agency in the State, when requested by the Commissioner, shall furnish to the Commissioner information in the official's or agency's possession with reference to aid given or money paid or to be paid to any person or person's spouse who is applying for or is receiving assistance or benefits from the Department.~~

~~(c) The Commissioner of Taxes, when requested by the Commissioner of Economic Empowerment, and unless otherwise prohibited by federal law, shall compare the information furnished by an applicant or recipient of assistance with the State income tax returns filed by such person and shall report the Commissioner of Taxes' findings to the Commissioner of Economic Empowerment. Each application for assistance shall contain a form of consent, executed by the applicant, granting permission to the Commissioner of Taxes to disclose such information to the Commissioner for Economic Empowerment.~~

~~§ 212a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;  
ASSET VERIFICATION~~

~~(a)(1) A financial institution, when requested by Department, shall furnish to the Commissioner or the Commissioner's designee information in the possession of the financial institution about the assets of any applicant who is applying for or is receiving assistance or benefits from the Department or the applicant's spouse. The Department shall issue instructions to the financial institution detailing the nature of the request and the information necessary to satisfy the request.~~

~~(2) A financial institution or employee of a financial institution shall not be subject to criminal or civil liability for actions taken in accordance with this subsection.~~

~~(b)(1) Each application for assistance or benefits submitted to the Department shall contain a form of authorization, executed by the applicant, granting authority for the Department and its authorized agents to obtain financial information about the applicant's assets from financial institutions in order to verify the applicant's eligibility for the applicable program. The Department or its authorized agent shall obtain the applicant's authorization~~

~~prior to requesting the applicant's financial information from any financial institution.~~

~~(2) The Department shall ensure the applicant receives notice written in plain language explaining the Department's electronic asset verification system.~~

~~(c) In the event that the financial information of an applicant's spouse is required to determine an applicant's eligibility for a program, the Department shall provide written notice regarding the asset verification process to the spouse and shall obtain the spouse's written authorization for the Department and its agents to obtain the spouse's financial information from financial institutions prior to requesting the spouse's financial information from any financial institution. The Department may determine an applicant to be ineligible if the applicant's spouse refuses to provide or revokes consent.~~

~~(d) As used in this section:~~

~~(1) "Bank" has the same meaning as in 8 V.S.A. § 11101.~~

~~(2) "Broker-dealer" has the same meaning as in 9 V.S.A. § 5102.~~

~~(3) "Credit union" has the same meaning as in 8 V.S.A. § 30101.~~

~~(4) "Financial institution" means any Vermont financial institution, state financial institution, and national financial institution, including a bank, credit union, broker-dealer, investment advisor, mutual fund, or investment company.~~

~~(5) "Investment advisor" has the same meaning as in 9 V.S.A. § 5102.~~

~~(6) "Mutual fund" has the same meaning as in 8 V.S.A. § 3461.~~

~~§ 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION  
INSUFFICIENT~~

~~Should the funds available for assistance be insufficient to provide assistance to all those eligible, the amounts of assistance granted in any program or portion thereof shall be reduced equitably, in the discretion of the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access by rule.~~

~~Subchapter 3. Provisions of General Applicability~~

~~§ 221. CANCELLATION OF ASSISTANCE OR BENEFITS~~

~~If at any time the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access has reason to believe that assistance or benefits have been improperly obtained, the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the~~



~~Investigation. If on investigation the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access is satisfied that the assistance or benefits were illegally obtained, the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until the person's need has been reestablished.~~

§ 222. RECOVERY OF PAYMENTS

~~(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department of Economic Empowerment or the Department of Vermont Health Access shall inform the recipient that changes in the recipient's circumstances must be promptly reported to the Department.~~

~~(b) When on the death of a person receiving assistance it is found that the recipient possessed income or property in excess of that reported to the Department of Economic Empowerment or the Department of Vermont Health Access, up to double the total amount of assistance in excess of that to which the recipient was lawfully entitled may be recovered by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access as a preferred claim from the estate of the recipient. The Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access shall calculate the amount of the recovery by applying the legal interest rate to the amount of excess recovery paid, except that the recovery shall be capped at double the excess assistance paid.~~

~~(c) When the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access finds that a recipient of benefits received assistance in excess of that to which the recipient was lawfully entitled because the recipient possessed income or property in excess of Department standards, the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access may take actions to recover the overpayment.~~

~~(d) In the event of recovery, an amount may be retained by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access in a special fund for use in offsetting program expenses, and an amount equivalent to the pro rata share to which the United States of America is equitably entitled shall be paid promptly to the appropriate federal agency.~~

§ 224. INALIENABILITY OF ASSISTANCE PAYMENTS

~~All rights to and all monies or orders granted to persons as assistance shall be inalienable by assignment, transfer, attachment, trustee process, execution,~~

~~or otherwise. In case of bankruptcy, the assistance shall not pass to or through a trustee or other person acting on behalf of creditors.~~

Subchapter 4. Prohibited Practices; Penalties

§ 241. FRAUD

~~(a) A person who knowingly fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used to determine whether that person is qualified to receive aid or benefits under a State or federally funded assistance program; or who knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits to which the person is not entitled or in an amount larger than that to which the person is entitled; or who knowingly aids and abets another person in the commission of any such act shall be punished as provided in section 143 of this title.~~

~~(b) A person who knowingly uses, transfers, acquires, traffics, alters, forges, or possesses; or who knowingly attempts to use, transfer, acquire, traffic, alter, forge, or possess; or who knowingly aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a Supplemental Nutrition Assistance Program benefit card, authorization for the purchase of Supplemental Nutrition Assistance Program benefits, certificate of eligibility for medical services, or State health care program identification card in a manner not authorized by law shall be punished as provided in section 143 of this title.~~

~~(c) A person who administers a State or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of a Supplemental Nutrition Assistance Program benefit, authorization for Supplemental Nutrition Assistance Program benefits, a Supplemental Nutrition Assistance Program benefit identification card, certificate of eligibility for prescribed medicine, State health care program identification card, or assistance from any other State or federally funded program with which the person has been entrusted or of which the person has gained possession by virtue of the person's position; or who knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of funds given in exchange for Supplemental Nutrition Assistance Program benefits shall be punished as provided in section 143 of this title.~~

~~(d) A person who knowingly files, attempts to file, or aids and abets in the filing of a claim for services to a recipient of benefits under a State or federally funded assistance program for services that were not rendered; or who knowingly files a false claim or a claim for unauthorized items or services~~

~~Under such a program, or who knowingly bills the recipient of benefits under such a program or the recipient's family for an amount in excess of that provided for by law or regulation; or who knowingly fails to credit the State or its agent for payments received from Social Security, insurance, or other sources; or who in any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein shall be punished as provided in section 143 of this title.~~

~~(e) A person providing service for which compensation is paid under a State or federally funded assistance program who requests, and receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, whether directly or indirectly, from either a recipient of assistance from the assistance program or from the family of the recipient shall notify the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access, on a form provided by the Commissioner, of the amount of the payment or contribution and of such other information as specified by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access within 10 days after the receipt of the payment or contribution or, if the payment or contribution is to become effective at some time in the future, within 10 days after the consummation of the agreement to make the payment or contribution. Failure to notify the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access within the time prescribed is punishable as provided in section 143 of this title.~~

~~(f) Repayment of assistance or services wrongfully obtained shall not constitute a defense to or ground for dismissal of criminal charges brought under this section.~~

~~§ 242. BRINGING PERSON IN NEED INTO THE STATE~~

~~(a) Any person who knowingly brings or causes to be brought a person in need from out of the state into this State for the purpose of securing assistance for the person in need or making the person in need a public charge shall be obligated to support the person in need at the person's own expense for as long as the person in need or persons dependent on the person in need remain in the State.~~

~~(b) The Commissioner may bring a civil action on this statute to enforce support of the person in need and the person's dependents. In the action, the court may make an order, which shall be subject to change by the court from time to time as the circumstances require, directing the defendant to pay a certain sum periodically to the Department for the benefit of the person in need and the person's dependents residing in the State. The court may punish for violation of the order as for contempt.~~

~~§ 243. GENERAL PENALTY~~

~~(a) A person who knowingly violates a provision of this title for which no penalty is specifically provided shall:~~

~~(1) if the assistance or benefits obtained pursuant to a single fraudulent scheme or a course of conduct are in violation of subsection 241(a) or (b) of this title involving \$1,000.00 or less, be fined not more than the amount of assistance or benefits wrongfully obtained or be imprisoned not more than one year, or both;~~

~~(2) if the assistance or benefits obtained pursuant to a single fraudulent scheme or course of conduct are in violation of subsection 241(a) or (b) of this title and involve more than \$1,000.00, be fined not more than an amount equal to the assistance or benefits wrongfully obtained or be imprisoned not more than three years, or both; or~~

~~(3) if the violation is under subsection 241(c), (d), or (e) of this title, be fined up to \$1,000.00 or up to an amount equal to twice the amount of assistance, benefits, or payments wrongfully obtained or be imprisoned for not more than 10 years, or both.~~

~~(b) If the person convicted is receiving assistance, benefits, or payments, the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access may recoup the amount of assistance or benefits wrongfully obtained by reducing the assistance, benefits, or payments periodically paid to the recipient, as limited by federal law, until the amount is fully recovered.~~

~~(c) If a provider of services is convicted of a violation of subsection 241(d) or (e) of this title, the Commissioner of Vermont Health Access shall, within 90 days following the conviction, suspend the provider from further participation in the medical assistance program administered under Title XIX of the Social Security Act for a period of four years. The suspension required by this subsection may be waived by the Secretary of Human Services only upon a finding that the recipients served by the convicted provider would suffer substantial hardship through a denial of medical services that could not reasonably be obtained through another provider.~~

~~§ 243a. CIVIL REMEDIES~~

~~(a) A person who violates subsection 241(c), (d), or (e) of this title with actual knowledge may be subject to a civil suit by the Attorney General for:~~

~~(1) restitution of the amount of assistance, benefits, or payments wrongfully obtained;~~

~~(2) interest; and~~

~~(3) a civil penalty of up to three times the amount of the wrongfully obtained assistance, benefits, or payments; \$500.00 per false claim; or \$500.00 for each false document submitted in support of a false claim, whichever is greatest.~~

~~(b) The remedies provided in this section shall be in addition to any other remedies provided by law.~~

~~(c) The right to a jury trial shall attach to actions under this section.~~

~~§ 243b. EDUCATION AND INFORMATION~~

~~The Department of Vermont Health Access shall issue rules establishing a procedure for health care providers enrolled in State and federally funded medical assistance programs to obtain advisory opinions regarding coverage and reimbursement under those programs. Each advisory opinion issued by the Department of Vermont Health Access shall be binding on that Department and the party or parties requesting the opinion only with regard to the specific questions posed in the opinion, the facts and information set forth in it, and the statutes and rules specifically noted in the opinion.~~

~~§ 244. STATUTORY CONSTRUCTION~~

~~(a) Section 243 of this title shall not preclude prosecution under 13 V.S.A. § 1801, 1802, or 2002 when the alleged violation involves forging an economic assistance check or where duplicate economic assistance checks have been wrongfully negotiated during any one welfare period.~~

~~(b) Section 243 of this title shall not preclude prosecution under any other title or sections of this title when the alleged violation is under subsection 241(c) or (d) of this title.~~

~~Sec. 49. 33 V.S.A. § 1001 is amended to read:~~

~~§ 1001. DEFINITIONS~~

~~As used in this chapter:~~

~~\* \* \*~~

~~(8) "Commissioner" means the Commissioner for Children and Families or his or her of Economic Empowerment or designee.~~

~~(9) "Department" means the Department for Children and Families of Economic Empowerment.~~

~~\* \* \*~~

~~Sec. 50. 33 V.S.A. § 1101 is amended to read:~~

~~§ 1101. DEFINITIONS~~

~~As used in this chapter:~~

~~\*\*\*~~

~~(8) "Commissioner" means the Commissioner for Children and Families or his or her of Economic Empowerment or designee.~~

~~(9) "Department" means the Department for Children and Families of Economic Empowerment.~~

~~\*\*\*~~

~~Sec. 51. 33 V.S.A. § 1107 is amended to read:~~

~~§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
COORDINATED SERVICES~~

~~\*\*\*~~

~~(d) The Secretary of Education, with the assistance and support of the Commissioner for Children and Families of Economic Empowerment, the Commissioner of Disabilities, Aging, and Independent Living, and the Commissioner of Labor, shall develop and implement comparable and reciprocally recognized literacy assessment protocols that will be used for all clients seeking adult education and literacy services; related services of the Agency of Education; or the services of the Department of Disabilities, Aging, and Independent Living, the Department of Labor, or the Department for Children and Families of Economic Empowerment, when such services are being sought for the purpose of developing or strengthening competencies or skills related to the clients' current or future employment. Such protocols shall, to the extent practicable, utilize the same terminology and apply comparable criteria, consistent with individual program purposes and authorization, in determining when testing, other standardized measurement tools, or referrals to relevant professionals for evaluation or diagnosis are appropriate.~~

~~\*\*\*~~

~~Sec. 52. 33 V.S.A. § 1201 is amended to read:~~

~~§ 1201. DEFINITIONS~~

~~As used in this chapter:~~

~~\*\*\*~~

~~(4) "Commissioner" means the Commissioner for Children and Families or his or her of Economic Empowerment or designee.~~

~~(5) "Department" means the Department for Children and Families of Economic Empowerment.~~

\* \* \*

Sec. 53. 33 V.S.A. § 1301 is amended to read:

§ 1301. ELIGIBILITY REQUIREMENTS—~~;~~ GENERAL

To be eligible for State aid to the aged, blind, or disabled, in addition to the requirements in sections 1301–1303 of this chapter governing eligibility for a specific program, an individual shall:

\* \* \*

(4) Not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health, and not be receiving or able to secure support from persons legally responsible for the individual's support. In determining whether the income of an applicant for or a recipient of aid is sufficient, the Department ~~for Children and Families of Economic Empowerment~~ may disregard, within the limits of available funds, income used to further the purposes of rehabilitation and self-support.

Sec. 54. 33 V.S.A. § 1306 is amended to read:

§ 1306. APPLICATION AND INVESTIGATION

Applications for State aid to the aged, blind, or disabled may be made at any office of the Department ~~for Children and Families of Economic Empowerment~~. Upon receipt of an application, the Commissioner ~~for Children and Families of Economic Empowerment~~ shall investigate and prescribe the amount of the grant to be given, if any. No individual shall receive more than one type of grant or aid under this chapter.

Sec. 55. 33 V.S.A. § 1307 is amended to read:

§ 1307. AMOUNT OF STATE AID

The amount of State aid to which an eligible individual is entitled shall be determined with due regard to the income, resources, and maintenance available to the individual and, when an eligible individual lives with the individual's ineligible spouse or ~~a~~ needy an essential person in need, or both, as defined by the Commissioner, with due regard to the needs of the ineligible spouse and with due regard to the needs, income, and resources of the needy essential person in need. To the extent funds are available, aid shall provide a reasonable subsistence compatible with decency and health. The Commissioner ~~for Children and Families of Economic Empowerment~~ may by rule fix maximum amounts of aid and take measures to ensure that the expenditures for the programs shall not exceed the funds provided for them.

Sec. 56. 33 V.S.A. § 1308 is amended to read:

~~§ 1700. RULES~~

~~In fixing standards and adopting rules under this chapter, the Commissioner for Children and Families of Economic Empowerment shall be guided by the statutory standards set forth in this chapter, which standards shall not be deemed necessarily to incorporate by reference decisional or statutory law applicable to the aid to the aged, blind, and disabled program in effect prior to January 1, 1974.~~

~~Sec. 57. 33 V.S.A. § 1701 is amended to read:~~

~~§ 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM~~

~~\* \* \*~~

~~(d) As used in this chapter, "Commissioner" means the Commissioner for Children and Families of Economic Empowerment and "Department" means the Department for Children and Families of Economic Empowerment.~~

~~Sec. 58. 33 V.S.A. § 1702 is amended to read:~~

~~§ 1702. PAYMENT ERROR RATE REPORT~~

~~On or before January 1 of the year following any federal fiscal year in which the State of Vermont receives a federal sanction for a payment error rate greater than the federal threshold in the Supplemental Nutrition Assistance Program (SNAP), the Department for Children and Families of Economic Empowerment shall report to the Senate Committee on Appropriations regarding:~~

~~(1) the number of households that received SNAP benefits and were discovered to have an overpayment or underpayment in the sanction year due to agency error; including the average amount of the overpayments and underpayments and the total amount of each; and~~

~~(2) the Department's specific plans for sanction reinvestment to improve its error rate for the next federal fiscal year and prevent sanction in the future.~~

~~Sec. 59. 33 V.S.A. § 1901b is amended to read:~~

~~§ 1901b. PHARMACY PROGRAM ENROLLMENT~~

~~(a) The Department of Vermont Health Access and the Department for Children and Families of Economic Empowerment shall monitor actual caseloads, revenue, and expenditures; anticipated caseloads, revenue, and expenditures; and actual and anticipated savings from implementation of the preferred drug list, supplemental rebates, and other cost containment activities in each State pharmaceutical assistance program, including VPharm. When applicable, the Departments shall allocate supplemental rebate savings to each~~



~~program proportionate to expenditures in each program.~~

~~\*\*\*~~

~~Sec. 60. 33 V.S.A. § 2101 is amended to read:~~

~~§ 2101. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Commissioner" means the Commissioner for Children and Families of Economic Empowerment.~~

~~\*\*\*~~

~~Sec. 61. 33 V.S.A. § 2103 is amended to read:~~

~~§ 2103. ELIGIBILITY~~

~~(a) Consistent with available appropriations, the Department for Children and Families of Economic Empowerment shall furnish General Assistance under this chapter, except as provided in this section, to any otherwise eligible individual unable to provide the necessities of life for the individual and for those whom the individual is legally obligated to support. Except for those in catastrophic situations as defined in rules, no General Assistance shall be provided in the following situations:~~

~~(1) to any individual whose income from any source, including the Department for Children and Families of Economic Empowerment, during the 30 days immediately preceding the date on which assistance is sought is equal to the General Assistance eligibility standard; and~~

~~(2) to any able-bodied individual without minor dependents included in his or her the individual's application.~~

~~\*\*\*~~

~~(e) As used in this section, "able-bodied individual" does not include a person subject to such conditions as are determined, by rule of the Commissioner for Children and Families of Economic Empowerment, to constitute barriers to employment.~~

~~(f) [Repealed.]~~

~~Sec. 62. 33 V.S.A. § 2114 is amended to read:~~

~~§ 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM~~

~~(a) The Department for Children and Families of Economic Empowerment shall provide up to three months of rental or mortgage arrearage assistance to eligible families. Assistance under this section is not an entitlement and shall be limited to the funds appropriated.~~

\* \* \*

*Sec. 63. 33 V.S.A. § 2115 is amended to read:*

*§ 2115. GENERAL ASSISTANCE PROGRAM REPORT*

*On or before September 1 of each year, the Commissioner for ~~Children and Families of Economic Empowerment~~ shall submit a written report to the Joint Fiscal Committee; the House Committees on Appropriations, on General, and Housing, ~~and Military Affairs~~, and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare. The report shall contain the following:*

\* \* \*

*Sec. 64. 33 V.S.A. § 2301 is amended to read:*

*§ 2301. BURIAL RESPONSIBILITY*

\* \* \*

*(d) As used in this chapter:*

*(1) "Burial" means the final disposition of human remains, including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite.*

*(2) "Department" means the Department for ~~Children and Families of Economic Empowerment~~.*

*(3) "Funeral" means the ceremonies prior to burial by interment, cremation, or other method.*

*Sec. 65. 33 V.S.A. § 2607 is amended to read:*

*§ 2607. PAYMENTS TO FUEL SUPPLIERS*

\* \* \*

*(g)(1) The Public Utility Commission shall require natural gas suppliers subject to regulation under 30 V.S.A. § 203 to provide a discount program to customers with incomes ~~no~~ not greater than 200 percent of the federal poverty level or who meet the Department for ~~Children and Families of Economic Empowerment's~~ means test of eligibility for LIHEAP crisis fuel assistance. Eligibility for the discount shall be verified by the Department for ~~Children and Families of Economic Empowerment~~.*

\* \* \*

*Sec. 66. 33 V.S.A. § 3901 is amended to read:*

*§ 3901. DEFINITIONS*

~~As used in this chapter:~~

~~(1) "Order of support" means any judgment or order for the support of dependent children issued by any court of the State of Vermont or another state or an order under an administrative proceeding of another state, including an order in a final decree of divorce.~~

~~(2) "Custodial parent" means any person with whom a dependent child actually resides, whether or not the parent is receiving public assistance benefits under chapter 11 of this title, or the Commissioner for Children and Families if the dependent child is under the care and control of ~~that~~ the Department for Children and Families.~~

~~(3) "Department" means the Vermont Department ~~for Children and Families of Economic Empowerment~~.~~

~~\* \* \*~~

~~Sec. 67. 33 V.S.A. § 3902 is amended to read:~~

~~§ 3902. ASSIGNMENT OF SUPPORT RIGHTS BY PUBLIC ASSISTANCE  
RECIPIENTS; PROCEEDINGS TO ESTABLISH SUPPORT  
OBLIGATION~~

~~(a) As a condition of eligibility for public assistance, each applicant or recipient shall assign to the Department any right to support from a responsible parent that has accrued at the time of the assignment and that the applicant may have in the applicant's own behalf or on behalf of any other family member for whom the applicant is applying or receiving assistance.~~

~~(b) An assignment in effect under this section shall be subject to the provisions of section 4106 of this title.~~

~~(c) Whenever a support obligation is in effect against a responsible parent for the benefit of a dependent child or a custodial parent, payments required under the support obligation shall be sent to the Office of Child Support upon notice to the responsible parent, without further order of the court. When an assignment is in effect pursuant to subsection (a) of this section, any amounts accrued under the support obligation as of the date of assignment, and any amount accruing while the assignment is in effect, shall be owing to and payable to the Department ~~for Children and Families~~ without further order of the court.~~

~~\* \* \*~~

~~(e) If a support order has been entered and the legal custodian and obligee relinquishes physical responsibility of the child to a caretaker without ~~modifying the physical rights and responsibilities under the Office of Child~~~~

~~Support may change the payee of support upon the caretaker's receipt of Reach Up family assistance from the Department for Children and Families. The obligor's obligation under the support order to pay child support and medical support continues but shall be payable to the Office of Child Support upon the caretaker's receipt of Reach Up family assistance and shall continue so for as long as the assignment is in effect. The Office of Child Support shall notify the obligor and obligee under the support order, by first-class mail at last known address, of the change of payee.~~

~~Sec. 68. 33 V.S.A. § 3903 is amended to read:~~

~~§ 3903. CHILD SUPPORT DEBT~~

~~(a) Except as otherwise provided in this section, any payment of Reach Up financial assistance made to or for the benefit of a dependent child creates a debt due and owing to the Department for Children and Families by any responsible parent in an amount equal to the amount of Reach Up financial assistance paid.~~

~~(b) Collection of child support debts shall be made as provided by this section and section 3902 of this title and by 15 V.S.A. chapter 11, subchapter 7. Regardless of the amount of Reach Up financial assistance paid, the court may limit the child support debt, taking into consideration the criteria of 15 V.S.A. § 659. The Department for Children and Families and the responsible parent may limit the child support debt by stipulation, which shall be enforceable on its terms unless it is modified.~~

~~Sec. 69. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF  
RULES TO THE DEPARTMENT OF ECONOMIC  
EMPOWERMENT~~

~~(a) The statutory authority to adopt the following rules by the Department for Children and Families adopted under 3 V.S.A. chapter 25 is transferred from the Department for Children and Families to the Department of Economic Empowerment:~~

- ~~(1) Child Support Guidelines (CVR 13-161-001);~~
- ~~(2) OCS Administrative Review (CVR 13-161-002);~~
- ~~(3) Reach First Program (CVR 13-170-210);~~
- ~~(4) Reach Up (CVR 13-170-220);~~
- ~~(5) Reach Up Services (CVR 13-170-230);~~
- ~~(6) Postsecondary Education (CVR 13-170-240);~~
- ~~(7) Reach Ahead (CVR 13-170-250);~~

~~(8) General Assistance (CVR 130-170-260);~~

~~(9) Assistance to the Aged, Blind, or Disabled (CVR 130-170-270);~~

~~(10) Emergency Assistance (CVR 130-170-280);~~

~~(11) Fuel (CVR 130-170-290); and~~

~~(12) Refugee Cash Assistance (CVR 130-170-300).~~

~~(b) All rules listed in subsection (a) of this section adopted by the Department for Children and Families under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be deemed the rules of the Department of Economic Empowerment and remain in effect until amended or repealed by the Department of Economic Empowerment pursuant to 3 V.S.A. chapter 25.~~

~~(c) The Department of Economic Empowerment shall provide notice of the transfer to the Secretary of State and the Legislative Committee on Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).~~

~~\*\*\* Parental Leave Benefit Program \*\*\*~~

~~Sec. 70. 21 V.S.A. § 172 is amended to read:~~

~~§ 472. LEAVE~~

~~\*\*\*~~

~~(b) During the leave, at the employee's option, the employee may use accrued sick leave or, vacation leave, or any other accrued paid leave, not to exceed six weeks. In lieu of using sick leave, vacation leave, or other accrued paid leave, an employee may use parental leave benefits provided pursuant to 33 V.S.A. § 2001 not to exceed 12 weeks. Accrued paid leave and parental leave benefits provided pursuant to 33 V.S.A. § 2001 may be used sequentially but not concurrently. Utilization of accrued paid leave or parental leave benefits provided pursuant to 33 V.S.A. § 2001, or both, shall not extend the leave provided herein by this section.~~

~~\*\*\*~~

~~Sec. 71. 33 V.S.A. chapter 20 is added to read:~~

~~CHAPTER 20. PARENTAL LEAVE BENEFIT PROGRAM~~

~~§ 2001. PARENTAL LEAVE BENEFIT PROGRAM~~

~~(a)(1) An eligible parent who is employed prior to the birth or adoption of a child and who intends to return to employment either with the same employer or a new employer after a parental leave may apply to the Department of Children and Families to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work.~~

Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section. The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024.

(2)(A) The weekly benefit provided to an eligible parent shall be \$600.00 or the average weekly wage of the eligible parent during the six month period preceding the commencement of the leave, whichever is less.

(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount.

(3) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.

(4) The parental leave for which the eligible parent may receive benefits shall be a single, continuous period ending within one year after the date on which the child was born or placed with the eligible parent for adoption.

(b)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.

(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.

(c)(1) To receive the parental leave benefit, an eligible parent shall submit:

(A) an application;

(B) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer or was employed by the employer within 30 days prior to the beginning of the parental leave; and

(C) a statement of intent to return to employment or seek new employment following the parental leave.

(2) An eligible parent may submit an application with the signed certification and statement of intent to the Department in anticipation of a birth or the initial placement of a child for adoption or during the eligible parent's parental leave. The Department shall provide retroactive payments to an eligible parent provided the completed application, signed certification, and statement of intent are received not more than eight weeks after the leave began.

~~(d)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.~~

~~(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.~~

~~(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.~~

~~(e) As used in this section:~~

~~(1) “Eligible parent” means an individual whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:~~

~~(A) the parent of a child born within the preceding 12 months; or~~

~~(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.~~

~~(2) “Parent” means an individual who:~~

~~(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or~~

~~(B) has day-to-day responsibilities to care for and financially support a child.~~

~~(3) “Parental leave” means a leave of absence from employment by an eligible parent following:~~

~~(A) the birth of the eligible parent’s child; or~~

~~(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.~~

~~Sec. 72. 33 V.S.A. § 2002 is amended to read:~~

~~§ 2001. PARENTAL LEAVE BENEFIT PROGRAM~~

~~(a)(1) An eligible parent who is employed prior to the birth or adoption of a child and who intends to return to employment either with the same employer or a new employer after a parental leave may apply to the Department of Children and Families Economic Empowerment to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the~~

~~and unable to work. Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section. The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024.~~

~~\*\*\*~~

~~Sec. 70. 21 V.S.A. § 472 is amended to read:~~

~~§ 472. LEAVE~~

~~\*\*\*~~

~~(b) During the leave, at the employee's option, the employee may use accrued sick leave or vacation leave, or any other accrued paid leave, not to exceed six weeks. In lieu of using sick leave, vacation leave, or other accrued paid leave, an employee may use parental leave benefits provided pursuant to 33 V.S.A. § 2201 not to exceed 12 weeks. Accrued paid leave and parental leave benefits provided pursuant to 33 V.S.A. § 2201 may be used sequentially but not concurrently. Utilization of accrued paid leave or parental leave benefits provided pursuant to 33 V.S.A. § 2201, or both, shall not extend the leave provided herein by this section.~~

~~\*\*~~

~~Sec. 71. 33 V.S.A. chapter 22 is added to read:~~

~~CHAPTER 22. PARENTAL LEAVE BENEFIT PROGRAM~~

~~§ 2201. PARENTAL LEAVE BENEFIT PROGRAM~~

~~(a)(1)(A) An eligible parent may apply to the Department for Children and Families to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work if the eligible parent is:~~

~~(i) either employed or self-employed prior to the birth or adoption of a child; and~~

~~(ii) intends to either:~~

~~(I) return to employment or self-employment after the parental leave; or~~

~~(II) seek new employment or self-employment after the parental leave.~~

~~(B) Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section.~~

~~(C) The benefits provided pursuant to this section shall be available~~



~~for leaves that begin on or after January 1, 2024.~~

~~(2)(A) The weekly benefit provided to an eligible parent shall be \$600.00 or the average weekly wage or self-employment income of the eligible parent during the six month period preceding the commencement of the leave, whichever is less.~~

~~(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount.~~

~~(3) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.~~

~~(4) The parental leave for which the eligible parent may receive benefits shall be a single, continuous period ending within one year after the date on which the child was born or placed with the eligible parent for adoption.~~

~~(b)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.~~

~~(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.~~

~~(c)(1) To receive the parental leave benefit, an eligible parent shall submit:~~

~~(A) an application;~~

~~(B) either:~~

~~(i) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer; or was employed by the employer within 30 days prior to the beginning of the parental leave; or~~

~~(ii) proof of self-employment income earned in Vermont during the prior calendar year or, if the individual did not earn self-employment income in Vermont during the prior calendar year, proof of self-employment income earned in Vermont during the current calendar year; and~~

~~(C) a statement of intent to return to employment or self-employment or to seek new employment or self-employment following the parental leave.~~

~~(2) An eligible parent may submit an application and other required materials to the Department in anticipation of a birth or the initial placement of a child for adoption or during the eligible parent's parental leave. The~~

~~Department shall provide retroactive payments to an eligible parent, provided the completed application and other required materials are received not more than eight weeks after the leave began.~~

~~(d)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.~~

~~(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.~~

~~(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.~~

~~(e) As used in this section:~~

~~(1) “Eligible parent” means an individual whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:~~

~~(A) the parent of a child born within the preceding 12 months; or~~

~~(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.~~

~~(2) “Parent” means an individual who:~~

~~(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or~~

~~(B) has day-to-day responsibilities to care for and financially support a child.~~

~~(3) “Parental leave” means a leave of absence from employment or self-employment by an eligible parent following:~~

~~(A) the birth of the eligible parent’s child; or~~

~~(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.~~

~~Sec. 72. 33 V.S.A. § 2201 is amended to read:~~

~~§ 2201. PARENTAL LEAVE BENEFIT PROGRAM~~

~~(a)(1)(A) An eligible parent may apply to the Department for Children and~~

~~families of Economic Empowerment to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work if the eligible parent is:~~

~~\* \* \*~~

~~(C) The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024. [Repealed.]~~

~~\* \* \*~~

~~\* \* \* Appropriations \* \* \*~~

~~Sec. 73. APPROPRIATIONS~~

~~(a) In fiscal year 2024, \$90,000,000.00 is appropriated from the General Fund to the Department for Children and Families for the purpose of funding the Child Care Financial Assistance Program pursuant to Secs. 2–4b of this act and the parental leave benefit pursuant to Secs. 70–71 of this act.~~

~~(b) In fiscal year 2024, \$150,000.00 is appropriated to Building Bright Futures for consultation and transition assistance services required pursuant to Secs. 6 and 13 of this act.~~

~~(c) In fiscal year 2024, the amount of \$6,504,916.00 is appropriated from the General Fund to the Department of Taxes to be used for the implementation of the Child Care and Parental Leave Contribution pursuant to 32 V.S.A. chapter 246 created by this act.~~

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

~~Sec. 74. EFFECTIVE DATES~~

~~(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023, with the Department for Children and Families making child care subsidies available to Vermont residents who have an immigration status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to fiscal year 2025 appropriations for this purpose.~~

~~(b)(1) Secs. 1b and 1c (relating to an additional Deputy Secretary within the Agency of Education) shall take effect on July 1, 2024.~~

~~(2) Sec. 2 (Child Care Financial Assistance Program; eligibility), Sec. 3 (provider rate adjustment; Child Care Financial Assistance Program), Sec. 4 (payment to providers for school age children); Sec. 4a (payment to providers for children birth through four years of age; high quality incentive program), and Sec. 4b (High-Quality Early Care and Education Special Fund) shall take effect on January 1, 2024, except that the Commissioner for Children and~~

~~committees shall adopt any rules necessary prior to that date in order to perform the Commissioner's duties under this act.~~

~~(2) ~~Sec. 14 (property tax exemption, property used by child care providers) shall take effect on July 1, 2024.~~~~

~~(3) Notwithstanding 1 V.S.A. § 214, Sec. 14 (repeals; child tax credit) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.~~

~~(4) Sec. 15, 32 V.S.A. chapter 246, (child care and parental leave contribution) shall take effect on July 1, 2024.~~

~~(5) Secs. 17–69 (relating to the reorganization of the Department for Children and Families and creation of the Department of Economic Empowerment) shall take effect on July 1, 2024.~~

~~(6) Secs. 70–71 (relating to the parental leave benefit program) shall take effect on January 1, 2024.~~

~~(7) Sec. 72 (parent leave benefit program) shall take effect on July 1, 2024.~~

*\* \* \* Legislative Intent \* \* \**

#### *Sec. 1. LEGISLATIVE INTENT*

*It is the intent of the General Assembly that investments in and policy changes to Vermont's child care system shall:*

*(1) increase access to and the quality of child care services throughout the State;*

*(2) provide financial stability to child care programs;*

*(3) stabilize Vermont's talented child care workforce;*

*(4) address the workforce needs of the State's employers; and*

*(5) provide policy recommendations for expanding access and capacity in Vermont's prekindergarten system.*

*\* \* \* Prekindergarten \* \* \**

#### *Sec. 2. PREKINDERGARTEN EDUCATION STUDY COMMITTEE; REPORT*

*(a) Creation. There is created the Prekindergarten Education Study Committee to make recommendations on how to improve and expand accessible, affordable, and high-quality prekindergarten education.*

*(b) Membership. The Committee shall be composed of the following*

members:

- (1) the Secretary of Education or designee, who shall serve as chair;
- (2) the Secretary of Human Services or designee;
- (3) the Executive Director of the Vermont Principals' Association or designee;
- (4) the Executive Director of the Vermont Superintendents Association or designee;
- (5) the Executive Director of the Vermont School Board Association or designee;
- (6) the Executive Director of the Vermont National Education Association or designee;
- (7) the Chair of the Vermont Council of Special Education Administrators or designee;
- (8) the Executive Director of the Vermont Curriculum Leaders Association or designee;
- (9) the Executive Director of Building Bright Futures or designee;
- (10) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;
- (11) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a regulated family child care home, appointed by the Committee on Committees;
- (12) the Head Start Collaboration Office Director or designee;
- (13) the Executive Officer of Let's Grow Kids or designee; and
- (14) a family representative with a prekindergarten-age child, appointed by the Building Bright Futures Council.

(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations for expanding equitable access for all children three and four years of age in a manner that achieves the best outcomes for children, whether through the current mixed-delivery system, the public school system, the private prekindergarten system, or a system that allows school districts to contract with private providers. The Committee shall also examine and make recommendations on the changes necessary to provide prekindergarten education to all children three and four years of age through the public school system, including a timeline and transition plan for such changes. In

conducting its analysis, the Committee shall address the following topics and questions, which may yield distinct recommendations for children three and four years of age:

(1) Outcomes and quality.

(A) What are the benchmarks for “high quality” in prekindergarten education?

(B) How should best practices be implemented and measured across various prekindergarten education settings?

(2) Capacity and demand.

(A) How many children, by age, does the current mixed-delivery system have the capacity to serve? In studying this issue, the Committee shall consider the number of children on waitlists and the number of vacancies in programs.

(B) What are the workforce requirements to expand prekindergarten education? In studying this question, the Committee may consider:

(i) whether there is a gap between the total number of licensed teachers currently working and the number needed for expansion;

(ii) whether there is a gap between the total prekindergarten education workforce, including paraeducators, and the number needed for expansion; and

(iii) the educational and training costs associated with training and retaining the workforce necessary for expansion?

(C) If prekindergarten education in the public school system is provided solely to children four years of age, what is the impact on the capacity and workforce of private prekindergarten providers?

(D) If prekindergarten education for children who are four years of age is provided exclusively through the public school system, how will infant capacity in private child care providers be impacted?

(E) Are there areas of the State where prekindergarten education can be more effectively and conveniently furnished in an adjacent state due to geographic considerations?

(3) Special education.

(A) How many children three and four years of age are currently on individual education programs receiving services in public and private settings?

(B) Are children three and four years of age on individual education

plans receiving the full range of services that they are entitled to?

(C) Does the availability or cost of special education services vary between private and public prequalified providers?

(4) Public school expansion.

(A) What infrastructure changes are necessary to expand prekindergarten education?

(B) How would the current prekindergarten education mixed-delivery system transition to a program within the public school system?

(C) What capacity needs to be built for developmentally appropriate afterschool and out-of-school-time care?

(D) Are changes needed to existing health and safety standards for public schools to accommodate children three and four years of age?

(5) Funding and costs.

(A) What are fiscally strategic options to sustain and expand universal prekindergarten education?

(B) What is the financial and business impact on regulated private child care providers if the prekindergarten system transitions to public schools or is expanded beyond the current 10-hour program?

(C) What, if any, changes need to be made to pupil weights for prekindergarten students?

(D) What, if any, changes need to be made to tuition rates for private prekindergarten programs?

(6) Oversight.

(A) What additional Agency of Education personnel or resources would be needed to oversee an expansion of the current prekindergarten education system under either a mixed-delivery model, a public school system model, or a system that allows school districts to contract with private providers?

(B) What additional Agency of Human Services personnel or resources would be needed to oversee an expansion of the current mixed-delivery model or a private prekindergarten system?

(C) Whether additional leadership capacity is needed at the Agency of Education to address early childhood education, and if so, how should the leadership capacity be expanded?

(d) Assistance. The Committee shall have the administrative, technical,

fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its findings and recommendations based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee's recommendations.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on February 1, 2024.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 10 meetings per year. These payments shall be made from monies appropriated to the Agency of Education.

(h) Appropriations.

(1) The sum of \$5,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$100,000.000 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for the cost of retaining a contractor as provided under subsection (d) of this section.

(3) Any unused portion of these appropriations shall, as of July 1, 2024, revert to the General Fund.

*\* \* \* Child Care and Child Care Subsidies \* \* \**

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to



*subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.*

*(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.*

*(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.*

*(4) ~~After September 30, 2021,~~ a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.*

*(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.*

\* \* \*

#### *Sec. 4. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM*

*On January 1, 2024, the Department for Children and Families shall provide a one-time adjustment to the child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services*

provided to children from birth through four years of age, including children five years of age who are not yet enrolled in kindergarten. The adjusted reimbursement rate shall account for the age of the children served and be 38.5 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. All providers in the same child care setting category shall receive an identical reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home.

**Sec. 5. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM**

(a) In addition to fiscal year 2024 funds appropriated for the Child Care Financial Assistance Program in other acts, in fiscal year 2024, \$45,300,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act.

(b) In addition to fiscal year 2024 funds appropriated for the administration of the Department for Children and Families' Child Development Division in other acts, in fiscal year 2024, \$6,000,000.00 is appropriated from the General Fund to the Division to administer the Child Care Financial Assistance Program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act.

**Sec. 6. READINESS PAYMENTS AND GRANTS; CHILD CARE FINANCIAL ASSISTANCE PROGRAM**

(a)(1) In fiscal year 2024, \$25,000,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of providing payments and grants to child care providers, as defined in 33 V.S.A. § 3511, delivering child care services to children birth through four years of age, including children five years of age who are not yet enrolled in kindergarten, in preparation of the Child Care Financial Assistance Program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act. Readiness payments and grants may be used for workforce recruitment or retention bonuses, or both; child care facility improvement; and any other uses approved by the Commissioner.

(2) Of the funds appropriated in subdivision (1) of this subsection, up to five percent may be used to contract with a third party to provide technical assistance to child care providers to build or maintain capacity and to provide information on the opportunities and requirements of this act.

(b) In administering the readiness grant program established by this section, the Division may either use the same distribution framework used to distribute Child Care Development Block Grant funds in accordance with the American Rescue Plan Act of 2021 or it may utilize an alternative distribution framework.

(c) The Commissioner shall provide a status report on the distribution of readiness grants to the to the Joint Fiscal Committee at its November 2023 meeting.

Sec. 7. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS FOR SCHOOL AGE CHILDREN

(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services to children over four years of age, excluding children five years of age who are not yet enrolled in kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division.

\* \* \*

Sec. 8. 33 V.S.A. § 3515 is added to read:

§ 3515. PAYMENT TO PROVIDERS FOR CHILDREN BIRTH THROUGH FOUR YEARS OF AGE

(a) The Commissioner shall establish a payment schedule that accounts for the age of the children served for the purpose of reimbursing providers for full- or part-time child care services to children from birth through four years of age, including children five years of age who are not yet enrolled in kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. All providers in the same child care setting category shall receive an identical reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home. The rate used to reimburse providers shall be increased over the previous year's rate annually on July 1 in alignment with the most recent annual average wage growth for NAICS code 611, Educational Services, not to fall below zero percent. Payments shall be based on enrollment.

(b) The Commissioner may establish a separate payment schedule for child care providers who have received training, approved by the Commissioner, relating to protective or family support services.

Sec. 9. 33 V.S.A. § 3516 is added to read:

§ 3516. CHILD CARE QUALITY AND CAPACITY INCENTIVE PROGRAM

(a) The Commissioner shall establish a child care quality and capacity incentive program for child care providers participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513 and delivering child care services to children birth through four years of age, including children who are five years old and not yet enrolled in kindergarten. Annually, consistent with funds appropriated for this purpose, the Commissioner shall provide each child care provider with a base incentive payment dependent upon the child care provider's child care setting category. A child care provider's base incentive payment shall be supplemented for each of the following achievements:

- (1) completing a Commissioner-approved training on protective or family support services;
- (2) maintaining five STARS in the Vermont STARS system;
- (3) achieving an increased STAR level in the Vermont STARS system;
- (4) maintaining existing infant and toddler capacity;
- (5) increasing infant and toddler capacity;
- (6) establishing capacity in regions of the State that are identified by the Commissioner as underserved; and
- (7) any other quality- or capacity-specific criteria identified by the Commissioner.

(b) The Commissioner shall maintain a current incentive payment schedule on the Department's website.

Sec. 10. 33 V.S.A. § 3517 is added to read:

§ 3517. CHILD CARE WAITLIST AND APPLICATION FEES

A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.

*Sec. 11. PROVIDER COMPENSATION AND TOTAL COST OF CARE;  
RECOMMENDATIONS*

*(a) On or before November 1, 2023, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare addressing the following:*

*(1) whether and how to integrate a tiered professional pay scale for professionals who provide child care services as part of the Child Care Financial Assistance Program;*

*(2) the structure of tiered professional pay scales for professionals who provide child care services that have been implemented in other jurisdictions, including in New Mexico and the District of Columbia; and*

*(3) the appropriate legal mechanism to implement any approved tiered professional pay scale for professionals who provide child care services, including consideration of statute, rule, departmental guidance, or some other appropriate mechanism.*

*(b) On or before November 1, 2024, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit to the House Committee on Human Services and to the Senate Committee on Health and Welfare:*

*(1) A tiered professional pay scale for professionals who provide child care services as defined in 33 V.S.A. § 3511 that is designed to provide professionals who provide child care services with compensation comparable to that received by early childhood educators in Vermont's public school system who serve children from prekindergarten through grade three. The tiered professional pay scale shall account for professionals' credentialing and professional child care experience and shall include the addition of an appropriate fringe benefit rate. In developing the tiered professional pay scale, the Department for Children and Families shall refer to the child care and early childhood education financing study required pursuant to 2021 Acts and Resolves No. 45, Sec. 14.*

*(2) A formula to calculate the total cost of care to serve children in a regulated child care facility as defined in 33 V.S.A. § 3511.*

*Sec. 12. 33 V.S.A. chapter 35, subchapter 6 is added to read:*

*Subchapter 6. Child Care Assistance for Additional Populations*

§ 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;  
LEGISLATIVE INTENT

In establishing the Noncitizen Child Care Assistance Program to provide child care subsidies for children who are not eligible for the Child Care Financial Assistance Program because of their citizenship status, it is the intent of the General Assembly that the benefits and eligibility criteria set forth in section 3552 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this chapter and corresponding rule.

§ 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM  
SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

(a) For purposes of this section, the phrase “Vermont residents who have a citizenship status for which Child Care Financial Assistance Program (CCFAP) participation is not available” includes children of migrant workers who are employed in seasonal occupations in this State.

(b) The Department for Children and Families shall provide State-funded child care subsidies equivalent to those offered in the Child Care Financial Assistance Program (CCFAP) to Vermont residents who have a citizenship status for which CCFAP participation is not available and meet the service need and income eligibility standards established by the Department in rule.

(c)(1) The Department shall not inquire about or record the citizenship and immigration status of the applicant’s family.

(2) The Department shall not record the citizenship and immigration status of the applicant.

(3) All applications submitted and records created pursuant to this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Absent a request for information by a U.S. agency pursuant to federal law, the Department shall not disclose any personally identifiable information regarding applicants or enrollees to the U.S. government.

(d) The Department for Children and Families may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 13. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
YEAR 2025 ESTIMATE

The Department for Children and Families shall provide information on the estimated fiscal year 2025 costs of providing coverage to Vermont residents who have a citizenship status for which Child Care Financial Assistance

Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024 as part of the Department's fiscal year 2025 budget presentation to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare.

*\* \* \* Special Accommodations Grant \* \* \**

*Sec. 14. REPORT; SPECIAL ACCOMMODATIONS GRANT*

On or before January 15, 2024, the Department for Children and Families' Child Development Division shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a proposal to streamline the application process for special accommodation grants, including:

(1) the suitability of moving to a 12-month grant cycle and for which populations;

(2) improving support and training for providing inclusive care for children with special needs;

(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and

(4) any other proposals the Department deems essential to the goal of streamlining the application process for special accommodation grants.

*\* \* \* Transitional Assistance and Governance \* \* \**

*Sec. 15. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE; STAKEHOLDER ENGAGEMENT*

Of the funds appropriated in Sec. 6 (readiness payments and grants; child care financial assistance program) of this act, up to \$250,000.00 may be used by the Department for Children and Families' Child Development Division to contract for stakeholder engagement and technical assistance services from Building Bright Futures for the purposes of implementing the Division's duties in accordance with Sec. 2 (Prekindergarten Education Study Committee), Sec. 11 (provider compensation and total cost of care; recommendations), Sec. 12 (Noncitizen Child Care Assistance Program), and Sec. 14 (report; special accommodations grant) of this act.

*Sec. 16. REPORT; CHILD CARE SYSTEM GOVERNANCE*

(a) The Secretary of Human Services shall conduct an assessment on the organizational structure of the Department for Children and Families that takes into consideration the investments in and expansion of early education and child care pursuant to this act. On or before January 15, 2024, the

Secretary shall submit a report to the House Committees on Appropriations, on Government Operations, and on Human Services and to the Senate Committees on Appropriations, on Government Operations, and on Health and Welfare containing recommendations regarding the Department's organizational structure that shall:

(1) identify a Departmental structure that provides the appropriate alignment of programs and functions to best meet the needs of Vermonters being served by the Department, including:

(A) options for placing significant Departmental duties in one or more other departments;

(B) the impact of reorganizing the Department on other departments and agencies in State government;

(C) the potential service delivery benefits and operational improvements of reorganizing the Department, including any impacts on staff; and

(D) the fiscal impact of recommended changes to the Department's structure, including all administrative resources needed to ensure successful operation of the new structure; and

(2) identify the transition planning needed to reorganize the Department's structure, including administrative and project management support, risk mitigation and management, and a proposed transition timeline.

(b) The Secretary may utilize funds appropriated for administrative purposes to contract a consultant to assist with the assessment required pursuant to this section.

*\* \* \* Repeals; Child Tax Credit \* \* \**

*Sec. 17. REPEALS; CHILD TAX CREDIT*

The following are repealed:

(1) 32 V.S.A. § 5830f (Vermont child tax credit); and

(2) 32 V.S.A. § 5813(y) (statutory purpose; Vermont child tax credit).

*\* \* \* Child Care and Parental Leave Contribution \* \* \**

*Sec. 18. 32 V.S.A. chapter 246 is added to read:*

CHAPTER 246. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
§ 10551. PURPOSE

The Child Care and Parental Leave Contribution is established to provide funding for the Child Care Financial Assistance Program established in 33



V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3517, and the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201.

§ 10552. DEFINITIONS

As used in this chapter:

(1) “Covered wages” means wages paid to an employee by an employer up to the amount of the Social Security Contribution and Benefit Base.

(2) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to chapter 151, subchapter 4 of this title.

(3) “Employer” means a person who employs one or more employees who is required to withhold income tax from wages paid to the employees pursuant to chapter 151, subchapter 4 of this title.

(4) “Self-employed individual” means a sole proprietor or partner owner of an unincorporated business, the sole member of a limited liability company, or the sole shareholder of a corporation.

(5) “Self-employment income” has the same meaning as in 26 U.S.C. § 1402.

(6) “Wages” means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

§ 10553. CONTRIBUTION; RATE; COLLECTION

(a)(1) Each employer shall pay the Child Care and Parental Leave Contribution on all covered wages paid to each of the employer’s employees and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. An employer may deduct and withhold from an employee’s covered wages an amount equal to not more than one quarter of the contribution required pursuant to subsection (b) of this section. An employer shall pay the contributions required pursuant to this section as if the contributions were Vermont income tax subject to the withholding requirements of chapter 151, subchapter 4 of this title, including the requirements relating to the time and manner of payment.

(2) Each self-employed individual shall pay the Child Care and Parental Leave Contribution on the individual’s self-employment income and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. A self-employed individual shall make installment payments of estimated contributions pursuant to this subdivision from the

enrolled self-employed individual's self-employment income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5, including the time and manner of payment.

(b) The contribution rate shall be 0.42 percent of each employee's covered wages and each self-employed individual's self-employment income.

(c)(1) The Department shall collect the contributions required pursuant to this section. The administrative and enforcement provisions of chapter 151 of this title shall apply to the contribution requirements under this section as if the contributions required pursuant to this section were Vermont income tax, except penalty and interest shall apply according to chapter 103 of this title.

(2) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section. Self-employed individuals shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(2) of this section.

§ 10554. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
SPECIAL FUND

(a) The Child Care and Parental Leave Contribution Special Fund is created pursuant to chapter 7, subchapter 5 of this title and shall be administered by the Department for Children and Families and the Department of Taxes. Monies in the Fund may be expended by the Department of Taxes for the administration of the Child Care and Parental Leave Contribution created under this chapter, by the Department for Children and Families for benefits provided by the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3517 and under the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201, and by the Departments for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(b) The Fund shall consist of:

(1) contributions collected or recovered pursuant to section 10553 of this title;

(2) any amounts transferred or appropriated to the Fund by the General Assembly; and

(3) any interest earned by the Fund.

(c) The Departments may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

*Sec. 19. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
POSITIONS AND APPROPRIATION*

(a) The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2024:

(1) eight full-time, classified tax examiners within the Taxpayer Services Division;

(2) two full-time, classified tax examiners within the Compliance Division;

(3) three full-time, classified tax compliance officers within the Compliance Division;

(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and

(5) one business analyst–tax within the VTax Division.

(b) In fiscal year 2024, the amount of \$4,200,00.00 is appropriated from the General Fund to the Department of Taxes to be used for the implementation of the Child Care and Parental Leave Contribution pursuant to 32 V.S.A. chapter 246 created by this act.

*\* \* \* Parental Leave Benefit Program \* \* \**

*Sec. 20. 33 V.S.A. chapter 22 is added to read:*

CHAPTER 22. PARENTAL LEAVE BENEFIT PROGRAM

§ 2201. PARENTAL LEAVE BENEFIT PROGRAM

(a) An eligible parent may apply to the Department for Children and Families to receive a parental leave benefit for a period during which the eligible parent is unable to work because the parent is caring for one or more children who were born or adopted within the preceding 12 months if the eligible parent is:

(1) either employed or self-employed prior to the birth or adoption of a child; and

(2) intends to either:

(A) return to employment or self-employment after the parental leave; or

(B) seek new employment or self-employment after the parental leave.

(b)(1) The benefits provided pursuant to this section shall be available for leaves for births or adoptions that occur on or after January 1, 2024.

(2)(A) Benefits shall be available for a maximum period of 12 weeks during the year following a birth or adoption.

(B) Benefits may be used either by one parent or shared between two parents, provided that the use of benefits by two parents shall not increase the length of the benefit period provided pursuant to this section.

(C) Benefits may be provided for:

(i) a single continuous leave;

(ii) intermittent leaves; or

(iii) for a portion of a week in which the eligible parent works part-time, provided that benefits shall only be provided for days on which the eligible parent does not work.

(3)(A) The weekly benefit provided to an eligible parent shall be \$600.00 per week or the eligible parent's average weekly wage or self-employment income during the six-month period preceding the commencement of the leave, whichever is less. If the leave benefit is shared between two eligible parents, the benefit amount for each eligible parent's leave shall be determined separately from the other eligible parent's portion of the leave.

(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount. For eligible parents who are working part-time, the eligible parent's weekly benefit amount shall be prorated based on the number of days on which the eligible parent works in that week.

(4) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.

(c)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.

(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.

(d)(1) To receive the parental leave benefit, an eligible parent shall submit:

(A) an application;

(B) either:

(i) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer or was employed by the employer within 30 days prior to the beginning of the parental leave; or

(ii) proof of self-employment income earned in Vermont during the prior calendar year or, if the individual did not earn self-employment income in Vermont during the prior calendar year, proof of self-employment income earned in Vermont during the current calendar year; and

(C) a statement of intent to return to employment or self-employment or to seek new employment or self-employment following the parental leave.

(2) An eligible parent may submit an application and other required materials to the Department in anticipation of a birth or the initial placement of a child for adoption or during the eligible parent's parental leave. The Department shall provide retroactive payments to an eligible parent, provided the completed application and other required materials are received not more than eight weeks after the leave began.

(e)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.

(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.

(f) As used in this section:

(1) "Eligible parent" means an individual who is domiciled in Vermont whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:

(A) the parent of a child born within the preceding 12 months; or

(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.

(2) "Parent" means an individual who:

(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or

(B) has day-to-day responsibilities to care for and financially support a child.

(3) "Parental leave" means a leave of absence from employment or self-employment by an eligible parent following:

(A) the birth of the eligible parent's child; or

(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.

*Sec. 21. APPROPRIATIONS; PARENTAL LEAVE BENEFIT PROGRAM*

(a) In fiscal year 2024, \$2,000,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the implementation and administration of the Parental Leave Benefit Program in accordance with of 33 V.S.A. chapter 22. The Division may contract with a third party to administer the Parental Leave Benefit Program.

(b) In fiscal year 2024, \$5,600,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the benefit costs associated with the Parental Leave Benefit Program pursuant 33 V.S.A. chapter 22.

*\* \* \* Effective Dates \* \* \**

*Sec. 22. EFFECTIVE DATES*

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023, with the Department for Children and Families making child care subsidies available to Vermont residents who have an immigration status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to fiscal year 2025 appropriations for this purpose.

(b)(1) Sec. 3 (Child Care Financial Assistance Program; eligibility), Sec. 4 (provider rate adjustment; Child Care Financial Assistance Program), Sec. 7 (payment to providers for school age children), Sec. 8 (payment to providers for children birth through four years of age), and Sec. 9 (child care quality and capacity incentive program) shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall adopt any rules necessary prior to that date in order to perform the Commissioner's duties under this act.

(2) Notwithstanding 1 V.S.A. § 214, Sec. 17 (repeals; child tax credit) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(3) Sec. 18 (32 V.S.A. chapter 246, child care and parental leave

contribution) shall take effect on July 1, 2024.

(4) Sec. 20 (relating to the Parental Leave Benefit Program) shall take effect on January 1, 2024.