

1 H.55

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

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

6 * * * Unemployment Insurance * * *

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

8 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

9 DISCLOSURE TO SUCCESSOR ENTITY

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

19 * * *

20 (2) If an individual's unemployment is directly caused by a major
21 disaster declared by the President of the United States pursuant to 42 U.S.C.
22 § 5122 and the individual would have been eligible for federal disaster
23 unemployment assistance benefits but for the receipt of regular benefits, an

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

4 * * *

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

6 § 1347. NONDISCLOSURE OR MISREPRESENTATION;

7 OVERPAYMENTS; WAIVER

8 * * *

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

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

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

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

19 (3) Upon making a determination that an overpayment occurred
20 pursuant to subsection (a) or (b) of this section, the Commissioner shall, to the
21 extent possible and in consideration of the information available to the

1 Department, determine whether waiver of the amount of overpaid benefits is
2 appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 § 1347. NONDISCLOSURE OR MISREPRESENTATION;

14 OVERPAYMENTS; WAIVER

15 * * *

16 (d) In any case in which under this section a person is liable to repay any
17 amount to the Commissioner for the Fund, the Commissioner may withhold, ~~in~~
18 ~~whole or in part, any~~ future benefits payable to ~~such~~ the person, in amounts
19 equal to not more than 50 percent of the person's weekly benefit amount, and
20 credit ~~such~~ the withheld benefits against the amount due from ~~such~~ the person

1 until it is repaid in full, less any penalties assessed under subsection (c) of this
2 section.

3 * * *

4 Sec. 4. WAIVER OF UI OVERPAYMENT; RULEMAKING

5 On or before November 1, 2024, the Employment Security Board shall
6 commence rulemaking and file proposed rule amendments pursuant to
7 3 V.S.A. § 838 as necessary to implement the provisions of Sec. 2 of this act,
8 amending 21 V.S.A. § 1347.

9 * * * Unemployment Insurance Technical Corrections * * *

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

11 § 1301. DEFINITIONS

12 As used in this chapter:

13 * * *

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

16 * * *

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * *

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

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

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

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

1 The provisions of sections 1358–1360 of this ~~title~~ subchapter to the extent
2 that they relate to the federal Unemployment Trust Fund, shall be operative
3 only ~~so long as such~~ if the federal Unemployment Trust Fund continues to
4 exist and ~~so long as~~ the U.S. Secretary of the Treasury continues to maintain
5 for this State a separate book account of all Funds deposited ~~therein~~ in the
6 federal Unemployment Trust Fund by this State for benefit purposes, together
7 with this State’s proportionate share of the earnings of ~~such~~ the Unemployment
8 Trust Fund, from which only the Commissioner of Labor is permitted to make
9 withdrawals. If and when ~~such Unemployment Trust Fund shall~~ federal law no
10 longer ~~be required by the laws of the United States~~ requires the federal
11 Unemployment Trust Fund to be maintained ~~as aforesaid~~ as a condition of
12 approval of this chapter as provided in Title III of the Social Security Act, then
13 all monies, properties, or securities ~~therein~~ in the federal Unemployment Trust
14 Fund, belonging to the Unemployment Compensation Trust Fund of this State,
15 shall be transferred to the treasurer of the Unemployment Compensation Trust
16 Fund, who shall hold, invest, transfer, sell, deposit, and release ~~such~~ the
17 monies, properties, or securities in a manner approved by the Commissioner
18 and appropriate for trust funds, subject to all claims for benefits under this
19 chapter.

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

2 § 1362. UNEMPLOYMENT COMPENSATION ADMINISTRATION

3 FUND

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

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

2 § 1365. CONTINGENT FUND

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

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

18 (c) The monies in ~~this~~ the Contingent Fund shall be used by the
19 Commissioner for the payment of costs of administration ~~which~~ that are found
20 not to have been properly and validly chargeable against federal grants, or
21 other funds, received for or in the Unemployment Compensation

1 Administration Fund ~~on or after January 1, 1947~~. No expenditure of the
2 Contingent Fund shall be made unless and until the Commissioner finds that
3 no other funds are available or can properly be used to finance ~~such~~ the
4 expenditures.

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

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

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

18 (g) ~~Provided, however, that on~~ On December 31 of each year, all monies in
19 excess of \$10,000.00 in ~~this~~ the Contingent Fund shall be transferred to the
20 Unemployment Compensation Trust Fund. On or before March 31 of each

1 year, an audit of ~~this~~ the Contingent Fund ~~will~~ shall be completed and a report
2 of that audit ~~will~~ shall be made public.

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

6 * * * Workers' Compensation * * *

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

8 Sec. 38. ADOPTION OF RULES

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

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

13 § 601. DEFINITIONS

14 As used in this chapter:

15 * * *

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

19 * * *

20 (I)(i) In the case of police officers, rescue or ambulance workers, ~~or~~
21 firefighters, or State employees, as that term is defined pursuant to subdivision

1 (iii)(VI) of this subdivision (11)(I), post-traumatic stress disorder that is
2 diagnosed by a mental health professional shall be presumed to have been
3 incurred during service in the line of duty and shall be compensable, unless it
4 is shown by a preponderance of the evidence that the post-traumatic stress
5 disorder was caused by nonservice-connected risk factors or nonservice-
6 connected exposure.

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

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

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

15 (II) “Firefighter” means a firefighter as defined in 20 V.S.A.
16 § 3151(3) and (4).

17 ~~(H)~~(III) “Mental health professional” means a person with
18 professional training, experience, and demonstrated competence in the
19 treatment and diagnosis of mental conditions, who is certified or licensed to
20 provide mental health care services and for whom diagnoses of mental
21 conditions are within ~~his or her~~ the person’s scope of practice, including a

1 physician, nurse with recognized psychiatric specialties, psychologist, clinical
2 social worker, mental health counselor, or alcohol or drug abuse counselor.

3 ~~(III)~~(IV) “Police officer” means a law enforcement officer who
4 has been certified by the Vermont Criminal Justice Council pursuant to
5 20 V.S.A. chapter 151.

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

9 (VI) “State employees” means:

10 (aa) facility employees of the Department of Corrections;

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

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

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

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

19 (ff) classified employees of the Vermont Veterans’ Home;

20 (gg) classified employees of the Department of State’s
21 Attorneys and Sheriffs, State’s Attorneys, and employees of the Department of

1 State's Attorneys and Sheriffs who are assigned to a State's Attorney's field
2 office; and

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

5 * * *

6 Sec. 12. SURVEY OF FIRE DEPARTMENTS; REPORT

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

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

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

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

16 (A) age;

17 (B) gender;

18 (C) position or rank in the department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 SUBSIDY FOR ANNUAL CANCER SCREENING

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

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

18 (A) a multicancer early detection blood test;

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

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

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

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

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

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

12 (3) both.

13 * * * Unpaid Medical Leave * * *

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

15 § 471. DEFINITIONS

16 As used in this subchapter:

17 * * *

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

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

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

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

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

11 * * *

12 ~~(5)(6)~~ "Serious ~~illness~~ health condition" means:

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

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

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

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

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

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

5 § 472. LEAVE

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

8 * * *

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

13 * * *

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

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

20 (3) In the case of a serious ~~illness~~ health condition of the employee or a
21 member of the employee's family, an employer may require certification from

1 a ~~physician~~ health care provider to verify the condition and the amount and
2 necessity for the leave requested.

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

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

8 * * *

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

14 * * * Baby Bonds Trust Program * * *

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

16 CHAPTER 20. VERMONT BABY BOND TRUST

17 § 601. DEFINITIONS

18 As used in this chapter:

19 (1) “Designated beneficiary” means an individual born on or after July
20 1, 2024 who was eligible at birth for coverage in the Dr. Dynasaur program
21 established in accordance with Title XIX (Medicaid) and Title XXI (SCHIP) of

1 the Social Security Act or for coverage available pursuant to 33 V.S.A. chapter
2 19, subchapter 9.

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

5 (A) education of a designated beneficiary;

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

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

9 or

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

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

15 § 602. VERMONT BABY BOND TRUST; ESTABLISHMENT

16 (a) There is established the Vermont Baby Bond Trust, to be administered
17 by the Office of the State Treasurer. The Trust shall constitute an
18 instrumentality of the State and shall perform essential governmental functions
19 as provided in this chapter. The Trust shall receive and hold until disbursed in
20 accordance with section 607 of this title all payments, deposits, and
21 contributions intended for the Trust; as well as gifts, bequests, and

1 endowments; federal, State, and local grants; any other funds from any public
2 or private source; and all earnings on these funds.

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

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

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

19 (4) The Trust shall continue in existence until it no longer holds any
20 deposits or has any obligations and its existence is terminated by law. Upon

1 termination, any unclaimed assets shall return to the State and shall be
2 governed by the provisions of 27 V.S.A chapter 18.

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

6 § 603. TREASURER'S TRUST AUTHORITY

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

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

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

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

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

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

19 (6) sue and be sued;

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

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

3 § 604. INVESTMENT OF FUNDS IN THE TRUST

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

17 § 605. EXEMPTION FROM TAXATION

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

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

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

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

12 § 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS
13 REQUIREMENTS

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

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

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

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

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

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

17 § 608. DATA SHARING

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

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

5 § 609. IMPLEMENTATION; PILOT PROGRAM

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

14 Sec. 18. VERMONT BABY BOND TRUST; HOUSING OPPORTUNITIES;
15 REPORT

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

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

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

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

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

7 (2) potential funding sources for the program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

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

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

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