

Journal of the House

Wednesday, March 20, 2019

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Avram Patt of Worcester.

House Bill Introduced

H. 534

By Reps. Campbell of St. Johnsbury, Austin of Colchester, Cina of Burlington, Colburn of Burlington, Copeland-Hanzas of Bradford, Durfee of Shaftsbury, McCormack of Burlington, O'Sullivan of Burlington, Patt of Worcester, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Webb of Shelburne and Yantachka of Charlotte,

House bill, entitled

An act relating to building energy standards and performance;

Was read the first time and referred to the committee on Energy and Technology.

Senate Bill Referred

S. 42

Senate bill, entitled

An act relating to requiring at least one member of the Green Mountain Care Board to be a health care professional

Was read and referred to the committee on Health Care.

Senate Bill Referred

S. 118

Senate bill, entitled

An act relating to the time frame for the adoption of administrative rules

Was read and referred to the committee on Government Operations.

Bill Referred to Committee on Ways and Means**H. 529**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Joint Resolution Adopted in Concurrence**J.R.S. 19**

By Senator Ashe,

J.R.S. 19. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 22, 2019, it be to meet again no later than Tuesday, March 26, 2019.

Was taken up, read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 249**

Rep. Ancel of Calais moved that the committee on Ways and Means be relieved of House bill, entitled

An act relating to additional Reach Up Program benefits

And that the bill be committed to the committee on Appropriations, which was agreed to.

Third Reading; Bill Passed**H. 13**

House bill, entitled

An act relating to alcoholic beverages

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 104**

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 133

House bill, entitled

An act relating to miscellaneous energy subjects

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 204

House bill, entitled

An act relating to miscellaneous provisions affecting navigators, Medicaid records, and the Department of Vermont Health Access

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 235

House bill, entitled

An act relating to repealing the sunset of the authority to conduct on-farm slaughter

Was taken up, read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 292

House bill, entitled

An act relating to town banners over highway rights-of-way

Was taken up and pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

In Sec. 1 (10 V.S.A. § 494), in subdivision (18)(A)(ii), by striking out “14” and inserting in lieu thereof “16”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Read Third Time; Bill Passed**H. 330**

House bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood sexual abuse

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

Sec. 1. 12 V.S.A. § 522 is amended to read:

§ 522. ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE, SERIOUS BODILY INJURY, OR EMOTIONAL MALTREATMENT

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse, serious bodily injury, or emotional maltreatment allegedly committed by the defendant against a complainant who was less than 18 years of age at the time of the alleged act ~~shall~~ may be commenced within six years of the act alleged to have caused the injury or condition, or six years of the time the victim discovered that the injury or condition was caused by that act, whichever period expires later at any time. The victim need not establish which act in a series of continuing sexual abuse, ~~or exploitation~~ serious bodily injury, or emotional maltreatment incidents caused the injury.

(b) If a complaint is filed alleging an act of childhood sexual abuse, serious bodily injury, or emotional maltreatment ~~which occurred more than six years prior to the date the action is commenced,~~ the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until the answer is served or, if the defendant files a motion to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the court rules on that motion. If the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed. Any hearing held in connection with the motion to dismiss shall be in camera.

(c) As used in this section:

(1) “Emotional maltreatment” means a pattern of malicious behavior that results in impaired psychological growth and development.

(2) “Serious bodily injury” has the same meaning as in 13 V.S.A. § 1021.

(3) ~~“childhood sexual~~ Sexual ~~abuse” means any act committed by the defendant against a complainant who was less than 18 years of age at the time~~

~~of the act and which act~~ that would have constituted a violation of a statute prohibiting lewd and lascivious conduct, lewd or lascivious conduct with a child, sexual assault, or aggravated sexual assault in effect at the time the act was committed.

(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood sexual abuse, serious bodily injury, or emotional maltreatment that occurred prior to the effective date of this act, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood sexual abuse, serious bodily injury, or emotional maltreatment that occurred prior to the effective date of this act, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the sexual abuse, serious bodily injury, or emotional maltreatment only if there is a finding of negligence on the part of the entity.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment. Thereupon, the bill was read the third time and passed.

Bill Committed

H. 342

House bill, entitled

An act relating to qualification for a public defender

Appearing on the Calendar for action, was taken up and pending third reading of the bill, on motion of **Rep. Grad of Moretown**, the bill was committed to the committee on Appropriations.

Third Reading; Bill Passed

H. 358

House bill, entitled

An act relating to technical corrections

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 394

House bill, entitled

An act relating to the disposition of the remains of veterans

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 427

House bill, entitled

An act relating to a uniform process for foreign credential verification in the Office of Professional Regulation

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 521

House bill, entitled

An act relating to amending the special education laws

Was taken up, read the third time and passed.

Action on Bill Postponed

H. 525

House bill, entitled

An act relating to miscellaneous agricultural subjects

Was taken up and pending second reading of the bill, on motion of **Rep. Graham of Williamstown**, action on the bill was postponed until March 21, 2019.

Second Reading; Bill Amended; Third Reading Ordered

H. 83

Rep. Houghton of Essex, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to female genital mutilation

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 70 is added to read:

CHAPTER 70. FEMALE GENITAL CUTTING

§ 3151. FEMALE GENITAL CUTTING PROHIBITED

(a) Definitions. As used in this section:

(1) “Health care professional” means an individual, partnership, corporation, facility, or institution licensed or certified or authorized by law to provide professional health care services.

(2) “Midwife” means a midwife licensed pursuant to 26 V.S.A. chapter 85.

(b) Female genital cutting prohibited. Except as provided in subsection (c) of this section, no person shall:

(1) Knowingly circumcise, excise, or infibulate the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.

(2) Knowingly incise, prick, scrape, or cauterize any part of the labia majora or labia minora or clitoris of another person who has not attained 18 years of age.

(c) Exceptions. A medical procedure is not a violation of this section if it is:

(1) necessary to the health of the person on whom it is performed and is performed by a health care professional; or

(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a health care professional, midwife, or person in training to become a health care professional or midwife.

(d) Defense. It is not a defense to a charge under this section that the person on whom the procedure is performed, or any other person, believes that the procedure is required as a matter of custom or ritual, or that the person on whom the procedure is performed, or that person’s parent or guardian, consented to the procedure.

(e) Transportation prohibited. A person shall not knowingly transport a person into or out of this State for the purpose of conduct that would be a violation of this section.

(f) Penalty. A person who violates subdivision (b)(2) of this section shall be imprisoned not more than two years or fined not more than \$500.00, or both. A person who violates subdivision (b)(1) or subsection (e) of this section shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to female genital cutting”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 132

Rep. Szott of Barnard, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REDESIGNATION

(a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A. chapter 136.

(b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A. § 4410.

Sec. 2. 9 V.S.A. chapter 137 is amended to read:

CHAPTER 137. RESIDENTIAL RENTAL AGREEMENTS

Subchapter 1: General

§ 4451. DEFINITIONS

* * *

Subchapter 2: Residential Rental Agreements

§ 4455. TENANT OBLIGATIONS; PAYMENT OF RENT

* * *

Subchapter 3: Farm Employee Housing

§ 4469. [Reserved.]

§ 4469a. TERMINATION OF OCCUPANCY OF FARM EMPLOYEE HOUSING

* * *

Subchapter 4: Housing Discrimination; Domestic and Sexual Violence

§ 4471. DEFINITIONS

As used in this subchapter:

(1) “Abuse” has the same meaning as in 15 V.S.A. § 1101.

(2) “Protected tenant” means a tenant who is:

(A) a victim of abuse, sexual assault, or stalking;

(B) a parent, foster parent, legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking.

(3) “Sexual assault” and “stalking” have the same meaning as in 12 V.S.A. § 5131.

§ 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

(a) Notwithstanding a contrary provision of a rental agreement or of subchapter 2 of this chapter, a protected tenant may terminate a rental agreement pursuant to subsection (b) of this section without penalty or liability if he or she reasonably believes it is necessary to vacate a dwelling unit:

(1) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(2) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her notice of termination.

(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 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 or the Vermont Department for Children and Families; or

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

(c) A notice of termination provided pursuant to subsection (b) of this section may be revoked and the rental agreement shall remain in effect if:

(1)(A) the protected tenant provides a written notice to the landlord revoking the notice of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of the revocation; or

(2)(A) the protected tenant has not vacated the premises as of the date of termination; and

(B) the landlord has not entered into a rental agreement with another tenant prior to the date of termination.

§ 4473. RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

Notwithstanding any contrary provision of a rental agreement or of subchapter 2 of this chapter:

(1) Subject to subdivision (2) of this subsection, a protected tenant may request that a landlord change the locks of a dwelling unit within 48 hours:

(A) based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or

(B) if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her request.

(2) If the perpetrator of abuse, sexual assault, or stalking is also a tenant in the dwelling unit, the protected tenant shall include with his or her request a copy of a court order that requires the perpetrator to leave the premises.

(3) If the landlord changes the locks as requested, the landlord shall provide a key to the new locks to each tenant of the dwelling unit, not including the perpetrator of the abuse, sexual assault, or stalking who is subject to a court order to leave the premises.

(4) If the landlord does not change the locks as requested, the protected tenant may change the locks without the landlord's prior knowledge or permission, provided that the protected tenant shall:

(A) ensure that the new locks, and the quality of the installation, equal or exceed the quality of the original;

(B) notify the landlord of the change within 24 hours of installation;
and

(C) provide the landlord with a key to the new locks.

(5)(A) A protected tenant may request permission of a landlord to install additional security measures on the premises, including a security system or security camera.

(B) A protected tenant:

(i) shall submit his or her request not less than seven days prior to installation;

(ii) shall ensure the quality and safety of the security measures and of their installation;

(iii) is responsible for the costs of installation and operation of the security measures; and

(iv) is liable for damages resulting from installation.

(C) A landlord shall not unreasonably refuse a protected tenant's request to install additional security measures pursuant to this subdivision (5).

§ 4474. CONFIDENTIALITY

An owner, landlord, or housing subsidy provider who possesses documentation or information concerning a protected tenant's status as a victim of abuse, sexual assault, or stalking shall keep the documentation or information confidential and shall not allow or provide access to another person unless:

(1) authorized by the protected tenant;

(2) required by a court order, government regulation, or governmental audit requirement; or

(3) required as evidence in a court proceeding, provided:

(A) the documentation or information remains under seal; and

(B) use of the documentation or information is limited to a claim brought pursuant to section 4472 or 4473 of this title.

§ 4475. LIMITATION OF LIABILITY

A landlord is immune from liability for damages if he or she acts in good faith reliance on:

- (1) the provisions of this subchapter; or
- (2) information provided or action taken by a protected tenant.

Sec. 3. PROTECTED TENANT SELF-CERTIFICATION; FORM

The Vermont Network Against Domestic and Sexual Violence, in collaboration with the Vermont Apartment Owners Association and other interested stakeholders, shall develop and make available a standard self-certification form for use by protected tenants pursuant to 9 V.S.A. § 4472(b).

Sec. 4. 9 V.S.A. chapter 139 is amended to read:

CHAPTER 139. DISCRIMINATION; PUBLIC ACCOMMODATIONS;
RENTAL AND SALE OF REAL ESTATE

* * *

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(11) “Abuse,” “sexual assault,” and “stalking” have the same meaning as in section 4471 of this title.

* * *

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(2) To discriminate against, or to harass any person in the terms, conditions, ~~or~~ privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection therewith, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

(5) To disclose to another person information regarding or relating to the status of a tenant or occupant as a victim of abuse, sexual assault, or stalking for the purpose or intent of:

(A) harassing or intimidating the tenant or occupant;

(B) retaliating against a tenant or occupant for exercising his or her rights;

(C) influencing or coercing a tenant or occupant to vacate the dwelling; or

(D) recovering possession of the dwelling.

(6) To discriminate against any person in the making or purchasing of loans or providing other financial assistance for real-estate-related transactions or in the selling, brokering, or appraising of residential real property, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(7) To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor

children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing, and Military Affairs agreed to and third reading ordered.

Bill Committed

H. 162

House bill, entitled

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Grad of Moretown**, the bill was committed to the committee on Human Services.

Second Reading; Bill Amended; Third Reading Ordered

H. 351

Rep. Hill of Wolcott, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to workers' compensation, unemployment insurance

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Workers' Compensation * * *

Sec. 1. 21 V.S.A. § 711 is amended to read:

§ 711. WORKERS' COMPENSATION ADMINISTRATION FUND

(a) The Workers' Compensation Administration Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5 to be expended by the Commissioner for the administration of the workers' compensation and for costs of the occupational disease safety and health programs that are not funded by federal OSHA grants and matching State General Fund appropriations. The Fund shall consist of contributions from employers made at a rate of 1.4 percent of the direct calendar year premium for workers' compensation insurance, one percent of self-insured workers' compensation losses, and one percent of workers' compensation losses of corporations approved under this chapter. Disbursements from the Fund shall be on warrants drawn by the Commissioner of Finance and Management in anticipation of receipts authorized by this section.

* * *

* * * Short-Time Compensation Program * * *

Sec. 2. FINDINGS

The General Assembly finds:

(1) The Short-Time Compensation Program was enacted in 1986 to assist employers in avoiding layoffs by temporarily reducing the hours worked by some of their employees.

(2) The Program provides partial unemployment insurance benefits to the employees who are working reduced hours.

(3) In 2014, the General Assembly amended 21 V.S.A. § 1338a to change the formula by which partially unemployed individuals who are not covered by a short-time compensation plan are paid partial unemployment benefits. By changing a claimant's so-called "disregarded earnings" from 30 percent to 50 percent of the claimant's weekly wage, the amount of unemployment benefits available to a partially employed individual increased significantly.

(4) Because of the change in disregarded earnings, employers and employees both have less to gain from short-time compensation plans.

(5) The application and approval process for short-time compensation plans is an administrative burden for employers.

(6) Since 2014, only one employer in Vermont has established a Short-Time Compensation Program.

(7) Therefore, the General Assembly finds that 21 V.S.A. chapter 17, subchapter 3, which establishes the Short-Time Compensation Program, should be repealed.

Sec. 3. REPEAL

21 V.S.A. chapter 17, subchapter 3 is repealed.

* * * Self-Employment Assistance Program * * *

Sec. 4. 21 V.S.A. § 1340a is added to read:

§ 1340a. SELF-EMPLOYMENT ASSISTANCE PROGRAM

(a) As used in this section:

(1) “Full-time basis” means that the individual is devoting the necessary time as determined by the Commissioner to establish a business that will serve as a full-time occupation for that individual.

(2) “Regular benefits” shall have the same meaning as in subdivision 1421(5) of this title.

(3) “Self-employment assistance activities” means activities approved by the Commissioner in which an individual participates for the purpose of establishing a business and becoming self-employed, including entrepreneurial training, business counseling, and technical assistance.

(4) “Self-employment assistance allowance” means an allowance payable in lieu of regular benefits from the Unemployment Compensation Trust Fund to an individual who meets the requirements of this section.

(5) “Self-Employment Assistance Program” means the program under which an individual who meets the requirements of subsection (d) of this section is eligible to receive an allowance in lieu of regular benefits for the purpose of assisting that individual in establishing a business and becoming self-employed.

(b) The weekly amount of the self-employment assistance allowance payable to an individual shall be equal to the weekly benefit amount for regular benefits otherwise payable pursuant to this title.

(c) The maximum amount of the self-employment assistance allowance paid pursuant to this section shall not exceed the maximum amount of benefits

established pursuant to section 1340 of this title with respect to any benefit year.

(d)(1) An individual may receive a self-employment assistance allowance if that individual:

(A) is eligible to receive regular benefits or would be eligible to receive regular benefits except for the requirements described in subdivisions (2)(A) and (B) of this subsection (d);

(B) is identified by a worker profiling system as an individual likely to exhaust regular benefits;

(C) has received the approval of the Commissioner to participate in a program providing self-employment assistance activities;

(D) is engaged actively on a full-time basis in activities that may include training related to establishing a business and becoming self-employed; and

(E) has filed a weekly claim for the self-employment assistance allowance and provided the information the Commissioner requires.

(2) A self-employment allowance shall be payable to an individual at the same interval, on the same terms, and subject to the same conditions as regular benefits pursuant to this chapter, except:

(A) the requirements of section 1343 of this title, relating to availability for work, efforts to secure work, and refusal to accept work, are not applicable to the individual; and

(B)(i) the individual is not considered to be self-employed pursuant to subdivision 1301(24) of this title;

(ii) an individual who meets the requirements of this section shall be considered to be unemployed pursuant to section 1338 of this title; and

(iii) an individual who fails to participate in self-employment assistance activities or who fails to engage actively on a full-time basis in activities, including training, relating to the establishment of a business and becoming self-employed shall be disqualified from receiving an allowance for the week in which the failure occurs.

(e) The self-employment assistance allowance may be paid to up to 35 qualified individuals at any time.

(f)(1) The self-employment assistance allowance shall be charged to the Unemployment Compensation Trust Fund.

(2) In the event that the self-employment assistance allowance cannot be charged to the Unemployment Compensation Trust Fund pursuant to subdivision (1) of this subsection, the allowance shall be charged in accordance with section 1325 of this title.

(g) The Commissioner may approve a program upon determining that it will provide self-employment assistance activities to qualified individuals.

(h)(1) The Commissioner shall adopt rules to implement this section.

(2) The rules adopted pursuant to this subsection shall include a detailed explanation of how an individual may apply for and establish eligibility for the Self-Employment Assistance Program and any criteria that the Commissioner will consider in determining whether to approve a program.

(i) The Commissioner may suspend the Self-Employment Assistance Program with approval of the Secretary of Administration and notice to the House Committee on Commerce and Economic Development and the Senate Committee on Finance in the event that the Program presents unintended adverse consequences to the Unemployment Compensation Trust Fund.

Sec. 5. USE OF SELF EMPLOYMENT ASSISTANCE PROGRAM;

REPORT

On or before January 15, 2021, the Commissioner of Labor shall submit a written report to the House Committee on Commerce and the Senate Committee on Economic Development, Housing and General Affairs regarding the utilization of the Self Employment Assistance Program during the previous 18 months, including the number of applications received, programs approved, and programs completed, and any recommendations for legislative action to improve the utilization of the Self Employment Assistance Program. The Commissioner shall also present the report in person to both Committees.

* * * Unemployment Insurance * * *

Sec. 6. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all

base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(E) The individual was paid wages of \$1,000.00 or less by the employer during the individual's base period.

* * *

* * * Report on Unemployment Insurance for Small Employers * * *

Sec. 7. MITIGATING IMPACT OF EXPERIENCE RATING SYSTEM ON
SMALL BUSINESSES; REPORT

On or before January 15, 2020, the Commissioner of Labor shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding potential approaches to mitigate the impact of a single separation from employment on a small employer's unemployment insurance experience rating and contribution rate. The report shall specifically identify and describe provisions in other states' laws that reduce the impact of a single separation from employment on small employers' unemployment insurance experience ratings and contribution rates, and any resulting effect on the state's unemployment insurance trust fund. The report shall also identify any amendments to the Vermont Statutes Annotated that could reduce the impact of a single separation from employment on a small employer's unemployment insurance experience rating and contribution rate and, if possible, make a recommendation for legislative action to accomplish that goal.

* * * Ski Tramways * * *

Sec. 8. 31 V.S.A. § 707 is amended to read:

§ 707. REGISTRATION AND FEES

* * *

(e)(1) All fees collected under this section shall be credited to a special fund for the Department to be expended for carrying out its duties under this chapter and may also be expended as provided pursuant to subdivision (2) of this subsection.

(2) The Passenger Tramway Board may expend amounts that it determines to be appropriate from the special fund established pursuant to

subdivision (1) of this subsection for the purpose of contributing to ski lift mechanic education, job training, and apprenticeship programs.

* * *

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous workers’ compensation, unemployment insurance, and ski tramway amendments”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Action on Bill Postponed

H. 460

House bill, entitled

An act relating to sealing and expungement of criminal history records

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Colburn of Burlington**, action on the bill was postponed until March 21, 2019.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 523

Rep. Harrison of Chittenden spoke for the committee on Government Operations.

House bill entitled

An act relating to miscellaneous changes to the State’s retirement systems

Rep. Townsend of South Burlington for the committee on Appropriations recommended that the bill ought to pass when amended as follows:

In Sec. 4, Law Enforcement Retirement Benefits Study Committee, in subsection (e), by striking out “\$75,000.00” and inserting in lieu thereof “\$65,000.00”

Having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Appropriations agreed to and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 436

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to international wills

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Action on Bill Postponed

H. 97

House bill, entitled

An act relating to fiscal year 2019 budget adjustments

Was taken up and pending consideration of the Senate proposal of amendment to the House proposal of amendment to the Senate proposal of amendment, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until March 22, 2019.

Adjournment

At two o'clock and thirty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.