

# House Calendar

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Wednesday, April 7, 2021

92nd DAY OF THE BIENNIAL SESSION

House Convenes at 1:15 PM

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**ACTION CALENDAR**

**Third Reading**

**H. 157**

An act relating to registration of construction contractors

**Amendment to be offered by Rep. Shaw of Pittsford to H. 157**

Representative Shaw of Pittsford moves that the bill be amended in Sec. 3, 26 V.S.A. chapter 107, in section 5501, in subsection (b), following “plumbing,” by inserting “solar,”

**Amendment to be offered by Rep. Stevens of Waterbury to H. 157**

Representative Stevens of Waterbury moves that the bill be amended as follows:

First: In Sec. 3, 26 V.S.A. chapter 107, in section 5509, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down payment of up to one-half of the contract price or of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

Second: In Sec. 3, 26 V.S.A. chapter 107, in section 5510, by striking out subsection (a) in its entirety and inserting in lieu thereof new a subsection (a) to read:

(a) A person who does not register as required pursuant to this chapter may be subject to a civil penalty for unauthorized practice as provided in 3 V.S.A. § 127(b).

**S. 18**

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes

**Amendment to be offered by Rep. Donahue of Northfield to S. 18**

That the House proposal of Amendment be amended in Sec. 2, 28 V.S.A. § 818, in subsection (b), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) Offenders shall earn a reduction of seven days, or eight days if the sentence is being served in an out-of-state facility, in the minimum and maximum sentence for each month during which the offender:

(A) is not adjudicated of a major disciplinary rule violation; and

(B) is not reincarcerated from the community for a violation of release conditions, provided that an offender who loses a residence for a reason other than fault on the part of the offender shall not be deemed reincarcerated under this subdivision.

**Amendment to be offered by Rep. Savage of Swanton to S. 18**

That the House Proposal of Amendment be amended in Sec. 2, 28 V.S.A. § 818, in subsection (b), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, to offenders sentenced to serve an interrupted sentence, to offenders sentenced for an offense that resulted in death or serious bodily injury, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned good time program becomes effective. Notwithstanding this subdivision (1), when an offender has been convicted of a disqualifying offense, the offender's ability to participate and earn time in the program shall be determined pursuant to subdivision (5) of this subsection.

**Favorable**

**S. 60**

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

**Rep. Patt of Worcester**, for the Committee on Energy and Technology, recommends that the bill ought to pass in concurrence.

**(Committee Vote: 9-0-0)**

**(For text see Senate Journal March 19, 2021 )**

**NOTICE CALENDAR**  
**Favorable with Amendment**  
**H. 225**

An act relating to possession of a therapeutic dosage of buprenorphine

**Rep. Pugh of South Burlington**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INTENT

It is the intent of the General Assembly to decriminalize possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. Persons under 16 years of age in possession of 224 milligrams or less of buprenorphine would be subject to delinquency proceedings in the Family Division of the Superior Court. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be criminal and penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) A Except as provided by subdivision (B) of this subdivision (1), a person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

(B) A person knowingly and unlawfully possessing 224 milligrams or less of buprenorphine shall not be punished in accordance with subdivision (A) of this subdivision (1).

\* \* \*

(c) Possession of buprenorphine by a person under 21 years of age.

(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.

(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

**( Committee Vote: 11-0-0)**

#### **Information Notice**

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

**JFO #3040** - Two (2) limited service positions, both Financial Manager I, to ensure financial record compliance for the anticipated \$200 million in COVID-19 related public assistance awards to the VT Agency of Human Services from the Federal Emergency Management Agency. Positions will be funded through previously approved JFO grant #3015. *[Note: Grant #3015 is a public assistance grant to reimburse eligible costs borne by state, local and non-profit entities in the COVID-19 emergency response – further info can be found here: [https://lifo.vermont.gov/custom\\_reports/grants/default.html](https://lifo.vermont.gov/custom_reports/grants/default.html)] [JFO received 3/8/2021, expedited review requested on 3/9/2021]*

**JFO #3041** - \$100,000 to the VT Dept. of Fish and Wildlife from Ducks Unlimited to fund a 25-year stewardship of 136 acres in Addison County. The land was donated by Ducks Unlimited with the condition that the Department perform stewardship duties. The yearly projected cost in materials and staff time is \$4,000. *[JFO received 3/08/2021]*

**JFO #3042** - \$50,000 to the VT Judiciary from the State Justice Institute to secure consulting services of the National Center for State Courts to advise on the creation of an Access and Resource Center (ARC) which would serve self-represented parties and others looking for support navigating the justice process. *[Note: The budget materials include a \$5,000 Judiciary cash match and \$20,000 of in-kind match.] [JFO received 3/08/2021]*

**JFO #3043** - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This*

*program is replacing Equitable Services in ESSER II and III. Please see this [overview](#) of how the funds will be used by the AOE to support independent schools.][JFO received 4/5/2021]*

**JFO #3044** – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years. *[JFO received 4/05/2021]*