

# Journal of the House

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**Wednesday, January 19, 2022**

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

## **Devotional Exercises**

A moment of silence was observed in lieu of a devotion.

## **Message from the Senate No. 9**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 224.** An act relating to juvenile proceedings.

In the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the 18th day of January, 2022, he approved and signed bills originating in the Senate of the following titles:

**S. 222.** An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

**S. 223.** An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

## **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

### **H. 680**

By Rep. Graham of Williamstown,

House bill, entitled

An act relating to obtaining a marriage license in any town in Vermont

To the Committee on Government Operations.

**H. 681**

By Reps. Scheuermann of Stowe, Birong of Vergennes, and Wood of Waterbury,

House bill, entitled

An act relating to the definition of "cider"

To the Committee on General, Housing, and Military Affairs.

**H. 682**

By Reps. McCormack of Burlington and Cina of Burlington,

House bill, entitled

An act relating to municipal authority to limit the increase of rental rates

To the Committee on Government Operations.

**H. 683**

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to deducting municipal fire and rescue services from the taxes collected in unorganized towns and gores

To the Committee on Government Operations.

**H. 684**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to first- and third-class alcoholic beverage licenses for food trucks

To the Committee on General, Housing, and Military Affairs.

**H. 685**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to exceptions to Vermont's tied-house law

To the Committee on General, Housing, and Military Affairs.

**H. 686**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to parity in the manufacture and sale of alcoholic beverages

To the Committee on General, Housing, and Military Affairs.

**H. 687**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to including lower alcohol fortified wines in the definition of "vinous beverages"

To the Committee on General, Housing, and Military Affairs.

**H. 688**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to authorizing satellite tasting rooms for alcoholic beverage manufacturers

To the Committee on General, Housing, and Military Affairs.

**H. 689**

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to requiring municipalities to adopt local enforcement plans

To the Committee on Government Operations.

**H. 690**

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to amending the methods for notification of tax delinquency and tax sale proceedings

To the Committee on Ways and Means.

**H. 691**

By Reps. Birong of Vergennes, Hango of Berkshire, and Sibilia of Dover,

House bill, entitled

An act relating to establishing qualifications for the Adjutant and Inspector General

To the Committee on General, Housing, and Military Affairs.

**Senate Bill Referred**

**S. 224**

Senate bill, entitled

An act relating to juvenile proceedings

Was read the first time and referred to the Committee on Judiciary.

**Joint Resolution Adopted; Rules Suspended;  
Resolution Messaged to Senate Forthwith**

**J.R.H. 12**

Joint resolution amending the application of temporary Joint Rule 22A

Offered by: Representatives Long of Newfane and McCoy of Poultney

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Emergency Temporary Rule Regarding Joint Committee Meetings

~~(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule. A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.~~

~~(b) The authority of the Joint Rules Committee under this Rule 22A terminates on January 18, 2022~~ is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

~~(c) The remote authority set forth in this rule shall remain in effect through Tuesday, February 1, 2022.~~

~~(d) Notwithstanding the provisions of subsection (b) (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is again authorized to meet remotely and to permit any joint~~

committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was taken up and adopted on the part of the House.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the resolution was ordered messaged to the Senate forthwith.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 36**

By Senator Balint,

**J.R.S. 36.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 21, 2022, it be to meet again no later than Tuesday, January 25, 2022.

Was taken up, read, and adopted in concurrence.

**Senate Proposal of Amendment Concurred in  
With a Further Amendment Thereto**

**H. 157**

An act relating to registration of construction contractors

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. FINDINGS**

The General Assembly finds that:

(1) There is currently no master list of residential construction contractors operating in the State.

(2) There is no standard process for determining or adjudicating construction contract fraud complaints either on the part of contractors or consumers.

(3) Public authorities have no mechanism to contact all contractors when necessary to provide updates to public health requirements, safe working protocols, codes and standards, and available trainings and certifications.

(4) Wide dissemination of information on codes, standards, and trainings is vital to improving construction techniques throughout the State's construction industry. Since building thermal conditioning represents over one-quarter of the State's greenhouse gas emissions, improving energy

performance is a key strategy for meeting the requirements of the Global Warming Solutions Act, 2020 Acts and Resolves No. 153.

(5) While registration is not licensure and confers no assurance of competence, consumers have no way of knowing whether a contractor is operating legally or has been subject to civil claims or disciplinary actions.

(6) A noncommercial, standardized public listing will provide contractors an opportunity to include in their record optional third-party, State-sanctioned certifications.

Sec. 2. 3 V.S.A. § 122 is amended to read:

#### § 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office of Professional Regulation shall have a director who ~~shall be~~ is an exempt employee appointed by the Secretary of State ~~and shall be an exempt employee.~~ The following boards or professions are attached to the Office of Professional Regulation:

\* \* \*

#### (50) Residential Contractors

Sec. 3. 26 V.S.A. chapter 107 is added to read:

### CHAPTER 107. RESIDENTIAL CONTRACTORS

#### Subchapter 1. General Provisions

#### § 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$2,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, "residential construction" means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, solar, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

#### § 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work, as specified by rule.

#### § 5503. MANDATORY REGISTRATION AND VOLUNTARY CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance

and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

#### Subchapter 2. Administration

#### § 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with the advisors appointed pursuant to section 5506 of this title, shall adopt rules to implement this chapter.

#### § 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

#### § 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.



(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations

§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$2,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(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 cost of labor to the consumer, or one-half 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.

#### § 5510. PROHIBITIONS AND REMEDIES

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

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

#### Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 107:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 107 shall begin on April 1, 2022.

(2) The Secretary of State may begin receiving applications for the

initial registration term on December 1, 2021.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2021 and March 31, 2022 is \$25.00 and between April 1, 2022 and March 31, 2023, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2021 and March 31, 2022 is \$175.00 and between April 1, 2022 and March 31, 2023, the fee is \$200.00.

(4) Prior to April 1, 2023, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2022, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

(c) The Office of Professional Regulation shall adopt and publish model contract provisions to be available to residential contractors and consumers.

(d) The Office of Professional Regulation shall collaborate with the Department of Public Safety and interested stakeholders to prepare and disseminate information, which the Office shall provide upon registration or certification, that:

(1) notifies registrants and certificants that the authorized practice of certain professions is subject to regulation by the Department of Public Safety, including through the licensure, registration, or certification of persons performing certain plumbing and electrical work; and

(2) specifies that registration or certification with the Office of Professional Regulation does not authorize a registrant or certificant to perform any work that requires a separate licensure, registration, or certification from the Department of Public Safety.

#### **Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF PROFESSIONAL REGULATION; LICENSING**

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2022, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

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Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2023, the Office of Professional Regulation shall report to the House Committee on General, Housing and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 107, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

## Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

**Representative Troiano of Stannard** moved that the House concur in the Senate proposal of amendment with further amendment thereto as follows:

First: In Sec. 2, 3 V.S.A. § 122, by striking out “(50)” and inserting in lieu thereof “(51)”

Second: By striking out Secs. 3–7 in their entireties and inserting in lieu thereof new Secs. 3–7 to read as follows:

Sec. 3. 26 V.S.A. chapter 106 is added to read:

CHAPTER 106. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$3,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, “residential construction” means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, solar, electrical, water, or

wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

#### § 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or a tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

#### § 5503. MANDATORY REGISTRATION AND VOLUNTARY

##### CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

#### Subchapter 2. Administration

### § 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

### § 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$3,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(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 cost of labor to the consumer, or one-half 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.

#### § 5510. PROHIBITIONS AND REMEDIES

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

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking



revocation, suspension, or discipline against a registration issued under this chapter.

#### Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 106:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 106 shall begin on April 1, 2023.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2022.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2022 and March 31, 2023 is \$25.00 and between April 1, 2023 and March 31, 2024, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2022 and March 31, 2023 is \$175.00 and between April 1, 2023 and March 31, 2024, the fee is \$200.00.

(4) Prior to April 1, 2024, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2023, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

#### Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF PROFESSIONAL REGULATION; LICENSING

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2023, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

#### Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2024, the Office of Professional Regulation shall report to the House Committees on General, Housing, and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 106, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Pending the question, Shall the House concur in the Senate proposal of amendment with further amendment thereto?, **Rep. Higley of Lowell** moved to amend the House proposal of amendment to the Senate proposal of amendment offered by Rep. Troiano of Stannard as follows:

First: By striking out 26 V.S.A. § 5509 in its entirety and inserting in lieu thereof a new section 5509 to read:

#### § 5509. REQUIREMENTS OF REGISTRANTS

A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

Second: In 26 V.S.A. § 5510(c) by striking out subdivision (1) in its entirety and re-designating the remaining subdivisions to be numerically correct.

Which was disagreed to in a vote by division: Yeas, 46; Nays, 75.

**Rep. Long of Newfane** presiding.

**Rep. Krowinski of Burlington** presiding.

Thereupon, the House concurred in the Senate proposal of amendment with further amendment thereto as offered by Rep. Troiano of Stannard in a vote by division: Yeas, 82; Nays, 45.

**Bill Amended; Read Third Time; Bill Passed**

**H. 74**

House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill in Sec. 1, 9 V.S.A. chapter 98, in subdivision 3905(6), by striking out subdivision (C) in its entirety and inserting in lieu thereof a new subdivision (C) to read as follows:

(C)(i) If an owner has a reasonable belief that storage space contains the personal information of an occupant or clients, customers, or others with whom the occupant does business, the owner shall not hold a lien sale of the personal information and may destroy the personal information without liability to any person.

(ii) Before the purchaser takes possession of any personal property sold, an owner shall provide notice and shall require written acknowledgment from the purchaser that, if any of the contents contain personal information, the purchaser shall return the personal information to the owner, which the owner may destroy without liability to any person.

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

### **Bill Amended; Read Third Time; Bill Passed**

#### **H. 627**

House bill, entitled

An act relating to the Vermont Economic Development Authority

Was taken up and, pending third reading of the bill, **Reps. Wood of Waterbury, Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, McFaun of Barre Town, Noyes of Wolcott, Pajala of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Small of Winooski, and Whitman of Bennington** moved that the bill be amended in Sec. 1, in 10 V.S.A. chapter 12, in subdivision 212(6), by striking out subdivision (S) in its entirety and inserting in lieu thereof a new subdivision (S) to read:

(S) After consultation with and deference to the Vermont Housing Finance Agency on applications that are eligible for financing from both the Authority and the Agency, financing for one or more of the following types of long-term care facilities licensed by the State pursuant to 33 V.S.A. chapter 71 and other applicable law, and any independent living facility, as defined in 32 V.S.A. § 9202(18), associated with the licensed facility:

- (i) an assisted living residence;
  - (ii) a home for the terminally ill;
  - (iii) a nursing home;
  - (iv) a residential care home; and
  - (v) a therapeutic community residence.
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- (ii) a home for the terminally ill;
  - (iii) a nursing home;
  - (iv) a residential care home; and
  - (v) a therapeutic community residence.

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

#### **Adjournment**

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