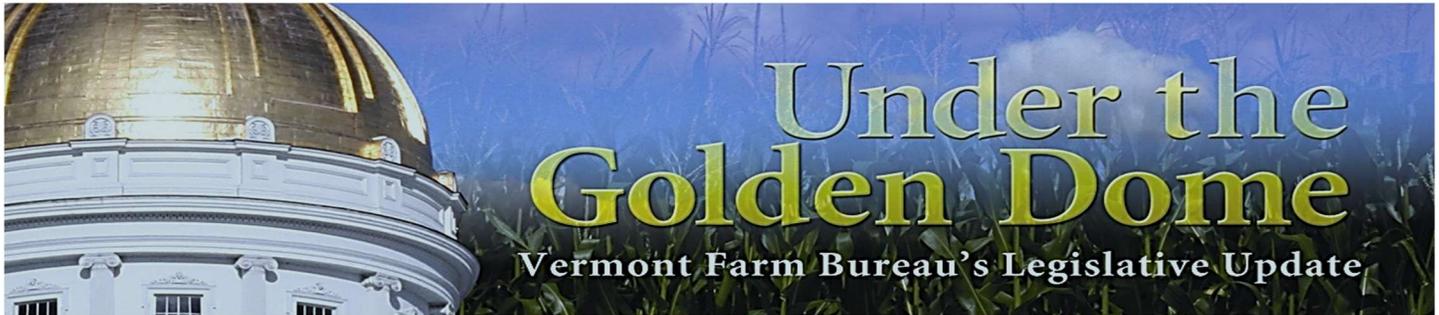


When you call the Sergeant-at-Arms: Please leave your name & phone number

Say, "I'd like to leave a message for ___," Leave a clear message, such as:

"I do **not** support..." **OR** I am asking for your vote on ___"

Please refer to a bill number or name whenever possible.



THIS IS FOR THE USE OF FARM BUREAU MEMBERS ONLY!!

FOR THE WEEK ENDING MARCH 11, 2022

In this week's edition: Right to Farm, Cannabis, Neonicotinoids/Treated Articles, Biodiversity, Ag Soil Mitigation/On Farm Accessory Business, Water Withdrawal, Current Use/Reserve Forestlands, Worksite/Broadband

RIGHT TO FARM – S.268 – TO BE CONTINUED

The Senate Judiciary Committee on Thursday could not reach consensus on moving the Right to Farm language out this week. Senator Baruth was a definite "no", and Senator Sears had concerns about water quality as well as implications on the outcome of the current lawsuit in Addison County courts. In the end, Chair Sears requested an amendment into the Judiciary miscellaneous bill that would require Legislative Council to monitor the court proceedings and return to the committee in 2023 with a report; at that time, S.268 or similar language may be re-introduced.

SMALL CANNABIS CULTIVATOR – S.188

Senate Finance passed S.188 out of committee in agreement with the final amendments made by Senate Agriculture and onto the Notice Calendar for floor discussion next week. This bill will not make growing cannabis a farming activity but will require growers to follow RAPs and can still be in Current Use. The definition of a small cultivator is already in statute and is listed as growing on 1000 square feet.

NEONICOTINOIDS LANGUAGE CHANGED – H.626

House Agriculture voted out new language under H.626, which now focuses on Treated

Articles. The bill requires VAAFMM to adopt by rule Best Management Practices relating to the sale, use, storage, or disposal of treated articles, the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health or is dangerous.

Section 2 requires VAAFMM to monitor managed pollinator health to establish pollinator health benchmarks for Vermont.

The rules for BMPs must be completed by July 1, 2024. A letter was received by AgriMark, asking that the date be extended to 2025 to give farmers time to comply with any new rules about using treated seeds, but the Committee agreed that if the Agency needed more time, they request an extension during the next session.

The Ag Innovation Board has not set a meeting as yet, but members include Earl Ransom, Nate Sands, Peter LaFlamme, Clara Ayer, Steven Schubart, Ryan Rebozo, Terry Bradshaw, Jonathan Chamberlain, Sarah Vose, Kanika Gandhi, and Roy Beckford, with Cary Giguere appointed by VAAFMM. There is still an open seat for a soil biologist.

Because there was a section requesting two positions in H.626 to assist with the AIB and following soil amendments – even though they will probably be transfers from within the Agency – the bill will go to House Appropriations for approval before heading to the floor.

BIODIVERSITY AND CONSERVATION – H.606

House Natural Resources voted 8-1-2 on H.606, with Rep. Leland Morgan the sole “no”. This will require a report next session to the committees on Senate and House Natural Resources, House Energy and Technology and House Agriculture and Forestry on how to plan and implement the conservation goals of the Vermont Conservation Design. ANR will take input from stakeholders, including private owners of agriculture and forest lands.

ON FARM ACCESSORY BUSINESS AND AG SOIL MITIGATION – H.704 AND H.610

The original language for On Farm Accessory Buildings in H.704 was changed significantly in House Agriculture and then combined with the request by VTrans for exemption from ag soil mitigation at state regional airports today. The request for a \$200,000 cap on accessory business gross income was removed and the land allowed for development was increased from ½ acre to one full acre. On clarification, the one acre would have to include driveways, septic, water and building. The bill also would allow water to be considered as a product produced on a farm; according to Chair Partridge, this had more to do with items such as maple seltzer or berry juices than whiskey or beer.

The committee was in agreement on this language, but on Thursday afternoon, a decision was made to combine H.704 with H.610, which faced significant pushback from several committee members. Staff from VTrans and VAAFM were asked to explain why the state was requesting an exemption from an Act 250 criteria that is required. VTrans replied there was a private developer interested in land at the Franklin Airport but the mitigation fees – estimated at \$200,000+ - might be damaging to the project. They – as well as Senator Corey Parent, a sponsor of similar language in the Senate – noted the economic development of the area, including jobs and taxes that could help Highgate. VAAFM testified they were neutral on the request but would really like to see the language in H.704 passed. Despite concerns from Representatives Pearl and Graham, the combined language was voted out 8-0. (In full disclosure, Representative Pearl intends to speak on the House floor about his concerns.)

However, H.704 was also discussed in House Natural Resources on Thursday afternoon and that committee had major concerns, particularly around the inclusion of “water” as an agricultural product. They also had questions about the subrogation of the Accessory on Farm Business to farming and how that would be determined. Similar language may be coming over in a Senate bill, which will allow more time for the House Natural Resources Committee to discuss.

It remains to be seen how this will play out, now that two bills have been combined.

WATER WITHDRAWAL – H.466

There has been no movement on scheduling this bill for testimony in Senate Natural Resources. It’s our understanding that Senator Bray, chair of SNR, was not planning on taking this up until after March 11. Please stand by and if you haven’t already sent in an email or phone call to any of the committee members asking to testify, make sure you are prepared to do so. Senator Bray’s email is cbray@leg.state.vt.us –

CURRENT USE AND RESERVE FORESTLAND – H.697

This language passed on a roll call vote of 99-40 in the House, sending it to the Senate Natural Resources Committee for further review. It calls for numerous reports by the Commissioner of Forests, Parks and Recreation over the next several years to develop standards and current enrollment of parcels of 25 acres or more and a complete listing of lands currently in Current Use and the implications of the change.

WORKSITE AND BROADBAND – S.166

Despite overwhelming support of this language in Senate Judiciary – which would allow

anyone who has been deemed injured by debris left by companies connecting to poles to file suit under the Consumer Protection Act – the discussion around how to resolve the issue became less clear in Senate Finance. Chair Cummings felt the bill needed more time and commented on letting it lie until next year. Members of the Communications Union District, ECFiber, testified with more ideas to resolve the problem, none of which made them responsible for ensuring insurance and cleanup on private property was accomplished.

Senator Brock pushed for an answer regarding the CUD's risk management protocols; a former member of ECFiber's board used the words "fly-by-night contractor" in reference to the subcontractor employed by Eustis Cable who committed the damage in Tunbridge.

S.166 is on the schedule on late Friday in Senate Finance; there is a possibility that it could be amended to another bill but that remains unclear.

Given the millions of dollars flowing in to this state for broadband, it is alarming that landowners have no notice of when any contractor or subcontractor is on your land, that there is literally no one watching whether they pick up after themselves or have insurance to cover their work, and that there is no responsibility going up the ladder (from subcontractors to CUDs) to ensure enforcement of contracts.

If you have a CUD in your area working on broadband and own property which "host" power lines, please make sure you contact the CUDs if you have concerns.

Next week should be a busy one on the floors of the House and Senate, as the bills that made crossover will be debated and voted on for the next step – moving to the other chamber.

If you have any questions, as always, please contact VT Farm Bureau at crkdbrks@aol.com.

From the team – Bridget, Michael (welcome back!!), Jill, Joe and Jackie

This weeks Under the Golden Dome is sponsored by the Dairy Farmers of America.

