

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 APRIL 22, 2022

In this week's edition: Right to Farm, Cannabis and Hemp, Reserved Forestland, Act 250, House and Senate Housekeeping bill changes, Water withdrawal, Budget, next steps

RIGHT TO FARM – S.258 HOUSEKEEPING

The House Agriculture Committee voted out this language with some final tweaks by House Corrections and Institutions as well as House Judiciary. The amendments include adding "reducing nitrogen runoff" to the equipment to be used to achieve the most significant or cost effective benefits (previously this only referenced phosphorous). There was also an addition to the Right to Farm listing, which now includes "the expansion of farming practices or agricultural activities on a farm, or the change or conversion of farming practices of agricultural activities to other farming practices of agricultural activities on a farm".

The definition of farming "as defined in 10 V.S.A. Section 6001" and "agricultural activities as defined in 6 V.S.A. Section 4802" are also cross-referenced in the bill and the rebuttable presumption remains, although the payment of legal fees is gone.

The Senate Agriculture Committee will very probably concur with the changes, avoiding the need for a Committee of Conference on the changes.

CANNABIS CULTIVATION – S.188

On a late minute request by the Vermont Agency of Agriculture, the "requirements for cannabis control testing of **hemp, hemp-infused products**, cannabis and cannabis products" will be moved to the Cannabis Control Board. The hemp program has been housed in VAAFM

but the House Agriculture Committee was asked to include the removal of the program from VAAFM. This includes testing for pesticides, solvents, heavy metals, mycotoxins, and bacterial and fungal contaminants in hemp and hemp-infused products as well as cannabis. Although cannabis is still not considered farming, small cultivators (less than 1000 square feet) who grows cannabis outdoors that is subject to the RAPs shall be able to continue enrollment in Current Use, to be exempt from tax on retail sales and not be regulated by municipal bylaws. The vote was 7-1-0, with Representative Vicki Strong voting no.

RESERVED FORESTLAND – H.697

Senate Natural Resources took testimony on H.697. The new category of managed forestland in the Program would not require forest crops to be actively grown or harvested. A Fiscal Note estimated a reduction in the Education Fund revenues by Approximately \$100,000 in FY24 and less than \$50,000 in General Fund revenues. In 10 years, it is estimated a \$1.5 million reduction in Education Fund revenues and \$600,000 from the General Fund annually.

There was concern about allowing large parcels to enroll in the Current Use Program. Commissioner Snyder will be asked how it was determined that if 30% of a parcel is Ecologically Significant Treatment Areas (ESTA) then the entire parcel would be eligible.

ACT 250 – S.234 DRAFT 5.1

The House Natural Resources Committee voted out this bill with a vote of 8-1-2 (Reps. Terenzini and Smith absent and Rep. L. Morgan voting no). There was a minor tweak to the language in the proposed Act 250 report; now it shall “include recommendations as to how to clarify what is and what is not an accessory on-farm business”. This bill will transition to location-based Act 250 jurisdiction to “encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity.”

The bill will now go to Ways and Means and then Appropriations.

HOUSE AGRICULTURE HOUSKEEPING BILL – H.709

This bill was amended by the Senate Agriculture Committee to include language regarding the Franklin County State Airport. Originally, language was proposed to exempt ALL state/regional airports from having to pay mitigation fees for developing prime ag soil as required in Act 250. The amendment as passed only exempts the Franklin County State Airport in Highgate. The amended bill passed out of committee 4-0-1.

REGULATION OF STREAM FLOW – H.466

The Senate Agriculture Committee was given possession of this language, which had not been vetted by the agricultural community in House Natural Resources and given minimal discussion by farmers in Senate Natural Resources.

Many thanks to Justin Rich, VTFB member and vice-president of the VT Vegetable and Berry Growers Association as well as Sam Lincoln, former deputy-commissioner of Forest, Parks and Recreation, for their invaluable input on the development of this language. The 2.1 draft we reviewed in Senate Agriculture today will be offered as a strike-all to the original language and includes the exclusion of constructed off-stream farm ponds or other off-stream impoundments used for irrigation or watering of livestock.

Furthermore, 10 V.S.A. Section 4927 changes the requirements for surface water withdrawals for irrigation or livestock watering. Beginning on 1/15/23 and annually thereafter, any person who withdrew 10,000 gallons or more of surface water within a 24-hour period in the preceding calendar year or 150,000 gallons over any 30-day period shall notify the Secretary of Agriculture the withdrawal, the location of the withdrawal and a description of the use or uses of the water.

Anyone withdrawing more than 50,000 gallons of water in 24 hours or 1.5 million gallons over any 30 day period in one calendar year shall report to the Secretary of Agriculture, including an estimate of the total amount, the daily maximum withdrawal every month, the date of the daily maximum withdrawal and any other information required by VAAF. M.

This data will be shared with the Secretary of ANR so that a complete report of all water withdrawal uses in the state (ski, golf, municipal waterworks, etc.) can be provided to the Legislature.

This amendment removes the requirement to use meters and the language referencing permitting. It also removes the ANR rulemaking authority for this section.

During discussion today, there was concern this was not focused on agriculture by definition and could possibly exclude nurseries, greenhouses and silviculture (both tree growing and saturation of logs in logyards). These issues will be addressed with another draft available on Tuesday; VTFB as well as Mr. Lincoln and Mr. Rich and others have been invited to return to comment on a possible final bill.

Although Senate morning committees will not meet after today, Chair Starr has asked for and received permission to continue the discussion on H.466 next week and our industries are

very grateful for his continued advocacy on our behalf – many thanks to Committee members, too.

PLEASE NOTE!! When this bill is voted out of Senate Agriculture and appears on the Senate calendar for discussion, we will be sending out an Action Alert to our members. We need to keep the pressure on the Senate to pass this language, as we know some environmental groups will not be favorable to the new offering. Many thanks to all our VTFB members who took the time to call or email their Senators about this language. We've heard from many legislators who heard from farmers, some of whom noting it was the first time they had heard about the challenges in H466.

BIG BUDGET BILL PASSES SENATE – ON TO CONFERENCE COMMITTEE

There are significant differences between the House and the Senate versions of the State Budget as well as between the Legislature and the Administration. Governor Scott has said he is not happy with the way dollars have been allocated and it remains to be seen whether he will veto the bill which would result in calling the Legislature back for an attempt to over-ride the veto.

We are happy to report that a request by the Fairs Association for a \$90,000 addition to the FY23 stipend through the House and Senate Agriculture Committees is included in the budget. Hopefully, that amount will be left intact when negotiations begin!

As noted, Senate morning committees are not meeting after today unless they have significant unfinished business that has been approved by the Senate Pro Tem. House Committees may continue to meet, but Chair Partridge of House Agriculture noted all but one of their bills has been moved and it will be a slow next week for them.

President Tisbert has requested a white page of each bill we have been following after the session ends, and we will work to get those out to members through the Golden Dome. These reports will also include questions you can ask candidates during the busy election season that will begin with the fall of the gavel in the Statehouse!

From the team – Jackie, Bridget, Jill, Michael and Joe