

# House Calendar

Thursday, May 05, 2016

122nd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Senate Proposal of Amendment**

**H. 95**

**An act relating to jurisdiction over delinquency proceedings by the  
Family Division of the Superior Court**

**Senate proposal of amendment to House proposal of amendment to Senate  
proposal of amendment**

The Senate concurs in the House proposal of amendment to the Senate proposal of amendment with the following proposal of amendment thereto:

By striking out Secs. 37-89 in their entirety and inserting in lieu thereof the following:

Sec. 37. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

\* \* \*

(84) "Serious bodily injury" has the meaning set forth in 13 V.S.A. § 1021.

Sec. 38. 23 V.S.A. § 1091 is amended to read:

§ 1091. NEGLIGENT OPERATION; GROSSLY NEGLIGENT  
OPERATION

(a) Negligent operation.

(1) A person who operates a motor vehicle on a public highway in a negligent manner shall be guilty of negligent operation.

(2) The standard for a conviction for negligent operation in violation of this subsection shall be ordinary negligence, examining whether the person breached a duty to exercise ordinary care.

(3) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the person has been previously convicted of a violation of this subsection, the person shall be imprisoned not more than two years or fined not more than \$3,000.00, or both.

If serious bodily injury to or death of any person other than the operator results, the operator shall be subject to imprisonment for not more than two years or to a fine of not more than \$3,000.00, or both. If serious bodily injury or death results to more than one person other than the operator, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(b) Grossly negligent operation.

(1) A person who operates a motor vehicle on a public highway in a grossly negligent manner shall be guilty of grossly negligent operation.

(2) The standard for a conviction for grossly negligent operation in violation of this subsection shall be gross negligence, examining whether the person engaged in conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation.

(3) A person who violates this subsection shall be imprisoned not more than two years or fined not more than \$5,000.00, or both. If the person has previously been convicted of a violation of this section, the person shall be imprisoned not more than four years or fined not more than \$10,000.00, or both. ~~If serious bodily injury as defined in 13 V.S.A. § 1021 to~~ or death of any person other than the operator results, the ~~person~~ operator shall be imprisoned for not more than 15 years or fined not more than \$15,000.00, or both. If serious bodily injury or death results to more than one person other than the operator, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(c) The provisions of this section do not limit or restrict the prosecution for manslaughter.

\* \* \*

#### Sec. 39. EFFECTIVE DATES

(a) Secs. 9 (commencement of delinquency proceedings), 10 (transfer from other courts), and 11 (transfer from Family Division of the Superior Court) shall take effect on January 1, 2017.

(b) Sec. 16 (powers and responsibilities of the Commissioner regarding juvenile services) shall take effect on July 1, 2017.

(b) Secs. 6 (Jurisdiction), 7 (commencement of delinquency proceedings), and 8 (transfer from other courts) shall take effect on January 1, 2018.

(c) Secs. 1 (commencement of youthful offender proceedings in the Family Division), 2 (motion in Criminal Division of Superior Court), 3 (report from the Department), 4 (hearing in Family Division), and 5 (youthful offender determination and disposition order) shall take effect on July 1, 2018.

(d) This section and the remaining sections shall take effect on July 1, 2016.

**(For House Proposal of Amendment see House Journal April 29, 2016)**

## **NOTICE CALENDAR**

### **Favorable**

#### **S. 40**

An act relating to the creation of a Vulnerable Adult Fatality Review Team

**Rep. Haas of Rochester**, for the Committee on **Human Services**, recommends that the bill ought to pass in concurrence.

**(Committee Vote: 10-0-1)**

**(For text see Senate Journal March 10, 11, 2016 )**

### **Senate Proposal of Amendment**

#### **H. 533**

An act relating to victim notification

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 4 in its entirety and inserting in lieu thereof the following:

Sec. 4. 24 V.S.A. § 1943 is added to read:

#### § 1943. ANIMAL CRUELTY INVESTIGATION ADVISORY BOARD

(a) An Animal Cruelty Investigation Advisory Board is created within the Department of Public Safety to advise the Governor, the General Assembly, and the Commissioner of Public Safety on issues involving the cooperation and coordination of all agencies that exercise animal welfare responsibilities. The Governor shall appoint the following to serve on the Board:

- (1) the Commissioner of Public Safety or designee;
- (2) the Executive Director of State's Attorneys and Sheriffs or designee;
- (3) the Secretary of Agriculture, Food and Markets or designee;
- (4) the Commissioner of Fish and Wildlife or designee;
- (5) two members to represent the interests of organizations dedicated to promoting the welfare of animals;
- (6) three members to represent the interests of law enforcement;
- (7) a member to represent the interests of humane officers working with companion animals;

(8) a member to represent the interests of humane officers working with large animals (livestock);

(9) a member to represent the interests of dog breeders and associated groups;

(10) a member to represent the interests of veterinarians;

(11) a member to represent the interests of the Criminal Justice Training Council;

(12) a member to represent the interests of sportsmen and women; and

(13) a member to represent the interests of town health officers.

(b) The Board shall elect a chair and a vice chair which shall rotate among the various member representatives. Each member shall serve a term of two years. The Board shall meet at the call of the Chair. A quorum shall consist of eight members, and decisions of the Board shall require the approval of a majority of those members present and voting.

(c) The Board shall have the following duties:

(1) undertake an ongoing formal review process of animal cruelty investigations and practices with a goal of developing a systematic, collaborative approach to providing the best services to Vermont's animals, given monies available;

(2) work with the Department of Public Safety to study the feasibility of designating one law enforcement agency to receive, dispatch, and document the outcome of animal cruelty complaints, and with the assistance of the Vermont Sheriffs' Association, develop a uniform response protocol for assigning complaints to the appropriate local law enforcement agencies;

(3) ensure that investigations of serious animal cruelty complaints are systematic and documented, develop written standard operating procedures and checklists to support the objective investigation of cruelty complaints that include objective measures of both environmental and clinical evidence of cruelty;

(4) ensure that requests for voluntary compliance are made in writing, with clear requests and timelines, and include a timeline for the investigator to perform a follow-up visit to confirm actions taken;

(5) develop a guide for animal cruelty prosecution, including a review of current sentencing recommendations for State's Attorneys;

(6) research the feasibility of developing and implementing an animal cruelty prevention and education program for offenders to be used as a part of offenders' sentencing;



(7) explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses;

(8) develop trainings, protocols, procedures, and guidance documents for agencies engaging in animal welfare responsibilities;

(9) develop an animal cruelty investigation certification program for humane officers in accordance with 13 V.S.A. § 356, and provide a means by which a person who has been actively engaged in this State as a humane officer conducting animal cruelty investigations for at least five years preceding July 1, 2016 shall be eligible for certification without completion of the certification program requirements;

(10) develop recommendations for providing liability protection and reducing uncompensated costs to animal shelters and animal welfare groups that assist law enforcement authorities in animal cruelty investigations;

(11) explore changing the annual deadline for dog licensure under 20 V.S.A. § 3582 to align better with the time of year dogs require annual veterinary care; and

(12) determine what should appropriately constitute an enforcement action triggering the obligation of the Agency of Agriculture, Food and Markets to assist law enforcement pursuant to 13 V.S.A. § 354(a).

(d) The Board shall meet no fewer than six times a year to undertake its duties as outlined in subsection (a) of this section. The Board shall present its findings and recommendations in brief summary to the House and Senate Committees on Judiciary annually on or before January 15.

Sec. 5. 20 V.S.A. § 2365b is added to read:

§ 2365b. ANIMAL CRUELTY RESPONSE TRAINING

As part of basic training in order to become certified as a Level Two and Level Three law enforcement officer, a person shall receive a two-hour training module on animal cruelty investigations as approved by the Vermont Criminal Justice Training Council and the Animal Cruelty Investigation Advisory Board.

Sec. 6. 13 V.S.A. § 356 is added to read:

§ 356. HUMANE OFFICER REQUIRED TRAINING

All humane officers, as defined in subdivision 351(4) of this title shall complete a certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board.

Sec. 7. 13 V.S.A. § 354 is amended to read:

§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;

## SEARCHES AND SEIZURES; FORFEITURE

(a) The Secretary of Agriculture, Food and Markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock and poultry. Law enforcement may consult with the Secretary in person or by electronic means, and the Secretary shall assist law enforcement in determining whether the practice, or animal condition, or both represent acceptable livestock or poultry husbandry practices.

\* \* \*

## Sec. 8. DEPARTMENT OF CORRECTIONS; ANIMAL CARE PILOT PROGRAM

The Commissioner of Corrections shall implement a pilot program in at least one correctional facility that would permit qualified inmates to provide temporary care, on-site, for animals on a weekly or more frequent basis. The program shall be established on or before January 1, 2017, and the Commissioner shall report on this program, with recommendations as to whether it could be expanded to care for animals that have been seized or relinquished in cruelty or neglect investigations, to the Joint Committee on Justice Oversight on or before November 1, 2017.

Sec. 9. 20 V.S.A. § 1932 is amended to read:

### § 1932. DEFINITIONS

As used in this subchapter:

\* \* \*

(12) “Designated crime” means any of the following offenses:

(A) a felony;

(B) 13 V.S.A. § 1042 (domestic assault);

(C) any crime for which a person is required to register as a sex offender pursuant to 13 V.S.A. chapter 167, subchapter 3 ~~of chapter 167 of Title 13;~~

(D) a misdemeanor for which a person is sentenced to and serves a period of incarceration of at least 30 days;

(E) an attempt to commit any offense listed in this subdivision; or

~~(F)~~(F) any other offense, if, as part of a plea agreement in an action in which the original charge was a crime listed in this subdivision and probable cause was found by the court, there is a requirement that the defendant submit a DNA sample to the DNA data bank.

## Sec. 9a. VERMONT ROUTE 105 BRIDGE NAMING

Bridge #64 on Vermont Route 105 in the town of Derby shall be named the “Kermit A. Smith Memorial Bridge.” In fiscal year 2017, the Agency of Transportation shall place a commemorative plaque or erect a sign on or near the bridge to reflect its naming. This plaque or sign shall conform to the Federal Highway Administration’s Manual on Uniform Traffic Control Devices.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

And that after passage the title of the bill be amended to read:

An act relating to victims’ rights and animal welfare

(For text see House Journal February 11, 2016 )

**H. 857**

An act relating to timber harvesting

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

\* \* \* General Policy and Enforcement Provisions \* \* \*

Sec. 1. 10 V.S.A. § 2600 is added to read:

§ 2600. FINDINGS

The General Assembly finds that:

(1) Private and public forestlands:

(A) constitute unique and irreplaceable resources, benefits, and values of statewide importance;

(B) contribute to the protection and conservation of wildlife habitat, air, water, and soil resources of the State;

(C) mitigate the effects of climate change; and

(D) benefit the general health and welfare of the people of the State.

(2) The forest products industry, including maple sap collection:

(A) is a major contributor to and is valuable to the State’s economy by providing jobs to its citizens;

(B) is essential to the manufacture of forest products that are used and enjoyed by the people of the State; and

(C) benefits the general welfare of the people of the State.

(3) Private and public forestlands are critical for and contribute significantly to the State's outdoor recreation and tourism economies.

(4) Forestry operations are adversely affected by the encroachment of urban, commercial, and residential land uses throughout the State that result in forest fragmentation and conversion and erode the health and sustainability of remaining forests.

(5) As a result of encroachment on forests, conflicts have arisen between traditional forestry land uses, and urban, commercial, and residential land uses convert forestland permanently to other uses, resulting in an adverse impact to the economy and natural environment of the State.

(6) The encouragement, development, improvement, and preservation of forestry operations will result in a general benefit to the health and welfare of the people of the State and the State's economy.

(7) The forest products industry, in order to survive, likely will need to change, adopt new technologies, and diversify into new products.

Sec. 2. 10 V.S.A. § 2601 is amended to read:

§ 2601. POLICY AND PURPOSES

(a) The conservation of the forests, timberlands, woodlands, and soil and recreational resources of the ~~state~~ State are hereby declared to be in the public interest. It is the policy of the ~~state~~ State to encourage economic management of its forests and woodlands, to sustain long-term forest health, integrity, and productivity, to maintain, conserve, and improve its soil resources, and to control forest pests to the end that forest benefits, including maple sugar production, are preserved for its people, floods and soil erosion are alleviated, hazards of forest fires are lessened, its natural beauty is preserved, its wildlife is protected, the development of its recreational interests is encouraged, the fertility and productivity of its soil are maintained, the impairment of its dams and reservoirs is prevented, its tax base is protected, and the health, safety, and general welfare of its people are sustained and promoted.

(b) The ~~department~~ Department shall implement the policies of this chapter by assisting ~~forest land~~ forestland owners and lumber operators in the cutting and marketing of forest growth, encouraging cooperation between forest owners, lumber operators, and the ~~state~~ State of Vermont in the practice of conservation and management of ~~forest lands~~ forestlands, managing, promoting, and protecting the multiple use of publicly owned forest and park lands; planning, constructing, developing, operating, and maintaining the system of ~~state~~ State parks; determining the necessity of repairs and replacements to all ~~department-owned~~ Department-owned buildings and causing urgent repairs and replacements to be accomplished, with the approval

of the ~~secretary of administration~~ Secretary of Administration, if within the limits of specific appropriations or if approved by the ~~emergency board~~ Emergency Board; and providing advice and assistance to municipalities, other political subdivisions, ~~state~~ State departments and nongovernmental organizations in the development of wholesome and adequate community or institutional recreation programs.

(c) The Commissioner shall implement the policy established under this section when constructing the provisions of this chapter related to the management of forestlands and the construction of chapters 85 and 87 of this title.

Sec. 3. 10 V.S.A. § 2602 is amended to read:

§ 2602. DEFINITIONS

As used in this chapter:

(1) “Agency” means the ~~agency of natural resources~~ Agency of Natural Resources as created by 3 V.S.A. chapter 51 of Title 3.

(2) “Department” means the ~~department of forests, parks and recreation~~ Department of Forests, Parks and Recreation within the ~~agency of natural resources~~; Agency of Natural Resources.

(3) “Commissioner” means the ~~commissioner of the department of forests, parks and recreation~~; Commissioner of Forests, Parks and Recreation.

(4) “Secretary” means the ~~secretary of the agency of natural resources~~ Secretary of Natural Resources.

(5) “Forest product” mean logs; pulpwood; veneer; bolt wood; wood chips; stud wood; poles; pilings; biomass; fuel wood; maple sap; or bark.

(6) “Forestry operation” means activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. “Forestry operation” includes the primary processing of forest products of commercial value on a parcel where the timber harvest occurs.

(7) “Timber” means trees, saplings, seedlings, bushes, shrubs, and sprouts from which trees may grow, of every size, nature, kind, and description.

(8) “Timber harvest” means a forestry operation involving the harvest of timber.

Sec. 4. 10 V.S.A. § 2608 is amended to read:

§ 2608. ENFORCEMENT; PENALTIES; LIABILITY

~~(a) Enforcement of the provisions of this chapter or any regulations or proclamations promulgated~~ rules adopted hereunder shall be in accordance with the provisions of ~~3 V.S.A. § 2822(e)~~ chapter 201 or 211 of this title.

~~(b) A person who violates any provision of this chapter or regulations or proclamations promulgated hereunder, or neglects or refuses to assist a fire warden when called upon to do so as provided in section 2644 of this title, shall be imprisoned not more than 30 days or fined not more than \$ 50.00, or both. Such person shall be liable for all damages resulting from a violation to be recovered in a civil action under this statute by the person injured.~~

Sec. 5. DEPARTMENT OF FORESTS, PARKS AND RECREATION  
HARVEST NOTIFICATION REPORT

On or before December 15, 2016, the Commissioner of Forests, Parks and Recreation (Commissioner) shall submit to the House Committees on Natural Resources and Energy, on Agriculture and Forest Products, and on Appropriations and the Senate Committees on Natural Resources and Energy and on Appropriations a report recommending implementation in the State of a harvest notification program. The report shall:

(1) Recommend how a harvest notification program would be structured and implemented under which a landowner or timber harvester notifies the Department of Forests, Parks and Recreation of the commencement of a timber harvest. The recommendation should address:

(A) how a harvest notification would be provided to the State;

(B) who should provide notice of a harvest;

(C) when a harvest notification should be provided, including the harvest threshold for notice and any exemptions to notification;

(D) how a harvest notification should be provided to the Commissioner; and

(E) any additional elements necessary to implement the recommended harvest notification program.

(2) Summarize the environmental and economic benefits to the State of the recommended harvest notification program, including whether the recommended harvest notification program would increase compliance with the Acceptable Management Practice for Maintaining Water Quality on Logging Jobs in Vermont.

(3) Estimate the staff and additional funding needed to implement the recommended harvest notification program.

(4) Propose how implementation of the recommended harvest notification program would be funded.

(5) Propose draft legislation to implement the recommended harvest notification program.

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

\* \* \* Maple Sugar Production on State Lands \* \* \*

Sec. 9. 10 V.S.A. § 2606b is amended to read:

§ 2606b. LICENSE OF ~~FOREST LANDS~~ FORESTLANDS FOR MAPLE SUGAR PRODUCTION

(a) The ~~general assembly~~ General Assembly finds and declares that:

(1) Maple sugaring is an important cultural tradition of Vermont life that should be maintained and encouraged.

(2) Maple sugaring is an important component of the agricultural and forest products economy in Vermont and is increasingly necessary for farmers that must diversify in order to continue to farm in Vermont.

(3) Maple sugaring is a sustainable use of ~~forest land~~ forestland.

(4) State ~~forest land~~ forestland should be managed and used for multiple uses, including maple sugar production.

(b) It is hereby adopted as ~~state~~ State policy to permit limited use of designated ~~state-owned~~ State-owned land under the jurisdiction of the ~~department~~ Department for maple sugar production.

(c) ~~Beginning on July 1, 2009, pursuant~~ Pursuant to guidelines developed jointly by the ~~department of forests, parks and recreation and the Vermont maple sugar makers' association~~ Department of Forests, Parks and Recreation, in consultation with the Vermont Maple Sugar Makers' Association, the ~~department shall~~ Department may issue licenses for the use of ~~state forest land~~ State forestland for the tapping of maple trees, the collection of maple sap, and the transportation of such sap to a processing site located off ~~state forest land~~ State forestland or to sites located on ~~state forest land~~ State forestland if approved by the ~~commissioner~~ Commissioner. All tapping of maple trees authorized under a license shall be conducted according to the guidelines for tapping maple trees ~~agreed to~~ established by the ~~department and the Vermont~~

~~maple sugar makers' association~~ Department of Forests, Parks and Recreation,  
in consultation with the Vermont Maple Sugar Makers' Association. Each  
person awarded a license under this section shall maintain and repair any road,  
water crossing, or work area according to requirements set by the ~~department~~  
Department in the license. Each license shall include such additional terms  
and conditions set by the ~~department~~ Department as may be necessary to  
preserve forest health and to assure compliance with the requirements of this  
chapter and applicable rules. A license shall be issued for a fixed term not to  
exceed five years and shall be renewable for two five-year terms subsequent to  
the initial license. Subsequent renewals shall be allowed where agreed upon  
by the ~~department~~ Department and the licensee. The ~~department~~ Department  
shall have power to terminate or modify a license for cause, including damage  
to forest health.

\* \* \*

(f) ~~There shall be an annual license fee~~ A per tap license charge shall be  
~~imposed based on the number of taps installed in the license area. The per tap~~  
~~fee for a license issued under this section shall be one quarter of the average of~~  
~~the per pound price of Vermont fancy grade syrup and the per pound price of~~  
~~Vermont commercial grade syrup as those prices are set on May 1 of each~~  
~~year. The fee set each May 1 shall apply to licenses issued by the department~~  
~~for the succeeding period beginning June 1 and ending May 31. The~~  
~~Commissioner shall establish this per tap license charge at a reasonable rate~~  
~~that reflects current market rates. Fees~~ Charges ~~collected under this section~~  
~~shall be deposited in the forest parks revolving fund~~ Lands and Facilities Trust  
Fund ~~established under section 2609 of this title and shall be used by the~~  
~~department to implement the license program established by this section~~  
3 V.S.A. § 2807.

(g) ~~On or before January 15, 2010, the commissioner of forests, parks and~~  
~~recreation shall submit to the senate and house committees on natural resources~~  
~~and energy and the senate and house committees on agriculture a report~~  
~~regarding the implementation of the requirements of this section. The report~~  
~~shall include:~~

(1) ~~A copy of the guidelines required by this section for issuing licenses~~  
~~for the use of state forest land for maple sap collection and production.~~

(2) ~~A summary of the process used to identify parcels of state forest land~~  
~~suitable for licensing for maple sap collection and production and the process~~  
~~by which the department allocated licenses.~~

(3) ~~A summary of the licenses issued for maple sap collection and~~  
~~production on state forest land.~~



~~(4) An estimate of the fees collected for licenses issued under this section.~~

~~(5) A copy of any rules adopted by or proposed for adoption by the commissioner to implement the requirements of this section. [Repealed.]~~

\* \* \* Working Group on Intergenerational Transfer of Forestland \* \* \*

Sec. 10. DEPARTMENT OF FORESTS, PARKS AND RECREATION;  
WORKING GROUP ON INTERGENERATIONAL TRANSFER OF  
FORESTLAND

(a) On or before August 1, 2016, the Commissioner of Forests, Parks and Recreation shall establish a working group of interested parties to develop recommendations for a statewide program to improve the capacity of providing successional planning technical assistance to forestland owners in Vermont. The working group shall:

(1) develop recommended priorities for succession planning for forestland owners;

(2) develop strategies for improving conservation investments or incentives that facilitate the intergenerational transfers of intact forestland;

(3) develop other strategies for lessening the impact of estate taxes or other pressures that could lead to the breaking up and subdivision of intact forest parcels;

(4) develop recommended legislative changes that may be needed to implement its recommendations and strategies; and

(5) identify fiscal issues related to its recommendations.

(b) On or before December 15, 2016, the Commissioner shall submit a report to the House Committees on Natural Resources and Energy and on Ways and Means and the Senate Committees on Natural Resources and Energy and Finance that shall include the working group's findings and any recommendations for legislative action.

\* \* \* Forest Fire Wardens; Fire Suppression; Open Burning \* \* \*

Sec. 11. 10 V.S.A. chapter 83, subchapter 4 is amended to read:

Subchapter 4. Forest Fires and Fire Prevention

§ 2641. TOWN FOREST FIRE WARDENS; APPOINTMENT AND  
REMOVAL

(a) Upon approval by the ~~select board~~ selectboard and acceptance by the appointee, the ~~commissioner~~ Commissioner shall appoint a town forest fire warden for a term of five years or until a successor is appointed. A town forest

fire warden may be reappointed for successive five-year terms by the Commissioner or until a successor is approved by the selectboard and appointed by the Commissioner. The warden may be removed for cause at any time by the ~~commissioner~~ Commissioner with the approval of the ~~select board~~ selectboard. A warden shall comply with training requirements established by the ~~commissioner by rule~~ Commissioner.

(b) The ~~commissioner~~ Commissioner may appoint a forest fire warden for an unorganized town or gore, who shall ~~hold office until he or she resigns or is removed for cause~~ serve for a term of five years or until a successor is appointed. An appointed forest fire warden for an unorganized town or gore may be reappointed for successive five-year terms by the Commissioner until the Commissioner appoints and the unorganized town or gore approves a successor. The warden may be removed for cause at any time by the Commissioner with the approval of the unorganized town or gore. The forest fire warden of an unorganized town or gore shall have the same powers and duties as town forest fire wardens and shall be subject to the requirements of this subchapter.

(c) When there are woodlands within the limits of a city ~~or incorporated village~~, the chief of the fire department of such city ~~or village~~ shall act as the city or village forest fire warden with all the powers and duties of town forest fire wardens.

(d) When the ~~commissioner~~ Commissioner deems it difficult in any municipality for one warden to take charge of protecting the entire municipality from forest fires, he or she may appoint one or more deputy forest fire wardens. Such wardens under the direction of the fire warden shall have the same powers, duties, and pay and make the same reports through the fire warden to the ~~commissioner~~ Commissioner as forest fire wardens.

(e) The ~~commissioner~~ Commissioner may appoint special forest fire wardens who shall hold office during the pleasure of the ~~commissioner~~ Commissioner. Such fire wardens shall have the same powers and duties throughout the ~~state~~ State as town forest fire wardens, except that all expenses and charges incurred on account of their official acts shall be paid from the appropriations for the ~~department~~ Department.

#### § 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE WARDENS

(a) The salary of a town forest fire warden shall be determined by the selectboard members for time spent in the performance of the duties of his or her office, which shall be paid by the town. ~~He or she shall also receive from the town the sum of \$0.15 for each fire permit issued.~~ In addition thereto, he or she shall receive from the ~~commissioner~~ Commissioner ~~\$20.00~~ \$30.00

~~annually for properly making out and submitting reports of fires in his or her district fulfilling the requirements of section 2645 of this title and keeping the required state State records. He or she shall also receive from the commissioner \$15.00 Commissioner \$30.00 per diem for attendance at each training meeting called required by the commissioner Commissioner. He or she shall also receive annually an amount of \$10.00 for each fire report that is submitted by the forest fire warden under section 2644 of this title.~~

~~(b) The pay of a warden of an unorganized town or gore and his or her assistants, including patrolmen, and all expenses incurred by him or her in extinguishing forest fires, as provided for by the Commissioner, including employment of a person to assist him or her, on the approval of the Commissioner, shall be paid by the State from the monies annually available from taxes in the unorganized town and gore, and the Commissioner of Finance and Management shall issue his or her warrant therefor. [Repealed.]~~

~~(c) A person employed by a warden to assist him or her in extinguishing a forest fire as authorized under section 2644 of this title, shall be paid at the same rate per hour as is paid for labor upon highways. A minimum of two hours' pay for the first hour or any portion thereof shall be allowed persons who are officially summoned to assist in the extinguishment of forest fires. When a warden employs men or women in extinguishing a fire in a municipality adjoining his or her own, the expense incurred shall be paid by the municipality in which the work was done at the rate of pay prevailing in the municipality where the laborers reside. A municipality wherein such warden resides shall forthwith pay the warden and assistants for their services, and the municipality may recover the expense thereof in a civil action on this statute from the municipality where the work was done. [Repealed.]~~

§ 2643. TOWN'S LIABILITY FOR EXTINGUISHING SUPPRESSION OF FOREST FIRES; STATE AID

~~(a) For the purpose of extinguishing forest fires, a town shall not be held liable in any one year for an amount greater than ten percent of its grand list. A municipality in which a forest fire occurs shall pay the cost to suppress a forest fire that occurs on land that is not owned by the Agency of Natural Resources, including the costs of personnel and equipment. The Commissioner may, according to the Department fire suppression reimbursement policy, reimburse a municipality for all or a portion of the costs of suppressing a forest fire on land that is not owned by the Agency of Natural Resources.~~

~~(b) The state shall reimburse a town for its forest fire suppression costs in excess of ten percent of its grand list and for one-half its forest fire suppression costs up to and including ten percent of its grand list when the bills are presented to the commissioner by December 31 of each year with proper~~

~~vouchers and in a form approved by him~~ For the purpose of suppressing forest fires on lands owned by the Agency of Natural Resources, the State shall reimburse a town for all its forest fire suppression costs at a rate determined by the Commissioner according to the Department fire suppression reimbursement policy. If the total acreage of a forest fire is determined to be partially on land owned by the Agency of Natural Resources and partially on land owned by another party, the Commissioner shall, at a minimum, reimburse the town at a rate determined by the Commissioner according to the Department fire suppression reimbursement policy for costs incurred by the municipality on land owned by the Agency of Natural Resources.

(c) For any forest fire on lands owned by the Agency of Natural Resources to be considered eligible for reimbursement from the State, a town forest fire warden shall have reported the forest fire to the Commissioner within 14 days of extinguishment of the fire as required under section 2644 of this title. For reimbursement of fire suppression costs for forest fires on land owned by the Agency of Natural Resources, the town forest fire warden and the Commissioner or designee shall approve the costs before submission to the municipality for payment. The town forest fire warden may submit to the State on an annual basis a request for reimbursement of fire suppression costs on lands owned by the Agency of Natural Resources. The State shall reimburse a town for all applicable forest fire suppression costs when the reimbursement request is presented in a form approved by the Commissioner to the Commissioner by December 31 of each year.

#### § 2644. DUTIES AND POWERS OF FIRE WARDEN

(a) When a forest fire or fire threatening a forest is discovered in his or her town, the town forest fire warden shall enter upon any premises and take measures for its prompt control, suppression, and extinguishment. The town forest fire warden may call upon any person for assistance. ~~He or she may arrest without warrant any person found in the act of violating a provision of law or proclamation pertaining to forest fires.~~ The town forest fire warden may choose to share or delegate command authority to a chief engineer of a responding fire department or, in the chief's absence, the highest ranking assistant firefighter present during the fire.

(b) A town forest fire warden shall keep a record of his or her acts, ~~the amount of expenses incurred,~~ the number of fires and causes, the areas burned over, and the character and amount of damages done in the warden's jurisdiction. Within two weeks after the ~~discovery of such~~ extinguishment of a fire, ~~he or she~~ the town forest fire warden shall report the ~~same~~ fire to the ~~commissioner on forms which shall be furnished by him or her~~ Commissioner, but the making of ~~such~~ a report under this subsection shall not be a charge against the town.

~~(c) During the danger season and subject to the approval or direction of the commissioner, a warden shall establish a patrol in dangerous localities, and the expense for the same shall be paid as expenses for fighting fires. Wardens shall receive the same pay for time spent in posting notices, patrolling or in making investigations of damages done that they receive for time spent in actual fire fighting. [Repealed.]~~

§ 2645. OPEN BURNING; PERMITS

~~(a) Except as otherwise provided in this section, a person shall not kindle or authorize another person to kindle a fire in the open air for the purpose of burning natural wood, brush, weeds, or grass or rubbish of any kind except where there is snow on the site, without first obtaining permission from the fire warden or deputy warden of the town, stating when and where such fire may be kindled without first obtaining permission from the town forest fire warden or deputy forest fire warden, stating when and where such fire may be kindled. Wood, brush, weeds, or grass may not be burned if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. Whenever such permission is granted, ~~such~~ the fire warden, within 12 hours, shall issue a written permit “Permit to Kindle” for record purposes stating when and where such fire may be kindled. ~~Permission shall not be required for the kindling of a fire in a location which is 200 feet or more from any woodland, timberland or field containing dry grass or other inflammable plant material contiguous to woodland. With the written approval of the secretary, during periods of extreme fire hazard, the commissioner may notify town fire wardens that for a specified period no burning permits shall be issued. The wardens shall issue no permits during the specified period.~~~~

~~(b) Whenever the commissioner deems that the public safety of any town or portion of a town of this state does not require the protection provided by this section, he or she may cause the town fire warden of any such town to post notices to that effect in not less than five conspicuous places in such town. [Repealed.]~~

(c) The provisions of this section will not apply to:

(1) ~~To areas posted in accordance with subsection (b) of this section~~ the kindling of a fire in a location where there is snow surrounding the open burning site;

(2) ~~To fires built in stone arches, outdoor fireplaces, or existing fire rings at state~~ State recreational areas or fires built in stone arches, outdoor fireplaces, or fire rings on private property that are not located within woodland, timberland, or a field containing dry grass or other flammable plant material contiguous to woodland;

~~(3) To fires built in special containers used for burning brush, waste, grass or rubbish when conditions are deemed satisfactory to the town fire warden~~ the kindling of a fire in a location that is 200 feet or more from: any woodland, timberland, or field containing dry grass or other flammable plant material contiguous to woodland; or

~~(4) To areas within cities or villages~~ cities maintaining a fire department.

(d)(1) As used in this section, “natural wood” means:

(A) trees, including logs, boles, trunks, branches, limbs, and stumps;

(B) lumber, including timber, logs, or wood slabs, especially when dressed for use; and

(C) pallets that are used for the shipment of various materials, so long as such pallets are not chemically treated with any preservative, paint, or oil.

(2) “Natural wood” shall not mean other wood products such as sawdust, plywood, particle board, or press board.

(e) Nothing in this section shall be construed to limit the authority of the air pollution control officer to prohibit open burning in accordance with the rules adopted under chapter 23 of this title.

\* \* \*

#### § 2648. SLASH REMOVAL

(a) A person may cut or cause to be cut forest growth only if all slash adjoining the right-of-way of any public highway, or the boundary lines of woodlots owned by adjoining property owners, is treated as follows:

(1) All slash shall be removed for a distance of 50 feet from the right-of-way of any public highway or from the boundary lines of woodlots owned by adjoining property owners.

(2) All slash shall be removed for a distance of 100 feet from standing buildings on adjoining property.

~~(b) Owners or operators of timber or woodlots shall leave the main logging roads through cut over areas free from slash so that tractors may pass over these roads unobstructed in order to carry men and supplies and fire fighting equipment to fire suppression crews. [Repealed.]~~

(c) If in the opinion of the town forest fire warden there is no fire hazard as a result of a cutting, the warden may issue, upon request, a statement relieving the operator of the conditions required in this section.

Sec. 12. DEPARTMENT OF FORESTS, PARKS AND RECREATION;  
POLICY FOR REIMBURSEMENT OF FIRE SUPPRESSION  
COSTS

(a) On or before January 1, 2017, the Commissioner of Forests, Parks and Recreation, in consultation with the Vermont League of Cities and Towns and other interested parties, shall develop a policy that provides the criteria the Department of Forests, Parks and Recreation shall use in determining whether and how to reimburse towns for the costs of fire suppression. The policy shall include criteria for:

(1) whether and how to reimburse a municipality for the costs of forest fire suppression incurred on lands not owned by the Agency of Natural Resources; and

(2) determining the rate a municipality shall be reimbursed for fire suppression costs incurred on lands owned by the Agency of Natural Resources.

(b) The Commissioner of Forests, Parks and Recreation shall submit the reimbursement policy developed under subsection (a) of this section to the Senate and House Committees on Natural Resources and Energy and the Senate and House Committees on Appropriations.

Sec. 13. 10 V.S.A. § 2515 is added to read:

§ 2515. INTERCOMPACT LIABILITY—ARTICLE XV

The provisions of Article IX of this compact that relate to mutual aid in combating, controlling, or preventing forest fires shall be operative as between any state party to this compact and any other state that is party to a regional forest fire protection compact in another region provided that the legislature of such other state shall have given its assent to the mutual aid provisions of this compact.

\* \* \* Forest Integrity; Municipal and Regional Planning \* \* \*

Sec. 14. 24 V.S.A. § 4302(c) is amended to read:

(c) In addition, this chapter shall be used to further the following specific goals:

\* \* \*

(6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

\* \* \*

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

\* \* \*

(9) To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and ~~forest lands~~ forestlands should be encouraged and should include maintaining low overall density.

\* \* \*

Sec. 15. 24 V.S.A. § 4303 is amended to read:

§ 4303. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context otherwise requires:

\* \* \*

(10) “Land development” means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

\* \* \*

(34) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of this title.

(35) “Forest fragmentation” means the division or conversion of a forest block by land development other than by a recreational trail or use exempt from regulation under subsection 4413(d) of this title.

(36) “Habitat connector” means land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A habitat connector may include recreational trails and uses exempt from regulation under subsection 4413(d) of this title. In a plan or other document issued pursuant to this chapter, a municipality or regional plan commission may use the phrase “wildlife corridor” in lieu of “habitat connector.”

(37) “Recreational trail” means a corridor that is not paved and that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity.



Sec. 16. 24 V.S.A. § 4348a(a)(2) is amended to read:

(2) A land use element, which shall consist of a map and statement of present and prospective land uses, that:

(A) ~~indicating~~ Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, open spaces, areas reserved for flood plain, and areas identified by the State, regional planning commissions, or municipalities, which that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes;.

(B) ~~indicating~~ Indicates those areas within the region that are likely candidates for designation under sections 2793 (downtown development districts), 2793a (village centers), 2793b (new town centers), and 2793c (growth centers) of this title;.

(C) ~~indicating~~ Indicates locations proposed for developments with a potential for regional impact, as determined by the regional planning commission, including flood control projects, surface water supply projects, industrial parks, office parks, shopping centers and shopping malls, airports, tourist attractions, recreational facilities, private schools, public or private colleges, and residential developments or subdivisions;.

(D) ~~setting~~ Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services;.

(E) ~~indicating~~ Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them which may include transfer of development rights, acquisition of development rights, or farmer assistance programs;.

(F) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

\* \* \*

Sec. 17. 24 V.S.A. § 4382(a)(2) is amended to read:

(2) A land use plan:

~~(A) consisting of, which shall consist of~~ a map and statement of present and prospective land uses, that:

~~(A) indicating~~ Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, and open spaces, areas reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes;

~~(B) setting~~ Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service;

~~(C) identifying~~ Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

~~(D)~~ Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality.

Sec. 18. STUDY AND REPORT; LAND USE REGULATION; FOREST INTEGRITY

(a) Creation. There is created a Study Committee on Land Use Regulation and Forest Integrity to study potential revisions to 10 V.S.A. chapter 151 (Act 250) and to 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect contiguous areas of forestland from fragmentation and promote habitat connectivity between forestlands.

(b) Membership. The Committee shall be composed of the following members:

(1) the Commissioner of Forests, Parks and Recreation or designee.

(2) the Commissioner of Housing and Community Development or designee.

(3) the Chair of the Natural Resources Board or designee;

(4) a current officer of a municipality, appointed by the Vermont League of Cities and Towns;

(5) a representative of the Vermont Association of Planning and Development Agencies, appointed by that Association;

(6) a representative of the Vermont Natural Resources Council, appointed by that Council, to represent the Council and to provide input from the Vermont Forest Roundtable;

(7) a representative of the Vermont Working Lands Enterprise Board established under 6 V.S.A. § 4606, appointed by that Board;

(8) a representative of the Vermont Forest Products Association, appointed by that Association; and

(9) a representative of the Vermont Woodlands Association, appointed by that Association.

(c) Powers and duties. The Committee shall study potential revisions to Act 250 and 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect contiguous areas of forestland from fragmentation and promote habitat connectivity between forestlands. This study shall include the following:

(1) a review of the relevant provisions of Act 250 and 24 V.S.A. chapter 117 as they exist on passage of this act;

(2) a development and review of options to revise Act 250 and the bylaw provisions of chapter 117 to protect forestland from fragmentation and promote habitat connectivity;

(3) an evaluation of the impact of those options on land use;

(4) a recommendation on whether to make such revisions and the reason for the recommendation and, if the recommendation is affirmative, the revisions that the Committee suggests be made; and

(5) a review of the definitions added by Sec. 15 of this act to 24 V.S.A. § 4303 and the amendments made by Secs. 16 and 17 of this act to 24 V.S.A. §§ 4348a and 4382, a recommendation on whether to make revisions to these provisions and the reasons for the recommendation and, if the recommendation is affirmative, the revisions that the Committee suggests be made.

(d) Assistance. For purposes of scheduling meetings, preparing its recommendation on whether to make statutory revisions, and preparing any recommended legislation, the Committee shall have the assistance of the

Department of Forests, Parks and Recreation. The Committee also shall be entitled to the technical and professional assistance of the Department of Housing and Community Development and the Natural Resources Board. The Committee shall be entitled to assistance from the Department of Taxes, including assistance from consultant economists with expertise on tax and finance issues related to forestlands. If the Committee recommends legislative changes, the Committee shall have the assistance of the Office of Legislative Council and the Joint Fiscal Office for the purpose of preparing recommended draft legislation and fiscal analysis.

(e) Report. On or before January 1, 2017, the Committee shall submit its written recommendation and any proposed legislation to the House Committee on Fish, Wildlife and Water Resources, the House and Senate Committees on Natural Resources and Energy, and the House Committee on Agriculture and Forest Products.

(f) Meetings.

(1) The Commissioner of Forests, Parks and Recreation shall call the first meeting of the Committee to occur on or before July 15, 2016.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

\* \* \* Municipal Regulation of Forestry Operations \* \* \*

Sec. 19. 24 V.S.A. § 4413(d) is amended to read:

(d)(1) A bylaw under this chapter shall not regulate:

(A) required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets ~~or~~;

(B) accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; or

(C) forestry operations.

~~(1)(2) For purposes of~~ As used in this section;

(A) “~~farm~~ Farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices,

including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

(B) “Forestry operations” has the same meaning as in 10 V.S.A. § 2602.

~~(2)~~(3) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.

~~(3) A municipality may enact a bylaw that imposes forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the extent that those changes are silviculturally sound, as determined by the Commissioner of Forests, Parks and Recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.~~

(4) This subsection does not prevent an appropriate municipal panel, when issuing a decision on an application for land development over which the panel otherwise has jurisdiction under this chapter, from imposing reasonable conditions under subsection 4464(b) of this title to protect wildlife habitat, threatened or endangered species, or other natural, historic, or scenic resources and does not prevent the municipality from enforcing such conditions, provided that the reasonable conditions do not restrict or regulate forestry operations unrelated to land development.

\* \* \* Land Use Change Tax; Transfer of Lands to State  
and Federal Forest \* \* \*

Sec. 20. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. The tax shall be at the rate of 10 percent of the full fair market value of the changed land determined without regard to the use value appraisal. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land as a separate parcel, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because

previously eligible land becomes ineligible, provided no development of the land has occurred.

\* \* \*

(f)(1) When the application for use value appraisal of agricultural and forestland has been approved by the State, the State shall record a lien against the enrolled land in the land records of the municipality ~~which~~ that shall constitute a lien to secure payment of the land use change tax to the State upon development. The landowner shall bear the recording cost. The land use change tax and any obligation to repay benefits paid in error shall not constitute a personal debt of the person liable to pay the same, but shall constitute a lien which shall run with the land. All of the administrative provisions of chapter 151 of this title, including those relating to collection and enforcement, shall apply to the land use change tax. The Director shall release the lien when notified that:

(A) the land use change tax is paid;

(B) the land use change tax is abated pursuant to this section;

(C) the land use change tax is abated pursuant to subdivision 3201(5) of this title;

(D) the land is exempt from the levy of the land use change tax pursuant to this section and the owner requests release of the lien; or

(E) the land is exempt from the levy of the land use change tax pursuant to this section and the land is developed.

(2) Nothing in this subsection shall be construed to allow the enrollment of agricultural land or managed forestland without a lien to secure payment of the land use change tax. Any fees related to the release of a lien under this subsection shall be the responsibility of the owner of the land subject to the lien.

(g) Upon application, the Commissioner may abate a use change tax levy concerning agricultural land found eligible for use value appraisal under subdivision 3752(1)(A) of this title, in the following cases:

(1) If a disposition of such property resulting in a change of use of it takes place within five years of the initial assessment at use value because of the permanent physical incapacity or death of the individual farmer-owner or farmer-operator of the property.

(2) If a disposition of the property was necessary in order to raise funds to continue the agriculture operation of the seller. In this case, the Commissioner shall consider the financial gain realized by the sale of the land and whether, in respect to that gain, payment of the use change tax would

significantly reduce the ability of the seller to continue using the remaining property, or any part thereof, as agricultural land.

(h) Land condemned as a result of eminent domain or sold voluntarily to a condemning authority in anticipation of eminent domain proceedings is exempt from the levy of a land use change tax under this section.

\* \* \*

(j)(1) Land transferred to the ~~United States~~ U.S. Forest Service is exempt from the levy of a use change tax under this section, provided ~~at~~ one of the following ~~apply~~ applies:

~~(1)(A)~~ land transferred is eligible for use value appraisal at the time of the transfer;

~~(2)(B)~~ the transfer is in consideration for the receipt from the ~~United States~~ U.S. Forest Service of land of approximately equal value, as determined by the Commissioner; ~~and~~ or

~~(3)(C)~~ the landowner has submitted to the Commissioner in writing a binding document that would substitute the land received for the land transferred to the Forest Service, for the purposes of this chapter.

(2) Land acquired by the Green Mountain National Forest for public use is exempt from the levy of a use change tax under this section.

(k) Conservation and preservation rights and interests held by an agency of the United States or by a qualified holder, as defined in 10 V.S.A. chapter 34, shall be exempt from the levy of a use change tax. Upon request of the agency or qualified holder, the Commissioner may petition the Director to release the conservation and preservation rights and interests from any lien recorded pursuant to this chapter.

(l) Land acquired by the Agency of Natural Resources; the Department of Forests, Parks and Recreation; the Department of Fish and Wildlife; or the Department of Environmental Conservation for public uses, as authorized by 10 V.S.A. § 6303(a)(1)–(4), is exempt from the levy of a land use change tax under this section.

\* \* \* Effective Dates \* \* \*

## Sec. 21. EFFECTIVE DATES

(a) This section and Secs. 10 (intergenerational working group) and 18 (forest integrity study and report) shall take effect on passage.

(b) Secs. 1–4 (general policy and enforcement), 5 (harvest notification report), 9 (maple sugar production on State lands), 11–13 (fire wardens; fire suppression), 14 (forest integrity; purpose; goals), 19 (municipal regulation of

forestry operations), and 20 (land use change tax) shall take effect on July 1, 2016.

(c) Secs. 15 (forest integrity; definitions), 16 (elements of a regional plan) and 17 (plan for municipality) shall take effect on January 1, 2018. Secs. 15–17 shall apply to municipal and regional plans adopted or amended on or after January 1, 2018.

(For text see House Journal March 10, 2016 )

## **H. 869**

An act relating to judicial organization and operations

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

\* \* \* Judicial Masters \* \* \*

Sec. 1. 4 V.S.A. § 38 is added to read:

### § 38. JUDICIAL MASTERS

(a) The Administrative Judge may appoint a licensed Vermont lawyer who has been engaged in the practice of law in Vermont for at least the last five years to serve as a Judicial Master. The Judicial Master shall be an employee of the Judiciary and be subject to the Code of Judicial Conduct. A Judicial Master shall not engage in the active practice of law for remuneration while serving in this position. In making this appointment, the Administrative Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title. The Judicial Master may hear and decide the following matters as designated by the Administrative Judge:

(1) In the Criminal Division of the Superior Court, proceedings in treatment court dockets, as approved by the presiding judge, to assure compliance with court orders, including attendance and participation with a treatment plan, imposition of sanctions and incentives, including incarceration in the course of the program and dismissal from the program due to noncompliance; the Master shall not have authority to accept pleas or to impose sentences, to hear motions to suppress, or to dismiss for lack of a prima facie case.

(2) In the Family Division of the Superior Court, in juvenile proceedings, as approved by the presiding judge, to assure compliance with existing court orders, including attendance and participation in substance abuse, mental health, and other court-ordered counseling; compliance with and modification of parent-child contact; to act as the administrative body to conduct permanency hearings pursuant to 33 V.S.A. § 5321(g) unless a contested permanency hearing becomes necessary; and to provide case



management of juvenile proceedings; the Master shall not have the authority to hear temporary care hearings, requests for juvenile protective orders, or hearings on the merits, or to conduct disposition hearings.

(b) The Judicial Master may be appointed to serve as an acting judge pursuant to subsection 22(b) of this title in any matter in which he or she has not previously acted as a Judicial Master.

(c) The decision of a Judicial Master under this section shall have the same effect as a decision of a Superior judge, except when acting as a Master pursuant to subdivision (a)(4) of this section.

## Sec. 2. REPEAL

4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, 2019.

\* \* \* Venue in TPR Cases \* \* \*

## Sec. 3. LEGISLATIVE INTENT

The General Assembly does not intend Sec. 4 of this act, which amends 4 V.S.A. § 37 to permit regional venue in proceedings involving the termination of parental rights (TPR), to result in the closure of any Vermont courts. Sec. 4 is intended to permit greater flexibility in the TPR process, in response to the findings and recommendations made by the Committee on Child Protection in 2014, and it may, in fact, result in an increase rather than a decrease in court proceedings for some jurisdictions.

Sec. 4. 4 V.S.A. § 37 is amended to read:

### § 37. VENUE

(a) The venue for all actions filed in the ~~superior court~~ Superior Court, whether heard in the ~~civil, criminal, family, environmental, or probate division~~ Civil, Criminal, Family, Environmental, or Probate Division, shall be as provided in law.

(b) Notwithstanding any other provision of law, the ~~supreme court~~ Supreme Court may promulgate venue rules, subject to review by the legislative committee on judicial rules under 12 V.S.A. chapter 1 ~~of Title 12~~, which are consistent with the following policies:

(1) Proceedings involving a case shall be heard in the unit in which the case was brought, subject to the following exceptions:

(A) when the parties have agreed otherwise;

(B) status conferences, minor hearings, or other nonevidentiary proceedings; or

(C) when a change in venue is necessary to ensure access to justice for the parties or required for the fair and efficient administration of justice.

(2) The electronic filing of cases on a statewide basis should be facilitated, and the ~~court~~ Court is authorized to promulgate rules establishing an electronic case-filing system.

(3) The use of technology to ease travel burdens on citizens and the courts should be promoted. For example, venue requirements should be deemed satisfied for some court proceedings when a person, including a judge, makes an appearance via video technology, even if the judge is not physically present in the same location as the person making the appearance.

(4)(A) Subject to subdivision (B) of this subdivision (4), in proceedings involving the termination of parental rights, the Supreme Court is authorized to designate a region of no more than four counties in which the venue for specified types of cases in the region shall be the region as a whole, irrespective of the county in which the venue would lie for the case under the governing statute. A designation under this subdivision shall be made by rule and shall be reviewed by the Legislative Committee on Judicial Rules pursuant to 12 V.S.A. § 1.

(B) A region designated pursuant to subdivision (A) of this subdivision (4) shall not include Grand Isle or Essex counties for purposes of permitting termination of parental rights proceedings originating in Grand Isle or Essex counties to be heard in other counties or regions unless all parties consent. This subdivision shall not preclude termination of parental rights proceedings originating in other counties from being heard in Grand Isle or Essex counties.

\* \* \* Licensing Board Appeals \* \* \*

Sec. 5. 3 V.S.A. § 130a is amended to read:

§ 130a. APPEALS FROM BOARD DECISIONS

(a) A party aggrieved by a final decision of a board may, within 30 days of the decision, appeal that decision by filing a notice of appeal with the Director who shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer.

\* \* \*

(c) A party aggrieved by a decision of the appellate officer may appeal to the ~~Superior Court in Washington County~~ Supreme Court, which shall review the matter on the basis of the records created before the board and the appellate officer.

\* \* \* Transportation Board Appeals \* \* \*

Sec. 6. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

\* \* \*

(c) The Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single Board member so appointed shall report his or her findings of fact in writing to the Board. Any order resulting therefrom shall be rendered only by a majority of the Board. Final orders of the Board issued pursuant to section 20 of this title may be reviewed on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final orders of the Board may be reviewed on the record by the Supreme Court.

\* \* \*

Sec. 7. [Deleted]

\* \* \* Judiciary Service Center \* \* \*

Sec. 8. DISCONTINUATION OF JUDICIARY SERVICE CENTER

On or before June 30, 2016, the Vermont Supreme Court shall discontinue use of the Judiciary Service Center to respond to communications from Vermont attorneys.

Sec. 8a. SPOUSAL SUPPORT AND MAINTENANCE TASK FORCE

(a) Creation. There is created a Spousal Support and Maintenance Task Force for the purpose of reviewing and making legislative recommendations to Vermont's law concerning spousal support and maintenance.

(b) Membership. The Task Force shall be composed of the following seven members:

(1) a current member of the House of Representatives who shall be appointed by the Speaker of the House;

(2) a current member of the Senate who shall be appointed by the Committee on Committees;

(3) a Superior Court judge who has significant experience in the Family Division of Superior Court appointed by the Chief Justice;

(4) the Chief Superior Court Judge;

(5) two experienced family law attorneys appointed by the Family Law Section of the Vermont Bar Association; and

(6) a representative of Vermont Alimony Reform who is a resident of Vermont.

(c) Powers and duties. The Task Force shall make legislative recommendations to Vermont's spousal support and maintenance laws aimed to improve clarity, fairness, and predictability in recognition of changes to the family structure in recent decades. The Task Force may hold public hearings and shall endeavor to hear a wide variety of perspectives from stakeholders and interested parties.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Council.

(e) Recommendation. On or before January 15, 2017, the Task Force shall submit its recommendations for any legislative action to the Senate and House Committees on Judiciary.

(f) Meetings.

(1) The Superior Court judge appointed in accordance with subdivision (b)(3) of this section shall serve as chair.

(2) A majority of the membership shall constitute a quorum.

(3) The Task Force shall cease to exist on March 1, 2017.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four regular meetings and two public hearings.

(2) Other members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four regular meetings and two public hearings.

\* \* \* Effective Dates \* \* \*

## Sec. 9. EFFECTIVE DATES

(a) Secs. 1, 2, 3, 4, 7, 8, 8a, and this section shall take effect on passage.

(b) Secs. 5 and 6 shall take effect on July 1, 2016 and shall apply to appeals filed on or after that date.

(For text see House Journal March 17, 2016 )

**S. 250**

**An act relating to alcoholic beverages**

The Senate concurs in the House proposal of amendment thereto as follows:

First: After Sec. 13, Department of Taxes; Study of Transfer of Malt Beverages Between Licensed Manufacturing Locations; Report, by inserting Secs. 13a and 13b to read as follows:

Sec. 13a. 7 V.S.A. § 70 is added to read:

§ 70. MANUFACTURERS OF MALT BEVERAGES; TRANSFER OF MALT BEVERAGES BETWEEN LICENSED LOCATIONS

(a) A licensed manufacturer of malt beverages may transfer malt beverages to a second licensed manufacturer of malt beverages provided:

(1) the manufacturers are part of the same company;

(2) one manufacturer owns the controlling interest in the other manufacturer; or

(3) the controlling interest in each manufacturer is owned by the same person.

(b) For each transfer of malt beverages pursuant to this section, the manufacturers shall:

(1) document on invoices the amount of malt beverages transferred; and

(2) prepare and maintain records of each transfer in accordance with all applicable federal laws and regulations.

(c) The tax on malt beverages pursuant to section 421 of this title shall not be due at the time of the transfer, but shall be paid as provided in section 421 of this title when the transferred malt beverages are either:

(1) sold by a wholesaler or bottler to a retailer in this State; or

(2) sold at retail by the manufacturer that received the transferred malt beverages.

Sec. 13b. REPEAL

7 V.S.A. § 70 (transfer of malt beverages between licensed manufacturers) shall be repealed on July 1, 2017.

Second: In Sec. 22, Recapture of Lost Sales of Spirits and Fortified Wines, in subsection (c), by striking out the year "2017" and inserting in lieu thereof the year 2018

**(For House Proposal of Amendment see House Journal April 29, 2016)**

## Committee of Conference Report

### S. 10

An act relating to the State DNA database

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate Bill entitled:

**S. 10 An act relating to the State DNA database**

Respectfully report that they have met and considered the same and recommend that the House recede from its proposal of amendment and the bill be further amended as follows:

In Sec. 1, 20 V.S.A. § 1932, by striking out subdivision (12) in its entirety and inserting in lieu thereof a new subdivision (12) to read as follows:

(12) “Designated crime” means any of the following offenses:

(A) a felony;

(B) 13 V.S.A. § 1042 (domestic assault);

(C) any crime for which a person is required to register as a sex offender pursuant to 13 V.S.A. chapter 167, subchapter 3 of chapter 167 of Title 13;

(D) 13 V.S.A. § 1062 (stalking);

(E) 13 V.S.A. § 1025 (reckless endangerment);

(F) a violation of an abuse prevention order as defined in 13 V.S.A. § 1030, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);

(G) a misdemeanor violation of 13 V.S.A. chapter 28, relating to abuse, neglect, and exploitation of vulnerable adults;

(H) an attempt to commit any offense listed in this subdivision; or

~~(E)~~(I) any other offense, if, as part of a plea agreement in an action in which the original charge was a crime listed in this subdivision and probable cause was found by the court, there is a requirement that the defendant submit a DNA sample to the DNA data bank.

Rep. Burditt

Rep. Grad

Rep. Jewett

*Committee on the part of the House*

Sen. Nitka

Sen. Benning

Sen. Sears

*Committee on the part of the Senate*

#### **S. 154**

An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House's proposal of amendment and that the bill be further amended by adding a Sec. 6b to read:

Sec. 6b. 13 V.S.A. § 1702 is added to read:

#### § 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person; and

(2) as a result of the threat, place the other person in reasonable apprehension of death or serious bodily injury.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(d) As used in this section:

(1) "Serious bodily injury" shall have the same meaning as in section 1021 of this title.

(2) "Threat" and "threaten" shall not include constitutionally protected activity.

(e) Any person charged under this section who is under 18 years of age shall be adjudicated as a juvenile delinquent.

(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence.

and that after passage the title of the bill be amended to read: "An act relating

to stalking, criminal threatening, and enhanced penalties for assault”

Rep. Grad

Rep. Rachelson

Rep. Conquest

*Committee on the part of the House*

Sen. Campbell

Sen. Sears

Sen. Flory

*Committee on the part of the Senate*

### **Consent Calendar**

### **Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary’s office and/or the House Clerk’s office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

#### **H.C.R. 379**

House concurrent resolution designating May 8–14, 2016 as Women’s Lung Health Week in Vermont

#### **H.C.R. 380**

House concurrent resolution recognizing the environmental awareness of the participants in the 1st Annual Youth Rally for the Planet Day at the State House

#### **H.C.R. 381**

House concurrent resolution congratulating Mehuron’s Supermarket in Waitsfield on its 75th anniversary

#### **H.C.R. 382**

House concurrent resolution recognizing the role of the National Conference of Commissioners on Uniform State Laws in the enactment of Vermont State law and welcoming the organization to Vermont for its 125th annual meeting



**H.C.R. 383**

House concurrent resolution honoring Ken and Nancy Johnson for their civic and religious community service roles in the town of Jamaica

**H.C.R. 384**

House concurrent resolution congratulating the 2015 Burr and Burton Academy Bulldogs Division II championship football team

**H.C.R. 385**

House concurrent resolution congratulating Stowe Performing Arts on its 40th anniversary

**H.C.R. 386**

House concurrent resolution in memory of University of Vermont professor and debate coach extraordinaire, Alfred Charles Snider III

**H.C.R. 387**

House concurrent resolution thanking Diane Martin and Rita Buglass for their combined creative efforts in composing and arranging our State Song, "These Green Mountains"

**H.C.R. 388**

House concurrent resolution honoring Elaine Dufresne on her career accomplishments at Vermont Arts Council

**H.C.R. 389**

House concurrent resolution honoring House Journal Clerk Cathleen M. Cameron for her extraordinary dedication to the people's house

**H.C.R. 390**

House concurrent resolution honoring the Vermont youth baseball team on its historic journey to Havana, Cuba

**H.C.R. 391**

House concurrent resolution honoring the ideal committee staffer, Shirley Adams

**H.C.R. 392**

House concurrent resolution congratulating Katie Thompson of Franklin on being named the 2016 Vermont Mother of the Year

**H.C.R. 393**

House concurrent resolution honoring public educator and Marlboro Town Moderator Dr. Steven John

**H.C.R. 394**

House concurrent resolution honoring Allen Gilbert in recognition of his notable career roles in journalism, education, public service, and civil liberties advocacy

**H.C.R. 395**

House concurrent resolution thanking State House cafeteria assistant manager Bernadette Babin Canas for a decade of friendly service

**H.C.R. 396**

House concurrent resolution congratulating Joshua Kocis on winning the 2016 New England regional Elks Hoop Shoot in the boys' 10–11 years of age group

**H.C.R. 397**

House concurrent resolution expressing appreciation for Evolve Rutland's honoring of accomplished Rutland area women

**H.C.R. 398**

House concurrent resolution congratulating Milton Rescue on its 50th anniversary

**H.C.R. 399**

House concurrent resolution honoring the dedicated volunteers who are central to the success of Camp Daybreak

**H.C.R. 400**

House concurrent resolution congratulating Lucinda Storz on winning her second consecutive Vermont Scripps Spelling Bee championship

**H.C.R. 401**

House concurrent resolution honoring Anthony Otis on his outstanding legal career and for his community leadership

**H.C.R. 402**

House concurrent resolution honoring Robert Lee Hull for his career of public service in the town of Royalton

**H.C.R. 403**

House concurrent resolution congratulating Prevent Child Abuse Vermont on its 40th anniversary and recognizing its essential contribution to the improvement of family life in Vermont

**H.C.R. 404**

House concurrent resolution congratulating and extending best wishes to Elle Purrier of Montgomery on her quest for a place on the 2016 U.S. Summer Olympics team

**H.C.R. 405**

House concurrent resolution congratulating the Walking Stick Theatre on winning the 2016 Vermont State Drama Festival

**H.C.R. 406**

House concurrent resolution congratulating the Northfield Observances on their 40th anniversary

**H.C.R. 407**

House concurrent resolution honoring Rob Reiber for his creative and innovative video production leadership at the Center for Media and Democracy in Burlington

**H.C.R. 408**

House concurrent resolution honoring Green Mountain Valley School Headmaster and former U.S. Olympic Ski Coach Dave Gavett

**H.C.R. 409**

House concurrent resolution congratulating the Castleton Village School team on winning the 2016 3D Vermont Architecture and History Olympiad's middle school division's first-place award

**H.C.R. 410**

House concurrent resolution congratulating Proctor Gas, Inc. on its 50th anniversary

**H.C.R. 411**

House concurrent resolution honoring Peter Deslauriers for his civic, educational, and athletic leadership

**H.C.R. 412**

House concurrent resolution honoring the Center for the Advancement of the Steady State Economy for its important work

**H.C.R. 413**

House concurrent resolution congratulating the 2015 Mt. Anthony Union High School Patriots Division I championship softball team

**H.C.R. 414**

House concurrent resolution commemorating the centennial anniversary of Pierce Hall in Rochester

**H.C.R. 415**

House concurrent resolution congratulating the Collective-the art of craft gallery in Woodstock on its 10th anniversary

**H.C.R. 416**

House concurrent resolution honoring Polly Nichol for her exemplary leadership in regional, State, and municipal housing and community development

**S.C.R. 44**

Senate concurrent resolution congratulating the 2016 Vermont Planners Association's honorees from central Vermont

**S.C.R. 45**

Senate concurrent resolution honoring Joel D. Cook for his four decades of exemplary legal advocacy and administrative leadership in the nonprofit and public sectors

**S.C.R. 46**

Senate concurrent resolution congratulating Good Beginnings of Central Vermont on its 25th anniversary

**S.C.R. 47**

Senate concurrent resolution honoring April D. Hensel for her exemplary service as the District 2 Environmental Commission Coordinator