

1 H.584

2 Introduced by Representatives Ram of Burlington, Deen of Westminster,

3 Klein of East Montpelier, and Partridge of Windham

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; forestry

7 Statement of purpose of bill as introduced: The bill proposes to amend
8 multiple requirements related to timber harvesting, forestry operations, and
9 State lands. The bill would provide that certain forestry operations would not
10 be subject to liability as a public or private nuisance. The bill would require
11 the owner of land to notify the Department of Forests, Parks and Recreation of
12 a proposed timber harvest operation on his or her land. The landowner would
13 receive a harvest notification form and harvest notification number that would
14 be a unique identifier for each harvest operation. The bill also would require a
15 trip ticket to accompany every load of forest products transported from a
16 timber harvest that requires a harvest notification to the location of the first
17 measurement. The bill would require a separate sale trip ticket to accompany
18 all truckloads of forest products that are transported from the mill, after
19 sorting, to the final buyer of the products. The bill would amend the
20 requirements related to timber trespass. The bill would also increase the
21 tapping fees for licenses issued by the Department for maple sap collection on

1 State lands. The bill would amend requirements related to town forest fire
2 wardens. In addition, the bill would exempt land acquired by the Agency of
3 Natural Resources (ANR) from the land use change tax in order to release
4 lands acquired by ANR from land use change tax liens. The bill also would
5 exempt from review and approval by the Joint Fiscal Committee and the
6 Governor donations for State parks when made to the Department from the
7 Vermont Parks Foundation.

8 An act relating to miscellaneous timber harvesting, forestry, and State lands
9 issues

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 * * * General Provisions * * *

12 Sec. 1. 10 V.S.A. § 2601a is added to read:

13 § 2601a. FINDINGS

14 The General Assembly finds that:

15 (1) Private and public forestlands:

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

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

20 (C) mitigate against the effects of climate change; and

1 (D) result in general benefit to the health and welfare of the people of
2 the State.

3 (2) The forest products industry, including maple sugar production:

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

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

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

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

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

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

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

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

3 (8) Forestry operations, including logging, transportation, and
4 processing of on-site-derived forest products may be subject to lawsuits based
5 on the theory of nuisance. Nuisance suits could encourage and result in the
6 conversion of forestland and loss of the forest products industry.

7 (9) It is in the public interest of the people of the State to ensure that
8 forestry operations that are conducted in accordance with the following are
9 protected and encouraged and are not subject to public and private nuisance
10 actions arising out of conflicts between forestry operations and urban,
11 commercial, and residential uses:

12 (A) the Acceptable Management Practices for Protecting Water
13 Quality on Logging Jobs in Vermont, as adopted by the Commissioner of
14 Forests, Parks and Recreation;

15 (B) accepted silvicultural practices as defined by the Commissioner
16 of Forests, Parks and Recreation; and

17 (C) the requirements of this subchapter.

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

19 § 2601. POLICY AND PURPOSES

20 (a) The conservation of the forests, timberlands, woodlands, and soil and
21 recreational resources of the ~~state~~ State are hereby declared to be in the public

1 interest. It is the policy of the ~~state~~ State to encourage economic management
2 of its forests and woodlands, to maintain, conserve and improve its soil
3 resources and to control forest pests to the end that forest benefits, including
4 maple sugar production, are preserved for its people, floods and soil erosion
5 are alleviated, hazards of forest fires are lessened, its natural beauty is
6 preserved, its wildlife is protected, the development of its recreational interests
7 is encouraged, the fertility and productivity of its soil are maintained, the
8 impairment of its dams and reservoirs is prevented, its tax base is protected and
9 the health, safety, and general welfare of its people are sustained and
10 promoted.

11 (b) The ~~department~~ Department shall implement the policies of this chapter
12 by assisting ~~forest land~~ forestland owners and lumber operators in the cutting
13 and marketing of forest growth, encouraging cooperation between forest
14 owners, lumber operators and the ~~state~~ State of Vermont in the practice of
15 conservation and management of ~~forest lands~~ forestlands, managing,
16 promoting and protecting the multiple use of publicly owned forest and park
17 lands; planning, constructing, developing, operating, and maintaining the
18 system of ~~state~~ State parks; determining the necessity of repairs and
19 replacements to all department-owned buildings and causing urgent repairs and
20 replacements to be accomplished, with the approval of the ~~secretary of~~
21 ~~administration~~ Secretary of Administration, if within the limits of specific

1 appropriations or if approved by the ~~emergency board~~ Emergency Board; and
2 providing advice and assistance to municipalities, other political subdivisions,
3 ~~state~~ State departments and nongovernmental organizations in the development
4 of wholesome and adequate community or institutional recreation programs.

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

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

10 § 2602. DEFINITIONS

11 As used in this chapter:

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

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

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

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

1 (5) “Forest product” mean logs; pulpwood; veneer; bolt wood; wood
2 chips; stud wood; poles; pilings; biomass; fuel wood; Christmas trees; maple
3 syrup; nursery products used for ornamental purposes; roots, leaves, or other
4 material collected from shrubs or bushes; wreaths; bough material; or cones or
5 other seed products.

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

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

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

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

17 § 2608. ENFORCEMENT; PENALTIES; LIABILITY

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

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

7 * * * Harvest Notification; Trip Ticket * * *

8 Sec. 5. 10 V.S.A. §§ 2613 and 2614 are added to read:

9 § 2613. HARVEST NOTIFICATION

10 (a) Notification required. Except as provided in subsection (b) of this
11 section, at least seven days prior to commencing a timber harvest, the
12 landowner on whose property the timber harvest is to take place shall file with
13 the Commissioner a harvest notification on a form prescribed by the
14 Commissioner.

15 (b) Exemptions. A timber harvest in the amount of less than 20 cords of
16 firewood or less than 10,000 board feet annually shall be exempt from the
17 harvest notification requirement.

18 (c) Harvest notification. The harvest notification shall contain, at a
19 minimum, the following information:

20 (1) the landowner's name, mailing address, physical address of
21 residence, e-mail address, and telephone number;

1 (2) the name of the logger or contractor conducting the harvest and his
2 or her mailing address, address of the principal place of business or residence,
3 e-mail address, and telephone number.

4 (3) the name of the landowner's agent or consulting forester and his or
5 her mailing address, address of the principal place of business or residence,
6 e-mail address, and telephone number;

7 (4) the location of the timber harvest, including the town and the nearest
8 public town highway used to access the timber harvest;

9 (5) the school property account number (SPAN) of the parcel where the
10 timber harvest will occur;

11 (6) the date the timber harvest will commence and the estimated date the
12 harvest will be completed;

13 (7) the estimate of the acreage of the timber harvest area;

14 (8) an estimate of the volume of the timber harvest in thousand board
15 feet, cords, or tons of wood chips; and

16 (9) whether the parcel where the timber harvest will occur is enrolled in
17 the use value appraisal program.

18 (d) Harvest number. Upon receipt of a complete harvest notification form,
19 the Commissioner shall assign a unique harvest number to the timber harvest.

1 (e) Duration. The harvest number issued by the Commissioner shall be for
2 a term not to exceed three years. The Commissioner may extend the three-year
3 term if the landowner files a new harvest notification for the timber harvest.

4 (f) Posting. The harvest number for timber harvest shall be posted in the
5 format or manner as required by the Commissioner at a location at the log
6 landing that is clearly visible and legible for the duration of the forestry
7 operation.

8 (g) Rulemaking. The Commissioner may adopt rules to implement the
9 requirements of this section.

10 (h) Enforcement. In addition to the civil enforcement provided in chapters
11 201 and 211 of this title, a person who knowingly or recklessly commits a
12 violation of any requirement of this section or the rules adopted under this
13 section shall be imprisoned not more than two years and fined not more than
14 \$150,000.00, or both.

15 § 2614. TRANSPORTATION OF TREES, LOGS, CHIPS, FIREWOOD, OR

16 PULPWOOD; TRIP TICKETS

17 (a) Trip ticket required. Except as provided in subsection (b) of this
18 section, every load of forest products that is transported from the location of a
19 timber harvest to the location of first measurement shall be accompanied by a
20 trip ticket containing at a minimum the following information:

1 (1) The name, signature, legal mailing address, address of the principal
2 place of business or residence, e-mail address, and telephone number of the
3 person transporting the forest products.

4 (2) The date the forest products are transported.

5 (3) The harvest notification number issued by the Commissioner under
6 section 2613 of this title for the timber harvest.

7 (4) The destination where the forest products will be transported to and
8 the expected date of delivery.

9 (5) The name of the purchaser of the forest products.

10 (6) The volume of the forest products on the load to be transported in
11 thousand board feet, cords, or tons.

12 (7) The load number for the harvest. Each load of forest products
13 transported from the timber harvest shall be assigned a distinct load number by
14 the transporter that is associated with that timber harvest.

15 (b) Exemptions. The following are exempt from the requirements of this
16 section:

17 (1) the transportation of cut, split firewood that is exempt from the
18 harvest notification requirements under section 2613 of this title; or

19 (2) the transportation of up to ten Christmas trees.

20 (c) Trip ticket part of record. A mill, facility, or other person accepting a
21 load of forest products from a timber harvest shall require a trip ticket prior to

1 first measurement. The person transporting the forest products shall provide a
2 copy of the trip ticket to the mill, facility, or other person accepting delivery.
3 The mill, facility, or other person accepting delivery shall maintain a copy of
4 the trip ticket for a period of at least six years from the date of delivery and
5 shall provide a copy of the trip ticket to the landowner and to the
6 Commissioner in a manner as prescribed by the Commissioner. The mill,
7 facility, or other person accepting delivery shall maintain all mill slips, scale
8 slips, or other records related to the delivery for a period of at least six years
9 from the date of delivery and shall provide copies upon request to the
10 landowner or landowner's agent where the forest products were harvested.

11 (d) Transportation after first measurement; bill of sale trip ticket. Every
12 load of forest products that is transported after the first measurement shall be
13 accompanied by a bill of sale trip ticket that shall be provided by the mill,
14 facility, or other person selling the forest products. The mill or facility shall
15 provide a copy of the bill of sale to the landowner and to the Commissioner in
16 a manner prescribed by the Commissioner. The bill of sale shall contain the
17 following information:

18 (1) the name, mailing address, address of the principal place of business
19 or residence, and telephone number of the mill owner, facility, or person
20 selling the forest products and the name, mailing address, and telephone
21 number of the buyer;

1 (2) a load number assigned by and unique to the mill owner, facility, or
2 person selling the forest products;

3 (3) the volume of the forest products in thousand board feet, cords,
4 or tons;

5 (4) the destination of the load;

6 (5) the date of the transportation; and

7 (6) the expected date of delivery.

8 (e) Rulemaking. The Commissioner may adopt rules to implement the
9 provisions of this section.

10 (f) Enforcement; violations.

11 (1) Unless exempt under subsection (b) of this section, a person
12 transporting forest products or any person, entity, mill, or facility accepting
13 delivery of forest products shall present the trip ticket or bill of sale trip ticket
14 to a law enforcement officer or any employee of the State authorized to enforce
15 this section.

16 (2) It shall be a violation of this section to misrepresent or falsify any
17 information on a trip ticket.

18 (3) In addition to the civil enforcement provided in chapters 201 and
19 211 of this title, any person who knowingly or recklessly commits a violation
20 of any provision of this section or the rules adopted under this section shall be

1 imprisoned not more than two years or fined not more than \$150,000.00,
2 or both.

3 (4) Information related to a violation of this section may be used as
4 evidence in a civil action under 13 V.S.A. § 3606.

5 Sec. 6. 10 V.S.A. § 8003 is amended to read:

6 § 8003. APPLICABILITY

7 (a) The Secretary may take action under this chapter to enforce the
8 following statutes and rules, permits, assurances, or orders implementing the
9 following statutes, and the Board may take such action with respect to
10 subdivision (10) of this subsection:

11 * * *

12 (25) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of
13 firewood, harvest notifications, and required trip tickets.

14 * * *

15 Sec. 7. 10 V.S.A. § 8503(a) is amended to read:

16 (a) This chapter shall govern all appeals of an act or decision of the
17 Secretary, excluding enforcement actions under chapters 201 and 211 of this
18 title and rulemaking, under the following authorities and under the rules
19 adopted under those authorities:

20 (1) The following provisions of this title:

21 * * *

1 (T) chapter 83, subchapter 8 (importation of firewood, harvest
2 notifications, and required trip tickets).

3 * * * Maple Sugar Production on State Lands * * *

4 Sec. 8. 10 V.S.A. § 2606b is amended to read:

5 § 2606b. LICENSE OF ~~FOREST LANDS~~ FORESTLANDS FOR MAPLE
6 SUGAR PRODUCTION

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

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

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

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

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

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

19 (c) Beginning on July 1, 2009, pursuant to guidelines developed ~~jointly~~ by
20 the ~~department of forests, parks and recreation and the Vermont maple sugar~~
21 ~~makers' association~~ Department of Forests, Parks and Recreation, in

1 consultation with the Vermont Maple Sugar Makers' Association, the
2 ~~department shall~~ Department may issue licenses for the use of ~~state forest land~~
3 State forestland for the tapping of maple trees, the collection of maple sap, and
4 the transportation of such sap to a processing site located off ~~state forest land~~
5 State forestland or to sites located on ~~state forest land~~ State forestland if
6 approved by the ~~commissioner~~ Commissioner. All tapping of maple trees
7 authorized under a license shall be conducted according to the guidelines for
8 tapping maple trees ~~agreed to~~ established by the ~~department and the Vermont~~
9 ~~maple sugar makers' association~~ Department of Forests, Parks and Recreation,
10 in consultation with the Vermont Maple Sugar Makers' Association. Each
11 person awarded a license under this section shall maintain and repair any road,
12 water crossing, or work area according to requirements set by the ~~department~~
13 Department in the license. Each license shall include such additional terms
14 and conditions set by the ~~department~~ Department as may be necessary to
15 preserve forest health and to assure compliance with the requirements of this
16 chapter and applicable rules. A license shall be issued for a fixed term not to
17 exceed five years and shall be renewable for two five-year terms subsequent to
18 the initial license. Subsequent renewals shall be allowed where agreed upon by
19 the ~~department~~ Department and the licensee. The ~~department~~ Department shall
20 have power to terminate or modify a license for cause, including damage to
21 forest health.

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(f) There shall be an annual license fee 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~~ \$0.75 per tap, unless modified by the Commissioner by rule. Fees collected under this section shall be deposited in the ~~forest parks revolving fund~~ Forest Parks Revolving Fund established under section 2609 of this title and shall be used by the ~~department~~ Department to implement the license program established by this section.

(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.~~

1 (D) result in general benefit to the health and welfare of the people of
2 the State.

3 (2) The forest products industry, including maple sugar production:

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

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

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

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

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

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

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

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

3 (8) Forestry operations, including logging, transportation, and
4 processing of on-site-derived forest products may be subject to lawsuits based
5 on the theory of nuisance. Nuisance suits could encourage and result in the
6 conversion of forestland and loss of the forest products industry.

7 (9) It is in the public interest of the people of the State to ensure that
8 forestry operations that are conducted in accordance with the following are
9 protected and encouraged and are not subject to public and private nuisance
10 actions arising out of conflicts between forestry operations and urban,
11 commercial, and residential uses:

12 (A) the Acceptable Management Practices for Protecting Water
13 Quality on Logging Jobs in Vermont, as adopted by the Commissioner of
14 Forests, Parks and Recreation;

15 (B) accepted silvicultural practices as defined by the Commissioner
16 of Forests, Parks and Recreation; and

17 (C) the requirements of this subchapter.

18 § 5756. DEFINITIONS

19 As used in this chapter:

20 (1) “Close out” means all activities conducted after cessation of
21 harvesting that are necessary to stabilize areas impacted by forestry operations.

1 Closeout includes the maintenance of landings, logging roads, skid trails, and
2 stream crossings and removal of logging slash and material from roads and
3 landings in compliance with the Acceptable Management Practices for
4 Maintaining Water Quality on Logging Jobs in Vermont as adopted by the
5 Commissioner.

6 (2) “Commissioner” means the Commissioner of Forests, Parks and
7 Recreation.

8 (3) “Forest product” means logs; pulpwood; veneer; bolt wood; wood
9 chips; stud wood; poles; pilings; biomass; fuel wood; Christmas trees; maple
10 syrup; nursery products used for ornamental purposes; roots, leaves, or other
11 material collected from shrubs or bushes; wreaths; bough material; or cones or
12 other seed products.

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

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

1 (6) “Timber harvest” means a forestry operation involving the harvest of
2 timber.

3 § 5757. FORESTRY OPERATIONS; PROTECTION FROM NUISANCE

4 LAWSUITS

5 (a) The following activities shall be entitled to a rebuttable presumption
6 that the activity does not constitute a public or private nuisance if the activities
7 are conducted in accordance with the Acceptable Management Practices for
8 Maintaining Water Quality on Logging Jobs in Vermont as adopted by the
9 Commissioner, accepted silvicultural practices as defined by the
10 Commissioner, and other applicable law:

11 (1) a forestry operation;

12 (2) a change in ownership or size of a parcel on which a forestry
13 operation is being conducted;

14 (3) cessation or interruption of a forestry operation;

15 (4) enrollment in governmental forestry or conservation programs;

16 (5) adoption of new forestry technology;

17 (6) a change in a forestry operation, including a change in the type of a
18 forestry operation;

19 (7) construction, maintenance, and repair of log landings, logging roads,
20 and skid trails.

21 (8) removal, storage, or stockpiling of vegetation or timber;

1 (9) visual changes due to the removal or storage or stockpiling of
2 vegetation or forest products;

3 (10) noise from forestry equipment used in normal, generally accepted
4 forestry operations; or

5 (11) the use of chemicals normally utilized in forestry operations and
6 applied in accordance with all State and federal requirements.

7 (b) The presumption under subsection (a) that a listed forestry operation or
8 other activity does not constitute a nuisance may be rebutted by a showing that
9 the forestry operation or other activity has a substantial adverse effect on
10 health, safety, or welfare, or has a noxious and significant interference with the
11 use and enjoyment of the neighboring property.

12 (c) Nothing in this section shall be construed to limit the authority of State
13 or local boards of health to abate nuisances affecting the public health.

14 § 5758. RECOVERY OF COSTS AND ATTORNEY'S FEES

15 If a court determines that a nuisance action brought against a person
16 conducting a forestry operation or other activity listed under subsection
17 5757(a) of this title must be dismissed because the forestry operation or other
18 activity does not constitute a public or private nuisance under section 5757 of
19 this title, the person conducting the forestry operation or other activity shall be
20 awarded the actual amount of costs and expenses reasonably incurred in
21 connection with the defense of the action, including reasonable attorney's fees.

1 (8) “Forest products” mean logs; pulpwood; veneer; bolt wood; wood
2 chips; stud wood; poles; pilings; biomass; fuel wood; Christmas trees; maple
3 syrup; nursery products used for ornamental purposes; roots, leaves, or other
4 material collected from shrubs or bushes; wreaths; bough material; or cones or
5 other seed products.

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

9 § 3602. ~~UNLAWFUL CUTTING OF TREES~~ VALUATION OF TREES OR

10 TIMBER

11 ~~(a) Any person who cuts, fells, destroys to the point of no value, or~~
12 ~~substantially damages the potential value of a tree without the consent of the~~
13 ~~owner of the property on which the tree stands shall be assessed a civil penalty~~
14 ~~in the following amounts for each tree over two inches in diameter that is cut,~~
15 ~~felled, or destroyed~~ who is entitled to damages pursuant to section 3606 of this
16 title may provide an assessment of the value, based upon the kind, condition,
17 location, and use of the timber cut down, destroyed, removed, injured,
18 damaged, or carried away or, in the alternative, may assess the value of the
19 timber as follows:

20 (1) if ~~the a~~ a tree is no more than six inches in stump diameter or DBH,
21 ~~not more than \$25.00~~ \$100.00;

1 (2) if ~~the~~ a tree is more than six inches and not more than ten inches in
2 stump diameter or DBH, ~~not more than \$50.00~~ \$200.00;

3 (3) if ~~the~~ a tree is more than 10 inches and not more than ~~14~~ 12 inches in
4 stump diameter or DBH, ~~not more than \$150.00~~ \$500.00;

5 (4) if ~~the~~ a tree is more than 14 inches and not more than 18 inches in
6 stump diameter or DBH, ~~not more than \$500.00~~ \$1,000.00;

7 (5) if ~~the~~ a tree is more than 18 inches and not more than 22 inches in
8 stump diameter or DBH, ~~not more than \$1,000.00~~ \$1,500.00;

9 (6) if ~~the~~ a tree is greater than 22 inches in stump diameter or DBH, ~~not~~
10 ~~more than \$1,500.00~~ \$2,000.00;

11 (7) for a bush or shrub, \$50.00.

12 ~~(b) In calculating the diameter and number of trees cut, felled, or destroyed~~
13 ~~under this section, a law enforcement officer may rely on a written damage~~
14 ~~assessment completed by a professional arborist or forester.~~

15 § 3603. MARKING HARVEST UNITS

16 ~~A landowner who authorizes timber harvesting or who in fact harvests~~
17 ~~timber shall clearly and accurately mark with flagging or other temporary and~~
18 ~~visible means the harvest unit. Each mark of a harvest unit shall be visible~~
19 ~~from the next and shall not exceed 100 feet apart. The marking of a harvest~~
20 ~~unit shall be completed prior to commencement of a timber harvest. If a~~
21 ~~violation as described in section 3602 of this title occurs due to the failure of a~~

1 ~~landowner to mark a harvest unit, the landowner who failed to mark a harvest~~
2 ~~unit in accordance with the requirements of this subsection shall be assessed a~~
3 ~~civil penalty of not less than \$250.00 and not more than \$1,000.00.~~

4 [Repealed.]

5 § 3604. EXEMPTIONS

6 ~~The cutting, felling, or destruction of a tree or the harvest of timber by the~~
7 ~~following is exempt from the requirements of sections 3602, 3603, and 3606 of~~
8 ~~this title:~~

9 ~~(1) The Agency of Transportation conducting brush removal on State~~
10 ~~highways or Agency-maintained trails.~~

11 ~~(2) A municipality conducting brush removal subject to the~~
12 ~~requirements of 19 V.S.A. § 904.~~

13 ~~(3) A utility conducting vegetation maintenance within the boundaries~~
14 ~~of the utility's established right-of-way.~~

15 ~~(4) A harvester harvesting timber that a landowner has authorized for~~
16 ~~harvest within a harvest unit that has been marked by a landowner under~~
17 ~~section 3603 of this title. A landowner who harvests timber on his or her own~~
18 ~~property shall not be a "harvester" for the purposes of this subdivision.~~

19 ~~(5) A railroad conducting vegetation maintenance or brush removal in~~
20 ~~the railroad right-of-way.~~

1 ~~(6) A licensed surveyor establishing boundaries between abutting~~
2 ~~parcels under 27 V.S.A. § 4. [Repealed.]~~

3 § 3606. ~~TREBLE DAMAGES FOR CONVERSION OF TREES OR~~
4 ~~DEFACING MARKS ON LOGS~~ TRESPASS; CIVIL ACTION

5 ~~(a) If~~ In addition to any other civil liability or criminal penalty allowed by
6 law, if a person cuts down, fells, destroys, removes, injures, damages, or
7 carries away any tree or trees, brush, or shrubs timber placed or growing for
8 any use or purpose whatsoever, or timber, wood forest products, or underwood
9 understory vegetation standing, lying, or growing belonging to another person,
10 without leave permission from the owner of such trees, the timber, wood,
11 forest product, or underwood understory vegetation, or cuts out, alters, or
12 defaces the mark of a log or other valuable timber, in a river or other place
13 forest product, the party injured may recover of such person, in an action on
14 this statute, treble damages or for each tree the same amount that would be
15 assessed as a civil penalty under section 3602 of this title, whichever is greater
16 for the value of the timber, forest product, or understory vegetation, and any
17 damage caused to the land or improvements thereon as a result of such action,
18 together with reasonable costs of litigation, including investigation costs and
19 attorney's fees. The injured party or landowner may rely on an assessment of
20 damages based on the kind, condition, location, and use of the timber, forest
21 product, or understory vegetation by the injured party or landowner, or

1 alternatively, may elect to rely on the values established under section 3602 of
2 this title.

3 ~~(b) However, if it appears on trial that the defendant acted through mistake,~~
4 ~~or~~ If the defendant in an action brought pursuant to subsection (a) of this
5 section establishes by clear and convincing evidence that he or she had good
6 reason to believe that the trees, timber, wood, forest products, or underwood
7 understory vegetation belonged to him or her, or that he or she had a legal right
8 to perform the acts complained of, the plaintiff shall recover single damages
9 only, with costs.

10 ~~(c) For purposes of As used in~~ As used in this section, “damages” shall include any
11 damage caused to the land or improvements thereon as a result of a person
12 cutting, felling, destroying ~~to the point of no value, substantially reducing the~~
13 ~~potential value,~~ removing, injuring, damaging, or carrying away ~~a trees,~~
14 ~~timber, wood, forest products, or underwood~~ understory vegetation without the
15 ~~consent~~ permission of the owner of the property on which the tree stands. ~~If a~~
16 ~~person cuts down, destroys, or carries away a tree or trees placed or growing~~
17 ~~for any use or purpose whatsoever or timber, wood, or underwood standing,~~
18 ~~lying, or growing belonging to another person due to the failure of the~~
19 ~~landowner or the landowner’s agent to mark the harvest unit properly, as~~
20 ~~required under section 3603 of this title, a cause of action for damages may be~~
21 ~~brought against the landowner.~~

1 § 3606a. TRESPASS; CRIMINAL PENALTY

2 (a) No person shall knowingly or recklessly:

3 (1) cut down, fell, destroy, remove, injure, damage, or carry away any
4 timber or forest product placed or growing for any use or purpose whatsoever,
5 or timber, forest product, or understory vegetation standing, lying, or growing
6 belonging to another person, without permission from the owner of the timber,
7 forest product, or understory vegetation; or

8 (2) deface the mark of a log, forest product, or other valuable timber in a
9 river or other place.

10 (b) Any person who violates subsection (a) of this section shall:

11 (1) be imprisoned not more than five years or fined not more than
12 \$5,000.00, or both, if the value of the timber, forest product, or understory
13 vegetation together is \$1,000.00 or greater; or

14 (2) be imprisoned not more than one year or fined not more than
15 \$2,000.00, or both, if the value of the timber, forest product, or understory
16 vegetation is less than \$1,000.00.

17 Sec. 11. 4 V.S.A. § 1102(b) is amended to read:

18 (b) The Judicial Bureau shall have jurisdiction of the following matters:

19 * * *

20 ~~(21) Violations of 13 V.S.A. §§ 3602 and 3603, relating to the unlawful~~
21 ~~cutting of trees and the marking of harvest units. [Repealed.]~~

1 * * *

2 * * * Land Use; Municipal Bylaws * * *

3 Sec. 12. 24 V.S.A. § 4413(d) is amended to read:

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

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

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

13 (C) forestry operations.

14 ~~(1)(2)~~ For purposes of As used in this section:

15 (A) “~~farm~~ Farm structure” means a building, enclosure, or fence for
16 housing livestock, raising horticultural or agronomic plants, or carrying out
17 other practices associated with accepted agricultural or farming practices,
18 including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes
19 a dwelling for human habitation.

20 (B) “Forestry operations” has the same meaning as in 10 V.S.A.
21 § 2602.

1 ~~(2)~~(3) A person shall notify a municipality of the intent to build a farm
2 structure and shall abide by setbacks approved by the Secretary of Agriculture,
3 Food and Markets. No municipal permit for a farm structure shall be required.

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

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

17 * * * Fire Wardens and Fire Prevention * * *

1 Sec. 13. 10 V.S.A. chapter 83, subchapter 4 is amended to read:

2 Subchapter 4. Forest Fires and Forest Prevention

3 § 2641. TOWN FOREST FIRE WARDENS; APPOINTMENT AND
4 REMOVAL

5 (a) Upon approval by the ~~select board~~ selectboard and acceptance by the
6 appointee, the ~~commissioner~~ Commissioner shall appoint a town forest fire
7 warden for a term of five years or until a successor is appointed. A town forest
8 fire warden may be reappointed for successive five-year terms by the
9 Commissioner or until a successor is approved by the selectboard and
10 appointed by the Commissioner. The warden may be removed for cause at any
11 time by the ~~commissioner~~ Commissioner with the approval of the ~~select board~~
12 selectboard. A warden shall comply with training requirements established by
13 the ~~commissioner~~ by rule Commissioner.

14 (b) The ~~commissioner~~ Commissioner may appoint a forest fire warden for
15 an unorganized town or gore, who shall ~~hold office until he or she resigns or is~~
16 ~~removed for cause~~ serve for a term of five years or until a successor is
17 appointed. An appointed forest fire warden for an unorganized town or gore
18 may be reappointed for successive five-year terms by the Commissioner until
19 the Commissioner appoints and the unorganized town or gore approves a
20 successor. The warden may be removed for cause at any time by the
21 Commissioner with the approval of the unorganized town or gore. The forest

1 fire warden of an unorganized town or gore shall have the same powers and
2 duties as town forest fire wardens and shall be subject to the requirements of
3 this subchapter.

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

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

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

1 § 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE

2 WARDENS

3 (a) The salary of a town forest fire warden shall be determined by the
4 selectboard members for time spent in the performance of the duties of his or
5 her office, which shall be paid by the town. He or she shall also receive from
6 the town the sum of \$0.15 for each fire permit issued. In addition thereto, he
7 or she shall receive from the ~~commissioner \$20.00~~ Commissioner \$30.00
8 annually for properly making out and submitting reports of fires in his or her
9 district and keeping the required ~~state~~ State records. He or she shall also
10 receive from the ~~commissioner \$15.00~~ Commissioner \$30.00 per diem for
11 attendance at each training meeting called by the ~~commissioner~~ Commissioner.

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

19 (c) A person employed by a town forest fire warden to assist him or her in
20 extinguishing a forest fire as authorized under section 2644 of this title, shall
21 be paid at the same rate per hour as is paid for labor upon highways. A

1 minimum of two hours' pay for the first hour or any portion thereof shall be
2 allowed persons who are officially summoned to assist in the extinguishment
3 of forest fires. When a warden employs men or women in extinguishing a fire
4 in a municipality adjoining his or her own, the expense incurred shall be paid
5 by the municipality in which the work was done at the rate of pay prevailing in
6 the municipality where the laborers reside. A municipality wherein such
7 warden resides shall forthwith pay the warden and assistants for their services,
8 and the municipality may recover the expense thereof in a civil action on this
9 statute from the municipality where the work was done.

10 § 2643. TOWN'S LIABILITY FOR EXTINGUISHING FOREST FIRES;

11 STATE AID

12 (a) ~~For the purpose of extinguishing forest fires, a town shall not be held~~
13 ~~liable in any one year for an amount greater than ten percent of its grand list.~~
14 The municipality in which a forest fire occurs shall pay the cost of forest fire
15 suppression, including the cost of personnel and equipment. Forest fire
16 suppression costs mean those costs attributed to suppressing an individual fire
17 or the total costs of fire suppression incurred by a municipality in any one
18 calendar year.

19 (b) ~~The state~~ A municipality that incurs the cost of fire suppression under
20 subsection (a) of this section is eligible for reimbursement from the State
21 provided that the State shall reimburse a town for its forest fire suppression

1 costs in excess of ~~ten~~ one percent of its grand list ~~and for one half its forest fire~~
2 ~~suppression costs up to and including ten percent of its grand list when the bills~~
3 ~~are presented to the commissioner by December 31 of each year with proper~~
4 ~~vouchers and in a form approved by him~~ on lands not owned by the Agency of
5 Natural Resources. A town forest fire warden shall keep track of forest fire
6 suppression costs using rates determined by the Commissioner and may submit
7 reimbursable expenses to the municipality for all expenses that exceed one
8 percent of the grand list. The rate for forest fire suppression costs shall apply
9 to all fire departments responding to a fire. Fire suppression costs shall include
10 only costs of fire suppression in any given forest fire.

11 (c) For the purpose of extinguishing forest fires on lands owned by the
12 Agency of Natural Resources, the State shall reimburse a town for all its forest
13 fire suppression costs at a rate to be determined by the Commissioner. If the
14 total acreage of a forest fire is determined to be partially on land owned by the
15 Agency of Natural Resources and partially on land owned by another party, the
16 State shall reimburse the town a percentage of the total fire suppression costs
17 that is equal to the percentage of the land on which the fire occurred that is
18 owned by Agency of Natural Resources.

19 (d) For any forest fire to be considered eligible for reimbursement from the
20 State, a town forest fire warden shall have reported the forest fire to the
21 Commissioner within 14 days of its extinguishment as required under section

1 2644 of this title. In order to qualify for reimbursement, the town forest fire
2 warden shall approve the costs and shall submit the costs to the municipality in
3 which the fire occurred. The Commissioner shall specify the format for
4 submission of costs to the municipality. For reimbursement of fire suppression
5 costs for forest fires on land owned by the Agency of Natural Resources, the
6 town forest fire warden and the Commissioner, or his or her designee, shall
7 approve the costs before submission to the municipality for payment. The
8 State shall reimburse a town for all applicable forest fire suppression costs
9 listed in subsections (b) and (c) of this section when the bills are presented to
10 the Commissioner by December 31 of each year with proper vouchers and in a
11 form approved by the Commissioner.

12 § 2644. DUTIES AND POWERS OF FIRE WARDEN

13 (a) When a forest fire or fire threatening a forest is discovered in his or her
14 town, the town forest fire warden shall enter upon any premises and take
15 measures for its prompt control and extinguishment. The town forest fire
16 warden may call upon any person for assistance. ~~He or she may arrest without~~
17 ~~warrant any person found in the act of violating a provision of law or~~
18 ~~proclamation pertaining to forest fires.~~ The town forest fire warden is
19 authorized to direct, control, and supervise firefighting operations to suppress a
20 forest fire. The town forest fire warden may choose to share or delegate

1 command authority to a chief engineer, or in the chief's absence, the highest
2 ranking assistant present during the fire.

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

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

17 § 2645. OPEN BURNING; PERMITS

18 (a) Except as otherwise provided in this section, a person shall not kindle or
19 authorize another person to kindle a fire in the open air for the purpose of
20 burning natural wood, brush, weeds, or grass ~~or rubbish of any kind~~ except
21 ~~where there is snow on the site, without first obtaining permission from the fire~~

1 ~~warden or deputy warden of the town, stating when and where such fire may~~
2 ~~be kindled~~ without first obtaining permission from the town forest fire warden
3 or deputy forest fire warden, stating when and where such fire may be kindled.
4 Wood, brush, weeds, or grass may not be burned if they have been altered in
5 any way by surface applications or injection of paints, stains, preservatives,
6 oils, glues, or pesticides. Whenever such permission is granted, ~~such~~ the fire
7 warden, within 12 hours, shall issue a written ~~permit~~ “Permit to Kindle” for
8 record purposes stating when and where such fire may be kindled. ~~Permission~~
9 ~~shall not be required for the kindling of a fire in a location which is 200 feet or~~
10 ~~more from any woodland, timberland or field containing dry grass or other~~
11 ~~inflammable plant material contiguous to woodland. With the written approval~~
12 ~~of the secretary, during periods of extreme fire hazard, the commissioner may~~
13 ~~notify town fire wardens that for a specified period no burning permits shall be~~
14 ~~issued. The wardens shall issue no permits during the specified period.~~

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

19 [Repealed.]

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

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

5 (2) ~~To fires built in stone arches, outdoor fireplaces, and existing fire~~
6 rings at state State recreational areas;

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

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

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

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

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

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

1 * * * Gifts, Grants, and Donations to the Department * * *

2 Sec. 14. 32 V.S.A. § 5 is amended to read:

3 § 5. ACCEPTANCE OF GRANTS

4 (a) No original of any grant, gift, loan, or any sum of money or thing of
5 value may be accepted by any agency, department, commission, board, or
6 other part of State government except as follows:

7 (1) All such items must be submitted to the Governor who shall send a
8 copy of the approval or rejection to the Joint Fiscal Committee through the
9 Joint Fiscal Office together with the following information with respect to ~~said~~
10 the items:

11 (A) the source of the grant, gift, or loan;

12 (B) the legal and referenced titles of the grant;

13 (C) the costs, direct and indirect, for the present and future years
14 related to such a grant;

15 (D) the department ~~and/or~~ or program, or both, which will utilize
16 the grant;

17 (E) a brief statement of purpose;

18 (F) impact on existing programs if grant is not accepted.

19 (2) The Governor's approval shall be final unless within 30 days of
20 receipt of such information a member of the Joint Fiscal Committee requests
21 such grant be placed on the agenda of the Joint Fiscal Committee, or, when the

1 General Assembly is in session, be held for legislative approval. In the event
2 of such request, the grant shall not be accepted until approved by the Joint
3 Fiscal Committee or the Legislature. The 30-day period may be reduced where
4 expedited consideration is warranted in accordance with adopted Joint Fiscal
5 Committee policies. During the legislative session, the Joint Fiscal Committee
6 shall file a notice with the House and Senate clerks for publication in the
7 respective calendars of any grant approval requests that are submitted by the
8 ~~administration~~ Administration.

9 (3)(A) This section shall not apply to the following items, provided that
10 the acceptance of those items will not incur additional expense to the State or
11 create an ongoing requirement for funds, services, or facilities:

12 (i) the acceptance of grants, gifts, donations, loans, or other things
13 of value with a value of \$5,000.00 or less;

14 (ii) the acceptance by the Department of Forests, Parks and
15 Recreation of grants, gifts, donations, loans, or other things of value with a
16 value of \$15,000.00 or less; or

17 (iii) the acceptance by the Vermont Veterans' Home of grants,
18 gifts, donations, loans, or other things of value with a value of \$10,000.00 or
19 less.

20 (B) The Secretary of Administration and Joint Fiscal Office shall be
21 promptly notified of the source, value, and purpose of any items received

1 under this subdivision. The Joint Fiscal Office shall report all such items to
2 the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d)
3 (expiration of required reports) shall not apply to the report to be made under
4 this subdivision (B).

5 (4) With respect to acceptance of the original of a federal transportation
6 earmark or of a discretionary federal grant for a transportation project, the
7 provisions of subdivisions (a)(1) and (a)(2) shall apply, except that in addition:

8 (A) notification of the Governor's approval or rejection shall also
9 be made to the Chairs of the House and Senate Committees on
10 Transportation; and

11 (B) such grant or earmark shall be placed on the agenda, and shall be
12 subject to the approval, of a committee comprising the Joint Fiscal Committee
13 and the Chairs of the House and Senate Committees on Transportation, if one
14 of the Chairs or a member of the Joint Fiscal Committee so requests.

15 * * *

16 (c) Notwithstanding the requirements of subsection (a) of this section, gifts,
17 grants, and donations to the Department of Forests, Parks and Recreation from
18 the Vermont Parks Forever Foundation or a similar nonprofit organization that
19 exists expressly to support and enhance Vermont State Parks may be accepted
20 without the approval of the Governor and the Joint Fiscal Office, provided that:

1 in addition to the annual property tax imposed upon such property. Nothing in
2 this section shall be construed to require payment of an additional land use
3 change tax upon the subsequent development of the same land, nor shall it be
4 construed to require payment of a land use change tax merely because
5 previously eligible land becomes ineligible, provided no development of the
6 land has occurred.

7 * * *

8 (1) Land acquired by the Agency of Natural Resources, the Department of
9 Forests, Parks and Recreation, the Department of Fish and Wildlife, or the
10 Department of Environmental Conservation for public uses, as authorized by
11 10 V.S.A. § 6303(a)(1)-(4), shall be exempt from the levy of a land use change
12 tax under this section. At the request of the appropriate agency, the
13 Commissioner and Director shall release all land held by the Agency of
14 Natural Resources, the Department of Forests, Parks and Recreation, the
15 Department of Fish and Wildlife, or the Department of Environmental
16 Conservation from any lien recorded pursuant to this section.

17 Sec. 16. RETROACTIVE APPLICATION OF LAND USE CHANGE

18 EXEMPTION

19 Notwithstanding 1 V.S.A. § 214(b), Sec. 14 (land use change tax; ANR
20 lands) of this act shall apply retroactively to land acquired by the Agency of
21 Natural Resources, the Department of Forests, Parks and Recreation, the

1 Department of Fish and Wildlife, or the Department of Environmental
2 Conservation before the effective date of this act.

3 * * * Effective Date * * *

4 Sec. 17. EFFECTIVE DATE

5 This act shall take effect on July 1, 2016.