

# Senate Calendar

FRIDAY, JANUARY 19, 2018

SENATE CONVENES AT: 11:30 A.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### CONSIDERATION POSTPONED UNTIL JANUARY 24, 2018

##### GOVERNOR VETO

- S. 22** An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age and older..... 50  
**Pending Question:** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.).

#### CONSIDERATION POSTPONED UNTIL JANUARY 19, 2018

- S. 101** An act relating to the conduct of forestry operations  
**Pending Question:** Shall the bill be amended as recommended by the Committee on Agriculture?  
Agriculture Report .....50  
Amendment - Sens. Bray and Starr ..... 53

### NEW BUSINESS

#### Third Reading

- S. 19** An act relating to preserving the out-of-pocket limit for prescription drugs in bronze-level Exchange plans..... 54

### NOTICE CALENDAR

#### Second Reading

##### Favorable

- S. 291** An act relating to the annual town meeting of the unified towns and gores of Essex County and to the appraisers and supervisors of all unorganized towns and gores  
Government Operations Report - Sen. Pearson ..... 54

### CONCURRENT RESOLUTIONS FOR ACTION

- H.C.R. 220-228** (For text of Resolutions, see Addendum to House Calendar for January 18, 2018).....54



---

**ORDERS OF THE DAY**

---

**ACTION CALENDAR**

**CONSIDERATION POSTPONED UNTIL JANUARY 24, 2018**

**GOVERNOR VETO**

**S. 22.**

An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age and older.

**Pending Question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message and Bill as passed by Senate and House see Senate Calendar for January 3, 2018, pages 1-17.)

**CONSIDERATION POSTPONED UNTIL JANUARY 19, 2018**

**S. 101.**

An act relating to the conduct of forestry operations.

**Pending Question:** Shall the bill be amended as recommended by the Committee on Agriculture?

**Text of Report of the Committee on Agriculture:**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. chapter 196 is added to read:

CHAPTER 196. VERMONT RIGHT TO CONDUCT FORESTRY  
OPERATIONS

§ 5755. 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, wildlife habitat, air, water, and soil resources of the State;

(C) provide a resource for the State constitutional right to hunt, fish,

and trap;

(D) mitigate the effects of climate change; and

(E) result in general benefit to the 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) The economic management of public and private forestlands contributes to sustaining long-term forest health, integrity, and productivity.

(5) Forestry operations are adversely impacted 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.

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

(7) The encouragement, development, improvement, and continuation 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.

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

(9) Conventional forestry practices, including logging, transportation, and processing of forest products may be subject to unnecessary or adversarial lawsuits based on the theory of nuisance. Nuisance suits could encourage and result in the conversion of forestland and loss of the forest products industry.

(10) It is in the public interest of the people of the State to ensure that lawfully conducted conventional forestry practices are protected and encouraged and are not subject to public and private nuisance actions arising out of conflicts between forestry operations and urban, commercial, and

residential uses.

§ 5756. DEFINITIONS

As used in this chapter:

(1) “Commissioner” means the Commissioner of Forests, Parks and Recreation.

(2) “Conventional forestry practices” means:

(A) forestry operations;

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

(C) cessation or interruption of a forestry operation or a change in a forestry operation, including a change in the type of a forestry operation;

(D) enrollment in governmental forestry or conservation programs;

(E) adoption of new forestry technology;

(F) construction, maintenance, and repair of log landings, logging roads, and skid trails;

(G) visual changes due to the removal, storage, or stockpiling of vegetation or forest products;

(H) noise from forestry equipment used as part of a normal forestry operation; or

(I) the transport or trucking of forest products or of equipment on, to, or from the site of a forestry operation.

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

(4) “Forestry operation” means activities related to the management of forests, including timber harvests; removal, storage, or stockpiling of vegetation or timber; pruning; planting; lumber processing with portable sawmills; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. “Forestry operation” includes one or both of the following:

(A) the primary processing of forest products on a parcel where a timber harvest occurs; and

(B) the primary processing of forest products at a site that is not the harvest site, provided that:

(i) the person conducting the forestry operations owns or has permission to use the site for the forestry operation;

(ii) the forestry operation complies with all applicable law; and  
(iii) only portable, non-permanent equipment is used to process the forest products at the site.

(5) "Timber" means trees, saplings, seedlings, and sprouts from which trees of every size, nature, kind, and description may grow.

(6) "Timber harvest" means a forestry operation involving the harvesting of timber.

§ 5757. FORESTRY OPERATIONS; PROTECTION FROM NUISANCE LAWSUITS

(a) A person conducting a conventional forestry practice shall be entitled to a rebuttable presumption that the conventional forestry practice does not constitute a public or private nuisance if the person conducts the conventional forestry practice in compliance with the following:

(1) the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont as adopted by the Commissioner; and

(2) other applicable law.

(b) The presumption under subsection (a) of this section that a person conducting a conventional forestry practice does not constitute a nuisance may be rebutted by showing that a nuisance resulted from:

(1) the negligent operation of the conventional forestry practice; or

(2) violation of State or federal law during the conduct of the conventional forestry practice.

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

**Sec. 2. EFFECTIVE DATE**

This act shall take effect on passage.

**Amendment to S. 101 to be offered by Senators Bray and Starr**

Senators Bray and Starr move to amend the bill in Sec. 1, 12 V.S.A. § 5756, subdivision (4), by striking out subparagraph (B) in its entirety and inserting in lieu thereof the following:

(B) the primary processing of forest products at a site that is not the harvest site, provided that:

(i) the person conducting the forestry operations owns or has permission to use the site for the forestry operation;

(ii) the site is used by the forestry operation for 12 or fewer

months in any two-year period or 24 or fewer months in any five-year period;  
(iii) the forestry operation complies with all applicable law; and  
(iv) only portable, nonpermanent equipment is used to process the forest products at the site.

## **NEW BUSINESS**

### **Third Reading**

#### **S. 19.**

An act relating to preserving the out-of-pocket limit for prescription drugs in bronze-level Exchange plans.

## **NOTICE CALENDAR**

### **Second Reading**

#### **Favorable**

#### **S. 291.**

An act relating to the annual town meeting of the unified towns and gores of Essex County and to the appraisers and supervisors of all unorganized towns and gores.

**Reported favorably by Senator Pearson for the Committee on Government Operations.**

(Committee vote: 5-0-0)

## **CONCURRENT RESOLUTIONS FOR ACTION**

**H.C.R. 220-228** (For text of Resolutions, see Addendum to House Calendar for January 18, 2018)

## **PUBLIC HEARINGS**

**January 23, 2018 - 5:30 P.M. - 8:00 P.M.** - House Chamber - Re: Access to Health Care - Senate Committee on Health and Welfare and House Committee on Health Care.

**January 25, 2018 - 6:00 P.M. - 8:00 P.M.** - Room 11 - Re: - Minimum Wage - Senate Committee on Economic Development, Housing and General Affairs.

**January 30, 2018 - 5:30 P.M. - 7:30 P.M.** - House Chamber - Re: VT Firearms Laws - Senate Committee on Judiciary.

**February 13, 2018 - 6:00 P.M. - 7:00 P.M.** - Room 11 - Re: Governor's Recommended FY 2019 State Budget - House Committee on Appropriations.

## NOTICE OF JOINT ASSEMBLY

**Tuesday, January 23, 2018 - 1:00 P.M.** – House Chamber – Budget address by the Honorable Philip B. Scott, Governor of the State of Vermont.

### FOR INFORMATION ONLY

#### CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 2, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Fee Bill).**