

# Senate Calendar

WEDNESDAY, APRIL 11, 2018

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**H. 551.**

An act relating to flying the Green Mountain Boys Flag at the State House.

**H. 566.**

An act relating to animal cruelty.

**Proposal of amendment to H. 566 to be offered by Senator Ashe before  
Third Reading**

Senator Ashe moves to amend the Senate proposal of amendment in Sec. 1a, 13 V.S.A. § 353(a), in subdivision (5), by striking out the word “harms” and inserting in lieu thereof the word harming

**H. 673.**

An act relating to miscellaneous amendments to the Reach Up program.

**H. 874.**

An act relating to inmate access to prescription drugs.

**H. 906.**

An act relating to professional licensing for service members and veterans.

**Second Reading**

**Favorable**

**H. 429.**

An act relating to establishment of a communication facilitator program.

**Reported favorably by Senator Lyons for the Committee on Finance.**

(Committee vote: 6-0-1)

(For House amendments, see House Journal of March 20, 2018, page 720)

## **Favorable with Proposal of Amendment**

### **H. 300.**

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

#### **Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 2293 is amended to read:

#### § 2293. EXTINGUISHMENT OF CLAIM FOR RELIEF

A claim for relief with respect to a transfer or obligation under this chapter is extinguished unless action is brought:

(1) under subdivision 2288(a)(1) of this title not later than four years after the transfer was made or the obligation was incurred or, if later, not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) under subdivision 2288(a)(2) or subsection 2289(a) of this title not later than four years after the transfer was made or the obligation was incurred; or

(3) under subsection 2289(b) of this title, not later than one year after the transfer was made or the obligation was incurred; or

(4) pursuant to the provisions of 32 V.S.A. chapter 133, subchapter 9 for a tax sale, not later than two years after the tax collector's deed is delivered to the successful bidder at the tax sale.

Sec. 2. 32 V.S.A. § 5263 is amended to read:

#### § 5263. LIMITATION OF ACTIONS AGAINST GRANTEE IN POSSESSION

An action for the recovery of lands, or the possession thereof, shall not be maintained against the grantee of such lands in a tax collector's deed, duly recorded, or his or her heirs or assigns, when the grantee, his or her heirs or assigns have been in continuous and open possession of the land conveyed in such deed and have paid the taxes thereon, unless commenced within ~~three~~ one year after the cause of action first accrues to the plaintiff or those under whom he or she claims.

Sec. 3. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent, the collector may extend a warrant on such land. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(c), the collector shall, within 15 days ~~of~~ after the notice, commence tax sale proceedings to hold a tax sale within 60 days ~~of~~ after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by ~~registered~~ certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least 10 days prior thereto if the delinquent is a resident of the town, and 20 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least 10 days prior thereto if a resident of the town, and if a nonresident, 20 days' notice to the mortgagee or lien holder of record or his or her agent or attorney by ~~registered~~ certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

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Sec. 4. 32 V.S.A. § 5258 is amended to read:

§ 5258. FEES AND COSTS ALLOWED AFTER WARRANT AND LEVY RECORDED

(a) The fees and costs allowed after the warrant and levy for delinquent taxes have been recorded shall be as follows:

(1) levy and extending of warrant, \$10.00;

(2) recording levy and extending of warrant in the town clerk's office, \$10.00, to be paid to the town clerk;

(3) notices and publication of notices, actual costs incurred, including the costs of service pursuant to subdivisions 5252(a)(3) and (4) of this title;

(4) expenses actually and reasonably incurred by the town in securing a property for which property taxes are delinquent against illegal activity and fire hazards, to be paid to the town clerk, provided that the expenses shall not exceed 20 percent of the uncollected tax;

(5) when authorized by the selectboard, expenses actually and reasonably incurred by the tax collector for legal assistance in the preparation for or conduct of a tax sale, provided that the expenses shall not exceed 15 percent of the uncollected tax;

(6) travel reimbursement at the rate established by the contract governing State employees;

(7) attending and holding the sale, \$10.00;

(8) making return and recording the return in the town clerk's office, \$10.00, to be paid to the town clerk;

(9) collector's deed, \$30.00~~;~~

(b) ~~the~~ The fees and costs allowed in subsection (a) of this section, together with a collector's fee of up to eight percent, shall be in lieu of all other fees and costs.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for January 23, 2018, page 167)

## **House Proposal of Amendment to Senate Proposal of Amendment**

### **H. 836**

An act relating to electronic court filings for relief from abuse orders

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

By adding a new Sec. 3 to read as follows:

Sec. 3. ORDERS AGAINST STALKING OR SEXUAL ASSAULT;  
REPORT FROM OFFICE OF COURT ADMINISTRATOR

On or before March 1, 2019, the Office of the Court Administrator shall report to the House and Senate Committees on Judiciary regarding the feasibility of ensuring that orders against stalking or sexual assault issued under 12 V.S.A. chapter 178 are available after regular court hours and on weekends and holidays. The report required by this section may be provided through oral testimony.

And by renumbering the remaining section to be numerically correct.

### **NOTICE CALENDAR**

#### **Second Reading**

#### **Favorable with Proposal of Amendment**

### **H. 903.**

An act relating to regenerative farming.

**Reported favorably with recommendation of proposal of amendment by Senator Brooks for the Committee on Agriculture.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Farmers in Vermont face significant economic pressures as the costs of production often exceed prices paid for milk or other products.

(2) Many farmers have adopted regenerative farming practices to benefit from reduced input costs, improved yields, and better resilience to climatic extremes.

(3) Simultaneously with market conditions, farmers are facing regulatory pressures to improve management of agricultural waste and satisfy standards for the sale of food products.

(4) Some Vermont farmers may benefit economically from adopting regenerative farming practices.

(5) Regenerative agriculture describes farming and grazing practices that, among other benefits, reverse climate change by rebuilding organic matter in soil and restoring degraded soil biodiversity, resulting in carbon drawdown, improved retention of water in the soil, and improved water quality.

(6) Regenerative agriculture regenerates soil and revitalizes soil health, which may be essential to preserve farming in Vermont as the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) calculated that Vermont farmland loses on average 1.5 to 1.8 tons of soil per acre per year due to erosion by water.

(7) Through the Required Agricultural Practices, adopted under 6 V.S.A. § 4810, all farms in Vermont must adopt practices that improve soil health and water quality, including required cover cropping on floodplain fields and reducing erosion rates through the adoption of soil conservation management techniques.

(8) The Vermont Agricultural Water Quality Partnership (VAWQP) is dedicated to collaborating with and supporting agricultural producers in their efforts to improve water quality and improve soil health. The VAWQP is composed of the agencies and organizations that signed the Lake Champlain Memorandum of Understanding (MOU) in January 2012. The MOU partners currently include the U.S. Department of Agriculture's Natural Resources Conservation Service, the U.S. Department of Agriculture's Farm Service Agency, the Vermont Association of Conservation Districts, the U.S. Fish and Wildlife Service, the University of Vermont Extension, the Agency of Natural Resources, the Agency of Agriculture, Food and Markets, the Vermont Housing and Conservation Board, and the Lake Champlain Basin Program.

(9) The State of Vermont should establish a voluntary program to assist farmers to adopt regenerative farming practices and certify those farmers who have achieved a level of implementation that: contributes to generating or building soils and soil fertility and health; increases water percolation; increases water retention; increases the amount of clean water running off farms; increases biodiversity and ecosystem health and resiliency; and sequesters carbon in soils.

Sec. 2. 6 V.S.A. chapter 215, subchapter 7A is added to read:

Subchapter 7A. Regenerative Farming

§ 4961. PURPOSE

The purposes of this subchapter are to:



- (1) enhance the economic viability of farms in Vermont;
- (2) improve the health and productivity of the soils of Vermont;
- (3) encourage farmers to implement regenerative farming practices;
- (4) reduce the amount of agricultural waste entering the waters of Vermont;
- (5) enhance crop resilience to rainfall fluctuations and mitigate water damage to crops, land, and surrounding infrastructure;
- (6) promote cost-effective farming practices;
- (7) reinvigorate the rural economy; and
- (8) help the next generation of Vermont farmers learn regenerative farming practices so that farming remains integral to the economy, landscape, and culture of Vermont.

#### § 4962. DEFINITIONS

As used in this subchapter:

(1) “Certified Vermont Environmental Steward” means an owner or operator of a farm who has achieved the thresholds for the Vermont Environmental Stewardship Program to be certified as a farm that improves soil health and contributes to improving water quality.

(2) “Regenerative farming” means a series of cropland management practices that:

(A) contributes to generating or building soils and soil fertility and health;

(B) increases water percolation, increases water retention, and increases the amount of clean water running off farms;

(C) increases biodiversity and ecosystem health and resiliency; and

(D) sequesters carbon in agricultural soils.

#### § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL STEWARDSHIP PROGRAM

(a) Establishment of program. There is created within the Agency of Agriculture, Food and Markets the Vermont Environmental Stewardship Program (VESP) to provide technical and financial assistance to Vermont farmers seeking to implement regenerative farming practices to achieve certification as a Certified Vermont Environmental Steward.

(b) Program standards; application. The Secretary of Agriculture, Food and Markets shall establish by procedure standards for certification as a

Certified Environmental Steward. Application for certification shall be made in the manner required by the Secretary of Agriculture, Food and Markets.

(c) Program services. The VESP shall provide the following services to farmers voluntarily seeking to transition to achieve certification as a Certified Vermont Environmental Steward:

(1) information and education regarding the requirements for certification, including the method, timeline, and process of certification;

(2) technical assistance in completing any required application for certification;

(3) technical assistance in developing plans and implementing practices to achieve certification from the VESP; and

(4) technical assistance in complying with the requirements of the VESP after a farm is certified.

(d) Financial assistance; eligibility. An owner or operator of a farm participating in the VESP shall be eligible for financial assistance from existing Agency of Agriculture, Food and Markets financial assistance programs for costs incurred in implementing any of the practices required for certification as a Certified Environmental Steward.

(e) Revocation of certification. The Secretary may, after due notice and hearing, revoke a certification issued under this section when the owner or operator of a certified farm fails to comply with the standards for certification established under subsection (b) of this section.

(f) Administrative penalty; falsely advertising. The Secretary may assess an administrative penalty of up to \$1,000.00 against the owner or operator of a farm who knowingly advertises as a Certified Environmental Steward when not certified by the Secretary.

### Sec. 3. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP PROGRAM

The Agency of Agriculture, Food and Markets shall use funds available to the Agency and eligible for use for water quality programs or projects to provide financial assistance to Vermont farmers participating in the Vermont Environmental Stewardship Program to implement regenerative farming practices to achieve certification as a Certified Vermont Environmental Steward.

### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

(Committee vote: 5-0-0)

(No House amendments)

## CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Joseph M. Lorman of Rutland – Family Division Magistrate for Rutland, Bennington and Addison Counties – By Senator Sears for the Committee on Judiciary. (3/27/18)

Nathan Besio of Colchester – Member, Vermont Human Rights Commission – By Senator Benning for the Committee on Judiciary. (3/28/18)

Kevin Christie of White River Junction – Chair, Vermont Human Rights Commission – By Senator Nitka for the Committee on Judiciary. (3/28/18)

Richard Bailey of Hyde Park – Member, Transportation Board – By Senator Westman for the Committee on Transportation. (4/3/18)

David Markowski of Florence – Member, Transportation Board – By Senator Flory for the Committee on Transportation. (4/3/18)

David Coen of Shelburne – Chair, Transportation Board – By Senator Mazza for the Committee on Transportation. (4/11/18)