

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred Senate
3 Bill No. 258 entitled “An act relating to agricultural water quality,
4 enforcement, and dairy farming” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out Sec. 10, effective date, in its entirety and inserting in
7 lieu thereof new Secs. 10–12 to read as follows:

8 Sec. 10. 6 V.S.A. § 4802 is amended to read:

9 § 4802. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (2) “Farming” has the same meaning as used in 10 V.S.A. § 6001(22).

13 (3) “Good standing” means a participant in a program administered
14 under this chapter:

15 (A) does not have an active enforcement violation that has reached a
16 final order with the Secretary; and

17 (B) is in compliance with all terms of a current grant agreement or
18 contract with the Agency.

19 * * *

20 (10) “Agricultural activities” mean the operation and management of an
21 entity engaged in farming including any condition or activity that occurs at any

1 time on a farm, including all those activities defined as “farming” in this
2 chapter, “agricultural activity” in 12 V.S.A. § 5752, and all of the following:

3 (A) selling agricultural products at roadside stands or farm markets;

4 (B) the generation of noise, odors, dust, fumes, and other associated
5 conditions;

6 (C) the composting of material principally produced by the farm or to
7 be used at least in part on the farm;

8 (D) the ditching and subsurface drainage of farm fields and the
9 construction of farm ponds;

10 (E) the handling of livestock wastes and by-products;

11 (F) the operation of farm machinery and equipment, including
12 irrigation and drainage systems, pumps, and on-farm grain dryers;

13 (G) the movement of farm vehicles, machinery, equipment, and
14 products and associated inputs on the roadway;

15 (H) field preparation, crop protection, and ground and aerial seeding
16 and spraying;

17 (I) the on-site storage and application of agricultural inputs, including
18 lime, fertilizer, organic materials, conditioners, and pesticides;

19 (J) the use of alternative pest management techniques;

20 (K) the management, storage, transport, utilization, and application of
21 farm by-products, including manure or agricultural wastes;

1 (L) the expansion, change, or conversion of farming practices or
2 agricultural activities on a farm; and

3 (M) the employment, use, and housing of farm labor.

4 Sec. 11. 6 V.S.A. § 4818 is added to read:

5 § 4818. FARMING; SCOPE OF ACTIVITIES

6 (a) As used to determine the scope of nuisance protection in 12 V.S.A.
7 chapter 195, “ agricultural activities” shall include “farming” as defined in this
8 title.

9 (b) For purposes of application of 12 V.S.A. § 5753, all “agricultural
10 activities” defined in this chapter are entitled to the rebuttable presumption that
11 they do not constitute a nuisance.

12 Sec. 12. EFFECTIVE DATE

13 This act shall take effect on passage.

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18 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE