

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 as follows:

7 First: In Sec. 6, 6 V.S.A. § 4828, in subsection (c), after “separation, or
8 treatment; and before “and projects managed by nonprofit organizations” by
9 inserting “equipment to be used to achieve the most significant or cost-
10 effective benefits that advance the purposes of this section, including by
11 reducing nitrogen runoff;”

12 Second: By striking out Sec. 10, effective date, in its entirety and inserting
13 in lieu thereof new Secs. 10–13 to read as follows:

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

15 § 4802. DEFINITIONS

16 As used in this chapter:

17 * * *

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

19 (3) “Good standing” means a participant in a program administered

20 under this chapter:

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

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

5 * * *

6 (10) “Agricultural activities” means the operation and management of
7 an entity engaged in farming, including all those activities defined as
8 “farming” in this chapter, “agricultural activity” in 12 V.S.A. § 5752, and all of
9 the following:

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

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

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

15 (D) the ditching and subsurface drainage of farm fields and the
16 construction of farm ponds;

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

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

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

1 (H) field preparation, crop protection, and ground and aerial seeding
2 and spraying;

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

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

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

8 (L) the expansion of farming practices or agricultural activities on a
9 farm, or the change or conversion of farming practices of agricultural activities
10 to other farming practices of agricultural activities on a farm; and

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

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

13 § 4818. FARMING; SCOPE OF ACTIVITIES

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

17 (b) For purposes of the application of 12 V.S.A. § 5753, all “agricultural
18 activities” defined in this chapter, subject to the limitations and requirements
19 set forth in 12 V.S.A. § 5753, are entitled to the rebuttable presumption that
20 they do not constitute a nuisance.

1 Sec. 12. 12 V.S.A. § 5752 is amended to read:

2 § 5752. DEFINITIONS

3 For the purpose of this chapter, “agricultural activity” means, but is not
4 limited to:

5 (1) the cultivation or other use of land for producing food, fiber,
6 Christmas trees, maple sap, or horticultural and orchard crops; the raising,
7 feeding, or management of domestic animals as defined in 6 V.S.A. § 1151 or
8 bees; the operation of greenhouses; the production of maple syrup; the on-site
9 storage, preparation, and sale of agricultural products principally produced on
10 the farm; and the on-site production of fuel or power from agricultural
11 products or wastes principally produced on the farm;

12 (2) the preparation, tilling, fertilization, planting, protection, irrigation,
13 and harvesting of crops; the composting of material principally produced by
14 the farm or to be used at least in part on the farm; the ditching and subsurface
15 drainage of farm fields and the construction of farm ponds; the handling of
16 livestock wastes and by-products; and the on-site storage and application of
17 agricultural inputs, including lime, fertilizer, and pesticides;

18 (3) “farming” as defined in 10 V.S.A. § 6001; and

19 (4) “agricultural” activities as defined in 6 V.S.A. § 4802.

20 Sec. 13. EFFECTIVE DATE

21 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE