

1 S.276

2 Introduced by Senators Starr, Branagan, Brooks, and Collamore

3 Referred to Committee on Natural Resources and Energy

4 Date: January 3, 2018

5 Subject: Rural economic development; forest products; energy; land use;  
6 permitting

7 Statement of purpose of bill as introduced: The bill proposes changes to State  
8 law to encourage rural economic development. The bill would establish the  
9 Vermont Outdoor Recreation Business Alliance to promote and cultivate the  
10 outdoor recreation industry in Vermont. The bill would require Act 250 minor  
11 application status for sawmills producing one million board feet or less a year.  
12 The bill would support forest products industries through amendments relating  
13 to public schools that use wood energy and to the baseload renewable power  
14 portfolio requirement. The bill would require the Commissioner of Forests,  
15 Parks and Recreation to recommend conditions for removal of forestland from  
16 use value appraisal. The bill would require the Public Utility Commission to  
17 use a percentage of energy efficiency funds to deliver energy efficiency  
18 programs to customers with household incomes below 80 percent of the  
19 statewide median income. The bill would require the Commissioner of Public  
20 Service to report on how electric utility demand charges affect the siting of  
21 industrial enterprises in rural towns. The bill also would amend stormwater

1 permitting fees for activities in industrial parks in rural areas or small towns.

2 An act relating to rural economic development

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

4 ~~\*\*\* Vermont Outdoor Recreation Business Alliance \*\*\*~~

5 Sec. 1. VERMONT OUTDOOR RECREATION BUSINESS ALLIANCE

6 (a) Establishment. The Vermont Outdoor Recreation Business Alliance  
7 (VORBA) is created within the Department of Forests, Parks and Recreation to  
8 promote and cultivate the development of the outdoor recreation industry in  
9 the State of Vermont.

10 (b) Membership. VORBA shall comprise the following nine members  
11 who, except for ex officio members, shall be appointed by the Governor:

12 (1) The Commissioner of Forests, Parks and Recreation or designee;

13 (2) The Secretary of Commerce and Community Development or

14 designee;

15 (3) Five representatives of outdoor recreation companies from

16 Vermont; and

17 (4) Two representative of statewide environmental groups with

18 experience or history of protecting public lands and resources.

19 ~~(c) Powers. VORBA shall.~~

1 (1) recommend to the General Assembly and the Governor projects or  
2 programs that increase or enhance outdoor recreation opportunities in  
3 Vermont;

4 (2) advise new and existing outdoor recreation business companies of  
5 financial assistance, grants, or other programs that foster and support the  
6 creation, development, recruitment, or expansion of outdoor recreation  
7 business companies in Vermont;

8 (3) conduct outreach and development within the Vermont outdoor  
9 recreation business industry in order to improve sharing of resources,  
10 expertise, and skills within the industry; and

11 (4) recommend methods or places for expanding recreational access to  
12 State lands, federal lands, agricultural lands, and other lands in Vermont in a  
13 manner that maintains stewardship and protection of the State's vital natural  
14 resources.

15 (d) Assistance. VORBA shall have the administrative, technical, and legal  
16 assistance of the Agency of Natural Resources.

17 (e) Report. On or before January 15, 2019 and annually thereafter,  
18 VORBA shall submit a written report to the General Assembly summarizing  
19 its activities and recommending legislative actions to promote and cultivate the  
20 development of the outdoor recreation industry in the State of Vermont.

21 (f) Meetings.

1 ~~(1) The Commissioner of Forests, Parks and Recreation shall call the~~  
2 ~~first meeting of VORBA to occur on or before October 1, 2018.~~

3 ~~(2) VORBA shall select a chair from among its members at the first~~  
4 ~~meeting.~~

5 ~~(3) A majority of the membership of VORBA shall constitute a quorum.~~

6 ~~(g) Compensation and reimbursement. Members of VORBA who are not~~  
7 ~~employees of the State of Vermont and who are not otherwise compensated or~~  
8 ~~reimbursed for their attendance shall be entitled to both per diem~~  
9 ~~compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010~~  
10 ~~for meetings attended. These payments shall be made from monies~~  
11 ~~appropriated to the Department of Forests, Parks and Recreation.~~

12 \* \* \* Forest Products Industry; Act 250 Minor Application \* \* \*

13 Sec. 2. 10 V.S.A. § 6084 is amended to read:

14 § 6084. NOTICE OF APPLICATION; HEARING; COMMENCEMENT OF  
15 REVIEW

16 \* \* \*

17 ~~(g) Where an application concerns the construction of improvements for a~~  
18 ~~sawmill that produces one million board feet or less annually, the application~~  
19 ~~shall be processed as a minor application under subdivision (b)(2) of this~~  
20 ~~section.~~

21 ~~Forest Products Industry, Wood Energy, Supply~~

1 ~~Sec. 3. 16 V.S.A. § 837 is added to read:~~

2 § 837. PUBLIC SCHOOLS; WOOD HEAT; FUEL SUPPLIERS

3 Public schools and independent schools designated under section 827 of this  
4 title that use wood to produce heat or electricity, or both, shall give preference  
5 to Vermont suppliers when making fuel supply purchases.

6 Sec. 4. 30 V.S.A. § 8009(a)(2) is amended to read:

7 (2) “Baseload renewable power portfolio requirement” means an annual  
8 average of 175,000 MWh of baseload renewable power from an in-state  
9 woody biomass plant that was commissioned prior to September 30, 2009, has  
10 a nominal capacity of 20.5 MW, uses woody biomass from Vermont suppliers  
11 for the majority of its fuel supply, and was in service as of January 1, 2011.

12 Sec. 5. PUBLIC BUILDINGS; WOOD ENERGY; VERMONT

13 SUPPLIERS; REPORT

14 (a) On or before December 15, 2018, the Commissioner of Housing and  
15 Community Development (Commissioner), in consultation with the  
16 Commissioner of Public Service, shall submit a written report and  
17 recommendation on the feasibility and impacts of requiring public buildings  
18 that use wood to produce heat or electricity, or both, to give preference to  
19 Vermont suppliers when making fuel supply purchases.

20 (b) As used in this section, “public building” has the same meaning as in

21 20 V.S.A. § 2730.

1 (c) The submission shall include the Commissioner's specific

2 recommendations as to each of the following categories:

3 (1) public buildings owned or occupied by the State of Vermont,  
4 counties, municipalities, or other public entities;

5 (2) public buildings in Vermont that receive incentives or financing, or  
6 both, from the State of Vermont and are not within the category described in  
7 subdivision (1) of this subsection; and

8 (3) public buildings that are not within the categories described in  
9 subdivisions (1) and (2) of this subsection.

10 (d) The Commissioner shall submit the report and recommendation to the  
11 Senate Committees on Agriculture and on Natural Resources and Energy and  
12 the House Committees on Agriculture and Forestry and on Energy and  
13 Technology.

14 \* \* \* Forestland; Use Value Appraisal \* \* \*

15 Sec. 6. COMMISSIONER OF FORESTS, PARKS AND RECREATION;

16 REPORT ON REMOVAL OF MANAGED FORESTLAND FROM

17 USE VALUE APPRAISAL

18 On or before January 15, 2019, the Commissioner of Forests, Parks and

19 Recreation shall submit to the Senate Committees on Agriculture and on

20 Finance and the House Committees on Agriculture and Forestry and on Ways

21 and Means recommended amendments to the statutory requirements for

1 ~~removal of managed forestland from use value appraisal for failure to conform~~  
2 ~~with a forest or conservation management plan or for violation of the~~  
3 ~~minimum acceptable standards for forest or conservation management. The~~  
4 ~~Commissioner shall present the recommended changes in the form of draft~~  
5 ~~legislation.~~

6 \* \* \* Energy Efficiency; Households with Low Income \* \* \*

7 Sec. 7. 30 V.S.A. § 209 is amended to read:

8 § 209. JURISDICTION; GENERAL SCOPE

9 \* \* \*

10 (e) Thermal energy and process fuel efficiency funding.

11 \* \* \*

12 (2) If a program combines regulated fuel efficiency services with  
13 unregulated fuel efficiency services supported by funds under this section, the  
14 Commission shall allocate the costs of the program among the funding sources  
15 for the regulated and unregulated fuel sectors in proportion to the benefits  
16 provided to each sector.

17 \* \* \*

18 (f) Goals and criteria; all energy efficiency programs. With respect to all  
19 energy efficiency programs approved under this section, the Commission shall:

20 (1) Ensure that all retail consumers, regardless of retail electricity, gas,  
21 ~~or heating or process fuel provider or of household income, will have an~~

1 ~~opportunity to participate in and benefit from a comprehensive set of cost-~~  
2 effective energy efficiency programs and initiatives designed to overcome  
3 barriers to participation. To further this goal, the Commission shall require  
4 that a percentage of energy efficiency funds be used to deliver energy  
5 efficiency programs to customers with household incomes below 80 percent of  
6 the statewide median income, as defined by the U.S. Department of Housing  
7 and Urban Development, and the requirements of subdivision (e)(2) of this  
8 section shall not apply to such delivery.

9 \* \* \*

10 \* \* \* Electric Utility Demand Charges; Rural Towns \* \* \*

11 Sec. 8. DEMAND CHARGES; REPORT

12 (a) On or before December 15, 2018, the Commissioner of Public Service  
13 (Commissioner), in consultation with the Secretary of Commerce and  
14 Community Development, shall submit a written report on electric utility  
15 demand charges in Vermont and their effect on the ability of industrial  
16 enterprises to locate in rural towns of the State.

17 (b) The Commissioner shall submit the report to the House Committees on  
18 Agriculture and Forestry, on Commerce and Community Development, and on  
19 Energy and Technology and the Senate Committees on Agriculture, on  
20 Economic Development, Housing and General Affairs, and on Finance.

21 ~~(c) The report under this section shall include.~~

1 (1) a narrative summary of the terms, conditions, and rates for each  
2 demand charge tariff of each Vermont electric utility;

3 (2) a table that shows the rates and applicability of each such tariff, with  
4 such other information as the Commissioner may consider relevant, organized  
5 by electric utility;

6 (3) an analysis of the effect of these tariffs on the ability of industrial  
7 enterprises to locate in rural towns of the State;

8 (4) the Commissioner's recommendations on changes to demand charge  
9 tariffs that would encourage locating industrial enterprises in rural towns of the  
10 State or that would reduce or remove disincentives posed by demand charge  
11 tariffs to such locations.

12 (d) In this section, "rural town" shall have the same meaning as in  
13 24 V.S.A. § 4303.

14 \* \* \* Environmental Permitting; Stormwater Fees \* \* \*

15 Sec. 9. 3 V.S.A. § 2822 is amended to read:

16 § 2822. BUDGET AND REPORT; POWERS

17 \* \* \*

18 (h)(1) The Secretary shall reduce the fee for a permit or permit renewal  
19 under this section by 25 percent when the activity subject to the permit is  
20 located in an industrial park in a small town or rural area.

21 (2) If a fee for a stormwater permit or permit renewal is assessed on a

1 ~~per acre basis under subdivision (i)(2)(A) or (B) of this section, the maximum~~  
2 ~~total fee for the permit shall be \$7,500.00 if the permitted activity is located in~~  
3 ~~an industrial park in a small town or rural area.~~

4 (3) As used in this subsection:

5 (A) “Industrial park” means an area of land permitted as an  
6 industrial park under 10 V.S.A. chapter 151 or under 24 V.S.A. chapter 117,  
7 or under both.

8 (B) “Rural area” means a county of the State designated as “rural” or  
9 “mostly rural” by the U.S. Census Bureau in its most recent decennial census.

10 (C) “Small town” means a town in the State with a population of less  
11 than 5,000 at the date of the most recent U.S. Census Bureau decennial census.

12 \* \* \*

13 (j) In accordance with subsection (i) of this section, the following fees are  
14 established for permits, licenses, certifications, approvals, registrations, orders,  
15 and other actions taken by the Agency of Natural Resources.

16 \* \* \*

17 (26) For individual conditional use determinations, for individual  
18 wetland permits, for general conditional use determinations issued under  
19 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit,  
20 an administrative processing fee assessed under subdivision (2) of this  
21 ~~subsection (j) and an application fee of.~~

1 ~~(A) \$0.75 per square foot of proposed impact to Class I or II~~  
2 ~~wetlands.~~

3 ~~(B) \$0.25 per square foot of proposed impact to Class I or II wetland~~  
4 ~~buffers.~~

5 ~~(C) Maximum fee, for the conversion of Class II wetlands or wetland~~  
6 ~~buffers to cropland use, \$200.00 per application. As used in this subdivision,~~  
7 ~~“cropland” means land that is used for the production of agricultural crops,~~  
8 ~~including row crops, fibrous plants, pasture, fruit-bearing bushes, trees, or~~  
9 ~~vines, and the production of Christmas trees.~~

10 ~~(D) \$0.25 per square foot of proposed impact to Class I or II~~  
11 ~~wetlands or Class I or II wetland buffer for utility line, pipeline, and ski trail~~  
12 ~~projects when the proposed impact is limited to clearing forested wetlands in a~~  
13 ~~corridor and maintaining a cleared condition in that corridor for the project~~  
14 ~~life.~~

15 ~~(E) \$1.50 per square foot of impact to Class I or II wetlands when~~  
16 ~~the permit is sought after the impact has taken place.~~

17 ~~(F) \$100.00 per revision to an application for an individual wetland~~  
18 ~~permit or authorization under a general permit when the supplement is due to a~~  
19 ~~change to the project that was not requested by the Secretary.~~

20 ~~(G) Minimum fee, \$50.00 per application.~~

21 ~~(H) No fee shall be charged for an individual wetland permit or~~

1 ~~authorization under a general permit when the proposed impact to a Class I or~~  
2 II wetland is limited to installing a pipeline in a wetland for the transport of  
3 manure for the purposes of farming, as that term is defined in 10 V.S.A.  
4 § 6001(22).

5 \* \* \*

6 \* \* \* Effective Dates \* \* \*

7 Sec. 10. EFFECTIVE DATES

8 (a) This section and Secs. 2 (Act 250 minor application; small sawmills)  
9 and 8 (stormwater permit fees) shall take effect on passage.

10 ~~(b) All other sections shall take effect on July 1, 2018.~~

*\* \* \* Rural Economic Development Initiative \* \* \**

*Sec. 1. 10 V.S.A. § 325m is amended to read:*

*§ 325m. RURAL ECONOMIC DEVELOPMENT INITIATIVE*

*(a) Definitions. As used in this subchapter:*

*(1) ~~“Industrial park” means an area of land permitted as an industrial park under chapter 151 of this title or under 24 V.S.A. chapter 117, or under both.~~*

*(2) ~~“Rural area” means a county of the State designated as “rural” or “mostly rural” by the U.S. Census Bureau in its most recent decennial census.~~*

*(3)(2) ~~“Small town” means a town in the State with a population of less than 5,000 at the date of the most recent U.S. Census Bureau decennial census.~~*

*(b) Establishment. There is created ~~within the Vermont Housing and Conservation Board a~~ the Rural Economic Development Initiative to promote and facilitate to be administered by the Vermont Housing and Conservation Board for the purpose of promoting and facilitating community economic development in the small towns and rural areas of the State. The Rural Economic Development Initiative shall collaborate with municipalities, businesses, ~~industrial parks,~~ regional development corporations, and other appropriate entities to access funding and other assistance available to small*

*towns and businesses in rural areas of the State when existing State resources or staffing assistance is not available.*

*(c) Services; access to funding.*

*(1) The Rural Economic Development Initiative shall provide the following services to small towns and businesses in rural areas:*

*(A)(1) identification of grant or other funding opportunities available to small towns, businesses in rural areas, and industrial parks in small towns and rural areas that facilitate business development, siting of businesses, workforce development, broadband deployment, infrastructure development, or other economic development opportunities;*

*(B)(2) technical assistance to small towns, businesses in rural areas, and industrial parks in small towns and rural areas in writing grants, accessing and completing the application process for identified grants or other funding opportunities, including writing applications for grants or other funding, coordination with providers of grants or other funding, strategic planning for the implementation or timing of activities funded by grants or other funding, and compliance with the requirements of grant awards or awards of other funding.*

*(2)(d) In providing services under this subsection, the Rural Economic Development Initiative shall give first priority to projects that have received necessary State or municipal approval and that are ready for construction or implementation.*

*(d)(e) Services; business development Priority projects. The Rural Economic Development Initiative shall provide small towns and rural areas with services to facilitate business development in these areas. These services shall include:*

*(1) Identifying businesses or business types suitable for a small town, rural areas, industrial parks in a small town or rural area, or coworker spaces or generator spaces in rural areas. In identifying businesses or business types, the Rural Economic Development Initiative shall seek to assist the following priority types of projects:*

*(A) identify businesses or business types in the following priority areas:*

*(i)(1) milk plants, milk handlers, or dairy products, as those terms are defined in 6 V.S.A. § 2672;*

*(ii)(2) the outdoor recreation and equipment or recreation industry enterprises;*

~~(iii)(3) the value-added food and forest products industry enterprises;~~

~~(iv)(4) the value-added food industry farm operations, including phosphorus removal technology for farm operations;~~

~~(v)(5) phosphorus removal technology coworking or business generator and accelerator spaces; and~~

~~(vi)(6) commercial composting facilities; and~~

~~(7) restoration and rehabilitation of historic buildings in community centers.~~

~~(B) explore with a small town or rural area whether underused or closed school buildings are appropriate sites for coworker or generator spaces.~~

~~(2) Recommending available grants, tax credits, or other incentives that a small town or rural area can use to attract businesses.~~

~~(3)(f) In providing services under this subsection, the Rural Economic Development Initiative shall coordinate with the Secretary of Commerce and Community Development in order to avoid duplication by the Rural Economic Development Initiative of business recruitment and workforce development services provided by the Agency of Commerce and Community Development and regional development corporations.~~

~~(e)(g) Report. Beginning on January 15, 2018 31, 2019, and annually thereafter, the Rural Economic Development Initiative shall submit to the Senate Committees on Agriculture and on Economic Development, Housing and General Affairs and the House Committees on Agriculture and Forestry and on Commerce and Economic Development a report regarding the activities and progress of the Initiative as part of the report of the Vermont Farm and Forest Viability Program. The report shall include:~~

~~(1) a summary of the Initiative's activities in the preceding calendar year;~~

~~(2) an evaluation of the effectiveness of the services provided by the Initiative to small towns, rural areas, and industrial parks;~~

~~(3) a summary of the Initiative's progress in attracting priority businesses to small towns and rural areas;~~

~~(4) an accounting of the grants or other funding that the Initiative facilitated or provided assistance with;~~

~~(5) an accounting of the funds acquired by the Rural Economic~~

~~Development Initiative for administration of grants or other funding mechanisms and whether these funds are sufficient to offset the cost of the Rural Economic Development Initiative; and~~

~~(6) recommended changes to the program, including proposed legislative amendments to further economic development in small towns and rural areas in the State summarize the Initiative's activities in the preceding year; evaluate the effectiveness of the services provided by the Initiative; and provide an accounting of the grants or other funding that the Initiative facilitated or helped secure.~~

~~\*\*\* Outdoor Recreation-Friendly Community Program \*\*\*~~

~~Sec. 2. OUTDOOR RECREATION-FRIENDLY COMMUNITY PROGRAM~~

~~(a) Establishment. Upon receipt of funding, the Outdoor Recreation-Friendly Community Program (Program) is created to provide incentives for communities to leverage outdoor recreation assets to foster economic growth within a town, village, city, or region of the State.~~

~~(b) Administration. The Program shall be administered by the Department of Forests, Parks and Recreation in association with the Agency of Commerce and Community Development.~~

~~(c) Selection. The Commissioner of Forests, Parks and Recreation in consultation with the Agency of Commerce and Community Development and the Vermont Outdoor Recreation Economic Collaborative steering committee shall select communities for the Program using, at minimum, the following factors:~~

~~(1) community economic need;~~

~~(2) identification of outdoor recreation as a priority in a town plan or other pertinent planning document;~~

~~(3) community commitment to an outdoor recreation vision; demonstrated support from community officials, the public, local business, and local and statewide outdoor recreation nonprofit organizations; and commitment to adhere to accepted standards and recreation ethos;~~

~~(4) a community with a good foundation of outdoor recreation assets already in place with strong potential for growth on both private and public lands;~~

~~(5) a community with good opportunities for connecting assets within the community with assets of other nearby communities;~~

~~(6) a community with an existing solid network of local supporting businesses; and~~

(7) community commitment to track and measure outcomes to demonstrate economic and social success.

(d) Incentives. Communities accepted into the Program shall be offered, at minimum, the following incentives:

(1) preferential consideration to become part of the Vermont Trail System;

(2) preferential consideration when applying for grant assistance through the Recreational Trails Program and the Land and Water Conservation Fund Program;

(3) access to other economic development assistance if available and appropriate; and

(4) recognition as part of a network of Outdoor Recreation-Friendly Communities connected through a common branding and adherence to high standards of quality and service.

(e) Pilot project and appropriation. Upon receipt of funding to create the Outdoor Recreation Friendly Community Program, the Agency of Commerce and Community Development, in association with the Department of Forests, Parks and Recreation shall approve pilot communities to serve as prototypes for the Program. The funding may be used for the following purposes:

(1) communitywide outdoor recreation planning, including assessment, mapping, and identifying possibilities and priorities;

(2) services of consultants and other technical assistance providers;

(3) public facing mapping and other informational materials;

(4) securing access;

(5) implementation of public access improvements;

(6) stewardship;

(7) marketing; and

(8) program administration.

(f) Reports. On or before January 15, 2019, the Commissioner of Forests, Parks and Recreation shall submit a report to the General Assembly detailing the progress made with the pilot project authorized under subsection (e) of this section. On or before January 15, 2020, the Commissioner of Forests, Parks and Recreation shall submit a report to the General Assembly detailing any measurable results of economic activity growth.

*\* \* \* Environmental Permitting Fees \* \* \**

*Sec. 2a. 3 V.S.A. § 2822(j) is amended to read:*

*(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.*

*\* \* \**

*(26) For individual conditional use determinations, for individual wetland permits, for general conditional use determinations issued under 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit, an administrative processing fee assessed under subdivision (2) of this subsection (j) and an application fee of:*

*(A) \$0.75 per square foot of proposed impact to Class I or II wetlands.*

*(B) \$0.25 per square foot of proposed impact to Class I or II wetland buffers.*

*(C) Maximum fee, for the conversion of Class II wetlands or wetland buffers to cropland use or for installation of a pipeline in a wetland for the transport of manure for the purposes of farming, as that term is defined in 10 V.S.A. § 6001(22), \$200.00 per application. As used in this subdivision, "cropland" means land that is used for the production of agricultural crops, including row crops, fibrous plants, pasture, fruit-bearing bushes, trees, or vines, and the production of Christmas trees.*

*\* \* \**

*\* \* \* Electric Utility Demand Charges; Rural Towns \* \* \**

*Sec. 3. DEMAND CHARGES; REPORT*

*(a) On or before January 31, 2019, the Commissioner of Public Service (Commissioner), in consultation with the Secretary of Commerce and Community Development, shall submit a written report on electric utility demand charges in Vermont and their effect on the ability of industrial enterprises to locate in rural towns of the State.*

*(b) The Commissioner shall submit the report to the House Committees on Agriculture and Forestry, on Commerce and Community Development, and on Energy and Technology and the Senate Committees on Agriculture, on Economic Development, Housing and General Affairs, and on Finance.*

*(c) The report under this section shall include:*

*(1) a narrative summary of the terms, conditions, and rates for each*

demand charge tariff of each Vermont electric utility;

(2) a table that shows the rates and applicability of each such tariff, with such other information as the Commissioner may consider relevant, organized by electric utility;

(3) an analysis of the alternatives to these tariffs that will improve the ability of industrial enterprises to locate in rural towns of the State, including the use of energy efficiency, self-generation, and other measures to reduce the demand of such enterprises on the interconnecting electric utility;

(4) the Commissioner's recommendations on changes to demand charge tariffs and other methods to reduce demand that would encourage locating industrial enterprises in rural towns of the State or that would reduce or remove disincentives posed by demand charge tariffs to such locations.

(d) In this section, "rural town" shall have the same meaning as in 24 V.S.A. § 4303.

*\* \* \* Purchase and Use Tax; Forestry Equipment \* \* \**

*Sec. 4. 32 V.S.A. § 8911 is amended to read:*

*§ 8911. EXCEPTIONS*

*The tax imposed by this chapter shall not apply to:*

*(1) Motor vehicles owned or registered, or motor vehicles rented, by any state or province or any political subdivision thereof.*

*\* \* \**

*(23) The following motor vehicles used for timber cutting, timber removal, and processing of timber or other solid wood forest products intended to be sold ultimately at retail: skidders with grapple and cable, feller bunchers, cut-to-length processors, forwarders, delimiters, loader slashers, log loaders, whole-tree chippers, stationary screening systems, and firewood processors, elevators, and screens.*

*Sec. 5. [Deleted.]*

*Sec. 6. [Deleted.]*

*Sec. 7. [Deleted.]*

*Sec. 8. [Deleted.]*

*Sec. 9. [Deleted.]*

*\* \* \* Hemp \* \* \**

*Sec. 10. PURPOSE*

The purpose of Secs. 10-12 of this act is to amend the laws of Vermont regarding the cultivation of industrial hemp to conform with federal requirements for industrial hemp research set forth in section 7606 of the federal Agricultural Act of 2014, Pub. L. No. 113-79, codified at 7 U.S.C. § 5940.

Sec. 11. 6 V.S.A. chapter 34 is amended to read:

CHAPTER 34. HEMP

§ 561. FINDINGS; INTENT

(a) Findings.

(1) Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, ~~bio-fuel~~ biofuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

(2) The many agricultural and environmental beneficial uses of hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

(3) The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from four to 15 feet and a stem diameter of one-quarter to three-quarters of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

(4) Hemp cultivation will enable the State of Vermont to accelerate economic growth and job creation, promote environmental stewardship, and expand export market opportunities.

(5) The federal Agricultural Act of 2014, Pub. L. No. 113-79 authorized the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act, if certain criteria are satisfied.

(b) Purpose. The intent of this chapter is to establish policy and procedures for growing hemp in Vermont that comply with federal law so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity.

§ 562. DEFINITIONS

As used in this chapter:

(1) *[Repealed.]*

(2) *“Hemp products” means all products made from hemp, including cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.*

(3) *“Hemp” or “industrial hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.*

(4) *“Secretary” means the Secretary of Agriculture, Food and Markets.*

*§ 563. HEMP; AN AGRICULTURAL PRODUCT*

*Hemp Industrial hemp is an agricultural product ~~which~~ that may be grown as a crop, produced, possessed, marketed, and commercially traded in Vermont pursuant to the provisions of this chapter. The cultivation of industrial hemp shall be subject to and comply with ~~the requirements of~~ the required agricultural practices adopted under section 4810 of this title.*

*§ 564. REGISTRATION; ADMINISTRATION; PILOT PROJECT*

*(a) The Secretary shall establish a pilot program to research the growth, cultivation, and marketing of industrial hemp. Under the pilot program, the Secretary shall register persons who will participate in the pilot program through growing or cultivating industrial hemp. The Secretary shall certify the site where industrial hemp will be cultivated by each person registered under this chapter. A person who intends to participate in the pilot program and grow industrial hemp shall register with the Secretary and submit on a form provided by the Secretary the following:*

*(1) the name and address of the person;*

*(2) a statement that the seeds obtained for planting are of a type and variety that do not exceed the maximum concentration of tetrahydrocannabinol set forth in subdivision 562(3) of this title; and*

*(3) the location and acreage of all parcels sown and other field reference information as may be required by the Secretary.*

*(b) The form provided by the Secretary pursuant to subsection (a) of this section shall include a notice statement that, ~~until current federal law is amended to provide otherwise:~~*

*(1) cultivation and possession of industrial hemp in Vermont is a violation of the federal Controlled Substances Act unless the industrial hemp is grown, cultivated, or marketed under a pilot program authorized by section 7606 of the federal Agricultural Act of 2014, Pub. L. No. 113-79; and*

*(2) federal prosecution for growing hemp in violation of federal law may include criminal penalties, forfeiture of property, and loss of access to federal agricultural benefits, including agricultural loans, conservation programs, and insurance programs.*

*(c) A person registered with the Secretary pursuant to this section shall allow industrial hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected and tested by and at the discretion of the Secretary or his or her designee. The Secretary shall retain tests and inspection information collected under this section for the purposes of research of the growth and cultivation of industrial hemp.*

*(d) The Secretary may assess an annual registration fee of \$25.00 for the performance of his or her duties under this chapter.*

#### *§ 566. RULEMAKING AUTHORITY*

*(a) The Secretary may adopt rules to provide for the implementation of this chapter and the pilot project authorized under this chapter, which may include rules to require hemp to be tested during growth for tetrahydrocannabinol levels and to require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing. The Secretary shall not adopt under this or any other section a rule that would prohibit a person to grow hemp based on the legal status of hemp under federal law.*

*(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the pilot program for industrial hemp.*

#### *Sec. 12. TRANSITION; IMPLEMENTATION*

*All persons registered prior to July 1, 2018 with the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate hemp shall be deemed to be registered with the Secretary of Agriculture, Food and Markets as participants in the industrial hemp pilot project established by this act under 6 V.S.A. § 564, and those previously registered persons shall not be required to reregister with the Secretary of Agriculture, Food and Markets.*

*Sec. 13. 6 V.S.A. § 567 is added to read:*

#### *§ 567. TEST RESULTS; ENFORCEMENT*

*(a) If the Secretary or a dispensary registered under 18 V.S.A. chapter 86 tests a hemp crop and the hemp has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis, the person registered with the Secretary as growing the hemp crop shall:*

*(1) enter into an agreement with a dispensary registered under 18 V.S.A.*

chapter 86 for the separation of the delta-9 tetrahydrocannabinol from the hemp crop, return of the hemp crop to the person registered with the Secretary, and retention of the separated delta-9 tetrahydrocannabinol by the dispensary.

(2) sell the hemp crop to a dispensary registered under 18 V.S.A. chapter 86; or

(3) arrange for the Secretary to destroy or order the destruction of the hemp crop.

(b) A person registered with the Secretary as growing the hemp crop shall not be subject to civil, criminal, or administrative liability or penalty under 18 V.S.A. chapter 84 if the tested industrial hemp has a delta-9 tetrahydrocannabinol concentration of one percent or less on a dry weight basis.

Sec. 14. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

(1) Acquire, possess, cultivate, manufacture, process, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief.

\* \* \*

(5) Acquire, possess, manufacture, process, transfer, transport, and test hemp provided by persons registered with the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate hemp.

\* \* \*

Sec. 15. 18 V.S.A. § 4474n is added to read:

§ 4474n. TESTING BY THE AGENCY OF AGRICULTURE, FOOD AND MARKETS

The Agency of Agriculture, Food and Markets shall establish a cannabis quality control program for the following purposes:

(1) to develop potency and contaminant testing protocols for hemp, hemp-infused products, marijuana, and marijuana-infused products;

(2) to verify cannabinoid label guarantees of hemp, hemp-infused products, marijuana, and marijuana-infused products;

(3) to test for pesticides, solvents, heavy metals, mycotoxins, and

bacterial and fungal contaminants in hemp, hemp-infused products, marijuana, and marijuana-infused products; and

(4) to certify testing laboratories that can offer the services in subdivisions (2) and (3) of this section.

Sec. 16. [Deleted.]

\* \* \* Industrial Park Designation \* \* \*

Sec. 17. AGENCY OF COMMERCE AND COMMUNITY  
DEVELOPMENT; INDUSTRIAL PARK DESIGNATION

(a) On or before December 15, 2018, the Secretary of Commerce and Community Development, after consultation with the Secretary of Natural Resources, the Chair of the Natural Resources Board, Regional Development Corporations, Regional Planning Commissions, the Vermont Natural Resources Council, and the Commission on Act 250, shall submit to the Senate Committees on Agriculture and on Economic Development, Housing and General Affairs and to the House Committee on Commerce and Economic Development recommendations for establishing an economic development program under which defined parcels in rural areas of the State are designated as industrial parks for the purposes of providing regulatory and permitting incentives to businesses sited within the industrial park. The report shall include:

(1) recommended criteria for establishing an industrial park in a rural area;

(2) eligibility criteria, if any, for a business to site within a designated industrial park in a rural area;

(3) recommended incentives for businesses sited within a designated industrial park in a rural area, including permitting incentives, permit fee reductions, reduced electric rates, net metering incentives, and other regulatory incentives;

(4) recommended technical or financial assistance that a business would be eligible to receive for locating within a designated industrial park in a rural area; and

(5) draft legislation necessary to implement any recommendation.

(b) As used in this section, "rural area" means a county of the State designated as "rural" or "mostly rural" by the U.S. Census Bureau in its most recent decennial census.

*\* \* \* Effective Date \* \* \**

*Sec. 18. EFFECTIVE DATE*

*This act shall take effect on July 1, 2018.*