

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 246
3 entitled “An act relating to “preserving Vermont’s working landscape”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 6 V.S.A. § 2966 (Vermont agricultural development board) is repealed
8 in its entirety and new §§ 2966 is added to read:

9 § 2966. ESTABLISHMENT OF THE VERMONT WORKING LANDS
10 ENTERPRISE BOARD

11 (a) Board Established. The Vermont working lands enterprise board is
12 hereby established as the successor in interest to the Vermont agricultural
13 development board.

14 (b) Purpose; goals. The Vermont working lands enterprise board shall
15 perform its duties pursuant to sections 2967 and 2968 of this title:

16 (1) to build Vermont’s reputation as the national leader in food systems
17 development, environmental quality, land stewardship, access to outdoor
18 recreation, and working lands entrepreneurship;

19 (2) to increase the value and sales of the products of the working
20 landscape by means which reward sound farm and forest management and
21 promote ecological and human health, including appropriate increases in the

1 proportion of value-added farm and forest products relative to raw material
2 exports; and

3 (3) to attract a new generation of entrepreneurs to the farm, food and
4 forest systems, and value-added chains as a foundation for rural job creation
5 and working lands conservation.

6 (c) Board Composition. The board shall be composed of the following 24
7 members:

8 (1) six members appointed by the governor:

9 (A) a person with expertise in rural economic development issues;

10 (B) an employee of a Vermont postsecondary institution experienced
11 in researching issues related to agriculture or forestry;

12 (C) a person familiar with the agricultural or forest tourism industry;

13 (D) a member of the Northeast Organic Farming Association of
14 Vermont;

15 (E) a member of the Vermont Forest Products Association; and

16 (F) a member of the Vermont Wood Manufacturers Association;

17 (2) six members appointed by the speaker of the house of
18 representatives:

19 (A) a person who produces an agricultural commodity other than
20 dairy products;

1 (B) a person who creates a value-added product using ingredients
2 substantially produced on Vermont farms or from Vermont forests;

3 (C) a person with expertise in sales and marketing;

4 (D) a person representing the feed, seed, fertilizer, or equipment
5 enterprises;

6 (E) a member of the Vermont Woodlands Association; and

7 (F) a member of the Vermont Forest Stewardship Committee;

8 (3) six members appointed by the committee on committees of the
9 senate:

10 (A) a representative of Vermont’s dairy industry who is also a dairy
11 farmer;

12 (B) a person with expertise in land planning and conservation efforts
13 that support Vermont’s working landscape;

14 (C) a representative from a Vermont agricultural or forestry advocacy
15 organization;

16 (D) a person with experience in providing youth with educational
17 opportunities enhancing understanding of agriculture or forestry;

18 (E) a member of the Green Mountain Division, Society of American
19 Foresters from among its members; and

20 (F) a member of the Forest Guild who is a resident of Vermont.

21 (4) the following three members from the executive branch:

- 1 (A) the secretary of agriculture, food and markets;
2 (B) the secretary of commerce and community development; and
3 (C) the commissioner of forest, parks and recreation; and
4 (5) the following three members who shall serve as ex officio, non-

5 voting members:

- 6 (A) the manager of the Vermont economic development authority;
7 (B) the executive director of the Vermont sustainable jobs fund; and
8 (C) the executive director of the Vermont housing conservation
9 board.

10 (d) Governance.

11 (1) Thirteen members of the board shall constitute a quorum, and an
12 action of the board shall be taken by a majority of those members present and
13 voting at a meeting of the members at which a quorum is present.

14 (2)(A) The chair of the board shall be elected by the board from its
15 membership at the first meeting. The chair shall serve for the duration of his
16 or her member term, until his or her earlier resignation, or until his or her
17 unanimous removal by the governor, the speaker of the house, and the
18 president pro tempore of the senate. A chair may be reappointed, provided that
19 no individual may serve more than two consecutive terms as chair.

20 (3) Each member of the board shall serve a term of three years, or until
21 his or her earlier resignation or removal for cause by his or her appointing

1 authority. A member shall not serve more than two consecutive three-year
2 terms. Any vacancy occurring among the members shall be filled by the
3 respective appointing authority pursuant to this subsection, and shall be filled
4 for the balance of the unexpired term.

5 (e) Compensation. Members who are not state employees or whose
6 membership is not supported by their employer or association may receive
7 reimbursement for actual and necessary expenses incurred in the performance
8 of their duties pursuant to 32 V.S.A. § 1010.

9 Sec. 2. 6 V.S.A. § 2967 is added to read:

10 § 2967. POWERS AND DUTIES OF THE VERMONT WORKING LANDS
11 ENTERPRISE BOARD

12 (a) The Vermont working lands enterprise board shall have the authority to
13 promote job creation and the economic viability, growth, and sustainability of
14 the working landscape through three mechanisms:

15 (1) Direct grants and investments in agricultural and forestry enterprises;

16 (2) Services and assistance to agricultural and forestry enterprises, both
17 through direct coordination with public and private partners, and through
18 performance contracts with one or more persons, including:

19 (A) technical assistance and product research services;

20 (B) marketing assistance, market development, and business and
21 financial planning;

1 (C) local, statewide, regional, national, or international marketing of
2 the Vermont working landscape, its entrepreneurs and sectors, and the public
3 and private programs and partners supporting the working landscape;

4 (D) organizational, regulatory, and development assistance; and

5 (E) feasibility studies of facilities or capital investments to optimize
6 construction and other cost efficiencies.

7 (3) Direct grants and investments in food and forest systems
8 infrastructure.

9 (b) The board shall have the additional authority:

10 (1) to pursue, receive, and accept any type of funding from public or
11 private funding sources for the performance of its work;

12 (2) to use the services and staff of the agency of agriculture, food and
13 markets to assist in the performance of the board's duties, with the concurrence
14 of the secretary of agriculture, food and markets;

15 (3) to contract for support, technical, or other professional services
16 necessary to complete its work; and

17 (4) to advise and make recommendations to the secretary of agriculture,
18 food and markets and to the commissioner of forests, parks and recreation on
19 the adoption and amendment of laws, regulations, and governmental policies
20 that affect agriculture and forestry.

21 Sec. 3. 6 V.S.A. § 2968 is added to read:

1 § 2968. VERMONT WORKING LANDS ENTERPRISE SPECIAL FUND

2 There is created a special fund in the state treasury to be known as the
3 “Vermont working lands enterprise fund.” Notwithstanding any contrary
4 provisions of 32 V.S.A. Chapter 7, subchapter 5, the fund shall be
5 administered, and the monies of the funds shall be expended, by the Vermont
6 working lands enterprise board created in section 2966 of this title. The fund
7 shall be composed of moneys from time to time appropriated to the fund by the
8 general assembly or received from any other source, private or public,
9 approved by the board, and unexpended balances and any earnings shall
10 remain in the fund from year to year. The board shall make expenditures from
11 the fund consistent with the duties and authority of the board to promote job
12 creation and the economic viability, growth, and sustainability of the working
13 landscape consistent with section 2967 of this title.

14 Sec. 4. TRANSITION

15 Notwithstanding any provision of Sec. 1. of this act to the contrary, upon
16 the effective date of this act, each member of the Vermont agricultural
17 development board shall become a member of the Vermont working lands
18 enterprise board and shall serve the remainder of his or her current term, upon
19 the expiration of which a member may be reappointed or replaced as provided
20 in 6 V.S.A. § 2966, as amended by this act.

21 Sec. 5. 10 V.S.A. chapter 15 is amended to read:

1 CHAPTER 15. VERMONT HOUSING AND CONSERVATION

2 TRUST FUND

3 * * *

4 § 302. POLICY, FINDINGS, AND PURPOSE

5 (a) The dual goals of creating affordable housing for Vermonters, and
6 conserving and protecting Vermont’s agricultural ~~land~~ and forest land, historic
7 properties, important natural areas, and recreational lands are of primary
8 importance to the economic vitality and quality of life of the state.

9 (b) In the best interests of all of its citizens and in order to improve the
10 quality of life for Vermonters and to maintain for the benefit of future
11 generations the essential characteristics of the Vermont countryside, Vermont
12 should encourage and assist in creating affordable housing and in preserving
13 the state’s agricultural ~~land~~ and forest land, historic properties, important
14 natural areas, and recreational lands.

15 (c) It is the purpose of this chapter to create the Vermont housing and
16 conservation trust fund to be administered by the Vermont housing and
17 conservation board to further the policies established by subsections (a) and (b)
18 of this section.

1 § 303. DEFINITIONS

2 As used in this chapter:

3 (1) “Board” means the Vermont housing and conservation board
4 established by this chapter.

5 (2) “Fund” means the Vermont housing and conservation trust fund
6 established by this chapter.

7 (3) “Eligible activity” means any activity which will carry out either or
8 both of the dual purposes of creating affordable housing and conserving and
9 protecting important Vermont lands, including activities which will encourage
10 or assist:

11 (A) the preservation, rehabilitation or development of residential
12 dwelling units which are affordable to lower income Vermonters;

13 (B) the retention of agricultural land for agricultural use, and of forest
14 land for forestry use;

15 (C) the protection of important wildlife habitat and important natural
16 areas;

17 (D) the preservation of historic properties or resources;

18 (E) the protection of areas suited for outdoor public recreational
19 activity;

1 (F) the development of capacity on the part of an eligible applicant to
2 engage in an eligible activity.

3 * * *

4 § 311. CREATION OF THE VERMONT HOUSING AND
5 CONSERVATION BOARD

6 (a) There is created and established a body politic and corporate to be
7 known as the “Vermont housing and conservation board” to carry out the
8 provisions of this chapter. The board is constituted a public instrumentality
9 exercising public and essential governmental functions, and the exercise by the
10 board of the powers conferred by this chapter shall be deemed and held to be
11 the performance of an essential governmental function of the state. The board
12 is exempt from licensure under 8 V.S.A. chapter 73 ~~of Title 8~~.

13 (b) The board shall consist of the following 11 members:

14 (1) The secretary of agriculture, food and markets or his or her designee.

15 (2) The secretary of human services or his or her designee.

16 (3) The secretary of natural resources or his or her designee.

17 (4) The executive director of the Vermont housing finance agency or his
18 or her designee.

19 (5) Three public members appointed by the governor with the advice
20 and consent of the senate, who shall be residents of the state and who shall be
21 experienced in creating affordable housing or conserving and protecting

1 Vermont's agricultural ~~land~~ and forest land, historic properties, important
2 natural areas, or recreational lands, one of whom shall be a representative of
3 lower income Vermonters and one of whom shall be a farmer as defined in
4 32 V.S.A. § 3752(7).

5 (6) One public member appointed by the speaker of the house, who shall
6 not be a member of the general assembly at the time of appointment.

7 (7) One public member appointed by the senate committee on
8 committees, who shall not be a member of the general assembly at the time of
9 appointment.

10 (8) Two public members appointed jointly by the speaker of the house
11 and the president pro tempore of the senate as follows:

12 (A) One member from the nonprofit affordable housing organizations
13 that qualify as eligible applicants under subdivision 303(4) of this title who
14 shall not be an employee or board member of any of those organizations at the
15 time of appointment.

16 (B) One member from the nonprofit conservation organizations
17 whose activities are eligible under subdivision 303(3) of this title who shall not
18 be an employee or member of the board of any of those organizations at the
19 time of appointment.

20 * * *

1 § 321. GENERAL POWERS AND DUTIES

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3 (d) On behalf of the state of Vermont, the board shall seek and administer
4 federal farmland protection and forestland conservation funds to facilitate the
5 acquisition of interests in land to protect and preserve in perpetuity important
6 farmland for future agricultural use and forestland for future forestry use. Such
7 funds shall be used to implement and effectuate the policies and purposes of
8 this chapter. In seeking federal farmland protection and forestland
9 conservation funds under this subsection, the board shall seek to maximize
10 state participation in the federal wetlands reserve program ~~in order~~ and such
11 other programs as is appropriate to allow for increased or additional
12 implementation of conservation practices on farmland and forestland protected
13 or preserved under this chapter.

14 * * *

15 § 324. STEWARDSHIP

16 If an activity funded by the board involves acquisition by the state of an
17 interest in real property for the purpose of conserving and protecting
18 agricultural ~~land~~ and or forest land, important natural areas, or recreation lands, the
19 board, in its discretion, may make a one-time grant to the appropriate state
20 agency or municipality. The grant shall not exceed ten percent of the current

1 appraised value of that property interest and shall be used to support its proper
2 management or maintenance or both.

3 * * *

4 Sec. 6. APPROPRIATIONS

5 (a) The amount of \$1,500,000.00 is appropriated from the general fund to
6 the Vermont working lands enterprise board in the amounts and for the
7 purposes as follows:

8 (1) not more than \$XXX,000.00 may be used by the board for direct
9 grants and investments in agricultural or forestry enterprises pursuant to 6
10 V.S.A. § 2966(a)(1).

11 (2) not more than \$XXX,000.00 may be used by the board to provide
12 services and assistance to agricultural and forestry enterprises pursuant to 6
13 V.S.A. § 2966(a)(2).

14 (3) not more than \$XXX,000.00 may be used by the board for direct
15 grants and investments in food and forest systems infrastructure pursuant to 6
16 V.S.A. § 2966(a)(3).

17 (b) The amount of \$XXX,000.00 is appropriated from the general fund to
18 the agency of agriculture, food and markets to provide funding for one full-
19 time position of “Vermont working landscape development director,” support
20 staff, and for fiscal management and operations costs.

21 Sec. 6. EFFECTIVE DATE

1 This act shall take effect on passage.

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9 (Committee vote: _____)

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11

Senator [surname]

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FOR THE COMMITTEE

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