

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Agriculture; water quality; warehouses; livestock; mosquito control;

4 Vermont Agricultural Credit Corporation

5 Statement of purpose of bill as introduced: This bill proposes to make multiple
6 miscellaneous changes to agricultural statutes. The bill would amend the
7 requirements for the Vermont Seeding and Filter Strip Program. The bill also
8 would amend the licensing requirements for agricultural warehouses. In
9 addition, the bill would amend livestock dealer licensing requirements. The
10 bill also amends eligibility requirements for financial assistance from the
11 Vermont Agricultural Credit Corporation.

12 An act relating to miscellaneous agricultural subjects

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

14 * * * Agricultural Water Quality * * *

15 Sec. 1. 6 V.S.A. § 4831 is amended to read:

16 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

17 (a) The Secretary of Agriculture, Food and Markets is authorized to
18 develop a Vermont Critical Source Area Seeding and Filter Strip Program in
19 addition to the federal Conservation Reserve Enhancement Program in order to
20 compensate farmers for establishing and maintaining harvestable perennial

1 vegetative grassed waterways and filter strips on agricultural cropland
2 perpendicular and adjacent to the surface waters of the State, including ditches.
3 Eligible acreage ~~would include~~ includes annually tilled cropland or a portion of
4 cropland currently cropped as hay ~~that will not be rotated into an annual crop~~
5 ~~for a 10-year period of time~~. Acreage that is currently managed as hay shall
6 have a prior history of rotation as corn or other annual commodity crop.

7 (b) Incentive payments from the Agency of Agriculture, Food and Markets
8 shall be made at the outset of a 10-year grant agreement to establish or
9 maintain the acreage as harvestable grassed waterway or filter strip.

10 (c) The Secretary of Agriculture, Food and Markets may establish by
11 procedure financial and technical criteria for the implementation and operation
12 of the Vermont Critical Source Area Seeding and Filter Strip Program.

13 (d) Land enrolled in the Vermont agricultural buffer program shall be
14 considered to be in “active use” as that term is defined in 32 V.S.A.
15 § 3752(15).

16 * * * Agricultural Warehouses * * *

17 Sec. 2. 6 V.S.A. chapter 67 is amended to read:

18 CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM
19 PRODUCTS

20 § 891. LICENSE

1 Excepting frozen food locker plants, any person, as defined in 9A V.S.A.
2 §§ 1-201 and 7-102, who stores ~~milk, cream, butter, cheese, eggs, meat,~~
3 ~~poultry, and fruit~~ eggs, as that term is defined in chapter 27 of this title, or
4 produce, as that term is defined in section 851 of this title, for hire in quantities
5 of 1,000 pounds or more ~~of any commodity~~ shall first be licensed by the
6 Secretary of Agriculture, Food and Markets. Each separate place of business
7 shall be licensed.

8 § 892. REQUIREMENTS

9 Before licensing ~~such places~~ a place of business under this chapter, the
10 Secretary of Agriculture, Food and Markets shall ~~satisfy himself or herself~~ be
11 satisfied as to the condition of the building, sanitation, refrigeration, and the
12 general safety of the stored goods under the rules and requirements that ~~he or~~
13 ~~she~~ the Secretary may deem proper.

14 § 893. APPLICATION FORMS; FEE

15 The Secretary of Agriculture, Food and Markets shall furnish necessary
16 application forms. The annual license date shall be April 1. The annual
17 license fee shall be \$125.00.

18 Sec. 3. 6 V.S.A. § 2672(5) is amended to read:

19 (5) “Milk handler” or “handler” is a person, firm, unincorporated
20 association, or corporation engaged in the business of buying, selling,
21 assembling, packaging, storing, or processing milk or other dairy products for

1 sale within the State of Vermont or outside the State. “Milk handler” or
2 “handler” does not mean a milk producer.

3 Sec. 4. 6 V.S.A. § 2721 is amended to read:

4 § 2721. HANDLERS’ LICENSES

5 (a) The Secretary may classify and issue licenses to milk handlers to carry
6 on dairy product handling businesses, including the purchase, distribution,
7 storage, or sale of milk or milk products, processing or manufacturing of milk
8 or milk products, including the pasteurization of frozen dessert mixes,
9 transport of milk and milk products, bargaining and collecting for the sale of
10 milk and milk products, and dealing in or brokering milk or milk products.

11 (b) A milk handler shall not transact business in the State unless the milk
12 handler secures and holds a handler’s license from the Secretary. The license
13 shall terminate September 1 each year and shall be procured by August 15 of
14 each year. The Secretary shall furnish all forms for applications, licenses, and
15 bonds. At the time the application is delivered to the Secretary, the milk
16 handler shall pay a license application fee of \$50.00 for an initial application
17 and a license fee based on the following table. For a renewal application, only
18 the fee in the table applies. Out-of-state firms shall use the company’s highest
19 total pounds of milk or dairy products bought, sold, packaged, assembled,
20 transported, stored, or processed per production day.

21 Pounds of milk or dairy products bought, sold,	License
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1	packaged, assembled, transported, <u>stored</u> , or	handling
2	processed per production day:	fee
3	500 pounds or less	\$ 60.00
4	Over 500 but less than 10,000 pounds	\$ 200.00
5	10,000 to 50,000 pounds	\$ 350.00
6	Over 50,000 but less than 100,000 pounds	\$ 750.00
7	100,000 to 500,000 pounds	\$1,000.00
8	Over 500,000 pounds	\$1,500.00
9	Processor fee per pasteurizer	\$ 75.00

10 (c) Notwithstanding subsection (b) of this section, the license handling fees
11 only for the transportation of bulk milk shall be capped at \$750.00 per year.

12 Sec. 5. 6 V.S.A. § 3302(36) is amended to read:

13 (36) “Public ~~warehouseman~~ warehouse operator” means any person who
14 acts as a temporary custodian of meat, meat food product, or poultry product
15 stored in that person’s warehouse for a fee.

16 Sec. 6. 6 V.S.A. § 3306 is amended to read:

17 § 3306. LICENSING

18 (a) No person shall engage in intrastate commerce in the business of
19 buying, selling, preparing, processing, packing, storing, transporting, or
20 otherwise handling meat, meat food products, or poultry products, unless that
21 person holds a valid license issued under this chapter. Categories of licensure

1 shall include commercial slaughterers; custom slaughterers; commercial
2 processors; custom processors; wholesale distributors; retail vendors; meat and
3 poultry product brokers; renderers; public warehouse operators; animal food
4 manufacturers; handlers of dead, dying, disabled, or diseased animals; and any
5 other category that the Secretary may by rule establish.

6 * * *

7 (d) The annual fee for a license for a retail vendor is \$15.00 for vendors
8 without meat processing operations, \$50.00 for vendors with meat processing
9 space of less than 300 square feet or meat display space of less than 20 linear
10 feet, and \$100.00 for vendors with 300 or more square feet of meat processing
11 space or 20 or more linear feet of meat display space. Fees collected under this
12 section shall be deposited in a special fund managed pursuant to 32 V.S.A.
13 chapter 7, subchapter 5 and shall be available to the Agency to offset the cost
14 of administering chapter 204 of this title. For all other plants, establishments,
15 and related businesses listed under subsection (a) of this section, ~~except for a~~
16 ~~public warehouse licensed under chapter 67 of this title,~~ the annual license fee
17 shall be \$150.00.

18 * * *

19 * * * Livestock Dealers * * *

20 Sec. 7. 6 V.S.A. § 761 is amended to read:

21 § 761. DEFINITIONS

1 As used in this chapter:

2 (1) “Camelids” has the same meaning as in section 1151 of this title.

3 (2) “Domestic deer” has the same meaning as in section 1151 of this
4 title.

5 (3) “Equines” has the same meaning as in section 1151 of this title.

6 (4) “Livestock” means cattle, ~~horses~~ equines, sheep, swine, goats,
7 camelids, ~~fallow deer, red deer, reindeer, and~~ domestic deer, American bison,
8 and any other domestic animal that the Secretary deems livestock for the
9 purposes of this chapter.

10 ~~(2)~~(5) “Livestock dealer” means a person who, on the person’s own
11 account or for commission, goes from place to place buying, selling, or
12 transporting livestock either directly or through online or other remote
13 transaction, or who operates a livestock auction or sales ring, provided that
14 “livestock dealer” shall not mean:

15 (A) a federal agency, including any department, division, or authority
16 within the agency;

17 (B) a nonprofit association approved by the Secretary; or

18 (C) a person who engages in “farming,” as that term is defined in
19 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a
20 farming operation when that person is buying, selling, or transporting livestock
21 for the person’s farm.

1 ~~(3)~~(6) “Packer” means a ~~livestock dealer~~ person who is solely involved
2 in the purchase of livestock for purpose of slaughter at ~~his or her~~ the person’s
3 own slaughter facility.

4 ~~(4)~~(7) “Person” means any individual, partnership, unincorporated
5 association, or corporation.

6 ~~(5)~~(8) “Transporter” means a ~~livestock dealer who limits his or her~~
7 ~~activity to transporting~~ person who transports livestock for remuneration and
8 who does not buy or sell livestock. A transporter ~~cannot buy or sell livestock~~
9 ~~and~~ is not required to be bonded.

10 Sec. 8. 6 V.S.A. § 762(a) is amended to read:

11 (a) A person shall not carry on the business of a livestock dealer, packer, or
12 transporter without first obtaining a license from the Secretary of Agriculture,
13 Food and Markets. Before the issuance of a each applicable license, a person
14 shall file an application on Agency-provided forms with the Secretary ~~an~~
15 ~~application for a license on forms provided by the Agency~~. Each application
16 shall be accompanied by a fee of \$175.00 for livestock dealers and packers and
17 \$100.00 for livestock transporters.

18 * * * Contagious Diseases and Animal Movement * * *

19 Sec. 9. 6 V.S.A. § 1151 is amended to read:

20 § 1151. DEFINITIONS

21 As used in this part:

1 (10) ~~“Fallow deer” means domesticated deer of the genus Dama, species~~
2 ~~dama.~~

3 (11) ~~“Red deer” means domesticated deer of the family cervidae,~~
4 ~~subfamily cervidae, genus Cervus, species elaphus.~~

5 (12) ~~“Reactor” means an animal that tests positive to any official test~~
6 ~~required under this chapter.~~

7 (13)(11) ~~“Reportable disease” means any disease included in the~~
8 ~~National List of Reportable Animal Diseases and any disease required by the~~
9 ~~Secretary by rule to be reportable.~~

10 (14)(12) ~~“Secretary” means the Secretary of Agriculture, Food and~~
11 ~~Markets or designee.~~

12 Sec. 10. 6 V.S.A. § 1153 is amended to read:

13 § 1153. RULES

14 (a) The Secretary shall adopt rules necessary for the discovery, control, and
15 eradication of contagious diseases and for the slaughter, disposal, quarantine,
16 vaccination, and transportation of animals found to be diseased or exposed to a
17 contagious disease. The Secretary may also adopt rules requiring the
18 disinfection and sanitation of real estate, buildings, vehicles, containers, and
19 equipment that have been associated with diseased livestock.

20 (b) The Secretary shall adopt rules establishing fencing and transportation
21 requirements for domestic deer.

1 (c) The Secretary shall adopt rules necessary for the inventory, registration,
2 tracking, and testing of domestic deer.

3 Sec. 11. 6 V.S.A. § 1165 is amended to read:

4 § 1165. TESTING OF CAPTIVE DEER

5 (a) Definitions. As used in this section:

6 (1) “Captive deer operation” means a place where domestic deer are
7 privately or publicly maintained, in an artificial manner, or held for economic
8 or other purposes within a perimeter fence or confined space.

9 (2) “Chronic wasting disease” or “CWD” means a transmissible
10 spongiform encephalopathy.

11 (b) Testing. A person operating a captive deer operation under the
12 jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the
13 Secretary when a captive deer in ~~his or her~~ the person’s control dies or is sent
14 to slaughter. The person operating the captive deer operation shall make the
15 carcass of a deceased or slaughtered animal available to the Secretary for
16 testing for CWD.

17 (c) Cost. The cost of CWD testing required under this section shall be
18 assessed to the person operating the captive deer operation from which the
19 tested captive deer originated.

1 request, to any organizations, public or private, or individuals interested in
2 mosquito or other biting arthropod ~~control~~ surveillance work.

3 (5) Issue or deny permits to any person for the use of larvicides or
4 pupacides for mosquito control in the waters of the State pursuant to
5 procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include
6 provisions regarding an opportunity for public review and comment on permit
7 applications. Persons applying for a permit shall apply on a form provided by
8 the Agency. ~~The Secretary shall seek the advice of the Agricultural Innovation~~
9 ~~Board when designating acceptable control products and methods for their use~~
10 ~~and when adopting or amending procedures for implementing this subsection.~~
11 Before issuing a permit under this subsection, the Secretary shall find, after
12 consultation with the Secretary of the Agency of Natural Resources, that there
13 is acceptable risk to the nontarget environment and that there is negligible risk
14 to public health.

15 (6) Notwithstanding the provisions of subdivision (5) of this subsection,
16 when the Commissioner of Health has determined that available information
17 suggests that an imminent risk to public health exists as a result of a potential
18 outbreak of West Nile Virus or other serious illness for which mosquitoes are
19 vectors, the Secretary of Agriculture, Food and Markets may issue permits for
20 the use of larvicides or pupacides for mosquito control without prior public
21 notice or comment.

1 (b) Notwithstanding any provisions of law to the contrary, a landowner
2 may use ~~biological larvicides or pupacides on his or her own land~~ a properly
3 registered mosquito control pesticide for mosquito control on the landowner's
4 land without obtaining a permit, provided that the ~~biological larvicide or~~
5 ~~pupacide is designated~~ Secretary designates it as an acceptable control product
6 for this purpose ~~by the Secretary~~ and the landowner complies with all
7 requirements on the label of the product.

8 Sec. 13. 6 V.S.A. § 1084 is amended to read:

9 § 1084. ~~ENGINEERS OR TECHNICIANS~~ EMPLOYEES; EQUIPMENT;
10 ENTRY ON LANDS

11 The Secretary may employ one or more trained ~~mosquito control engineers~~
12 ~~or technicians~~ persons to carry out provisions of section 1083 of this title and
13 procure such equipment as is necessary. The Secretary ~~and his or her~~ or duly
14 authorized agents of the Secretary may enter upon any lands in the State
15 making the aforementioned surveys, investigations, and studies.

16 Sec. 14. 6 V.S.A. § 1085 is amended to read:

17 § 1085. MOSQUITO CONTROL GRANT PROGRAM

18 (a) A Mosquito Control District formed pursuant to 24 V.S.A. chapter 121
19 may apply, in a manner prescribed by the Secretary, in writing to the Secretary
20 of Agriculture, Food and Markets for a State assistance grant for mosquito
21 control activities.

1 orchard, maple syrup, Christmas trees, forest products, or forest crops; the
2 raising, boarding, and training of equines, and the raising of livestock; or any
3 combination of the foregoing activities. “Farm operation” also means the
4 storage, preparation, retail sale, and transportation of agricultural or forest
5 commodities accessory to the cultivation or use of such land. “Farm
6 operation” also ~~shall mean~~ means the operation of an agritourism business on a
7 farm subject to regulation under the Required Agricultural Practices. “Farm
8 operation” also means a business that provides specialty services to farmers,
9 such as foresters, farriers, hoof trimmers, or large animal veterinarians
10 operating mobile units.

11 * * *

12 (15) ~~“Resident” means a person who is or will be domiciled in this State~~
13 ~~as evidenced by an intent to maintain a principal dwelling place in the State~~
14 ~~indefinitely and to return there if temporarily absent, coupled with an act or~~
15 ~~acts consistent with that intent, including the filing of a Vermont income tax~~
16 ~~return within 18 months of the application for a loan under this chapter. In the~~
17 ~~case of a limited liability company, partnership, corporation, or other business~~
18 ~~entity, resident means a business entity formed under the laws of Vermont, the~~
19 ~~majority of which is owned and operated by Vermont residents who are natural~~
20 ~~persons. [Repealed.]~~

