

1 H.434

2 Introduced by Committee on Agriculture

3 Date:

4 Subject: Agriculture; meat and poultry inspection; license fee exemption; laser  
5 scanning device; maple syrup; fee

6 Statement of purpose: This bill proposes to authorize the agency of  
7 agriculture, food and markets to issue multi-year licenses: revises the  
8 inspection fee for certain types of animals; repeals certain weights and  
9 measures license fee exemptions related to commercial scales and gas pumps;  
10 establishes a license and fee for laser scanning devices; and establishes a fee  
11 for voluntary inspection and grading of maple syrup.

12 An act relating to agency of agriculture, food and markets revenues

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

14 Sec. 1. 6 V.S.A. § 1(a) is amended to read:

15 (a) The agency of agriculture, food and markets shall be administered by a  
16 secretary of agriculture, food and markets. The secretary shall supervise and  
17 be responsible for the execution and enforcement of all laws relating to  
18 agriculture and standards of weight and measure. The secretary may:

19 \* \* \*



1 Vermont, including the inspection of meat and meat food products processed  
2 in Vermont and derived from exotic animals, bison, and cervidae, and ratite,  
3 for which wherever produced. For such inspection, the secretary shall charge a  
4 fee of \$5.00 per hour. ~~The secretary shall charge \$20.00 per hour per~~  
5 ~~inspection of meat and meat food products processed in Vermont but derived~~  
6 ~~from bison, cervidae, and ratite produced outside Vermont~~ equal to the rate for  
7 reimbursable inspection services provided under the Vermont meat and poultry  
8 inspection program;

9 \* \* \*

10 Sec 3. 9 V.S.A. § 2730(g) and (h) are amended to read.

11 ~~(g) License fee exemptions~~

12 ~~(1) Any person who operates a commercial scale in a facility having less~~  
13 ~~than 2,000 square feet of floor space shall be exempt from the license fee~~  
14 ~~provisions of subdivision (f)(1)(C) of this section.~~

15 ~~(2) Any person who operates three or fewer motor fuel dispensers shall~~  
16 ~~be exempt from the license fee requirement of subdivision (f)(1)(A) of this~~  
17 ~~section.~~

18 ~~(3) The exemptions in this subsection shall not apply to any person who~~  
19 ~~operates commercial weighing and measuring devices at more than one~~  
20 ~~location. The exemptions are also not applicable to a person who is affiliated~~  
21 ~~with another person operating commercial weighing and measuring devices,~~

1 ~~through common ownership, franchise agreement, joint venture or other~~  
2 ~~similar business arrangement. The secretary shall not issue refunds for~~  
3 ~~overpayment of fees on scales and gas pumps that are subject to exemptions~~  
4 ~~under subdivisions (1) and (2) of this subsection, or for single scales under~~  
5 ~~subdivision (f)(1)(C) of this section, as long as the application form includes~~  
6 ~~instructions explaining the process for claiming these exemptions.~~

7 ~~(h) The secretary may waive the license fee for medium duty scales for~~  
8 ~~commercial enterprises which operate the scales primarily as a public service.~~

9 Sec. 4. 9 V.S.A. § 2643 is amended to read:

10 § 2643. LICENSES; INSPECTIONS; PENALTIES

11 (a) No person shall operate a laser scanning check-out system without first  
12 obtaining a license from the secretary.

13 (1) The secretary may issue a license without first testing the accuracy  
14 and use of the laser scanning check-out system pursuant to subsection (b) of  
15 this section.

16 (2) The license fee shall be \$25.00 per individual scanning point within  
17 a store. All single retail units, not part of a multi-unit instrumentality or  
18 agency, and having fewer than four scanning points shall be exempt from this  
19 fee.

20 (b) The secretary shall, from time to time, test the accuracy and use of laser  
21 scanning and other computer assisted check-out systems in stores. The

1 secretary shall compare the programmed computer price with the item price of  
2 any consumer commodity offered by a store. The store shall provide access to  
3 the computer as is necessary to allow the secretary to conduct the accuracy  
4 test.

5 ~~(b)~~(1) If, upon review, the programmed price of a commodity exceeds  
6 the price printed on or the advertised price of the commodity, the store may be  
7 subject to license denial, revocation, suspension or the following  
8 administrative penalties: \$15.00 per violation identified in more than two  
9 percent but less than four percent of the commodities reviewed, rounded to the  
10 nearest whole number, \$20.00 per violation in the next two percent reviewed,  
11 \$50.00 per violation in the next two percent and \$100.00 for each additional  
12 violation. In no event, however, shall the total amount of penalty for the  
13 review exceed \$1,000.00.

14 ~~(e)~~(2) If a subsequent review within 12 months reveals further  
15 violations, the total amount of penalty due may be multiplied by the number of  
16 violations discovered.

17 Sec. 5. 6 V.S.A. § 488 is amended to read:

18 § 488. SAMPLING, TESTING, AND GRADING DEVICES;

19 CERTIFICATION

1           (a) The secretary may procure accurate sampling, testing and grading  
2 devices in a quantity sufficient to meet the anticipated requirements under this  
3 chapter.

4           (b) In addition to the mandatory inspection program conducted under this  
5 chapter, the secretary may provide maple syrup inspection certification, upon  
6 request of a dealer. The secretary ~~may obtain from the dealer reimbursement~~  
7 ~~for the cost of the inspection certification incurred by the agency~~ shall charge a  
8 fee of \$0.01 per pound of maple syrup inspected or graded under this  
9 subsection. Fees collected by the secretary under this section shall be retained  
10 by the agency.