

1 S.301

2 Introduced by Committee on Agriculture

3 Date:

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

5 Vermont Agricultural Credit Corporation

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

13 An act relating to miscellaneous agricultural subjects

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

15 * * * Agricultural Water Quality * * *

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

17 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

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

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

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

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

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

16 § 3752(15).

17 * * * Agricultural Warehouses * * *

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

19 CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM
20 PRODUCTS

1 § 891. LICENSE

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

9 § 892. REQUIREMENTS

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

15 § 893. APPLICATION FORMS; FEE

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

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

20 (5) “Milk handler” or “handler” is a person, firm, unincorporated
21 association, or corporation engaged in the business of buying, selling,

1 assembling, packaging, storing, or processing milk or other dairy products for
2 sale within the State of Vermont or outside the State. “Milk handler” or
3 “handler” does not mean a milk producer.

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

5 § 2721. HANDLERS’ LICENSES

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

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

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

11 (c) Notwithstanding subsection (b) of this section, the license handling fees
12 ~~only for a milk handler that exclusively the transportation of bulk milk shall~~
13 ~~be capped at \$750.00 per year-, and the license handling fees for milk~~
14 ~~producers who exclusively transport their own bulk milk shall be capped at~~
15 ~~_____ per year.~~

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

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

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

21 § 3306. LICENSING

1 (a) No person shall engage in intrastate commerce in the business of
2 buying, selling, preparing, processing, packing, storing, transporting, or
3 otherwise handling meat, meat food products, or poultry products, unless that
4 person holds a valid license issued under this chapter. Categories of licensure
5 shall include commercial slaughterers; custom slaughterers; commercial
6 processors; custom processors; wholesale distributors; retail vendors; meat and
7 poultry product brokers; renderers; public warehouse operators; animal food
8 manufacturers; handlers of dead, dying, disabled, or diseased animals; and any
9 other category that the Secretary may by rule establish.

10 * * *

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

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* * * Livestock Dealers * * *

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

§ 761. DEFINITIONS

As used in this chapter:

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

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

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

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

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

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

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

1 (C) a person who engages in “farming,” as that term is defined in
2 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a
3 farming operation when that person is buying, selling, or transporting livestock
4 for the person’s farm.

5 ~~(3)~~(6) “Packer” means a ~~livestock dealer~~ person who is solely involved
6 in the purchase of livestock for purpose of slaughter at ~~his or her~~ the person’s
7 own slaughter facility.

8 ~~(4)~~(7) “Person” means any individual, partnership, unincorporated
9 association, or corporation.

10 ~~(5)~~(8) “Transporter” means a ~~livestock dealer who limits his or her~~
11 ~~activity to transporting~~ person who transports livestock for remuneration and
12 who does not buy or sell livestock. A transporter ~~cannot buy or sell livestock~~
13 ~~and~~ is not required to be bonded.

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

15 (a) A person shall not carry on the business of a livestock dealer, packer, or
16 transporter without first obtaining a license from the Secretary of Agriculture,
17 Food and Markets. Before the issuance of ~~a~~ each applicable license, a person
18 shall file an application on Agency-provided forms with the Secretary ~~an~~
19 ~~application for a license on forms provided by the Agency~~. Each application
20 shall be accompanied by a fee of \$175.00 for livestock dealers and packers and
21 \$100.00 for livestock transporters.

1 ~~be used~~ are edible as human food, excluding ~~those birds protected~~ wildlife as
2 defined by 10 V.S.A. ~~part 4~~ § 4001.

3 (9) ~~“Equine animal” means~~ “Equines” mean any member of the family
4 equidae, including horses, ponies, mules, asses, and zebras.

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

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

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

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

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

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

17 § 1153. RULES

18 (a) The Secretary shall adopt rules necessary for the discovery, control, and
19 eradication of contagious diseases and for the slaughter, disposal, quarantine,
20 vaccination, and transportation of animals found to be diseased or exposed to a
21 contagious disease. The Secretary may also adopt rules requiring the

1 disinfection and sanitation of real estate, buildings, vehicles, containers, and
2 equipment that have been associated with diseased livestock.

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

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

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

8 § 1165. TESTING OF CAPTIVE DEER

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

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

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

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

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

4 * * * Mosquito Control * * *

5 Sec. 12. 6 V.S.A. § 1083 is amended to read:

6 § 1083. DUTIES OF SECRETARY OF AGRICULTURE, FOOD AND
7 MARKETS; AUTHORITY OF LANDOWNERS TO USE
8 MOSQUITO CONTROLS

9 (a) The Secretary of Agriculture, Food and Markets ~~shall personally or~~
10 ~~through the Secretary's duly authorized agents~~ has the authority to:

11 (1) Survey swamps or other sections within the State suspected of being
12 mosquito or other biting arthropod breeding areas.

13 (2) Map each section so surveyed, indicate all mosquito or other biting
14 arthropod breeding places and determine methods best adapted for mosquito or
15 other biting arthropod abatement in the areas by drainage, ~~oiling~~ habitat
16 modification, or other means.

17 (3) Investigate the mosquito or other biting arthropod life history and
18 habits and determine the species present within the areas, and make any other
19 studies ~~he or she~~ the Secretary deems necessary to provide useful information
20 in mosquito or other biting arthropod abatement.

1 (4) Make the results of the Secretary's surveys, investigations, and
2 studies available to the Department of Health, or relevant selectboard
3 members, or mayors, and shall do so of towns or cities, as the case may be, in
4 which work was done; also upon request, shall make those results available to
5 any organizations, ~~public or private~~, or individuals interested in mosquito or
6 other biting arthropod ~~control~~ surveillance work.

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

19 (6) Notwithstanding the provisions of subdivision (5) of this subsection,
20 when the Commissioner of Health has determined that available information
21 suggests that an imminent risk to public health exists as a result of a potential

1 outbreak of West Nile Virus or other serious illness for which mosquitoes are
2 vectors, the Secretary of Agriculture, Food and Markets may issue permits for
3 the use of larvicides or pupacides for mosquito control without prior public
4 notice or comment.

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

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

13 § 1084. ~~ENGINEERS OR TECHNICIANS~~ EMPLOYEES; EQUIPMENT;

14 ENTRY ON LANDS

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

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

2 § 1085. MOSQUITO CONTROL GRANT PROGRAM

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

7 (b) After submission of an application under subsection (a) of this section,
8 the Secretary of Agriculture, Food and Markets may award a grant of
9 75 percent or less of the project costs for the purchase and application of
10 larvicide and the costs associated with required larval survey activities within a
11 Mosquito Control District. The Mosquito Control District may provide
12 25 percent of the project costs through in-kind larvicide services or the
13 purchase of capital equipment used for larval management activities. At the
14 Secretary's discretion, costs associated with capital equipment that may be
15 required for larval ~~control~~ management programs within a Mosquito Control
16 District may be eligible for grant awards up to 75 percent of the total
17 equipment costs.

18 * * *

19 (e) Larvicide application funded in part under this section shall occur only
20 after the Secretary of Agriculture, Food and Markets approves treatment as
21 warranted within a Mosquito Control District. The approval of the Secretary

1 shall be based upon a biological assessment of mosquito larvae and pupae
2 populations by a ~~technician~~ person trained and approved by the Agency of
3 Agriculture, Food and Markets.

4 * * *

5 * * * Vermont Agricultural Credit Program * * *

6 Sec. 15. 10 V.S.A. § 374b is amended to read:

7 § 374b. DEFINITIONS

8 As used in this chapter:

9 (1) “Agricultural facility” means land and rights in land, buildings,
10 structures, machinery, and equipment that is used for, or will be used for
11 producing, processing, preparing, packaging, storing, distributing, marketing,
12 or transporting agricultural or forest products that have been ~~primarily~~ at least
13 partially produced in this State, and working capital reasonably required to
14 operate an agricultural facility.

15 * * *

16 (4) “Farm ownership loan” means a loan to acquire or enlarge a farm or
17 agricultural facility, to make capital improvements including construction,
18 purchase, and improvement of farm and agricultural facility buildings, farm
19 worker housing, or farmer housing that can be made fixtures to the real estate,
20 to promote soil and water conservation and protection or provide housing, and

1 to refinance indebtedness incurred for farm ownership or operating loan
2 purposes, or both.

3 * * *

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

16 * * *

17 (15) ~~“Resident” means a person who is or will be domiciled in this State~~
18 ~~as evidenced by an intent to maintain a principal dwelling place in the State~~
19 ~~indefinitely and to return there if temporarily absent, coupled with an act or~~
20 ~~acts consistent with that intent, including the filing of a Vermont income tax~~
21 ~~return within 18 months of the application for a loan under this chapter. In the~~

1 ~~ease of a limited liability company, partnership, corporation, or other business~~
2 ~~entity, resident means a business entity formed under the laws of Vermont, the~~
3 ~~majority of which is owned and operated by Vermont residents who are natural~~
4 ~~persons. [Repealed.]~~

5 Sec. 16. 10 V.S.A. § 374h is amended to read:

6 § 374h. LOAN ELIGIBILITY STANDARDS

7 A farmer, or a limited liability company, partnership, corporation, or other
8 business entity the majority ownership of which is vested in one or more
9 farmers, shall be eligible to apply for a farm ownership or operating loan,
10 provided the applicant is:

11 (1) ~~a resident of this State and will help to expand the agricultural~~
12 ~~economy of the State; [Repealed.]~~

13 (2) an owner, prospective purchaser, or lessee of agricultural land in the
14 State or of depreciable machinery, equipment, or livestock to be used in the
15 State;

16 (3) a person of sufficient education, training, or experience in the
17 operation and management of an agricultural facility or farm operation of the
18 type for which the applicant requests the loan;

19 (4) an operator or proposed operator of an agricultural facility, farm
20 operation, or forest products business for whom the loan reduces investment

1 costs to an extent that offers the applicant a reasonable chance to succeed in
2 the operation and management of an agricultural facility or farm operation;

3 * * *

4 * * * Effective Date * * *

5 Sec. 17. EFFECTIVE DATE

6 This act shall take effect on July 1, 2024.