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S.162

Introduced by Senators Starr, McAllister, Rodgers, and Westman

Referred to Committee on

Date:

Subject: Agriculture; agricultural facility fraud

Statement of purpose: This bill proposes to prohibit agricultural facility fraud.

An act relating to agricultural facility fraud

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

Sec. 1. 6 V.S.A. § 3135 is added to read:

§ 3135. AGRICULTURAL FACILITY FRAUD

(a) In this section:

(1) "Agricultural facility" means real or personal property owned or leased by a farmer and used primarily for the purpose of farming.

(2) "Farmer" means a person:

(A) who earns at least one-half of his or her annual gross income from farming; or

(B)(i) who processes products of farming on his or her property;

(ii) whose gross income from the sale of the processed products of farming, when added to other gross income from farming, equals at least one-half of his or her annual gross income; and

1                   (iii) who produces on his or her farm a minimum of 75 percent of  
2 the products of farming processed on his or her property.

3                   (3) "Farming" means:

4                   (A) the cultivation or other use of land for growing food, fiber,  
5 Christmas trees, maple sap, or horticultural and orchard crops; or

6                   (B) the raising, feeding, or management of livestock, poultry, fish, or  
7 bees; or

8                   (C) the operation of greenhouses; or

9                   (D) the production of maple syrup; or

10                   (E) the on-site storage, preparation and sale of agricultural products  
11 principally produced on the farm; or

12                   (F) the on-site storage, preparation, production, and sale of fuel or  
13 power from agricultural products or wastes principally produced on the  
14 farm; or

15                   (G) the raising, feeding, or management of four or more equines  
16 owned or boarded by the farmer, including training, showing, and providing  
17 instruction and lessons in riding, training, and the management of equines.

18                   (b) A person commits the offense of agricultural facility fraud if the person,  
19 with the intent to commit an act that the person knows is not authorized by the  
20 facility's owner:

1           (1) knowingly obtains access to an agricultural facility by false  
2 pretenses; or

3           (2) makes a knowingly false statement or representation as part of an  
4 application to be employed at an agricultural facility.

5           (c) A person who violates subsection (b) of this section shall be subject to  
6 an administrative penalty of up to \$1,000.00 in accordance with section 15 of  
7 this title.

8           Sec. 2. EFFECTIVE DATE

9           This act shall take effect on July 1, 2013.