

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture and Forest Products to which was referred
3 House Bill No. 484 entitled “An act relating to miscellaneous agricultural
4 subjects” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended as follows:

6 First: In Sec. 6, 6 V.S.A. § 4826, by adding a subsection (c) to read as
7 follows:

8 (c) The owner or operator of a farm with a waste storage facility may apply
9 in writing to the Secretary of Agriculture, Food and Markets for a State
10 assistance grant for the costs of complying with the U.S. Department of
11 Agriculture Natural Resources Conservation Service requirements for
12 inspection of a waste storage facility. Such grants shall not exceed 90 percent
13 of the cost of the inspection of the waste storage facility. Application for a
14 State assistance grant shall be made in the manner prescribed by the Secretary.

15 Second: By adding Sec. 21a after the reader assistance * * * Working
16 Lands Enterprise Program * * * and before Sec. 22 to read as follows:
17 Sec. 22. 6 V.S.A. § 4604 is amended to read:

18 § 4604. LEGISLATIVE INTENT

19 It is the intent of the General Assembly in adopting this subchapter to create
20 a working lands enterprise board to administer a fund and develop policy
21 recommendations to:

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(8) increase the amount of State investment in working lands enterprises, particularly when it leverages private and philanthropic funds; ~~and~~

(9) support the people and businesses that depend on Vermont’s renewable land-based resources and the sustainable and productive use of the land by coordinating and integrating financial products and programs; and

(10) provide priority funding to agricultural and forest product businesses through financial assistance or grants for enterprise investments and capital and infrastructure investments.

Third: In Sec. 22, 6 V.S.A. § 4606(b), by striking out subdivision (b)(6)(B) in its entirety and inserting in lieu thereof the following:

(B) one member who is a representative of ~~a membership-based forestland owner organization~~ Vermont’s forestry industry who is also a working forest landowner;

Fourth: In Sec. 23, 6 V.S.A. § 4607, by striking out subdivisions (b)(5) and (6) in their entirety and inserting in lieu thereof the following:

(5) serve as a resource for and make recommendations to the Administration and the General Assembly on ways to improve Vermont’s laws, regulations, and policies in order to attain the goals set forth in section 4604 of this title;

1 ~~(4)~~(6) to establish an application process and eligibility criteria for
2 awarding grants, loans, incentives, and other investments in agricultural and
3 forestry enterprises and in food and forest systems, provided that the Board
4 shall prioritize assistance under this chapter to a person engaged in farming or
5 forestry before providing assistance to a nonprofit organization or nonprofit
6 corporation that competes with a person engaged in farming or forestry;

7 Fifth: By striking out Sec. 25 and the reader assistance preceding it in their
8 entirety and inserting in lieu thereof the following:

9 * * * Animal Shelter * * *

10 Sec. 25. 13 V.S.A. § 365 is amended to read:

11 § 365. SHELTER OF ANIMALS

12 * * *

13 (c)(1) A dog, whether chained or penned, shall be provided living space no
14 less than three feet by four feet for 25 pound and smaller dogs, four feet by
15 four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs,
16 five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100
17 pound and larger dogs. The shelter shall be constructed of materials with a
18 thermal resistance factor of 0.9 or greater and shall contain clean bedding
19 material sufficient to retain the dog’s normal body heat.

20 * * *

1 (e) A dog maintained out-of-doors ~~must~~ shall be provided with suitable
2 housing or shelter that ~~assures~~ ensures that the dog is protected from wind and
3 draft, and from excessive sun, rain, and other environmental hazards
4 throughout the year. The housing or shelter shall be fully enclosed except for a
5 portal. The portal shall be of a sufficient size to allow the dog unimpeded
6 passage into and out of the structure. The portal shall be constructed with a
7 baffle or other means of keeping wind and precipitation out of the interior.
8 Inadequate shelter may be indicated by the shivering of the dog due to cold
9 weather for a continuous period of 10 minutes or by symptoms of frostbite or
10 hypothermia. A metal barrel is not adequate shelter for a dog.

11 (f) A dog chained to a shelter must be on a tether chain at least ~~four~~ five
12 times the length of the dog as measured from the tip of its nose to the base of
13 its tail, and shall allow the dog access to the shelter. The chain or tether shall
14 be attached to both the dog and the anchor using swivels or similar devices that
15 prevent the chain or tether from becoming entangled or twisted. The chain or
16 tether shall be attached to a well-fitted collar or harness on the dog.

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18 * * * Agricultural Equipment * * *

19 Sec. 26. 32 V.S.A. § 9741(25) is amended to read:

20 (25) Sales of agricultural machinery and equipment for use and
21 consumption directly and exclusively, except for isolated or occasional uses, in

1 the production for sale of tangible personal property on farms (including stock,
2 dairy, poultry, fruit, and truck farms), orchards, nurseries, or in greenhouses or
3 other similar structures used primarily for the raising of agricultural or
4 horticultural commodities for sale. It shall be rebuttably presumed that uses
5 are not isolated or occasional if they total more than ~~four~~ 50 percent of the time
6 the machinery or equipment is operated, and if purchased by a farmer as that
7 term is defined in section 3752 of this title.

8 * * * Motor Fuel Oil Prices; Agricultural Economy * * *

9 Sec. 27. MOTOR FUEL OIL PRICES; STUDY

10 (a) Findings. The General Assembly finds as follows:

11 (1) The price of motor fuel has a major effect on Vermonters and our
12 economy as a whole, particularly the agricultural sector of our economy.

13 (2) In recent years, it has become apparent that, although fuel prices
14 have decreased nationally and across Vermont, this cost reduction has not kept
15 pace in the State's northwestern communities.

16 (3) Based on the most recent census data collected by the U.S.
17 Department of Agriculture, in the year 2012 there were 1,444 farms spanning
18 278,897 acres in Chittenden, Franklin, and Grand Isle Counties.

19 (4) Combined, the gasoline, fuel, and oil expenses for the farms in those
20 three counties were \$14.712 million.

1 (5) It is incumbent upon the proper authorities to ensure to the greatest
2 extent possible that farm production expenses reflect fair pricing so that the
3 many agricultural products placed into the greater stream of commerce are
4 competitively priced.

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

6 (1) “Control” means the power, whether or not exercised, to establish,
7 fix, or direct the retail price of motor fuel sold by a dealer, through ownership
8 of stock or assets used by the dealer or through contract, agency, consignment,
9 or otherwise, whether that power can be exercised directly or indirectly or
10 through parent corporations, subsidiaries, related persons and entities, or
11 affiliates.

12 (2) “Dealer” means a person located in Vermont that sells motor fuel oil
13 to an end user at a service station, filling station, or otherwise.

14 (3) “Distributor” means a person that sells motor fuel oil to a dealer or
15 directly to an end user.

16 (4) “Motor fuel oil” means internal combustion fuel sold for use in
17 motor vehicles as defined in 23 V.S.A. § 4(21).

18 (5) “Motor fuel oil sales” means the wholesale or retail sale of motor
19 fuel oil.

20 (c) Reporting. On or before December 15, 2015, the Attorney General may
21 require distributors and dealers to provide information about the ownership or

1 control of dealers or of assets related to motor fuel oil sales, volume of motor
2 fuel oil sold or supplied, and wholesale and retail motor fuel oil prices.

3 (d) Confidentiality. Information received by the Attorney General under
4 this section is confidential and shall be treated in the same manner as provided
5 in 9 V.S.A. § 2460(a)(4).

6 (e) Report. The Attorney General shall study any data deemed relevant to
7 the retail price of motor fuel oil in Vermont, including the data identified in
8 subsection (c) of this section, and, on or before December 15, 2015, shall
9 report to the General Assembly with recommendations, if any, regarding
10 market conduct, including pricing, in the motor fuel oil industry in Vermont.

11 (f) Exercise of authority. The authority of the Attorney General under
12 subsection (c) to require reporting of distributors and dealers shall be exercised
13 only with respect to the requirements of this section and shall not be exercised
14 after December 15, 2015.

15 * * * Effective Date * * *

16 Sec. 28. EFFECTIVE DATE

17 This act shall take effect on July 1, 2015.

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20 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE