

1  
2  
3  
4  
5  
6  
7  
8  
9  
  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

S.218

Introduced by Senators Campion, Ayer, and Lyons

Referred to Committee on

Date:

Subject: Agriculture; water quality; nutrient management plans; public record

Statement of purpose of bill as introduced: This bill proposes to provide that nutrient management plans that the Secretary of Agriculture, Food and Markets finances, has access to, or produces or acquires are public records subject to inspection and copying under the Public Records Act.

An act relating to public access to nutrient management plans

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

Sec. 1. 6 V.S.A. § 4829 is added to read:

§ 4829. NUTRIENT MANAGEMENT PLANS; PUBLIC RECORD

(a) Notwithstanding the authority of the Secretary of Agriculture, Food and Markets to withhold identifying information under section 61 of this title, and except as provided in subsection (b) of this section, a nutrient management plan required under this chapter shall be available for public inspection and copying under the Public Records Act if one or more of the following apply:

(1) the nutrient management plan was produced in whole or in part with financial assistance provided under this chapter;

1           (2) the Secretary of Agriculture, Food and Markets has access to the  
2           nutrient management plan for purposes of inspection or enforcement under this  
3           chapter or rules adopted under this chapter; or

4           (3) the Secretary of Agriculture, Food and Markets has produced or  
5           acquired the nutrient management plan.

6           (b) When the Secretary of Agriculture, Food and Markets receives a  
7           request under subsection (a) of this section to inspect or copy a nutrient  
8           management plan, the Secretary shall redact information that is protected from  
9           disclosure to the public under 7 U.S.C. § 8791 or other provision of law.

10          (c) Notwithstanding the requirement under 1 V.S.A. § 318(a)(2) that a  
11          public agency respond to a public records request within three business days  
12          from the receipt of the request, the Secretary of Agriculture, Food and Markets  
13          shall produce a nutrient management plan requested under this section for  
14          inspection or copying or shall certify denial of the request within 10 business  
15          days from the receipt of the request.

16          (d) A nutrient management plan is not confidential business information or  
17          a trade secret under 1 V.S.A. § 317(c)(9) of the Public Records Act.

18          Sec. 2. 6 V.S.A. § 4827 is amended to read:

19          § 4827. NUTRIENT MANAGEMENT PLANNING; INCENTIVE GRANTS

20          (a) A farm developing or implementing a nutrient management plan under  
21          chapter 215 of this title or federal regulations may apply to the Secretary of

1 Agriculture, Food and Markets for financial assistance. The financial  
2 assistance shall be in the form of incentive grants. Annually, after consultation  
3 with the Natural Resources Conservation Service of the U.S. Department of  
4 Agriculture, natural resources conservation districts, the University of Vermont  
5 Extension Service and others, the Secretary shall determine the average cost of  
6 developing and implementing a nutrient management plan in Vermont. The  
7 dollar amount of an incentive grant awarded under this section shall be equal to  
8 the average cost of developing a nutrient management plan as determined by  
9 the Secretary or the cost of complying with the nutrient management planning  
10 requirements of chapter 215 of this title or federal regulations, whichever  
11 is less.

12 \* \* \*

13 (h) The Secretary may inspect any nutrient management plan financed  
14 under this section or any other State assistance program.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on passage.