

# House Calendar

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Friday, April 23, 2021

108th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 265**

An act relating to the Office of the Child Advocate

**H. 446**

An act relating to miscellaneous natural resources and development subjects

**H. 449**

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

**Amendment to be offered by Rep. Scheuermann of Stowe to H. 449**

Representative Scheuermann of Stowe moves that the bill be amended in Sec. 1, 3 V.S.A. chapter 17, in section 521, definitions, by striking out subdivision (3)(C) in its entirety.

**Favorable with Amendment**

**S. 114**

An act relating to improving prekindergarten through grade 12 literacy within the State

**Rep. Webb of Shelburne**, for the Committee on Education, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Purpose \* \* \*

Sec. 1. PURPOSE

(a) The purpose of this act is to continue the ongoing work to improve literacy for all students in the State while recognizing that achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders.

(b) The State has been awarded Elementary and Secondary School Emergency Relief (ESSER) funding under the American Rescue Plan Act of 2021 Section 2001(f) to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment

programs, extended day programs, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on at-risk student populations, students experiencing homelessness, and children and youths in foster care, including by providing additional support to local educational agencies to fully address such impacts.

(c) The purpose of the technical support for supervisory unions under Sec. 3 of this act and the contractor support for the Agency of Education under Sec. 4 of this act is to carry out activities to address learning loss and improve literacy outcomes.

\* \* \* Findings \* \* \*

## Sec. 2. FINDINGS

(a) Addressing literacy outcomes is a key strategy for the successful implementation of 2018 Acts and Resolves No. 173. The following findings from the report entitled "Expanding and Strengthening Best-Practice Supports for Students who Struggle" issued by the District Management Group in November 2017, which informed the development of Act 173, support the urgency to improve Vermont's literacy outcomes relative to special education reform:

(1) "Investing in the effectiveness of core reading instruction is critical for students in general education and students with disabilities."

(2) "Students with mild-to-moderate disabilities who struggle with reading may not be supported by teachers skilled in the teaching of reading."

(3) "While some special education teachers across the supervisory unions had a strong background in the teaching of reading, others indicated that they did not have the training or background to be effective supporting students struggling in reading."

(b) The following data indicate Vermont needs to improve its literacy outcomes at the early grades:

(1) Smarter Balanced Assessment Consortium results from 2016 to 2018 indicate that only about 50 percent of students in grade three were proficient in English Language Arts in each of these years.

(2) From 2015 to 2019, Vermont's average scale in grade four reading on the National Assessment of Educational Progress dropped every year from a high of 230 to a low score of 222.

(c) The COVID-19 emergency has adversely affected student academic and developmental progress. Failure to address literacy outcomes now could significantly impact student development for many years to come, since literacy is foundational to the success of each student.

(d) The General Assembly recognizes that improving literacy outcomes is a significant challenge for school systems and their constituencies, and that they will require time and assistance in making necessary changes.

\* \* \* Assistance to Support Improved Literacy Outcomes \* \* \*

### Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY

#### OUTCOMES

(a) In recognition that literacy proficiency is a foundational learning skill, the technical support provided in this section is designed to assist supervisory unions improve literacy outcomes as part of their implementation of 2018 Acts and Resolves No. 173.

(b)(1) The Agency of Education shall use the funding under Sec. 4(b) of this act to:

(A) provide professional development learning modules for teachers in methods of teaching literacy in the five key areas of literacy instruction as identified by the National Reading Panel, which are phonics, phonemic awareness, vocabulary, fluency, and reading comprehension; and

(B) assist supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss due to the COVID-19 pandemic.

(2) The Agency of Education shall, in accordance with the assurances required to be given by the Secretary of Education to the U.S. Department of Education under the American Rescue Plan Act of 2021, direct this funding to:

(A) address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student groups most impacted by the pandemic and for whom the pandemic exacerbated pre-existing inequities; and

(B) school districts that need additional support as evidenced by their needs assessment priorities in their COVID-19 recovery plans.

(c) The Agency of Education shall use the funding under Sec. 4(a) of this act to retain one or more contractors to provide the following technical assistance to supervisory unions:

(1) recommend how federal funds can be used to implement 2018 Acts and Resolves No. 173 in the context of improving literacy outcomes;

(2) recommend evidence-based best practices in teaching literacy instruction to students in prekindergarten through grade 3;

(3) recommend how to provide professional development for teachers and school leaders in methods of teaching literacy; and

(4) recommend policies, procedures, and other methods to ensure that improvements in literacy outcomes are sustained.

\* \* \* Agency of Education; Literacy Staffing; Appropriations \* \* \*

#### Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.

(b) The sum of \$3,060,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education in fiscal year 2022 for providing professional development learning modules for teachers in methods of teaching literacy and assisting supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside not more than two percent of the funds appropriated under this subsection to cover the costs of retaining and overseeing the work of the contractor.

\* \* \* Advisory Council on Literacy \* \* \*

Sec. 5. 16 V.S.A. § 2903a is added to read:

#### § 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 16 members:

(1) eight members who shall serve as ex officio members:

(A) the Secretary of Education or designee;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) eight members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms

of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the Agency of Education on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the statewide effort to improve literacy;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and



(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Council shall select a chair from among its members.

(3) A majority of the membership shall constitute a quorum.

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings of the Council per year.

#### Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$24,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 5 of this act for fiscal years 2022, 2023, and 2024.

#### Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

#### Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON LITERACY

(a) The Advisory Council on Literacy, created in Sec. 5 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date

of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of Sec. 5 of this act; and

(B) two of the community members appointed under subdivision (b)(2)(C) of Sec. 5 of this act.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 5 of this act.

\* \* \* Review of Teacher Preparation Programs \* \* \*

#### Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before October 1, 2022, the Agency of Education, in collaboration with the Standards Board for Professional Educators, shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) As used in this section, “evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

\* \* \* Agency of Education Reports \* \* \*

Sec. 10. AGENCY OF EDUCATION; REPORTS

On or before December 15 of each of 2021, 2022, and 2023, the Agency of Education shall report to the General Assembly the statewide progress in achieving the purpose of this act, which is to improve literacy outcomes for all students in the State.

\* \* \* Census-based Funding Advisory Group \* \* \*

Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is further amended to read:

Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

\* \* \*

(e) Meetings.

\* \* \*

(4) The Advisory Group shall cease to exist on June 30, 2023.

(f) Reports. On or before January 15, 2019, the Advisory Group shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations on the development of proposed rules to implement this act and any recommendations for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023, the Advisory Group shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with a status of implementation under this act and any recommendations for legislation.

(g) Reimbursement. Members of the Advisory Group who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings per year in fiscal years 2019 and 2020 and not more than 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

(h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year 2018 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. ~~The~~

Agency shall include in its budget request to the General Assembly for each of fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per diem compensation and reimbursement under subsection (g) of this section.

\* \* \* Effective Date \* \* \*

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

( Committee Vote: 11-0-0)

**Rep. Scheu of Middlebury**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Education.

(Committee Vote: 11-0-0)

**NOTICE CALENDAR**

**Favorable with Amendment**

**S. 66**

An act relating to electric bicycles

**Rep. Bartholomew of Hartland**, for the Committee on Transportation, recommends that the House propose to the Senate that the bill be amended as follows:

By striking out Sec. 3, 23 V.S.A. § 4(45), in its entirety and inserting a new Sec. 3 to read as follows:

Sec. 3. 23 V.S.A. § 4(45) is amended to read:

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~Neither an electric~~ Electric personal assistive mobility device nor a devices, motor-assisted bicycle is a bicycles, and electric bicycles are not motor-driven eyele cycles.

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that in itself is capable of

producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds and either:

(I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3 horsepower; and or

~~(II) in itself is capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds~~ has an electric motor with a power output of not more than 1,000 watts and does not meet the requirements of one of the three classes in subdivisions (46)(A)(i)–(iii) of this section.

(ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

(iii) Electric bicycles, as defined in subdivision (46) of this section, are not motor-assisted bicycles, as defined in subdivision (45) of this section.

**(Committee vote: 11-0-0 )**

**(For text see Senate Journal March 23, 2021)**

## **S. 102**

An act relating to the regulation of agricultural inputs for farming

**Rep. O'Brien of Tunbridge**, for the Committee on Agriculture and Forestry, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Compost Foraging; Farming \* \* \*

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

~~In~~ As used in this chapter:

\* \* \*

(3)(A) “Development” means each of the following:

\* \* \*

(D) The word “development” does not include:

(i) The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.

\* \* \*

(vii) The construction of improvements below the elevation of 2,500 feet for the on-site storage, preparation, and sale of compost, provided that one of the following applies:

\* \* \*

(III) The compost is principally used on the farm where it was produced.

\* \* \*

(22) "Farming" means:

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

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

(C) the operation of greenhouses; or

(D) the production of maple syrup; or

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

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

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

(H) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

(i) the compost is principally used on the farm where it is produced; or

(ii) the compost is produced on a small farm that raises or manages poultry.

\* \* \*

(38) "Farm" means, for the purposes of subdivision (22)(H) of this section, a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming that meets the threshold criteria as established under the Required Agricultural Practices.

(39) “Food processing residuals” means the remaining organic material from a food processing plant and may include whey and other dairy, cheese making, and ice cream residuals or residuals from any food manufacturing process excluding livestock or poultry slaughtering and rendering operations. “Food processing residuals” does not include food residuals from markets, groceries, or restaurants.

(40) “Food residuals” has the same meaning as in section 6602 of this title.

(41) “Principally used” means, for the purposes of subdivision (3)(D)(vii)(III) and (22)(H) of this section, that more than 50 percent, either by volume or weight, of the compost produced on the farm is physically and permanently incorporated into the native soils on the farm as a soil enhancement and is not removed or sold at any time thereafter.

(42) “Small farm” has the same meaning as in 6 V.S.A. § 4871.

Sec. 2. Section 2 of the Agency of Agriculture, Food and Markets,

Vermont Required Agricultural Practices Rule for the Agricultural

Nonpoint Source Pollution Control Program is amended to read:

Section 2. Definitions

\* \* \*

2.16 Farming means:

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

(b) the raising, feeding, or management of livestock, poultry, fish, or bees; or

(c) the operation of greenhouses; or

(d) the production of maple syrup; or

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

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

(g) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines; or

(h) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

- (1) the compost is principally used on the farm where it is produced; or
- (2) the compost is produced on a small farm that raises or manages poultry.

\* \* \*

2.44 “Food residual” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with 10 V.S.A. § 6605k. Food residual may include preconsumer and postconsumer food scraps. “Food residual” does not mean meat and meat-related products when the food residuals are composted by a resident on site.

2.45 “Principally used” means that more than 50 percent, either by volume or weight, of the compost produced on the farm is physically and permanently incorporated into the native soils on the farm as a soil enhancement and is not removed or sold at any time thereafter.

Sec. 3. 6 V.S.A. chapter 218 is added to read:

#### CHAPTER 218. AGRICULTURAL RESIDUALS MANAGEMENT

##### § 5131. PURPOSE

The purpose of this chapter is to establish a program for the management of residual wastes generated, imported to, or managed on a farm for farming in Vermont.

##### § 5132. DEFINITIONS

As used in this chapter:

- (1) “Agency” means the Agency of Agriculture, Food and Markets.
- (2) “Compost” means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management but shall not mean sewage, septage, or materials derived from sewage or septage.
- (3) “Farm” means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming that meets the threshold criteria for regulation under the Required Agricultural Practices.
- (4) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).



(5) “Food processing residuals” means the remaining organic material from a food processing plant and may include whey and other dairy, cheese making, and ice cream residuals or residuals from any food manufacturing process excluding livestock or poultry slaughtering and rendering operations. “Food processing residuals” do not include food residuals from markets, groceries, or restaurants.

(6) “Food residuals” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable or compostable. “Food residuals” may include preconsumer and postconsumer food scraps. “Food residuals” include meat and meat-related products when the disposition of the products is managed on a farm.

(7) “Secretary” means the Secretary of Agriculture, Food and Markets.

(8) “Source separation” has the same meaning as in 10 V.S.A. § 6602.

#### § 5133. FOOD RESIDUALS; RULEMAKING

(a) The Secretary shall regulate the importation of food residuals or food processing residuals onto a farm.

(b)(1) The Secretary shall adopt by rule requirements for the management of food residuals and food processing residuals on a farm. The rules may include requirements regarding:

(A) the proper composting of food residuals or food processing residuals;

(B) destruction of pathogens in food residuals, food processing residuals, or compost;

(C) prevention of public health threat from food residuals, food processing residuals, or compost;

(D) protection of natural resources or the environment; and

(E) prevention of objectionable odors, noise, vectors, or other nuisance conditions.

(2) The Secretary may adopt the rules required by this section as part of the Required Agricultural Practices or as independent rules under this chapter.

(3) The rules shall prohibit a farm from initiating the production of compost from food residuals or food processing residuals imported onto the farm on or after July 1, 2021 within a downtown, village center, new town center, neighborhood development area, or growth center designated under 24 V.S.A. chapter 76a, unless the municipality has expressly allowed

composting in the designated area under the municipal zoning or subdivision bylaws or in an approved municipal plan.

(4) The rules adopted under this section shall be designed to reduce odor, noise, vectors, and other nuisance conditions on farms and to protect the public health and the environment in a manner that is equal to or better than the rules for compost facilities in the Agency of Natural Resources' Vermont Solid Waste Management Rules, as amended.

(c) A farm producing compost under 10 V.S.A. § 6001(22)(H) shall be regulated under this chapter and shall not require a certification or other approval from the Agency of Natural Resources under 10 V.S.A. chapter 159.

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the Secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

\* \* \*

(2) Certification shall be valid for a period not to exceed 10 years.

\* \* \*

(n) A farm producing compost under subdivision 6001(22)(H) is exempt from the requirements of this section.

Sec. 5. 10 V.S.A. § 6605h is amended to read:

§ 6605h. COMPOSTING REGISTRATION

Notwithstanding sections 6605, 6605f, and 6611 of this title, the Secretary may, by rule, authorize a person engaged in the production or management of compost at a small scale composting facility to register with the Secretary instead of obtaining a facility certification under section 6605 or 6605c of this title. This section shall not apply to a farm producing compost under subdivision 6001(22)(H) of this title.

Sec. 6. 10 V.S.A. § 6605j is amended to read:

§ 6605j. ACCEPTED COMPOSTING PRACTICES

(a) The Secretary, in consultation with the Secretary of Agriculture, Food and Markets, shall adopt by rule, pursuant to 3 V.S.A. chapter 25, and shall implement and enforce accepted composting practices for the management of composting in the State. These accepted composting practices shall address:

(1) standards for the construction, alteration, or operation of a composting facility;

(2) standards for facility operation, including acceptable quantities of product or inputs, vector management, odors, noise, traffic, litter control, contaminant management, operator training and qualifications, recordkeeping, and reporting;

(3) standards for siting of composting facilities, including siting and operation of compost storage areas, compost bagging areas, and roads and parking areas;

(4) standards for the composting process, including rotation, management of compost piles, compost pile size, and monitoring of compost operations;

(5) standards for management of runoff from compost facilities, including liquids management from the feedstock area, active composting areas, curing area, and compost storage area; the use of swales or stormwater management around or within a compost facility; vegetative buffer requirements; and run-off management from tipping areas;

(6) specified areas of the State unsuitable for the siting of commercial composting that utilizes post-consumer food residuals or animal mortalities, such as designated downtowns, village centers, village growth areas, or areas of existing residential density; and

(7) definitions of “small-scale composting facility,” “medium-scale composting facility,” and “de minimis composting exempt from regulation.”

(b) A person operating a small scale composting facility ~~or operating a composting facility on a farm~~ who follows the accepted composting practices shall not be required to obtain a discharge permit under section 1263 or 1264 of this title, a solid waste facility certification under chapter 159 of this title, or an air emissions permit under chapter 23 of this title unless a permit is required by federal law or the Secretary of Natural Resources determines that a permit is necessary to protect public health or the environment.

~~(c) The Secretary of Natural Resources shall coordinate with the Secretary of Agriculture, Food and Markets in implementing and enforcing the accepted composting practices. The Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources may, after opportunity for public review and comment, develop a memorandum of understanding for implementation and enforcement of the accepted composting practices. [Repealed.]~~

~~(d) The Secretary shall not regulate under this section a farm producing compost under subdivision 6001(22)(H) of this title.~~

#### Sec. 7. APPLICATION OF SOLID WASTE MANAGEMENT RULES

~~Prior to adoption of rules under 6 V.S.A. § 5133, the Secretary of Agriculture, Food and Markets shall require a person producing compost on a farm under 10 V.S.A. § 6001(22)(H) to comply with Sections 6–1101 through 6–1111 of the Agency of Natural Resources’ Vermont Solid Waste Management Rules. After adoption of rules under 6 V.S.A. § 5133, Sections 6-1101 through 6-1111 of the Agency of Natural Resources’ Vermont Solid Waste Management Rules shall not apply to a person producing compost on a farm under 10 V.S.A. § 6001(22)(H).~~

#### Sec. 8. REPORT ON IMPORTATION OF FOOD RESIDUALS FOR FARMING

~~On or before January 15, 2022 and annually thereafter, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committees on Agriculture and on Natural Resources and Energy and the House Committees on Agriculture and Forestry and on Natural Resources, Fish, and Wildlife a report regarding importation of food residuals for composting under 10 V.S.A. § 6001(22)(H). The report shall include:~~

~~(1) an inventory of the operators of farms that are producing compost under 10 V.S.A. § 6001(22)(H), including the estimated volume of food residuals imported onto farms;~~

~~(2) a status report on the rulemaking required under 6 V.S.A. § 5133 and any subsequent amendment to those rules;~~

~~(3) an accounting of any complaints regarding or enforcement actions brought against a farm producing compost under 10 V.S.A. § 6001(22)(H); and~~

~~(4) any additional information that the Secretary determines is relevant to the administration of compost production under 10 V.S.A. § 6001(22)(H).~~

#### Sec. 8a. RULEMAKING; IMPLEMENTATION

The Secretary of Agriculture, Food and Markets shall initiate the rulemaking required under 6 V.S.A. § 5133 on or before January 1, 2022. The Secretary of Agriculture, Food and Markets shall file under 3 V.S.A. § 841 a final proposal of the rules required under 6 V.S.A. § 5133 on or before January 1, 2023.

\* \* \* Dosage Form Animal Health Products; Feed Supplements \* \* \*

Sec. 9. 6 V.S.A. chapter 26 is amended to read:

## CHAPTER 26. COMMERCIAL FEEDS

\* \* \*

### § 323. DEFINITIONS

~~When~~ As used in this chapter:

(1) “Dosage form animal health product” means any product intended to affect the structure or function of the animal’s body or enhance or support the health or well-being of livestock, poultry, dogs, cats, or other domestic animals that does not provide nutritional benefit, does not require a prescription from a licensed veterinarian, is not intended for cosmetic purposes, or is exempted by the Secretary by rule. “Dosage form animal health product” shall not include a product regulated by the U.S. Food and Drug Administration as a drug.

(2) “Brand name” means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed, feed supplement, dosage form animal health product, or a distributor or registrant and distinguishing it from that of others.

~~(2)~~(3) “Commercial feed” means all materials except whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of subsection 327(a) of this title, which that are distributed for use as feed or for mixing in feed. The Secretary by regulation may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds, or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of subsection 327(a) of this title.

~~(3)~~(4) “Customer-formula feed” means commercial feed that consists of a mixture of commercial feeds or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

~~(4)~~(5) “Distribute” means to offer for sale, sell, exchange, or barter commercial feed, feed supplements, or dosage form animal health products or to supply, furnish, or otherwise provide commercial feed, feed supplements, or

dosage form animal health products through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

(5)(6) “Distributor” means any person who distributes commercial feeds, feed supplements, or dosage form animal health products.

(6)(7) “Drug” means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in domestic animals other than humans and substances other than feed intended to affect the structure or any function of the animal body.

(7)(8) “Feed ingredient” means each of the constituent materials making up a commercial feed.

(9) “Feed supplement” means a material used with another to improve the nutritive balance or performance of the total and intended to be fed undiluted as a supplement to other feeds or offered free choice with other parts of the ration separately available or further diluted and mixed to produce a complete feed.

(8)(10) “Label” means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed, feed supplement, or dosage form animal health product is distributed, or on the invoice or delivery slip with which a commercial feed, feed supplement, or dosage form animal health product is distributed.

(9)(11) “Labeling” means all labels and other written, printed, or graphic matter upon a commercial feed, feed supplement, or dosage form animal health product or any of its containers, or the wrapper accompanying the commercial feed, feed supplement, or dosage form animal health product or advertisements, brochures, posters, electronic media, the Internet, and television and radio announcements used in promoting the sale of the commercial feed, feed supplement, or dosage form animal health product.

(10)(12) “Manufacture” means to produce, grind, mix, or blend, or further process a commercial feed, feed supplement, or dosage form animal health product for distribution.

(11)(13) “Mineral feed” means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(12)(14) “Official sample” means a sample of feed taken by the Secretary in accordance with the provisions of subdivision 330(3) of this title.

(13)(15) “Percent” or “percentages” means percentages by weights.

(14)(16) “Permitted analytical variances” means those allowances for the inherent variability in sampling and laboratory analysis.

~~(15)~~(17) “Pet” means any domesticated animal normally maintained in or near the household of the owner.

~~(16)~~(18) “Pet food” means any commercial feed prepared and distributed for consumption by pets.

~~(17)~~(19) “Product” means the name of the commercial feed ~~which, feed supplement, or dosage form animal health product that~~ identifies it as to kind, class, or specific use.

~~(18)~~(20) “Specialty pet” means any domesticated animal pet normally maintained in a cage or tank.

~~(19)~~(21) “Specialty pet food” means any commercial feed prepared and distributed for consumption by specialty pets.

~~(20)~~(22) “Ton” means a net weight of 2,000 pounds avoirdupois.

#### § 324. REGISTRATION AND FEES

(a) No person shall manufacture or distribute a commercial feed, feed supplement, or dosage form animal health product in this State unless that person has first filed with the ~~Vermont~~ Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

- (1) the name of the manufacturer or distributor;
- (2) the manufacturer’s or distributor’s place of business;
- (3) the location of each manufacturing or distribution facility; and
- (4) any other information that the Secretary considers to be necessary.

(b) A person shall not distribute in this State a commercial feed, feed supplement, or dosage form animal health product that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The Secretary shall have the authority to determine whether a product subject to an application shall be registered as a commercial feed, feed supplement, or dosage form animal health product.

~~(c)~~(1) The application for registration of a commercial feed or feed supplement shall be accompanied by a registration fee of \$105.00 per product. The registration fees, along with any surcharges collected under subsection ~~(e)~~(d) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the

Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(2) The application for registration of a dosage form animal health product shall be accompanied by a registration fee of \$50.00 per product. The registration fees, along with any surcharges collected under subsection (d) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to items registered under this chapter. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

~~(e)~~(d) No person shall distribute in this State any commercial feed, feed supplement, or dosage form animal health product required to be registered under this chapter upon which the Secretary has placed a withdrawal from distribution order because of nonregistration. A surcharge of \$10.00, in addition to the registration fee required by subsection ~~(b)~~(c) of this section, shall accompany the application for registration of each product upon which a withdrawal from distribution order has been placed for reason of nonregistration, and must be received before removal of the withdrawal from distribution order.

~~(d)~~(e) No person shall distribute a commercial feed product in the State that is labeled as bait or feed for white-tailed deer.

#### § 325. LABELING

(a) A commercial feed or feed supplement, except a customer-formula feed, shall be accompanied by a label bearing the following information:

- (1) the net weight;
- (2) the product name and the brand name, if any, under which the commercial feed or feed supplement is distributed;
- (3) the guaranteed analysis as required by rule in section 329 of this title;
- (4) the common, usual name or collective term of each ingredient used in the manufacture of the commercial feed or feed supplement in descending order;
- (5) the name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed or feed supplement;



(6) adequate directions for use for all commercial feeds or feed supplements containing drugs and for such other feeds as the Secretary may require by rule as necessary for their safe and effective use; and

(7) precautionary statements required to assure ensure the safe and effective use of the commercial feed or feed supplement.

(b) A dosage form animal health product shall be accompanied by a label bearing the following information:

(1) the net weight or count;

(2) the product name and the brand name, if any, under which the dosage form animal health product is distributed;

(3) the established name of each active ingredient and the amount of active ingredient per serving in descending order;

(4) the established name of each inactive ingredient in alphabetical order or in descending order by predominance of the ingredient;

(5) the name, city, and town of the manufacturer or the person responsible for distributing the dosage form animal health product or an e-mail address for the manufacturer or distributor;

(6) adequate directions for use of the dosage form animal health product;

(7) precautionary statements and warnings required to ensure the safe and effective use of the dosage form animal health product; and

(8) structure-function claim stating the intended use of the dosage form animal health product.

(c) Customer-formula feed shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing the following information:

(1) name and address of the manufacturer;

(2) name and address of the purchaser;

(3) date of delivery;

(4) the name of each commercial feed and each other ingredient used in the mixture;

(5) adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the Secretary may require by rule to assure ensure their safe and effective use;

(6) the direction for use and precautionary statements;

(7) when a drug-containing product is used:

(A) the purpose of the medication or a claim statement; and

(B) the established name of each active drug ingredient and the level of each drug used in the final mixture; and

(8) the guaranteed analysis as required by rule pursuant to section 329 of this title.

~~(e)~~(d) For purposes of labeling customer-formula feeds, the guaranteed analysis is not required when:

(1) one or more of the ingredients are provided to the manufacturer by the final purchaser; or

(2) the manufacturer uses a guaranteed analysis provided by the final purchaser as part of the specific instructions for blending a customer-formula feed.

#### § 326. MISBRANDING

A commercial feed, feed supplement, or dosage form animal health product shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular;

(2) it is distributed under the name of another commercial feed, feed supplement, or dosage form animal health product;

(3) it is not labeled as required in section 325 of this title;

(4) it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule of the Commissioner; or

(5) information required to appear on the label in a conspicuous manner cannot be easily identified or understood under customary conditions of purchase and use.

#### § 327. ADULTERATION

(a) A commercial feed including whole seeds shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance ~~which~~ that may render it injurious to human or animal health, but in case the substance is not an added substance, the commercial feed shall not be considered adulterated under this subsection if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

(b) Any other commercial feed, feed supplement, or dosage form animal health product shall be deemed to be adulterated if:

(1) any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor;

(2) its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

(3) if use of the product may result in contamination of a raw agricultural product;

(4) it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice and rules promulgated by the Secretary to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics ~~which~~ that it purports or is represented to possess; or

~~(4)~~(5) it contains viable weed seeds in amounts exceeding the limits that the Secretary shall establish by rule.

#### § 328. ~~TONNAGE REPORTING~~

~~(a) Every person who registers a commercial feed pursuant to the provisions of this chapter shall report to the Agency of Agriculture, Food and Markets annually the total amount of combined feed is distributed within the State and which is intended for use within the State. The report shall be made on forms and in a manner to be prescribed by the Secretary for calendar years 2016 and 2017.~~

~~(b) This reporting requirement shall not apply to pet foods, within the meaning of subdivisions 323(16) and (19) of this title, and shall not apply to feeds intended for use outside the State. [Repealed.]~~

#### § 329. RULES

(a) The Secretary is authorized to adopt rules establishing procedures or standards, or both, for product registration, labeling, adulteration, reporting, inspection, sampling, guarantees, product analysis, or other conditions necessary for the implementation and enforcement of this chapter. Where appropriate, the rules shall be consistent with the model rules developed by the Association of American Feed Control Officials and regulations adopted by the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq.

(b) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, together with any regulation

promulgated pursuant to the authority of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq., relevant to the subject matter of this chapter, are hereby adopted as rules under this chapter, together with all subsequent amendments. The Secretary may, by rule, amend or repeal any rule adopted under this subsection.

(c) A person shall not manufacture or distribute raw milk as a commercial feed, feed supplement, or dosage form animal health product in the State for any species unless all of the following conditions are satisfied:

(1) the raw milk shall be decharacterized using a sufficient method to render it distinguishable from products packaged for human consumption;

(2) raw animal feed, feed supplements, dosage form animal health products, or pet food products shall be packaged in containers that are labeled “not for human consumption”;

(3) raw animal feed, feed supplements, dosage form animal health products, or pet food products shall not be stored or placed for retail sale with, or in the vicinity of, milk or milk products intended for human consumption; and

(4) notwithstanding any rule adopted under subsection (b) of this section to the contrary of the provisions of this subsection, the manufacture and distribution of raw animal feed, feed supplements, dosage form animal health products, or pet food products shall comply with the requirements of this chapter.

### § 330. INSPECTION; SAMPLING; ANALYSIS

(a) For the purpose of enforcing this chapter and determining whether or not an operation may be subject to these provisions, the Secretary upon presenting appropriate credentials is authorized:

(1) to enter any premises during normal business hours where commercial feeds, feed supplements, or dosage form animal health products are manufactured, processed, packed, or held for distribution and to stop and enter any vehicle being used to transport or hold feeds;

(2) to inspect factories, warehouses, establishments, vehicles, equipment, finished and unfinished materials, containers, and labeling;

(3) to sample commercial feed and, feed ingredients, feed supplements, or dosage form animal health products.

(b) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or in accordance with other generally recognized methods. The results of all analyses of official

samples shall be forwarded by the Secretary to the correspondent named in the registration form and to the purchaser. When the inspection and analysis of an official sample indicates that a commercial feed, feed supplement, or dosage form animal health product has been adulterated or misbranded and upon request within 30 days following receipt of the analysis, the Secretary shall furnish to the registrant a portion of the sample concerned.

§ 331. PRODUCT DEFICIENCY; SHORT WEIGHT

(a) No registrant may produce, package, distribute, or possess any commercial feed, feed supplement, or dosage form animal health product that is short weight or deficient in either guaranteed ingredients or guaranteed analysis. The Secretary by rule shall establish permitted analytical variances that shall be used to determine whether a commercial feed, feed supplement, or dosage form animal health product is deficient.

(b) The Secretary is authorized to assess administrative penalties for any product found to be short weight or deficient in guaranteed analysis. In assessing these penalties, the Secretary shall give consideration to the appropriateness of the penalty with respect to the size of the business being assessed, the gravity of the violation, the good faith of the registrant, and the overall history of prior violations. Administrative penalties shall be paid to the Secretary for deposit and use in the revolving account established by subsection 364(e) of this title. Penalties shall be assessed in the following manner:

(1) any registrant who is found to have violated this section for a particular product for the first time during any calendar year shall receive an administrative penalty of not more than \$150.00;

(2) any registrant who is found to have violated this section with regard to the same product for the second time during the same calendar year shall receive an administrative penalty of not more than \$300.00; and

(3) any registrant who is found to have violated this section with regard to the same product on three or more occasions during the same calendar year shall receive an administrative penalty of not more than \$500.00.

(c) In assessing a penalty under this section, the Secretary shall issue a written notice of penalty to the registrant setting forth in a short and plain statement the alleged violation and the proposed fine. The notice shall state that the penalty will become final 14 days from the date the notice of penalty is issued unless the registrant requests a hearing before the Secretary.

(d) Any registrant aggrieved by a decision of the Secretary may appeal questions of law to a Superior Court within 30 days of the final decision of the

Secretary. The Secretary may enforce a final administrative penalty by filing an action in any District or Superior Court.

§ 332. DETAINED COMMERCIAL FEEDS, FEED SUPPLEMENTS, OR  
DOSAGE FORM ANIMAL HEALTH PRODUCTS

(a) ~~“Withdrawal from distribution”~~ Withdrawal from distribution orders. When the Secretary has reasonable cause to believe any lot of commercial feed, feed supplement, or dosage form animal health product is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, he or she may issue and enforce a written or printed “~~withdrawal from distribution~~” order, warning the distributor not to dispose of the lot of commercial feed, feed supplement, or dosage form animal health product in any manner until written permission is given by the Secretary or the court. The Secretary shall release the lot of commercial feed, feed supplement, or dosage animal health product withdrawn when this chapter and rules have been complied with. If compliance is not obtained within 30 days, the Secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) ~~“Condemnation and confiscation.”~~ Any lot of commercial feed, feed supplement, or dosage form animal health product not in compliance with this chapter and rules shall be subject to seizure on complaint of the Secretary to a court of competent jurisdiction in the area in which the commercial feed is located. In the event the court finds the commercial feed, feed supplement, or dosage form animal health product to be in violation of this chapter and orders the condemnation of the commercial feed, feed supplement, or dosage form animal health product, it shall be disposed of in any manner consistent with the quality of the commercial feed, feed supplement, or dosage form animal health product and the laws of the State, provided that in no instance shall the disposition of the commercial feed, feed supplement, or dosage form animal health product be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed, feed supplement, or dosage form animal health product or for permission to process or relabel the commercial feed, feed supplement, or dosage form animal health product to bring it into compliance with this chapter.

\* \* \*

§ 336. ADMINISTRATIVE PENALTY

Consistent with chapter 1 of this title, the Secretary may assess an administrative penalty upon determining that a person has violated a rule issued under this chapter or has violated this chapter in the following manner:

(1) Distributed a feed, feed supplement, or dosage form animal health product without first obtaining the appropriate product registration.

(2) Distributed a commercial feed, feed supplement, or dosage form animal health product without appropriate labeling.

(3) Violated a cease and desist order.

(4) Failed to meet the product guarantee on the label or for the custom formula feed.

(5) Distributed a commercial feed which, feed supplement, or dosage form animal health product that is adulterated as defined in section 327 of this chapter.

\* \* \* Plant Amendments; Plant Biostimulants; Soil Amendments \* \* \*

Sec. 10. 6 V.S.A. chapter 28 is amended to read:

#### CHAPTER 28. FERTILIZER AND LIME

##### § 361. TITLE

This chapter shall be known as the “Fertilizer and Lime Law of 1986.”

##### § 362. ENFORCING OFFICIAL

This chapter shall be administered by the Secretary of Agriculture, Food and Markets, or his or her designee, hereafter referred to as the Secretary.

##### § 363. DEFINITIONS

As used in this chapter:

(1) “Agricultural lime” or “agricultural liming material” or “lime” means ~~and includes~~:

(A) all products ~~whose~~ with calcium and magnesium compounds that are capable of neutralizing soil acidity and ~~which~~ that are intended, sold, or offered for sale for agricultural or plant propagation purposes;

(B) limestone consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity; or

(C) industrial waste or industrial by-products ~~which~~ that contain calcium, calcium and magnesium, or calcium, magnesium, and potassium in forms that are capable of neutralizing soil acidity and which are intended, sold, or offered for sale for agricultural purposes. For the purposes of this chapter, the terms “agricultural lime,” “lime,” and “agricultural liming material” shall have the same meaning.

(2) “Brand” means a term, design, or trademark used in connection with one or more grades or formulas of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

(3) “Distribute” means to import, consign, manufacture, produce, compound, mix, or blend fertilizer or to offer for sale, sell, barter, or otherwise supply ~~or apply~~ a fertilizer, a plant amendment, a plant biostimulant, a soil amendment, or lime in this State. “Distribute” shall include online sales.

(4) “Distributor” means any person who distributes fertilizer, plant amendments, plant biostimulants, soil amendments, or lime.

(5) “Exceptional quality biosolid” means a product derived in whole or in part from domestic wastes that have been subjected to and meet the requirements of the following:

(A) a pathogen reduction process established in 40 C.F.R. § 503.32(a)(3), (4), (7), or (8);

(B) one of the vector attraction reduction standards established in 40 C.F.R. part 503.33;

(C) the contaminant concentration limits in Vermont Solid Waste Rules § 6-1303(a)(1); and

(D) if derived from a composting process, Vermont Solid Waste Rules § 6-1303(a)(4).

~~(5)~~(6) “Fertilizer” means any substance containing one or more recognized plant nutrients that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth or health, except unprocessed animal or vegetable manures and other products exempted by the Secretary.

(A) A fertilizer material is a substance that either:

(i) contains important quantities of at least one of the primary plant nutrients: nitrogen, phosphorus, or potassium;

(ii) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

(iii) is derived from a plant or chemical residue or by-product or natural material deposit ~~which~~ that has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(B) A mixed fertilizer is a fertilizer containing any combination or mixture of fertilizer materials.



(C) A specialty fertilizer is a fertilizer distributed for nonfarm use.

(D) A bulk fertilizer is a fertilizer distributed in a nonpackaged form.

(7) “Formulation” means a material or mixture of materials prepared according to a particular formula.

~~(6)~~(8) “Grade” means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or potash stated in whole numbers in the same terms, order, or percentages as in the guaranteed analysis. Specialty fertilizers and fertilizer materials may be guaranteed in fractional terms. Any grade expressed in fractional terms which that is not preceded by a whole number shall be preceded by zero.

~~(7)~~(9) “Guaranteed analysis” means:

(A) in reference to fertilizer, the minimum percentages of plant nutrients claimed by the manufacturer or producer of the product in the following order and form: nitrogen, phosphorus, and potash; and

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

~~(8)~~(10) “Label” means the display of all written, printed, or graphic matter upon the immediate container, or a statement accompanying a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

~~(9)~~(11) “Labeling” means all written, printed, or graphic material upon or accompanying any ~~lime or~~ fertilizer, plant amendment, plant biostimulant, soil amendment, or lime including advertisements, brochures, posters, and television and radio announcements used in promoting the sale of the ~~lime or~~ fertilizer, plant amendment, plant biostimulant, soil amendment, or lime.

~~(10)~~(12) “Official sample” means any sample of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime taken by the Secretary.

(13) “Plant amendment” means any substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor or other favorable characteristics of plants, except for fertilizer, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, plant regulators, and other materials exempted by rule adopted under this chapter.

(14) “Plant biostimulant” means a substance or microorganism that, when applied to seeds, plants, or the rhizosphere, stimulates natural processes

to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, or crop quality and yield except for fertilizers, soil amendments, plant amendments, or pesticides. The Secretary may modify the definition of “plant biostimulant” by rule or procedure in order to maintain consistency with U.S. Department of Agriculture requirements.

(11)(15) “Percent” or “percentage” means the percentage by weight.

(12)(16) “Primary nutrient” includes nitrogen, available phosphoric acid or phosphorus, and soluble potash or potassium.

(13)(17) “Product” means the name of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime which that identifies it as to kind, class, or specific use.

(14)(18) “Registrant” means the person who registers fertilizers a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime under the provisions of this chapter.

(19) “Soil amendment” means a substance or mixture of substance that is intended to improve the physical, chemical, biological, or other characteristics of the soil, except fertilizers, agricultural liming materials, unprocessed animal manures, unprocessed vegetable manures, pesticides, plant biostimulants, and other materials exempted by rule. A compost product from a facility under the jurisdiction of the Agency of Natural Resources’ Solid Waste Management Rules or exceptional quality biosolids shall not be regulated as a soil amendment under this chapter, unless marketed and distributed for the use in the production of an agricultural commodity.

(15)(20) “Ton” means a net weight of 2,000 pounds avoirdupois.

(16)(21) “Use” includes all purposes for which a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is applied.

(17)(22) “Weight” means the weight of undried material as offered for sale.

#### § 364. REGISTRATION

(a) Each brand or grade or formula of fertilizer, plant amendment, plant biostimulant, or soil amendment shall be registered in the name of the person whose name appears upon the label before being distributed in this State. The application for registration shall be submitted to the Secretary on a form furnished by the Agency of Agriculture, Food and Markets and shall be accompanied by a fee of ~~\$20.00 per nutrient or recognized plant food element to a maximum of \$140.00 per brand or grade~~ \$85.00 per grade or formulation registered. Upon approval by the Secretary, a copy of the registration shall be

furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) the brand and grade or formulation;
- (2) the guaranteed analysis if applicable; and
- (3) the name and address of the registrant.

(b) A distributor shall not be required to register any fertilizer ~~which, plant amendment, plant biostimulant, or soil amendment~~ that is already registered under this chapter by another person, provided there is no change in the label for the fertilizer, plant amendment, plant biostimulant, or soil amendment.

(c) A distributor shall not be required to register each grade of fertilizer formulated or each formulation of soil amendment according to specifications ~~which that~~ are furnished by a consumer prior to mixing, but shall be required to label the fertilizer or soil amendment as provided in subsection 365(b) of this title.

(d) The Secretary may request additional proof of testing of products prior to registration for guaranteed analyses or adulterants.

(e) Each separately identified agricultural lime product shall be registered before being distributed in this State. Registration shall be performed in the same manner as fertilizer registration except that each application shall be accompanied by a fee of \$50.00 per product.

~~(e)~~ (f) The registration and tonnage fees, along with any deficiency penalties collected pursuant to sections 331 and 372 of this title, shall be deposited in a special fund. Funds deposited in this fund shall be restricted to implementing and administering the provisions of this title and any other provisions of law relating to feeds and seeds.

#### § 365. LABELS

(a)(1) Any fertilizer or agricultural lime distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

- (A) net weight;
- (B) brand and grade, provided that grade shall not be required when no primary nutrients are claimed;
- (C) guaranteed analysis; and
- (D) name and address of the registrant.

(2) For bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at the time of delivery.

(b) A fertilizer or lime formulated according to specifications furnished by a consumer prior to mixing shall be labeled to show: the net weight, the guaranteed analysis or name, analysis and weight of each ingredient used in the mixture, and the name and address of the distributor and purchaser.

(c)(1) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, he or she may require by rule that the minimum percent of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

Total Calcium (Ca) ..... percent  
Total Magnesium (Mg) ..... percent

~~(2) Under this rule, an affected person shall be given a reasonable time to come into compliance.~~

(d)(1) Any plant amendment, plant biostimulant, or soil amendment distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

- (A) net weight or volume;
- (B) brand name;
- (C) purpose of product;
- (D) directions for application;
- (E) guaranteed analysis; and
- (F) name and address of the registrant.

(2) For bulk shipments of fertilizer, plant amendments, plant biostimulants, soil amendments, or lime, the information required under this subsection shall accompany delivery in written or printed form and shall be supplied to the purchaser at the time of delivery.

~~(4) Under this a rule adopted under this subsection, an affected person shall be given a reasonable time to come into compliance.~~

§ 366. TONNAGE FEES

(a) A person distributing fertilizer to a nonregistrant consumer in the State annually shall pay the following fees to the Secretary:

- (1) a \$150.00 minimum tonnage fee;
- (2) \$0.50 per ton of agricultural fertilizer distributed; and
- (3) \$30.00 per ton of nonagricultural fertilizer distributed.

(b) Persons distributing fertilizer shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was distributed within this State. Each report shall be accompanied with payment and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.

(c) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.

(d) Persons distributing a plant amendment, plant biostimulant, or soil amendment in the State shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each formulation of plant amendment, plant biostimulant, or soil amendment and the form in which the plant amendment, plant biostimulant, or soil amendment was distributed within this State. Each report shall include a written authorization allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports. Plant amendments, plant biostimulants, and soil amendments are exempt from tonnage fees.

(e) Agricultural limes, including agricultural lime mixed with wood ash, are exempt from the tonnage fees required in this section.

(f) Lime and wood ash mixtures may be registered as agricultural liming materials and guaranteed for potassium or potash, provided that the wood ash totals less than 50 percent of the mixture.

(g)(1) All fees collected under subdivisions (a)(1) and (2) of this section shall be deposited in the special fund created by subsection 364(e) of this title and used in accordance with its provisions.

(2) All fees collected under subdivision (a)(3) of this section shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title.

(h) [Repealed.]

## § 367. INSPECTION; SAMPLING; ANALYSIS

For the purpose of enforcing this chapter and determining whether or not fertilizers, plant amendments, plant biostimulants, soil amendments, and limes lime distributed in this State endanger the health and safety of Vermont citizens, the Secretary upon presenting appropriate credentials is authorized:

(1) To enter any public or private premises except domiciles during regular business hours and stop and enter any vehicle being used to transport or hold fertilizer, a plant amendment, a plant biostimulant, a soil amendment, or lime.

(2) To inspect blending plants, warehouses, establishments, vehicles, equipment, finished or unfinished materials, containers, labeling, and records relating to distribution, storage, or use.

(3) To sample and analyze any fertilizer, plant amendment, plant biostimulant, soil amendment, or lime. The methods of sampling and analysis shall be those adopted by the Association of Official Analytical Chemists. In cases not covered by this method or in cases where methods are available in which improved applicability has been demonstrated, the Secretary may authorize and adopt methods which reflect sound analytical procedures.

(4) To develop any reasonable means necessary to monitor and adopt rules for the use of fertilizers and agricultural limes, plant amendments, plant biostimulants, soil amendments, and lime on Vermont soils where monitoring indicates environmental or health problems. In addition, the Secretary may develop and adopt rules for the proper storage of fertilizers and limes, plant amendments, plant biostimulants, soil amendments, and lime held for distribution or sale.

#### § 368. MISBRANDING

(a) No person shall distribute a misbranded fertilizer, plant amendment, plant biostimulant, soil amendment, or agricultural lime. A fertilizer, plant amendment, plant biostimulant, or soil amendment shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular;

(2) it is distributed under the name of another fertilizer product, plant amendment, plant biostimulant, or soil amendment;

(3) it contains unsubstantiated claims;

(4) it is not labeled as required in section 365 of this title and in accordance with rules adopted under this chapter; or

(4)(5) it is labeled, or represented, to contain a plant nutrient ~~which~~ that does not conform to the standard of identity established by rule. In adopting

these rules under this chapter, the Secretary shall give consideration to definitions recommended by the Association of American Plant Food Control Officials.

(b) An agricultural lime shall be deemed to be misbranded if:

(1) its labeling is false or misleading in any particular; or

(2) it is not labeled as required by section 365 of this title and in accordance with rules adopted under this chapter.

#### § 369. ADULTERATION

No person shall distribute an adulterated lime, plant amendment, plant biostimulant, soil amendment, or fertilizer product. A fertilizer, plant amendment, plant biostimulant, soil amendment, or lime shall be deemed to be adulterated if:

(1) it contains any deleterious or harmful ingredient in an amount sufficient to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if uses of the product may result in contamination or condemnation of a raw agricultural commodity by use, or if adequate warning statements or directions for use ~~which~~ that may be necessary to protect plant life are not shown on the label;

(2) its composition falls below or differs from that which it is purported to possess by its labeling;

(3) it contains crop seed or weed seed; or

(4) it contains heavy metals, radioactive substances, or synthetic organics in amounts sufficient to render it injurious to livestock or human health when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use ~~which~~ that may be necessary to protect livestock or human health are not shown on the label.

#### § 370. PUBLICATION; CONSUMER INFORMATION REGARDING

##### FERTILIZER USE ON NONAGRICULTURAL TURF OF FERTILIZER, PLANT AMENDMENTS, PLANT BIOSTIMULANTS, AND SOIL AMENDMENTS

(a) The Secretary shall publish on an annual basis:

(1) information concerning the distribution of fertilizers, plant amendments, plant biostimulants, soil amendments, and limes; and

(2) results of analyses based on official samples of fertilizers, plant amendments, plant biostimulants, soil amendments, and lime distributed

within the State as compared with guaranteed analyses required pursuant to the terms of this chapter.

(b)(1) The Secretary, in consultation with the University of Vermont Extension, fertilizer industry representatives, lake groups, and other interested or affected parties, shall produce information for distribution to the general public with respect to the following:

(A) problems faced by the waters of the State because of discharges of phosphorus;

(B) an explanation of the extent to which phosphorus exists naturally in the soil;

(C) voluntary best management practices for the use of fertilizers containing phosphorus on nonagricultural turf; and

(D) best management practices for residential sources of phosphorus.

(2) The Secretary shall develop the information required under this subsection and make it available to the general public in the manner deemed most effective, which may include:

(A) conspicuous posting at the point of retail sale of fertilizer containing phosphorus, according to recommendations for how that conspicuous posting may best take place;

(B) public service announcements by means of electronic media;

(C) other methods deemed by the Secretary to be likely to be effective.

~~(3) The Secretary shall develop proposed criteria for evaluating the effectiveness of the information program and shall present them to legislative committees on natural resources and energy and on agriculture by no later than January 1, 2007. By no later than July 1, 2007, the Secretary shall hold one or more public information meetings to obtain the input of the public on a draft assessment of the effectiveness of this section in increasing the use of best management practices in the use of fertilizers on nonagricultural turf. By no later than December 1, 2008, the Secretary shall provide those legislative committees with a final assessment of the effectiveness of this subsection, which shall include an analysis of the extent to which the information developed under this subsection has been effectively provided to and relied upon by retail customers who purchase fertilizers containing phosphorus and shall include any recommendations for making the program more effective. [Repealed.]~~

§ 371. RULES; ENFORCEMENT



The Secretary is authorized to adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement the intent of this chapter and to enforce those rules.

\* \* \*

#### § 374. SHORT WEIGHT

(a) If any fertilizer, plant amendment, plant biostimulant, soil amendment, or agricultural liming material is found to be short in net weight, the registrant of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime shall pay a penalty of three times the value of the actual shortage to the affected party.

(b) Each registrant shall be offered an opportunity for a hearing before the Secretary. Penalty payments shall be made within 30 days after notice of the Secretary's decision to assess a penalty. Proof of payment to the consumer shall be promptly forwarded to the Secretary by the registrant.

(c) If the consumer cannot be found, the amount of the penalty payments shall be paid to the Secretary who shall deposit the payment into the revolving account established by subsection 364(e) of this title.

(d) This section is not an exclusive cause of action and persons affected may utilize any other right of action available under law.

#### § 375. CANCELLATION OF REGISTRATION

The Secretary is authorized to cancel or suspend the registration of any fertilizer, plant amendment, plant biostimulant, soil amendment, or ~~liming material~~ lime or refuse a registration application if he or she finds that the provisions of this chapter or the rules adopted under this chapter have been violated, provided that no registration shall be revoked or refused without a hearing before the Secretary.

#### § 376. DETAINED FERTILIZER AND LIME

(a) "Withdrawal from distribution" orders. When the Secretary has reasonable cause to believe any lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, he or she may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime in any manner until written permission is given by the Secretary or the court. The Secretary shall release the lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime withdrawn when this chapter and rules have been

complied with. If compliance is not obtained within 30 days, the Secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) “Condemnation and confiscation.” Any lot of fertilizer, plant amendment, plant biostimulant, soil amendment, or lime not in compliance with this chapter and rules shall be subject to seizure on complaint of the Secretary to a court of competent jurisdiction in the area in which the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime is located. In the event the court finds the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime to be in violation of this chapter and orders the condemnation of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime, it shall be disposed of in any manner consistent with the quality of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime and the laws of the State, provided that in no instance shall disposition of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime or for permission to process or relabel the fertilizer, plant amendment, plant biostimulant, soil amendment, or lime to bring it into compliance with this chapter.

\* \* \*

#### § 379. EXCHANGES BETWEEN MANUFACTURERS

Nothing in this chapter shall be construed to restrict or impair sales or exchanges of fertilizers, plant amendments, plant biostimulants, or soil amendments to each other by importers, manufacturers, or manipulators who mix fertilizer materials, plant amendments, plant biostimulants, or soil amendments for sale, or to prevent the free and unrestricted shipments of fertilizer, plant amendments, plant biostimulants, or soil amendments to manufacturers or manipulators who have registered their brands as required by provisions of this chapter.

#### § 380. ADMINISTRATIVE PENALTY

Consistent with chapter 1 of this title, the Secretary may assess an administrative penalty upon determining that a person has violated a rule issued under this chapter or has violated this chapter in the following manner:

(1) distributed a specialty fertilizer, plant amendment, plant biostimulant, soil amendment, or lime without first obtaining the appropriate product registration;

(2) distributed a fertilizer, plant amendment, plant biostimulant, soil amendment, or lime without appropriate labeling;

(3) failed to report or to accurately report the amount and form of each grade of fertilizer distributed in Vermont on an annual basis;

(4) failed to report or to accurately report the amount and form of each formulation of plant amendment, plant biostimulant, or soil amendment;

(5) failed to pay the appropriate tonnage fee; or

~~(5)~~(6) violated a cease and desist order.

#### § 381. GOLF COURSES; NUTRIENT MANAGEMENT PLAN

~~Beginning July 1, 2012, as~~ As a condition of the permit issued to golf courses under chapter 87 of this title and ~~regulations~~ rules adopted thereunder, a golf course shall be required to submit to the Secretary of Agriculture, Food and Markets a nutrient management plan for the use and application of fertilizer to grasses or other lands owned or controlled by the golf course. The nutrient management plan shall ensure that the golf course applies fertilizer according to the agronomic rates for the site-specific conditions of the golf course.

\* \* \* Effective Dates \* \* \*

#### Sec. 11. EFFECTIVE DATES

(a) This section and Secs. 1–8a (compost foraging; farming) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021.

**(Committee vote: 8-0-0 )**

**(For text see Senate Journal March 16, 2021 )**

**Rep. Canfield of Fair Haven**, for the Committee on Ways and Means, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture and Forestry and when further amended as follows:

That the report of the Committee on Agriculture and Forestry be amended in Sec. 9, 6 V.S.A. chapter 26, in section 324, in subsection (c), in subdivision (2), by striking out “\$50.00” and inserting in lieu thereof “\$35.00”

**( Committee Vote: 9-0-2)**

**Favorable**

**S. 39**

An act relating to the Judicial Branch fee report and electronic filing fees

**Rep. Lefebvre of Orange**, for the Committee on Government Operations, recommends that the bill ought to pass in concurrence.

**(Committee Vote: 11-0-0)**

**(For text see Senate Journal March 10, 2021 )**

**Senate Proposal of Amendment**

**H. 218**

An act relating to the sale of unpasteurized raw milk

The Senate proposes to the House to amend the bill as follows:

First: In section 2776, subdivision (6), after the words “Required Agricultural Practices that” and before the words “grow, raise, or produce agricultural products” by inserting the words as part of the business of the farm stand or CSA organization

Second: In section 2778, subsection (b), subdivision (1), after the words “Persons selling or” and before the words “unpasteurized milk” by striking out the word “delivery” and inserting in lieu thereof the word delivering

(For text see House Journal March 17, 2021 )

**Action Postponed Until April 28, 2021**

**Action Under Rule 33**

**J.R.S. 24**

Joint resolution relating to amending temporary Joint Rule 22A

**(For text see House Journal April 21, 2021)**

**Consent Calendar**

**Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today’s adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary’s office and/or the House Clerk’s office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of April 22, 2021.

**H.C.R. 45**

House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year

**H.C.R. 46**

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys' Alpine State championship ski team

**H.C.R. 47**

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls' Alpine State championship ski team

**H.C.R. 48**

House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic

**H.C.R. 49**

House concurrent resolution honoring Neshobe School principal Judi Pulsifer

**H.C.R. 50**

House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont

**H.C.R. 51**

House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont

**S.C.R. 4**

Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont's medical laboratories during the COVID-19 pandemic

**Public Hearings**

**Joint public hearing to hear Vermont's unemployment insurance issues for employees and employers during the COVID pandemic**

On Tuesday, May 4, 2021 from 5:00 p.m. to 7:00 p.m. the House Committee on Commerce and Economic Development and the House Committee on Government Operations will hold a joint public hearing to listen to employees and employers in Vermont about the issues faced with unemployment insurance during the COVID pandemic. The public is invited to register to speak at the hearing or submit written testimony.

To register as a speaker at the hearing, please sign up here:  
<https://legislature.vermont.gov/links/public-hearing-unemployment>  
Registrations will be accepted on a first-come, first-served basis, and testimony time will be limited to two minutes per person.  
To submit written testimony, please email an MS Word or PDF file to [testimony@leg.state.vt.us](mailto:testimony@leg.state.vt.us)

The hearing will be live streamed on the Legislature's Joint Committees YouTube channel here:  
<https://legislature.vermont.gov/committee/streaming/shared-joint-committees>

### Information Notice

#### Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

**JFO #3043** - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see this [overview](#) of how the funds will be used by the AOE to support independent schools.]* [JFO received 4/5/2021]

**JFO #3044** – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years. [JFO received 4/05/2021]

**JFO #3045** - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]* [JFO received 4/13/2021]