1	Introduced by Committee on Agriculture
2	Date:
3	Subject: Agriculture; water quality; warehouses; livestock; mosquito control;
4	Vermont Agricultural Credit Corporation
5	Statement of purpose of bill as introduced: This bill proposes to make multiple
6	miscellaneous changes to agricultural statutes. The bill would amend the
7	requirements for the Vermont Seeding and Filter Strip Program. The bill also
8	would amend the licensing requirements for agricultural warehouses. In
9	addition, the bill would amend livestock dealer licensing requirements. The
10	bill also amends eligibility requirements for financial assistance from the
11	Vermont Agricultural Credit Corporation.
12	An act relating to miscellaneous agricultural subjects
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	* * * Agricultural Water Quality * * *
15	Sec. 1. 6 V.S.A. § 4831 is amended to read:
16	§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM
17	(a) The Secretary of Agriculture, Food and Markets is authorized to
18	develop a Vermont Critical Source Area Seeding and Filter Strip Program in
19	addition to the federal Conservation Reserve Enhancement Program in order to
20	compensate farmers for establishing and maintaining harvestable perennial

1	vegetative grassed waterways and filter strips on agricultural cropland
2	perpendicular and adjacent to the surface waters of the State, including ditches.
3	Eligible acreage would include includes annually tilled cropland or a portion of
4	cropland currently cropped as hay that will not be rotated into an annual crop
5	for a 10 year period of time. Acreage that is currently managed as hay shall
6	have a prior history of rotation as corn or other annual commodity crop.
7	(b) Incentive payments from the Agency of Agriculture, Food and Markets
8	shall be made at the outset of a 10-year grant agreement to establish or
9	maintain the acreage as harvestable grassed waterway or filter strip.
10	(c) The Secretary of Agriculture, Food and Markets may establish by
11	procedure financial and technical criteria for the implementation and operation
12	of the Vermont Critical Source Area Seeding and Filter Strip Program.
13	(d) Land enrolled in the Vermont agricultural buffer program shall be
14	considered to be in "active use" as that term is defined in 32 V.S.A.
15	§ 3752(15).
16	* * * Agricultural Warehouses * * *
17	Sec. 2. 6 V.S.A. chapter 67 is amended to read:
18	CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM
19	PRODUCTS
20	§ 891. LICENSE

1	Excepting frozen food locker plants, any person, as defined in 9A V.S.A.
2	§§ 1-201 and 7-102, who stores milk, cream, butter, cheese, eggs, meat,
3	poultry, and fruit eggs, as that term is defined in chapter 27 of this title, or
4	produce, as that term is defined in section 851 of this title, for hire in quantities
5	of 1,000 pounds or more of any commodity shall first be licensed by the
6	Secretary of Agriculture, Food and Markets. Each separate place of business
7	shall be licensed.
8	§ 892. REQUIREMENTS
9	Before licensing such places a place of business under this chapter, the
10	Secretary of Agriculture, Food and Markets shall satisfy himself or herself be
11	satisfied as to the condition of the building, sanitation, refrigeration, and the
12	general safety of the stored goods under the rules and requirements that he or
13	she the Secretary may deem proper.
14	§ 893. APPLICATION FORMS; FEE
15	The Secretary of Agriculture, Food and Markets shall furnish necessary
16	application forms. The annual license date shall be April 1. The annual
17	license fee shall be \$125.00.
18	Sec. 3. 6 V.S.A. § 2672(5) is amended to read:
19	(5) "Milk handler" or "handler" is a person, firm, unincorporated
20	association, or corporation engaged in the business of buying, selling,
21	assembling, packaging, storing, or processing milk or other dairy products for

1	sale within the State of Vermont or outside the State. "Milk handler" or
2	"handler" does not mean a milk producer.
3	Sec. 4. 6 V.S.A. § 2721 is amended to read:
4	§ 2721. HANDLERS' LICENSES
5	(a) The Secretary may classify and issue licenses to milk handlers to carry
6	on dairy product handling businesses, including the purchase, distribution,
7	storage, or sale of milk or milk products, processing or manufacturing of milk
8	or milk products, including the pasteurization of frozen dessert mixes,
9	transport of milk and milk products, bargaining and collecting for the sale of
10	milk and milk products, and dealing in or brokering milk or milk products.
11	(b) A milk handler shall not transact business in the State unless the milk
12	handler secures and holds a handler's license from the Secretary. The license
13	shall terminate September 1 each year and shall be procured by August 15 of
14	each year. The Secretary shall furnish all forms for applications, licenses, and
15	bonds. At the time the application is delivered to the Secretary, the milk
16	handler shall pay a license application fee of \$50.00 for an initial application
17	and a license fee based on the following table. For a renewal application, only
18	the fee in the table applies. Out-of-state firms shall use the company's highest
19	total pounds of milk or dairy products bought, sold, packaged, assembled,
20	transported, stored, or processed per production day.
21	Pounds of milk or dairy products bought, sold, License

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1	packaged, assembled, transported, stored, or	handling
2	processed per production day:	fee
3	500 pounds or less	\$ 60.00
4	Over 500 but less than 10,000 pounds	\$ 200.00
5	10,000 to 50,000 pounds	\$ 350.00
6	Over 50,000 but less than 100,000 pounds	\$ 750.00
7	100,000 to 500,000 pounds	\$1,000.00
8	Over 500,000 pounds	\$1,500.00
9	Processor fee per pasteurizer	\$ 75.00

(c) Notwithstanding subsection (b) of this section, the license handling fees
only for the transportation of bulk milk shall be capped at \$750.00 per year.

- 12 Sec. 5. 6 V.S.A. § 3302(36) is amended to read:
- 13 (36) "Public warehouseman warehouse operator" means any person who
- 14 acts as a temporary custodian of meat, meat food product, or poultry product
- 15 stored in that person's warehouse for a fee.
- 16 Sec. 6. 6 V.S.A. § 3306 is amended to read:
- 17 § 3306. LICENSING
- 18 (a) No person shall engage in intrastate commerce in the business of
- buying, selling, preparing, processing, packing, storing, transporting, or
- 20 otherwise handling meat, meat food products, or poultry products, unless that
- 21 person holds a valid license issued under this chapter. Categories of licensure

1	shall include commercial slaughterers; custom slaughterers; commercial
2	processors; custom processors; wholesale distributors; retail vendors; meat and
3	poultry product brokers; renderers; public warehouse operators; animal food
4	manufacturers; handlers of dead, dying, disabled, or diseased animals; and any
5	other category that the Secretary may by rule establish.
6	* * *
7	(d) The annual fee for a license for a retail vendor is \$15.00 for vendors
8	without meat processing operations, \$50.00 for vendors with meat processing
9	space of less than 300 square feet or meat display space of less than 20 linear
10	feet, and \$100.00 for vendors with 300 or more square feet of meat processing
11	space or 20 or more linear feet of meat display space. Fees collected under this
12	section shall be deposited in a special fund managed pursuant to 32 V.S.A.
13	chapter 7, subchapter 5 and shall be available to the Agency to offset the cost
14	of administering chapter 204 of this title. For all other plants, establishments,
15	and related businesses listed under subsection (a) of this section, except for a
16	public warehouse licensed under chapter 67 of this title, the annual license fee
17	shall be \$150.00.
18	* * *
19	* * * Livestock Dealers * * *
20	Sec. 7. 6 V.S.A. § 761 is amended to read:
21	§ 761. DEFINITIONS

1	As used in this chapter:
2	(1) <u>"Camelids" has the same meaning as in section 1151 of this title.</u>
3	(2) "Domestic deer" has the same meaning as in section 1151 of this
4	title.
5	(3) "Equines" has the same meaning as in section 1151 of this title.
6	(4) "Livestock" means cattle, horses equines, sheep, swine, goats,
7	camelids, fallow deer, red deer, reindeer, and domestic deer, American bison,
8	and any other domestic animal that the Secretary deems livestock for the
9	purposes of this chapter.
10	(2)(5) "Livestock dealer" means a person who, on the person's own
11	account or for commission, goes from place to place buying, selling, or
12	transporting livestock either directly or through online or other remote
13	transaction, or who operates a livestock auction or sales ring, provided that
14	"livestock dealer" shall not mean:
15	(A) a federal agency, including any department, division, or authority
16	within the agency;
17	(B) a nonprofit association approved by the Secretary; or
18	(C) a person who engages in "farming," as that term is defined in
19	10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a
20	farming operation when that person is buying, selling, or transporting livestock
21	for the person's farm.

1	(3)(6) "Packer" means a livestock dealer person who is solely involved
2	in the purchase of livestock for purpose of slaughter at his or her the person's
3	own slaughter facility.
4	(4)(7) "Person" means any individual, partnership, unincorporated
5	association, or corporation.
6	(5)(8) "Transporter" means a livestock dealer who limits his or her
7	activity to transporting person who transports livestock for remuneration and
8	who does not buy or sell livestock. A transporter cannot buy or sell livestock
9	and is not required to be bonded.
10	Sec. 8. 6 V.S.A. § 762(a) is amended to read:
11	(a) A person shall not carry on the business of a livestock dealer, packer, or
12	transporter without first obtaining a license from the Secretary of Agriculture,
13	Food and Markets. Before the issuance of a each applicable license, a person
14	shall file an application on Agency-provided forms with the Secretary an
15	application for a license on forms provided by the Agency. Each application
16	shall be accompanied by a fee of \$175.00 for livestock dealers and packers and
17	\$100.00 for livestock transporters.
18	* * * Contagious Diseases and Animal Movement * * *
19	Sec. 9. 6 V.S.A. § 1151 is amended to read:
20	§ 1151. DEFINITIONS
21	As used in this part:

1	(1) "Accredited veterinarian" means a veterinarian approved by the U.S.
2	Department of Agriculture and the State Veterinarian to perform functions
3	specified by cooperative state-federal disease control programs.
4	(2) "Animal" or "domestic animal" means cattle, sheep, goats, equines,
5	domestic deer, American bison, swine, poultry, pheasant, Chukar partridge,
6	Coturnix quail, psittacine birds, domestic ferrets, camelids, ratites (ostriches,
7	rheas, and emus), and water buffalo, and any other animals that the Secretary
8	deems a domestic animal for the purposes of this chapter. The term shall
9	include cultured fish propagated by commercial fish farms. Before
10	determining that an unlisted species is a "domestic animal," the Secretary shall
1.1	
11	consult with the Secretary of Natural Resources.
11 12	consult with the Secretary of Natural Resources. * * *
12	* * *
12 13	* * * (7) <u>"Deer"</u> <u>"Domestic deer"</u> means any member of the family cervidae
12 13 14	* * * (7) <u>"Deer"</u> <u>"Domestic deer"</u> means any member of the family cervidae except for white-tailed deer and moose.
12 13 14 15	<ul> <li>* * *</li> <li>(7) <u>"Deer"</u> <u>"Domestic deer"</u> means any member of the family cervidae</li> <li>except for white-tailed deer and moose.</li> <li>(8) "Domestic fowl" or "poultry" means all domesticated birds of all</li> </ul>
12 13 14 15 16	<ul> <li>***</li> <li>(7) "Deer" "Domestic deer" means any member of the family cervidae</li> <li>except for white-tailed deer and moose.</li> <li>(8) "Domestic fowl" or "poultry" means all domesticated birds of all ages that may be used are edible as human food, or that produce eggs that may</li> </ul>
12 13 14 15 16 17	<ul> <li>***</li> <li>(7) "Deer" "Domestic deer" means any member of the family cervidae except for white-tailed deer and moose.</li> <li>(8) "Domestic fowl" or "poultry" means all domesticated birds of all ages that may be used are edible as human food, or that produce eggs that may be used are edible as human food, or that produce eggs that may be used are edible as human food, excluding those birds protected wildlife as</li> </ul>

1	(10) "Fallow deer" means domesticated deer of the genus Dama, species
2	<del>dama.</del>
3	(11) "Red deer" means domesticated deer of the family cervidae,
4	subfamily cervidae, genus Cervus, species elaphus.
5	(12) "Reactor" means an animal that tests positive to any official test
6	required under this chapter.
7	(13)(11) "Reportable disease" means any disease included in the
8	National List of Reportable Animal Diseases and any disease required by the
9	Secretary by rule to be reportable.
10	(14)(12) "Secretary" means the Secretary of Agriculture, Food and
11	Markets or designee.
12	Sec. 10. 6 V.S.A. § 1153 is amended to read:
13	§ 1153. RULES
14	(a) The Secretary shall adopt rules necessary for the discovery, control, and
15	eradication of contagious diseases and for the slaughter, disposal, quarantine,
16	vaccination, and transportation of animals found to be diseased or exposed to a
17	contagious disease. The Secretary may also adopt rules requiring the
18	disinfection and sanitation of real estate, buildings, vehicles, containers, and
19	equipment that have been associated with diseased livestock.
20	(b) The Secretary shall adopt rules establishing fencing and transportation
21	requirements for <u>domestic</u> deer.

1	(c) The Secretary shall adopt rules necessary for the inventory, registration,
2	tracking, and testing of <u>domestic</u> deer.
3	Sec. 11. 6 V.S.A. § 1165 is amended to read:
4	§ 1165. TESTING OF CAPTIVE DEER
5	(a) Definitions. As used in this section:
6	(1) "Captive deer operation" means a place where <u>domestic</u> deer are
7	privately or publicly maintained, in an artificial manner, or held for economic
8	or other purposes within a perimeter fence or confined space.
9	(2) "Chronic wasting disease" or "CWD" means a transmissible
10	spongiform encephalopathy.
11	(b) Testing. A person operating a captive deer operation under the
12	jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the
13	Secretary when a captive deer in his or her the person's control dies or is sent
14	to slaughter. The person operating the captive deer operation shall make the
15	carcass of a deceased or slaughtered animal available to the Secretary for
16	testing for CWD.
17	(c) Cost. The cost of CWD testing required under this section shall be
18	assessed to the person operating the captive deer operation from which the
19	tested captive deer originated.

1	* * * Mosquito Control * * *
2	Sec. 12. 6 V.S.A. § 1083 is amended to read:
3	§ 1083. DUTIES OF SECRETARY OF AGRICULTURE, FOOD AND
4	MARKETS; AUTHORITY OF LANDOWNERS TO USE
5	MOSQUITO CONTROLS
6	(a) The Secretary of Agriculture, Food and Markets shall may personally or
7	through the Secretary's duly authorized agents:
8	(1) Survey swamps or other sections within the State suspected of being
9	mosquito or other biting arthropod breeding areas.
10	(2) Map each section so surveyed, indicate all mosquito or other biting
11	arthropod breeding places and determine methods best adapted for mosquito or
12	other biting arthropod abatement in the areas by drainage, oiling habitat
13	modification, or other means.
14	(3) Investigate the mosquito or other biting arthropod life history and
15	habits and determine the species present within the areas, and make any other
16	studies he or she the Secretary deems necessary to provide useful information
17	in mosquito or other biting arthropod abatement.
18	(4) Make the results of the Secretary's surveys, investigations, and
19	studies available to the Department of Health, selectboard members, or mayors
20	of towns or cities, as the case may be, in which work was done; also upon

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1	request, to any organizations, public or private, or individuals interested in
2	mosquito or other biting arthropod control surveillance work.
3	(5) Issue or deny permits to any person for the use of larvicides or
4	pupacides for mosquito control in the waters of the State pursuant to
5	procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include
6	provisions regarding an opportunity for public review and comment on permit
7	applications. Persons applying for a permit shall apply on a form provided by
8	the Agency. The Secretary shall seek the advice of the Agricultural Innovation
9	Board when designating acceptable control products and methods for their use
10	and when adopting or amending procedures for implementing this subsection.
11	Before issuing a permit under this subsection, the Secretary shall find, after
12	consultation with the Secretary of the Agency of Natural Resources, that there
13	is acceptable risk to the nontarget environment and that there is negligible risk
14	to public health.
15	(6) Notwithstanding the provisions of subdivision (5) of this subsection,
16	when the Commissioner of Health has determined that available information
17	suggests that an imminent risk to public health exists as a result of a potential
18	outbreak of West Nile Virus or other serious illness for which mosquitoes are
19	vectors, the Secretary of Agriculture, Food and Markets may issue permits for
20	the use of larvicides or pupacides for mosquito control without prior public
21	notice or comment.

1	(b) Notwithstanding any provisions of law to the contrary, a landowner
2	may use biological larvicides or pupacides on his or her own land a properly
3	registered mosquito control pesticide for mosquito control on the landowner's
4	land without obtaining a permit, provided that the biological larvicide or
5	pupacide is designated Secretary designates it as an acceptable control product
6	for this purpose by the Secretary and the landowner complies with all
7	requirements on the label of the product.
8	Sec. 13. 6 V.S.A. § 1084 is amended to read:
9	§ 1084. ENGINEERS OR TECHNICIANS EMPLOYEES; EQUIPMENT;
10	ENTRY ON LANDS
11	The Secretary may employ one or more trained mosquito control engineers
12	or technicians persons to carry out provisions of section 1083 of this title and
13	procure such equipment as is necessary. The Secretary and his or her or duly
14	authorized agents of the Secretary may enter upon any lands in the State
15	making the aforementioned surveys, investigations, and studies.
16	Sec. 14. 6 V.S.A. § 1085 is amended to read:
17	§ 1085. MOSQUITO CONTROL GRANT PROGRAM
18	(a) A Mosquito Control District formed pursuant to 24 V.S.A. chapter 121
19	may apply, in a manner prescribed by the Secretary, in writing to the Secretary
20	of Agriculture, Food and Markets for a State assistance grant for mosquito
21	control activities.

1	(b) After submission of an application under subsection (a) of this section,
2	the Secretary of Agriculture, Food and Markets may award a grant of
3	75 percent or less of the project costs for the purchase and application of
4	larvicide and the costs associated with required larval survey activities within a
5	Mosquito Control District. The Mosquito Control District may provide
6	25 percent of the project costs through in-kind larvicide services or the
7	purchase of capital equipment used for larval management activities. At the
8	Secretary's discretion, costs associated with capital equipment that may be
9	required for larval control management programs within a Mosquito Control
10	District may be eligible for grant awards up to 75 percent of the total
11	equipment costs.
12	* * *
13	(e) Larvicide application funded in part under this section shall occur only
14	after the Secretary of Agriculture, Food and Markets approves treatment as
15	warranted within a Mosquito Control District. The approval of the Secretary
16	shall be based upon a biological assessment of mosquito larvae and pupae
17	populations by a technician person trained and approved by the Agency of
18	Agriculture, Food and Markets.
19	* * *

1	* * * Vermont Agricultural Credit Program * * *
2	Sec. 15. 10 V.S.A. § 374b is amended to read:
3	§ 374b. DEFINITIONS
4	As used in this chapter:
5	(1) "Agricultural facility" means land and rights in land, buildings,
6	structures, machinery, and equipment that is used for, or will be used for
7	producing, processing, preparing, packaging, storing, distributing, marketing,
8	or transporting agricultural or forest products that have been primarily at least
9	partially produced in this State, and working capital reasonably required to
10	operate an agricultural facility.
11	* * *
12	(4) "Farm ownership loan" means a loan to acquire or enlarge a farm or
13	agricultural facility, to make capital improvements including construction,
14	purchase, and improvement of farm and agricultural facility buildings, farm
15	worker housing, or farmer housing that can be made fixtures to the real estate,
16	to promote soil and water conservation and protection or provide housing, and
17	to refinance indebtedness incurred for farm ownership or operating loan
18	purposes, or both.
19	* * *

20 (8) "Farm operation" shall mean means the cultivation of land or other
21 uses of land for the production of food, fiber, horticultural, silvicultural,

1	orchard, maple syrup, Christmas trees, forest products, or forest crops; the
2	raising, boarding, and training of equines, and the raising of livestock; or any
3	combination of the foregoing activities. "Farm operation" also means the
4	storage, preparation, retail sale, and transportation of agricultural or forest
5	commodities accessory to the cultivation or use of such land. "Farm
6	operation" also shall mean means the operation of an agritourism business on a
7	farm subject to regulation under the Required Agricultural Practices. <u>"Farm</u>
8	operation" also means a business that provides specialty services to farmers,
9	such as foresters, farriers, hoof trimmers, or large animal veterinarians
10	operating mobile units.
11	* * *
11 12	* * * (15) <b>"Resident" means a person who is or will be domiciled in this State</b>
12	(15) "Resident" means a person who is or will be domiciled in this State
12 13	(15) "Resident" means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State
12 13 14	(15) "Resident" means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or
12 13 14 15	(15) "Resident" means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent, including the filing of a Vermont income tax
12 13 14 15 16	(15) "Resident" means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent, including the filing of a Vermont income tax return within 18 months of the application for a loan under this chapter. In the
12 13 14 15 16 17	(15) "Resident" means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent, including the filing of a Vermont income tax return within 18 months of the application for a loan under this chapter. In the case of a limited liability company, partnership, corporation, or other business

1	Sec. 16. 10 V.S.A. § 374h is amended to read:
2	§ 374h. LOAN ELIGIBILITY STANDARDS
3	A farmer, or a limited liability company, partnership, corporation, or other
4	business entity the majority ownership of which is vested in one or more
5	farmers, shall be eligible to apply for a farm ownership or operating loan,
6	provided the applicant is:
7	(1) a resident of this State and will help to expand the agricultural
8	economy of the State; [Repealed.]
9	(2) an owner, prospective purchaser, or lessee of agricultural land in the
10	State or of depreciable machinery, equipment, or livestock to be used in the
11	State;
12	(3) a person of sufficient education, training, or experience in the
13	operation and management of an agricultural facility or farm operation of the
14	type for which the applicant requests the loan;
15	(4) an operator or proposed operator of an agricultural facility, farm
16	operation, or forest products business for whom the loan reduces investment
17	costs to an extent that offers the applicant a reasonable chance to succeed in
18	the operation and management of an agricultural facility or farm operation;
19	* * *

- 1 \*\*\* Effective Date \*\*\*
- 2 Sec. 17. EFFECTIVE DATE
- 3 <u>This act shall take effect on July 1, 2024.</u>

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