## TO THE HONORABLE SENATE:

1

- The Committee on Agriculture to which was referred Senate Bill No. 301
  entitled "An act relating to miscellaneous agricultural subjects" respectfully
  reports that it has considered the same and recommends that the bill be
  amended by striking out all after the enacting clause and inserting in lieu
  thereof the following:
- 7 \*\* \* Agricultural Water Quality \* \* \*
- 8 Sec. 1. 6 V.S.A. § 4831 is amended to read:
- 9 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM
- 10 (a) The Secretary of Agriculture, Food and Markets is authorized to 11 develop a Vermont Critical Source Area Seeding and Filter Strip Program in 12 addition to the federal Conservation Reserve Enhancement Program in order to 13 compensate farmers for establishing and maintaining harvestable perennial 14 vegetative grassed waterways and filter strips on agricultural cropland 15 perpendicular and adjacent to the surface waters of the State, including ditches. 16 Eligible acreage would include includes annually tilled cropland or a portion of 17 cropland currently cropped as hay that will not be rotated into an annual crop 18 for a 10-year period of time. Acreage that is currently managed as hay shall 19 have a prior history of rotation as corn or other annual commodity crop.

1	(b) Incentive payments from the Agency of Agriculture, Food and Markets
2	shall be made at the outset of a 10-year grant agreement to establish or
3	maintain the acreage as harvestable grassed waterway or filter strip.
4	(c) The Secretary of Agriculture, Food and Markets may establish by
5	procedure financial and technical criteria for the implementation and operation
6	of the Vermont Critical Source Area Seeding and Filter Strip Program.
7	(d) Land enrolled in the Vermont agricultural buffer program shall be
8	considered to be in "active use" as that term is defined in 32 V.S.A.
9	§ 3752(15).
10	* * * Agricultural Warehouses * * *
11	Sec. 2. 6 V.S.A. chapter 67 is amended to read:
12	CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM
13	PRODUCTS
14	§ 891. LICENSE
15	Excepting frozen food locker plants, any person, as defined in 9A V.S.A.
16	§§ 1-201 and 7-102, who stores milk, cream, butter, cheese, eggs, meat,
17	poultry, and fruit eggs, as that term is defined in chapter 27 of this title, or
18	produce, as that term is defined in section 851 of this title, for hire in quantities
19	of 1,000 pounds or more of any commodity shall first be licensed by the
20	Secretary of Agriculture, Food and Markets. Each separate place of business
21	shall be licensed.

1	§ 892. REQUIREMENTS
2	Before licensing such places a place of business under this chapter, the
3	Secretary of Agriculture, Food and Markets shall satisfy himself or herself be
4	satisfied as to the condition of the building, sanitation, refrigeration, and the
5	general safety of the stored goods under the rules and requirements that he or
6	she the Secretary may deem proper.
7	§ 893. APPLICATION FORMS; FEE
8	The Secretary of Agriculture, Food and Markets shall furnish necessary
9	application forms. The annual license date shall be April 1. The annual
10	license fee shall be \$125.00.
11	Sec. 3. 6 V.S.A. § 2672(5) is amended to read:
12	(5) "Milk handler" or "handler" is a person, firm, unincorporated
13	association, or corporation engaged in the business of buying, selling,
14	assembling, packaging, storing, or processing milk or other dairy products for
15	sale within the State of Vermont or outside the State. "Milk handler" or
16	"handler" does not mean a milk producer.
17	Sec. 4. 6 V.S.A. § 2721 is amended to read:
18	§ 2721. HANDLERS' LICENSES
19	(a) The Secretary may classify and issue licenses to milk handlers to carry
20	on dairy product handling businesses, including the purchase, distribution,

storage, or sale of milk or milk products, processing or manufacturing of milk

1	or milk products, including the pasteurization of frozen dessert mixes,
2	transport of milk and milk products, bargaining and collecting for the sale of
3	milk and milk products, and dealing in or brokering milk or milk products.
4	(b) A milk handler shall not transact business in the State unless the milk
5	handler secures and holds a handler's license from the Secretary. The license
6	shall terminate September 1 each year and shall be procured by August 15 of
7	each year. The Secretary shall furnish all forms for applications, licenses, and
8	bonds. At the time the application is delivered to the Secretary, the milk
9	handler shall pay a license application fee of \$50.00 for an initial application
10	and a license fee based on the following table. For a renewal application, only
11	the fee in the table applies. Out-of-state firms shall use the company's highest
12	total pounds of milk or dairy products bought, sold, packaged, assembled,
13	transported, stored, or processed per production day.
14	Pounds of milk or dairy products bought, sold,  License
15	packaged, assembled, transported, <u>stored</u> , or handling
16	processed per production day: fee
17	500 pounds or less \$ 60.00
18	Over 500 but less than 10,000 pounds \$ 200.00
19	10,000 to 50,000 pounds \$ 350.00
20	Over 50,000 but less than 100,000 pounds \$ 750.00
21	100,000 to 500,000 pounds \$1,000.00

1	Over 500,000 pounds \$1,500.00
2	Processor fee per pasteurizer \$ 75.00
3	(c) Notwithstanding subsection (b) of this section, the license handling fees
4	only for the transportation of bulk milk shall be capped at \$750.00 per year.
5	Sec. 5. 6 V.S.A. § 3302(36) is amended to read:
6	(36) "Public warehouseman warehouse operator" means any person who
7	acts as a temporary custodian of meat, meat food product, or poultry product
8	stored in that person's warehouse for a fee.
9	Sec. 6. 6 V.S.A. § 3306 is amended to read:
10	§ 3306. LICENSING
11	(a) No person shall engage in intrastate commerce in the business of
12	buying, selling, preparing, processing, packing, storing, transporting, or
13	otherwise handling meat, meat food products, or poultry products, unless that
14	person holds a valid license issued under this chapter. Categories of licensure
15	shall include commercial slaughterers; custom slaughterers; commercial
16	processors; custom processors; wholesale distributors; retail vendors; meat and
17	poultry product brokers; renderers; public warehouse operators; animal food
18	manufacturers; handlers of dead, dying, disabled, or diseased animals; and any
19	other category that the Secretary may by rule establish.
20	* * *

(d) The annual fee for a license for a retail vendor is \$15.00 for vendors
without meat processing operations, \$50.00 for vendors with meat processing
space of less than 300 square feet or meat display space of less than 20 linear
feet, and \$100.00 for vendors with 300 or more square feet of meat processing
space or 20 or more linear feet of meat display space. Fees collected under this
section shall be deposited in a special fund managed pursuant to 32 V.S.A.
chapter 7, subchapter 5 and shall be available to the Agency to offset the cost
of administering chapter 204 of this title. For all other plants, establishments,
and related businesses listed under subsection (a) of this section, except for a
public warehouse licensed under chapter 67 of this title, the annual license fee
shall be \$150.00.
* * *
* * * Livestock Dealers * * *
Sec. 7. 6 V.S.A. § 761 is amended to read:
§ 761. DEFINITIONS
As used in this chapter:
(1) "Camelids" has the same meaning as in section 1151 of this title.
(2) "Domestic deer" has the same meaning as in section 1151 of this
title.

(3) "Equines" has the same meaning as in section 1151 of this title.

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

1	(5)(8) "Transporter" means a livestock dealer who limits his or her
2	activity to transporting person who transports livestock for remuneration and
3	who does not buy or sell livestock. A transporter cannot buy or sell livestock
4	and is not required to be bonded.
5	Sec. 8. 6 V.S.A. § 762(a) is amended to read:
6	(a) A person shall not carry on the business of a livestock dealer, packer, or
7	transporter without first obtaining a license from the Secretary of Agriculture,
8	Food and Markets. Before the issuance of a each applicable license, a person
9	shall file an application on Agency-provided forms with the Secretary an
10	application for a license on forms provided by the Agency. Each application
11	shall be accompanied by a fee of \$175.00 for livestock dealers and packers and
12	\$100.00 for livestock transporters.
13	* * * Contagious Diseases and Animal Movement * * *
14	Sec. 9. 6 V.S.A. § 1151 is amended to read:
15	§ 1151. DEFINITIONS
16	As used in this part:
17	(1) "Accredited veterinarian" means a veterinarian approved by the U.S.
18	Department of Agriculture and the State Veterinarian to perform functions
19	specified by cooperative state-federal disease control programs.
20	(2) "Animal" or "domestic animal" means cattle, sheep, goats, equines,
21	domestic deer, American bison, swine, poultry, pheasant, Chukar partridge,

1	Coturnix quail, psittacine birds, domestic ferrets, camelids, ratites (ostriches,
2	rheas, and emus), and water buffalo, and any other animals that the Secretary
3	deems a domestic animal for the purposes of this chapter. The term shall
4	include cultured fish propagated by commercial fish farms. Before
5	determining that an unlisted species is a "domestic animal," the Secretary shall
6	consult with the Secretary of Natural Resources.
7	* * *
8	(7) "Deer" "Domestic deer" means any member of the family cervidae
9	except for white-tailed deer and moose.
10	(8) "Domestic fowl" or "poultry" means all domesticated birds of all
11	ages that may be used are edible as human food, or that produce eggs that may
12	be used are edible as human food, excluding those birds protected wildlife as
13	<u>defined</u> by 10 V.S.A. part 4 § 4001.
14	(9) "Equine animal" means "Equines" mean any member of the family
15	equidae, including horses, ponies, mules, asses, and zebras.
16	(10) "Fallow deer" means domesticated deer of the genus Dama, species
17	<del>dama.</del>
18	(11) "Red deer" means domesticated deer of the family cervidae,
19	subfamily cervidae, genus Cervus, species elaphus.
20	(12) "Reactor" means an animal that tests positive to any official test
21	required under this chapter.

1	(13)(11) "Reportable disease" means any disease included in the
2	National List of Reportable Animal Diseases and any disease required by the
3	Secretary by rule to be reportable.
4	(14)(12) "Secretary" means the Secretary of Agriculture, Food and
5	Markets or designee.
6	Sec. 10. 6 V.S.A. § 1153 is amended to read:
7	§ 1153. RULES
8	(a) The Secretary shall adopt rules necessary for the discovery, control, and
9	eradication of contagious diseases and for the slaughter, disposal, quarantine,
10	vaccination, and transportation of animals found to be diseased or exposed to a
11	contagious disease. The Secretary may also adopt rules requiring the
12	disinfection and sanitation of real estate, buildings, vehicles, containers, and
13	equipment that have been associated with diseased livestock.
14	(b) The Secretary shall adopt rules establishing fencing and transportation
15	requirements for domestic deer.
16	(c) The Secretary shall adopt rules necessary for the inventory, registration,
17	tracking, and testing of domestic deer.
18	Sec. 11. 6 V.S.A. § 1165 is amended to read:
19	§ 1165. TESTING OF CAPTIVE DEER
20	(a) Definitions. As used in this section:

1	(1) "Captive deer operation" means a place where <u>domestic</u> deer are
2	privately or publicly maintained, in an artificial manner, or held for economic
3	or other purposes within a perimeter fence or confined space.
4	(2) "Chronic wasting disease" or "CWD" means a transmissible
5	spongiform encephalopathy.
6	(b) Testing. A person operating a captive deer operation under the
7	jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the
8	Secretary when a captive deer in his or her the person's control dies or is sent
9	to slaughter. The person operating the captive deer operation shall make the
10	carcass of a deceased or slaughtered animal available to the Secretary for
11	testing for CWD.
12	(c) Cost. The cost of CWD testing required under this section shall be
13	assessed to the person operating the captive deer operation from which the
14	tested captive deer originated.
15	* * * Pesticides; Mosquito Control; Rodenticides * * *
16	Sec. 12. 6 V.S.A. § 1083 is amended to read:
17	§ 1083. DUTIES OF SECRETARY OF AGRICULTURE, FOOD AND
18	MARKETS; AUTHORITY OF LANDOWNERS TO USE
19	MOSQUITO CONTROLS
20	(a) The Secretary of Agriculture, Food and Markets shall may personally on
21	through the Secretary's duly authorized agents:

- (1) Survey swamps or other sections within the State suspected of being mosquito or other biting arthropod breeding areas.
- (2) Map each section so surveyed, indicate all mosquito or other biting arthropod breeding places and determine methods best adapted for mosquito or other biting arthropod abatement in the areas by drainage, oiling habitat modification, or other means.
- (3) Investigate the mosquito or other biting arthropod life history and habits and determine the species present within the areas, and make any other studies he or she the Secretary deems necessary to provide useful information in mosquito or other biting arthropod abatement.
- (4) Make the results of the Secretary's surveys, investigations, and studies available to the Department of Health, selectboard members, or mayors of towns or cities, as the case may be, in which work was done; also upon request, to any organizations, public or private, or individuals interested in mosquito or other biting arthropod control surveillance work.
- (5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by the Agency. The Secretary shall seek the advice of the Agricultural Innovation

- Board when designating acceptable control products and methods for their use and when adopting or amending procedures for implementing this subsection.

  Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.
- (6) Notwithstanding the provisions of subdivision (5) of this subsection, when the Commissioner of Health has determined that available information suggests that an imminent risk to public health exists as a result of a potential outbreak of West Nile Virus or other serious illness for which mosquitoes are vectors, the Secretary of Agriculture, Food and Markets may issue permits for the use of larvicides or pupacides for mosquito control without prior public notice or comment.
- (b) Notwithstanding any provisions of law to the contrary, a landowner may use biological larvicides or pupacides on his or her own land a properly registered mosquito control pesticide for mosquito control on the landowner's land without obtaining a permit, provided that the biological larvicide or pupacide is designated Secretary designates it as an acceptable control product for this purpose by the Secretary and the landowner complies with all requirements on the label of the product.
- 21 Sec. 13. 6 V.S.A. § 1084 is amended to read:

1	§ 1084. ENGINEERS OR TECHNICIANS EMPLOYEES; EQUIPMENT;
2	ENTRY ON LANDS
3	The Secretary may employ one or more trained mosquito control engineers
4	or technicians persons to carry out provisions of section 1083 of this title and
5	procure such equipment as is necessary. The Secretary and his or her or duly
6	authorized agents of the Secretary may enter upon any lands in the State
7	making the aforementioned surveys, investigations, and studies.
8	Sec. 14. 6 V.S.A. § 1085 is amended to read:
9	§ 1085. MOSQUITO CONTROL GRANT PROGRAM
10	(a) A Mosquito Control District formed pursuant to 24 V.S.A. chapter 121
11	may apply, in a manner prescribed by the Secretary, in writing to the Secretary
12	of Agriculture, Food and Markets for a State assistance grant for mosquito
13	control activities.
14	(b) After submission of an application under subsection (a) of this section,
15	the Secretary of Agriculture, Food and Markets may award a grant of
16	75 percent or less of the project costs for the purchase and application of
17	larvicide and the costs associated with required larval survey activities within a
18	Mosquito Control District. The Mosquito Control District may provide
19	25 percent of the project costs through in-kind larvicide services or the
20	purchase of capital equipment used for larval management activities. At the
21	Secretary's discretion, costs associated with capital equipment that may be

1	required for larval eontrol management programs within a Mosquito Control
2	District may be eligible for grant awards up to 75 percent of the total
3	equipment costs.
4	* * *
5	(e) Larvicide application funded in part under this section shall occur only
6	after the Secretary of Agriculture, Food and Markets approves treatment as
7	warranted within a Mosquito Control District. The approval of the Secretary
8	shall be based upon a biological assessment of mosquito larvae and pupae
9	populations by a technician person trained and approved by the Agency of
10	Agriculture, Food and Markets.
11	* * *
12	Sec. 15. RULEMAKING; SECOND GENERATION ANTICOAGULANT
13	RODENTICIDES
14	(a) As used in this section, "second-generation anticoagulant rodenticide"
15	means any rodenticide containing any one of the following active ingredients:
16	brodifacoum; bromadiolone; difenacoum; or difethialone.
17	(b) The Secretary of Agriculture, Food and Markets shall adopt by rule
18	pursuant to 3 V.S.A. chapter 25 requirements for the use of second-generation
19	anticoagulant rodenticides in the State. The rules shall include:
20	(1) listing some or all second-generation anticoagulant rodenticides as
21	restricted use or Class A pesticides;

2	generation anticoagulant rodenticides may be used or applied; and
3	(3) reporting requirements for the amount of second-generation
4	anticoagulant rodenticides used or sold in the State.
5	(c) Prior to initiating rulemaking pursuant to 3 V.S.A. chapter 25 under this
6	section, the Secretary of Agriculture, Food and Markets shall solicit the input
7	and recommendations of pesticide dealers, users of second generation anti-
8	coagulant rodenticides, and other members of the public.
9	The Secretary of Agriculture, Food and Markets shall adopt by rule
10	* * * Vermont Agricultural Credit Program * * *
11	Sec. 16. 10 V.S.A. § 374a is amended to read:
12	§ 374a. CREATION OF THE VERMONT AGRICULTURAL CREDIT
13	PROGRAM
14	(a) There is created the Vermont Agricultural Credit Program, which will
15	provide an alternative source of sound and constructive credit to farmers and
16	forest products businesses who are not having their credit needs fully met by
17	conventional agricultural credit sources at reasonable rates and terms; or, in the
18	alternative, the granting of the loan shall serve as a substantial inducement for
19	the establishment or expansion of an eligible project within the State. The
20	Program is intended to meet, either in whole or in part, the credit needs of
21	eligible agricultural facilities and farm operations in fulfillment of one or more

(2) establishing restrictions or conditions on how or where second-

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

1	to refinance indebtedness incurred for farm ownership or operating loan
2	purposes, or both.
3	* * *
4	(8) "Farm operation" shall mean means the cultivation of land or other
5	uses of land for the production of food, fiber, horticultural, silvicultural,
6	orchard, maple syrup, Christmas trees, forest products, or forest crops; the
7	raising, boarding, and training of equines, and the raising of livestock; or any
8	combination of the foregoing activities. "Farm operation" also means the
9	storage, preparation, retail sale, and transportation of agricultural or forest
10	commodities accessory to the cultivation or use of such land. "Farm
11	operation" also shall mean means the operation of an agritourism business on a
12	farm subject to regulation under the Required Agricultural Practices. "Farm
13	operation" also means a business that provides specialty services to farmers,
14	such as foresters, farriers, hoof trimmers, or large animal veterinarians
15	operating mobile units.
16	(9) "Forest products business" means a Vermont an enterprise that is
17	primarily engaged in managing, harvesting, trucking, processing,
18	manufacturing, crafting, or distributing forest products at least partially derived
19	from Vermont forests.
20	* * *

1	(15) "Resident" means a person who is or will be domiciled in this State
2	as evidenced by an intent to maintain a principal dwelling place in the State
3	indefinitely and to return there if temporarily absent, coupled with an act or
4	acts consistent with that intent, including the filing of a Vermont income tax
5	return within 18 months of the application for a loan under this chapter. In the
6	case of a limited liability company, partnership, corporation, or other business
7	entity, resident means a business entity formed under the laws of Vermont, the
8	majority of which is owned and operated by Vermont residents who are natural
9	persons. [Repealed.]
10	Sec. 18. 10 V.S.A. § 374h is amended to read:
11	§ 374h. LOAN ELIGIBILITY STANDARDS
11	§ 374h. LOAN ELIGIBILITY STANDARDS  A farmer, or a limited liability company, partnership, corporation, or other
12	A farmer, or a limited liability company, partnership, corporation, or other
12 13	A farmer, or a limited liability company, partnership, corporation, or other business entity the majority with a minimum 20 percent ownership of which is
12 13 14	A farmer, or a limited liability company, partnership, corporation, or other business entity the majority with a minimum 20 percent ownership of which is vested in one or more farmers or a nonprofit corporation, shall be eligible to
12 13 14 15	A farmer, or a limited liability company, partnership, corporation, or other business entity the majority with a minimum 20 percent ownership of which is vested in one or more farmers or a nonprofit corporation, shall be eligible to apply for a farm ownership or operating loan, provided the applicant is:
12 13 14 15 16	A farmer, or a limited liability company, partnership, corporation, or other business entity the majority with a minimum 20 percent ownership of which is vested in one or more farmers or a nonprofit corporation, shall be eligible to apply for a farm ownership or operating loan, provided the applicant is:  (1) a resident of this State and will help to expand the agricultural
12 13 14 15 16 17	A farmer, or a limited liability company, partnership, corporation, or other business entity the majority with a minimum 20 percent ownership of which is vested in one or more farmers or a nonprofit corporation, shall be eligible to apply for a farm ownership or operating loan, provided the applicant is:  (1) a resident of this State and will help to expand the agricultural economy of the State; [Repealed.]

1	(3) a person of sufficient education, training, or experience in the	
2	operation and management of an agricultural facility or farm operation of the	
3	type for which the applicant requests the loan;	
4	(4) an operator or proposed operator of an agricultural facility, farm	
5	operation, or forest products business for whom the loan reduces investment	
6	costs to an extent that offers the applicant a reasonable chance to succeed in	
7	the operation and management of an agricultural facility or farm operation;	
8	* * *	
9	* * * Effective Date * * *	
10	Sec. 19. EFFECTIVE DATE	
11	This act shall take effect on July 1, 2024.	
12		
13		
14		
15		
16		
17		
18	(Committee vote:)	
19		_
20	Senator	
21	FOR THE COMMITTEE	