VERMONT LEGISLATIVE

Joint Fiscal Office

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Fiscal Note

May 21, 2025 James Duffy, Fiscal Analyst

H.484 – An act relating to miscellaneous agricultural subjects

<u>As recommended</u> by the Senate Committee on Agriculture[1,i]

Bill Summary

This bill would make various changes to agricultural statutes, use value appraisal (UVA) eligibility criteria, and Vermont taxable income adjustments.

Fiscal Impact

Several provisions of the bill would have fiscal impacts:

- The bill provisions pertaining to beneficial agricultural substances would have a de minimis impact on State revenue.
- The new pesticide registration fee would generate an estimated $613,000 for the Pesticide Monitoring Special Fund in fiscal year 2026.
- Changes to the eligibility criteria for agricultural land enrollment in use value appraisal could increase the number of land parcels enrolled in UVA.
- Exempting net farm income from taxable income for taxpayers with $10,000 or less in farm income would cost the State an estimated $200,000 in forgone tax revenue in tax year 2026.
- Exempting adjusted net capital gains from the sale of farm property to a taxpayer's family members or farm employee of ten years or more from taxable income would decrease State revenue by an estimated $500,000 in tax year 2026.

Section 1: Registration requirements for beneficial agricultural substances

Under current law, distributors of fertilizer and other substances that promote plant growth, such as soil amendments and plant biostimulants, must register their products annually with the Secretary of Agriculture, Food, and Markets. Distributors pay an annual $85 registration fee per product to do so. Registration fees are deposited to the "AF&M – Feed Seeds & Fertilizer" special fund, the use of which is restricted to State agricultural programs.

This bill introduces a definition of "beneficial substances" to statute. This is a largely technical change that is meant to align Vermont with national standards for product definition and labeling to promote the uniform regulation of these substances. Most products captured by this definition are non-fertilizer substances that are beneficial to plant growth, such as soil amendments and biostimulants, that are already registered and distributed in Vermont. This bill updates statutory language to clarify that these substances, while placed under

[1] *The Joint Fiscal Office (JFO) is a nonpartisan legislative office dedicated to producing unbiased fiscal analysis – this fiscal note is meant to provide information for legislative consideration, not to provide policy recommendations.*

a new definition, continue to fall under existing registration requirements.

If this bill results in increased product registrations (and $85 fees paid to the State), it could increase State revenue. However, the Agency of Agriculture, Food and Markets (AAFM) is aware of only a few products registered in other states that might be newly subject to this bill's registration requirements. Given that AAFM already registers several thousand products annually, it does not expect a significant increase in registrations or revenue from this bill. Any fiscal impact is expected to be minimal, likely under $1,000 annually.

Sections 2 and 3: Pesticide registration fee and disposal funding study

Currently, every pesticide sold in the State must be registered annually with AAFM. Registrants pay an annual fee of $200 for each product registered. Of this amount, $185 is deposited to the Pesticide Monitoring Special Fund and $15 is deposited to the Agricultural Water Quality Special Fund.

Section 2 of the bill would establish an additional $50 fee charged to registrants of pesticide products and deposited to the Pesticide Monitoring Special Fund. This fee would be used to generate additional revenue for AAFM's support of costs incurred by solid waste management districts in disposing of obsolete and unwanted pesticides. The fee would be collected until an extended producer responsibility program for pesticides is implemented in the State that fully funds the collection of obsolete and unwanted pesticides. The Joint Fiscal Office (JFO) estimates this provision would generate an additional $613,000 in revenue for the Pesticide Monitoring Special Fund in fiscal year 2026.

Section 3 would direct the Secretary of Agriculture, Food and Markets, in consultation with the Commissioner of Environmental Conservation, to study potential funding sources to reimburse solid waste management entities for all costs associated with the collection and disposal of unwanted or obsolete pesticides at municipal hazardous waste collection events. The study would also consider the viability of an extended producer responsibility program for pesticides, as well as other disposal options. The Secretary would be required to submit a report to the committees of jurisdiction by December 15, 2025.

Section 5: Use value appraisal

Section 5 of the bill would amend one of the criterion used to define agricultural land for the purposes of UVA eligibility. Under current law, land is presumed to be used for agricultural purposes based on parcel size and annual gross income from the sale of farm crops in 1) one of the two or 2) three of the five preceding calendar years:

- $2,000 in annual gross income from the sale of crops for parcels up to 25 acres
- $75 per acre in annual gross income for each acre over 25, with total income required not to exceed $5,000.

This bill would amend these criteria to include the equivalent value of donated farm crops in addition to the sale of farm crops. The fiscal impact of this provision would depend on future landowner decision-making regarding the sale or donation of farm crops, and the extent to which these decisions would qualify additional land parcels for UVA enrollment.

Section 6: Taxable income adjustments

Section 6 of the bill would exempt from State income tax net farm profits for taxpayers with $10,000 or less of net farm profit during the taxable year. JFO estimates this exemption would cost the State approximately $200,000 in forgone tax revenue in tax year 2026.

This section would also exempt adjusted net capital gain income from the sale of farming operation real estate from Vermont taxable income, provided the following conditions are met:

1) The buyer continued using the real estate as part of a farming operation;
2) The buyer is related to the seller by blood, marriage, civil union, or adoption, or the buyer was an employee of the farming operation for a minimum of ten years prior to the sale.

This provision would decrease the amount of income subject to State income tax. JFO estimates the forgone income tax revenue from this provision would be approximately $500,000 in fiscal year 2026.

[i] *The full fiscal note history is available on the fiscal tab of the bill page on the General Assembly website and can be accessed through a bill number search on the JFO page.*