

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House  
3 Bill No. 656 entitled “An act relating to miscellaneous agricultural subjects”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 \* \* \* Commercial Feed \* \* \*

8 Sec. 1. 6 V.S.A. § 324 is amended to read:

9 § 324. REGISTRATION AND FEES

10 (a) No person shall manufacture a commercial feed in this State unless that  
11 person has first filed with the Vermont Agency of Agriculture, Food and  
12 Markets, in a form and manner to be prescribed by rules by the Secretary:

- 13 (1) the name of the manufacturer;  
14 (2) the manufacturer’s place of business;  
15 (3) the location of each manufacturing facility; and  
16 (4) any other information ~~which~~ that the Secretary considers to be  
17 necessary.

18 (b) A person shall not distribute in this State a commercial feed that has not  
19 been registered pursuant to the provisions of this chapter. Application shall be  
20 in a form and manner to be prescribed by rule of the Secretary. The  
21 application for registration of a commercial feed shall be accompanied by a

1 registration fee of \$105.00 per product. The registration fees, along with any  
2 surcharges collected under subsection (c) of this section, shall be deposited in  
3 the special fund created by subsection 364(e) of this title. Funds deposited in  
4 this account shall be restricted to implementing and administering the  
5 provisions of this title and any other provisions of the law relating to fertilizer,  
6 lime, or seeds. If the Secretary so requests, the application for registration  
7 shall be accompanied by a label or other printed matter describing the product.

8 (c) No person shall distribute in this State any feed required to be registered  
9 under this chapter upon which the Secretary has placed a withdrawal from  
10 distribution order because of nonregistration. A surcharge of \$10.00, in  
11 addition to the registration fee required by subsection (b) of this section, shall  
12 accompany the application for registration of each product upon which a  
13 withdrawal from distribution order has been placed for reason of  
14 nonregistration, and must be received before removal of the withdrawal from  
15 distribution order.

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



1                   (ii) the complete name and address of the person from whom  
2 livestock was obtained and to whom delivered; and  
3                   (iii) the official individual identification number that is required to  
4 be applied to each livestock under the requirements of sections 1460, 1461,  
5 and 1461a of this title.

6                   (B) For equine livestock, the requirements for the records to be  
7 maintained and the method of individual identification are set forth under  
8 chapter 102, subchapter 2 of this title.

9                   (5) Abide by other reasonable rules that may be adopted by the  
10 Secretary of Agriculture, Food and Markets to prevent the spread of disease. A  
11 copy of all applicable rules shall be provided to all livestock dealers, packers,  
12 and transporters licensed under the terms of section 762 of this title at the time  
13 they first obtain a license.

14                   (6) Pay the seller within 72 hours following the sale of the animal or  
15 animals.

16 Sec. 3. 6 V.S.A. § 1165 is amended to read:

17 § 1165. TESTING OF CAPTIVE DEER

18                   (a) Definitions. As used in this section:

19                   (1) “Captive deer operation” means a place where deer are privately or  
20 publicly maintained, in an artificial manner, or held for economic or other  
21 purposes within a perimeter fence or confined space.

1           (2) “Chronic wasting disease” or “CWD” means a transmissible  
2 spongiform encephalopathy.

3           (b) Testing. A person operating a captive deer operation under the  
4 jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the  
5 Secretary when a captive deer in his or her control dies or is sent to slaughter.  
6 The person operating the captive deer operation shall make the carcass of a  
7 deceased or slaughtered animal available to the Secretary for testing for CWD.

8           (c) Cost. The cost of CWD testing required under this section shall be ~~paid~~  
9 ~~by the Secretary and shall not be assessed to the person operating the captive~~  
10 ~~deer operation from which a tested captive deer originated~~ assessed to the  
11 person operating the captive deer operation from which the tested captive deer  
12 originated.

13       Sec. 4. 6 V.S.A. § 1461a is amended to read:

14       § 1461a. INTRASTATE MOVEMENT

15           (a) ~~The Secretary of Agriculture, Food and Markets shall require~~ Except as  
16 provided under subsection (b) of this section, all livestock being transported  
17 within the State ~~to~~ shall satisfy the requirements for official identification for  
18 interstate movement under the U.S. Department of Agriculture Animal Disease  
19 Traceability rule, 9 C.F.R. part 86, including any future amendments to the  
20 rule, prior to leaving the premises of origin, regardless of the reason for  
21 movement or duration of absence from the premises.

1           (b)(1) Livestock transported from the premises of origin for purposes of  
2 receiving veterinary care at a hospital in this State are exempt from the  
3 requirements of subsection (a) of this section, provided that the livestock are  
4 returned to the premises of origin immediately following the conclusion of  
5 veterinary care.

6           (2) The Secretary, by procedure, may waive the requirements of  
7 subsection (a) for certain types or categories of intrastate transport of livestock.

8           (c) Livestock and poultry that are transported to a commercial slaughter  
9 facility within the State shall not be removed from the facility without the  
10 facility's owner's first obtaining written permission from the State  
11 Veterinarian. For purposes of this section, arrival of the conveyance onto  
12 facility property and the offloading of livestock or poultry constitutes transport  
13 to a slaughter facility, regardless of whether the animals have been presented  
14 for antemortem inspection. The State Veterinarian may require inspection and  
15 testing prior to issuing consent for removal.

16           (d) Vermont-origin livestock and poultry that are transported to a slaughter  
17 facility outside this State shall not be removed from the facility and returned to  
18 Vermont without the facility's owner first obtaining written permission from  
19 the State Veterinarian. For purposes of this section, arrival of the conveyance  
20 onto facility property constitutes transport to a slaughter facility, regardless of  
21 whether the animals have been offloaded or presented for antemortem

1 inspection. The State Veterinarian may require inspection and testing prior to  
2 issuing consent for removal.

3 (e) A person shall not transport out-of-state livestock or poultry into  
4 Vermont for slaughter or other purpose without written consent from the State  
5 Veterinarian if the livestock or poultry is classified as a suspect or a reactor by  
6 the U.S. Department of Agriculture or was exposed to livestock or poultry  
7 classified as a suspect or a reactor.

8 \* \* \* Apiaries \* \* \*

9 Sec. 5. 6 V.S.A. § 3023 is amended to read:

10 § 3023. REGISTRATION; REPORT

11 (a) Registration. A person who is the owner of any bees, apiary, colony, or  
12 hive in the State shall register with the Secretary in writing on a form provided  
13 by the Secretary.

14 (b) Report. Annually the owner of any bees, apiary, colony, or hive  
15 registered under subsection (a) of this section shall submit a report to the  
16 Secretary that includes all of the following information:

17 (1) The location of all apiaries and number of colonies that the person  
18 owns. The location of an apiary shall become its registered location upon  
19 approval of the Secretary under section 3034 of this title.

20 (2) Whether the location of any apiary will change within two weeks of  
21 the date that the report is submitted unless the change of location is to provide

1 pollination services and the colonies will be returned to a registered apiary.

2 Hives from a registered apiary may be moved to another registered apiary  
3 without reregistering.

4 (3) Whether a ~~serious~~ disease was discovered within any hive or colony  
5 in a registered apiary.

6 (4) Whether the owner transported into the State any colonies or used  
7 equipment, except as authorized under subsection 3032(c) of this title.

8 (5) Whether the owner is engaged in the rearing of queen bees or any  
9 other bees for sale, if applicable.

10 (6) A current varroa mite and pest mitigation plan for each registered  
11 apiary.

12 Sec. 6. 6 V.S.A. § 3025 is amended to read:

13 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

14 DESTRUCTION

15 The Secretary or his or her inspectors shall inspect all diseased apiaries a  
16 second time no less than 10 days after the first inspection. If the existence of  
17 disease within the apiary has been confirmed by a an accredited federal  
18 laboratory, the inspector may destroy any colonies of bees if he or she finds  
19 them not cured of such disease, or not treated or handled according to his or  
20 her instructions, together with honey combs, hives, or other equipment,  
21 without recompense to the owner thereof. This section shall not preclude an

1 inspector from destroying diseased colonies at any time with the consent of the  
2 owner or his or her agent.

3 Sec. 7. 6 V.S.A. § 3028 is amended to read:

4 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

5 A person engaged in the rearing of bees for sale shall have his or her apiary  
6 inspected by the Secretary prior to sale at least ~~twice during~~ once each summer  
7 season and, if any disease is found which is injurious to bees, shall at once  
8 cease to ship bees from such diseased apiary until the Secretary declares, in  
9 writing, such apiary free from all such diseases, and whenever the Secretary  
10 shall find the apiary rearing bees for sale free from disease, he or she shall  
11 furnish the owner with a certificate to that effect.

12 Sec. 8. 6 V.S.A. § 3032 is amended to read:

13 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO  
14 THE STATE

15 (a) Except as provided under subsections (c) and (d) of this section, bees,  
16 used equipment, or colonies shall not be brought into the State of Vermont  
17 unless approved by the Secretary by permit. The Secretary shall not approve  
18 the import of bees, used equipment, or colonies from out of state unless  
19 accompanied by a valid certificate of inspection within the previous 60 days  
20 from the state or country of origin stating that the bees, used equipment, or bee  
21 colonies are free from bee disease.

1 (b) Any person, other than a common carrier, who knowingly transports or  
2 causes to be transported used equipment or colonies to a point within this State  
3 shall provide the Secretary with a copy of the certificate of inspection not more  
4 than 72 hours after an approved import permit and certificate of inspection no  
5 less than 10 days prior to entry into this State.

6 (c) This section shall not apply to a shipment of bees, equipment, or  
7 colonies that originated outside the State and is destined for another point that  
8 is also located outside this State.

9 (d) The Secretary shall not require an import permit or a valid certificate of  
10 inspection under subsection (a) of this section for bees, used equipment, or  
11 colonies that:

12 (1) are registered in Vermont;

13 (2) were transported not more than 75 miles from the registered location  
14 of the owner of the bees or colonies; and

15 (3) are imported back into the State within 90 30 days of the date of  
16 original transport.

17 Sec. 9. 6 V.S.A. § 3033 is amended to read:

18 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR

19 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;

20 CERTIFICATE

1 (a) If an owner wishes to ship bees or equipment into another state or  
2 country he or she may apply to the Secretary for an inspection for serious bee  
3 diseases likely to prevent the acceptance of the bees or beekeeping equipment  
4 in the state or country.

5 (b) Upon receipt of the application, or as soon thereafter as may be  
6 conveniently practicable, the Secretary shall comply with the request.

7 Sec. 10. 6 V.S.A. § 3034 is amended to read:

8 § 3034. ESTABLISHING AN APIARY LOCATION

9 No person shall locate an apiary within two miles of an existing apiary  
10 registered to a different person, with the following exceptions:

11 (1) a person may locate an apiary anywhere on ~~his or her own~~ property  
12 that the person owns or controls;

13 (2) beekeepers with a total ownership of ten hives or less shall be  
14 exempt from this restriction;

15 (3) existing apiaries so long as they are properly registered with the  
16 State are exempt;

17 (4) a person may locate an apiary within two miles of another existing  
18 apiary provided the owner of the existing apiary gives written permission or  
19 the existing apiary has less than 15 hives;

20 (5) if a registered apiary of 15 or more hives should fall below and  
21 remain below 15 hives, anyone can petition the State and establish an apiary

1 within two miles of the existing apiary provided the number of hives in the  
2 existing apiary stays below 15 for two years from the time of the petition. An  
3 apiary that loses the protection of the two-mile limit in this manner cannot be  
4 built back above the number of hives it had at the end of the two-year period.

5 \* \* \* Meat Inspection \* \* \*

6 Sec. 11. 6 V.S.A. § 3302 is amended to read:

7 § 3302. DEFINITIONS

8 As used in this chapter, except as otherwise specified, the following terms  
9 shall have the meanings stated below:

10 \* \* \*

11 (21) “Livestock” means any cattle, sheep, swine, goats, ~~domestic~~  
12 ~~rabbits~~, horses, mules, or other equines, whether live or dead.

13 \* \* \*

14 (24) “Meat food product” and “meat product” mean any product capable  
15 of use as human food ~~which~~ that is made wholly or in part from any meat or  
16 other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or  
17 goats, excepting products ~~which~~ that are exempted from definition as a meat  
18 food product by the Secretary under conditions ~~which~~ that he or she may  
19 prescribe to assure that the meat or other portions of carcass contained in  
20 products are unadulterated and that products are not represented as meat food  
21 products. This term as applied to food products of equines shall have a

1 meaning comparable to that provided in this subdivision with respect to cattle,  
2 sheep, swine, ~~domestic rabbits~~, and goats.

3 \* \* \*

4 \* \* \* Agricultural Water Quality \* \* \*

5 Sec. 12. 6 V.S.A. §§ 4831 and 4832 are added to read:

6 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

7 (a) The Secretary of Agriculture, Food and Markets is authorized to  
8 develop a Vermont critical source area seeding and filter strip program in  
9 addition to the federal Conservation Reserve Enhancement Program in order to  
10 compensate farmers for establishing and maintaining harvestable perennial  
11 vegetative grassed waterways and filter strips on agricultural cropland  
12 perpendicular and adjacent to the surface waters of the State, including ditches.  
13 Eligible acreage would include annually tilled cropland or a portion of  
14 cropland currently cropped as hay that will not be rotated into an annual crop  
15 for a 10-year period of time. Acreage that is currently managed as hay shall  
16 have a prior history of rotation as corn or other annual commodity crop.

17 (b) Incentive payments from the Agency of Agriculture, Food and Markets  
18 shall be made at the outset of a 10-year agreement to establish or maintain the  
19 acreage as harvestable grassed waterway or filter strip.

1        (c) The Secretary of Agriculture, Food and Markets may establish by  
2        procedure financial and technical criteria for the implementation and operation  
3        of the Vermont critical source area seeding and filter strip program.

4        (d) Land enrolled in the Vermont agricultural buffer program shall be  
5        considered to be in “active use” as that term is defined in 32 V.S.A.  
6        § 3752(15).

7        § 4832. FARM AGRONOMIC PRACTICES PROGRAM

8        (a) The Farm Agronomic Practices Assistance Program is created in the  
9        Agency of Agriculture, Food and Markets to provide the farms of Vermont  
10       with State financial assistance for the implementation of soil-based practices  
11       that improve soil quality and nutrient retention, increase crop production,  
12       minimize erosion potential, and reduce agricultural waste discharges. The  
13       following practices may be eligible for assistance to farms under the grant  
14       program:

15            (1) conservation crop rotation;

16            (2) cover cropping;

17            (3) strip cropping;

18            (4) cross-slope tillage;

19            (5) zone or no-tillage;

20            (6) pre-sidedress nitrate tests;

1           (7) annual maintenance of a nutrient management plan that is no longer  
2           receiving funding under a State or federal contract, provided the maximum  
3           assistance provided to a farmer under this subdivision shall be \$2,000.00 per  
4           year;

5           (8) educational and instructional activities to inform the farmers and  
6           citizens of Vermont of:

7                   (A) the impact on Vermont waters of agricultural waste discharges;  
8           and

9                   (B) the federal and State requirements for controlling agricultural  
10           waste discharges;

11           (9) implementing alternative manure application techniques; and

12           (10) additional soil erosion reduction practices.

13           (b) Funding available under section 4827 of this title for nutrient  
14           management planning may be used to fund practices under this section.

15           Sec. **13**. REPEALS

16           The following are repealed on July 1, 2020:

17                   (1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and  
18           filter strip program); and

19                   (2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices  
20           program).

1 Sec. 14. 6 V.S.A. § 4871(d) is amended to read:

2 (d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~  
3 The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule  
4 requirements for a small farm certification of compliance with the ~~required~~  
5 ~~agricultural practices~~ Required Agricultural Practices. The rules required by  
6 this subsection shall be adopted as part of the ~~required agricultural practices~~  
7 Required Agricultural Practices under section 4810 of this title.

8 Sec. 15. 6 V.S.A. § 4988 is amended to read:

9 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

10 (a) On or before July 1, 2016, as part of the revision of the ~~required~~  
11 ~~agricultural practices~~ Required Agricultural Practices, the Secretary of  
12 Agriculture, Food and Markets shall adopt by rule a process by which a custom  
13 applicator shall be certified to operate within the State. The certification  
14 process shall require a custom applicator to complete eight hours of training  
15 over each five-year period regarding:

16 (1) application methods or techniques to minimize the runoff of land-  
17 applied manure or nutrients to waters of the State; and

18 (2) identification of weather or soil conditions that increase the risk of  
19 runoff of land-applied manure or nutrients to waters of the State.

20 \* \* \*

21 (d) The requirements of this section shall not apply to:

1           (1) an owner or operator of a farm applying manure or nutrients to a  
2           field that he or she owns or controls,~~provided that the owner or operator has~~  
3           ~~completed the agricultural water quality training required under section 4981~~  
4           ~~of this title;~~ or

5           (2) application of manure or nutrients by a farm owner or operator on a  
6           field of another farm owner or operator when the total annual volume applied  
7           is less than 50 percent of the annual manure or agricultural waste by volume  
8           generated on the farm where the manure is spread, provided that the Secretary  
9           may approve the application of more than 50 percent of the annual manure  
10           generated on a farm by another farm operator when circumstances require and  
11           application of the manure would not pose a significant potential of discharge or  
12           runoff to State waters.

13           (e) The Secretary may require any person applying manure under  
14           subsection (d)(2) of this section to comply with the requirement for  
15           certification of a custom applicator.

16           Sec. 16. 6 V.S.A. § 4817 is added to read:

17           § 4817. MANAGEMENT OF FOOD SUBSTRATES

18           (a) The Secretary may require a person transporting or arranging for the  
19           transport of food substrates to a farm for deposit in a manure pit or for use as  
20           an input in a methane digester to report to the Secretary one or more of the  
21           following:



1           (3) “Raw agricultural product” means any food in its raw or natural state  
2           without added ingredients, including pasteurized or homogenized milk, maple  
3           sap or syrup, meat, eggs, and fruits or vegetables that may be washed, colored,  
4           or otherwise treated in their unpeeled natural form prior to marketing.

5           (b) For the purposes of this chapter and rules adopted pursuant to  
6           subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown  
7           or made in Vermont,” and any substantially similar term shall ~~mean that the~~  
8           goods being advertised originated within Vermont or 30 miles of the place  
9           where they are sold, measured directly, point to point, except that the term  
10           “local” may be used in conjunction with a specific geographic location, such as  
11           “local to New England,” or a specific mile radius, such as “local within 100  
12           miles,” as long as the specific geographic location or mile radius appears as  
13           prominently as the term “local,” and the representation of origin is accurate  
14           have the following meaning based on the type of food or product:

15           (1) For products that are raw agricultural products, “local to Vermont”  
16           means the product:

17                   (A) was exclusively grown or tapped in Vermont;

18                   (B) is not milk and was derived from an animal that was raised for a  
19           substantial period of its lifetime in Vermont; or

20                   (C) is milk where a majority of the milk was produced from Vermont  
21           animals.

1           (2) Except as provided in subdivision (3) of this subsection, for products  
2           that are processed foods, “local to Vermont” means:

3                   (A)(i) the majority of the ingredients in the product were grown in  
4           Vermont; or

5                   (ii) the majority of the product is derived from an animal that was  
6           raised in Vermont for a substantial period of its life; and

7                   (B) the product meets one or both of the following criteria:

8                           (i) the product was processed in Vermont; or

9                           (ii) the headquarters of the company that manufactures the product  
10           is located in Vermont.

11           (3) For bakery products, beverages, or specialty food products, the  
12           product meets two or more of the following criteria:

13                   (A) the majority of the ingredients in the product were grown in  
14           Vermont;

15                   (B) substantial transformation of the ingredients in the product  
16           occurred in Vermont; or

17                   (C) the headquarters of the company that manufactures the product is  
18           located in Vermont.

19           (c) For the purposes of this chapter and rules adopted pursuant to  
20           subsection 2453(c) of this chapter, “local,” “locally grown or made,” and  
21           substantially similar terms may be used in conjunction with a specific

1 geographic location provided that the specific geographic location appears as  
2 prominently as the term “local” and the representation of origin is accurate.

3 \* \* \* Weights and Measures \* \* \*

4 Sec. 18. 9 V.S.A. § 2635 is amended to read:

5 § 2635. GENERAL TESTING

6 (a) When not otherwise provided by law, the Secretary may inspect and  
7 test, to ascertain if they are correct, all weights and measures kept, offered, or  
8 exposed for sale. The Secretary shall, within a 12-month period, or more or  
9 less frequently as deemed necessary, inspect and test, to ascertain if they are  
10 correct, all weights and measures commercially used (1) in determining the  
11 weight, measurement, or count of commodities or things sold, or offered or  
12 exposed for sale, on the basis of weight, measure, or ~~of~~ count, or (2) in  
13 computing the basic charge or payment for services rendered on the basis of  
14 weight, measure, or ~~of~~ count. However, with respect to single-service  
15 devices—that is, devices designed to be used commercially only once and to  
16 be then discarded—and with respect to devices uniformly mass-produced, as  
17 by means of a mold or die, and not susceptible of individual adjustment, tests  
18 may be made on representative samples of those devices; and the lots of which  
19 those samples are representative shall be held to be correct or incorrect upon  
20 the basis of the results of the inspections and tests on those samples.

1        (b) Upon request by the Secretary, the owner or person responsible for a  
2        weighing or measuring device subject to the requirements of this chapter shall  
3        make the device available for inspection during that business’s normal  
4        operating hours and shall provide reasonable assistance as determined by the  
5        Secretary to complete the inspection.

6        Sec. 19. 9 V.S.A. § 2770 is added to read:

7        § 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

8        (a) In addition to other penalties provided by law, the Secretary may assess  
9        administrative penalties under 6 V.S.A. § 15 for each violation of this chapter.  
10       Each violation may be a separate and distinct offense, and, in the case of a  
11       continuing violation, each day’s continuance thereof may be deemed a separate  
12       and distinct offense.

13       (b) After notice and opportunity for hearing, the Secretary may suspend or  
14       revoke a license issued under this chapter for any violation of this chapter.

15       \* \* \* Vermont Agricultural Credit Program; Agritourism \* \* \*

16       Sec. 20. 10 V.S.A. § 374b(8) is amended to read:

17       (8) “Farm operation” shall mean the cultivation of land or other uses of  
18       land for the production of food, fiber, horticultural, silvicultural, orchard,  
19       maple syrup, Christmas trees, forest products, or forest crops; the raising,  
20       boarding, and training of equines, and the raising of livestock; or any  
21       combination of the foregoing activities. “Farm operation” also ~~includes~~ means

1 the storage, preparation, retail sale, and transportation of agricultural or forest  
2 commodities accessory to the cultivation or use of such land. “Farm  
3 operation” also shall mean the operation of an agritourism business on a farm  
4 subject to regulation under the Required Agricultural Practices.

5 \* \* \* Feral Swine \* \* \*

6 **Sec. 21.** 10 V.S.A. § 4709 is amended to read:

7 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
8 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR  
9 FERAL SWINE

10 (a) A person shall not bring into, transport into, transport within, transport  
11 through, or possess in the State any live wild bird or animal of any kind,  
12 including any manner of feral swine, without authorization from the  
13 Commissioner or his or her designee. The importation permit may be granted  
14 under such regulations therefor as the Commissioner shall prescribe and only  
15 after the Commissioner has made such investigation and inspection of the birds  
16 or animals as she or he may deem necessary. The Department may dispose of  
17 unlawfully possessed or imported wildlife as it may judge best, and the State  
18 may collect treble damages from the violator of this subsection for all expenses  
19 incurred.

1 (b) No person shall bring into the State from another country, state, or  
2 province wildlife illegally taken, transported, or possessed contrary to the laws  
3 governing the country, state, or province from which the wildlife originated.

4 (c) No person shall place a Vermont-issued tag on wildlife taken outside  
5 the State. No person shall report big game in Vermont when the wildlife is  
6 taken outside the State.

7 (d) Nothing in this section shall prohibit the Commissioner or duly  
8 authorized agents of the Department of Fish and Wildlife from bringing into  
9 the State for the purpose of planting, introducing, or stocking or from planting,  
10 introducing, or stocking in the State any wild bird or animal.

11 (e) Applicants shall pay a permit fee of \$100.00.

12 (f)(1) The Commissioner shall not issue a permit under this section for the  
13 importation or possession of the following live species, a hybrid or genetic  
14 variant of the following species, offspring of the following species, or  
15 offspring or a hybrid of a genetically engineered variant of the following  
16 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral  
17 hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian  
18 wild boar (Sus scrofo Linnaeus). A feral swine is:

19 (A) a domestic pig that is outside of an enclosure for more than 96  
20 hours and is free roaming on public or private land;

1           (B) an animal that exhibits at least one of the following skeletal  
2 characteristics:

3           (i) skull characteristics of an elongated snout or sloping  
4 appearance with little or no stop at the eye line;

5           (ii) a shoulder structure with a steep or predominate ridge along  
6 the back appearance, known as a razorback;

7           (iii) hindquarters proportionally smaller than the forequarters  
8 lacking natural muscling found in commercial species; or

9           (iv) visible tusks; or

10           (C) an animal that is genetically determined to be a Eurasian wild  
11 boar or Eurasian wild boar-domestic pig hybrid as characterized with an  
12 appropriate genome-wide molecular tool by the U.S. Department of  
13 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to  
14 be a feral swine hybrid based on results of genetic testing conducted at the  
15 National Wildlife Research Center.

16           (2) The definition of feral swine under subdivision (1) of this subsection  
17 shall not include feral swine collared and used by State or federal wildlife  
18 damage management entities, such as the U.S. Department of Agriculture,  
19 Animal and Plant Health Inspection Service, Wildlife Services, to determine  
20 the location of free-ranging feral swine.

1           (3) This subsection shall not ~~apply to the domestic pig (*Sus domesticus*)~~  
2 ~~involved in domestic hog production and shall not~~ restrict or limit the authority  
3 of the Secretary of Agriculture, Food and Markets to regulate the importation  
4 or possession of the domestic pig as livestock or as a domestic animal under  
5 Title 6 of the Vermont Statutes Annotated.

6           (4) Any feral swine may be removed or destroyed by the Department;  
7 the Agency of Agriculture, Food and Markets or a designee; or the U.S.  
8 Department of Agriculture, Animal and Plant Health Inspection Service,  
9 Wildlife Services. The Department shall notify the Agency of Agriculture,  
10 Food and Markets prior to removal of or destruction of the feral swine.

11           (5) The Department shall notify the Agency of Agriculture, Food and  
12 Markets of the disposition of feral swine.

13           (6) Any person who kills a feral swine in Vermont shall report to a State  
14 game warden and shall present the carcass to the State game warden within 24  
15 hours.

16           (7) The State or its designee shall not be liable for damages or claims  
17 associated with the removal or destruction of feral swine provided that the  
18 actions of the State agents or designees are reasonable. The removal or  
19 destruction of feral swine shall be deemed reasonable where:

20           (A) the Department has acted in accordance with subdivision (4) of  
21 this subsection (f); and

1           (B) the Department determines that the swine:  
2                   (i) is a threat to public safety;  
3                   (ii) has harmed or posed a threat to any person or domestic  
4 animal;  
5                   (iii) has damaged private or public property; or  
6                   (iv) has damaged or is damaging natural resources, including  
7 wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable  
8 natural areas; or rare, threatened, or endangered species; or  
9                   (v) the Department determines that the swine constitutes or could  
10 establish a breeding feral swine population in Vermont. The Department shall  
11 consult with U.S. Department of Agriculture, Animal and Plant Health  
12 Inspection Service, Wildlife Services and the Agency of Agriculture, Food and  
13 Markets in making this determination.

14       Sec. 22. 13 V.S.A. § 351b is amended to read:

15       § 351b. SCOPE OF SUBCHAPTER

16           This subchapter shall not apply to:

17           (1) activities regulated by the Department of Fish and Wildlife pursuant  
18 to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance  
19 with 10 V.S.A. § 4709(f);

20           (2) scientific research governed by accepted procedural standards  
21 subject to review by an institutional animal care and use committee;

- 1           (3) livestock and poultry husbandry practices for raising, management,  
2           and use of animals;
- 3           (4) veterinary medical or surgical procedures; and
- 4           (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

5           Sec. 23. 20 V.S.A. § 3350 is added to read:

6           § 3350. THE DISPOSITION OF FERAL SWINE

7           (a) The General Assembly finds that feral swine, as defined in 10 V.S.A.  
8           § 4709, have the potential for spreading serious disease to domestic livestock,  
9           may cause devastating destruction to natural ecosystems, and pose a threat to  
10           human health and safety.

11           (b) In light of the potential impacts of feral swine, and notwithstanding the  
12           provisions of law in this chapter, the Department of Fish and Wildlife may  
13           destroy or euthanize a feral swine in accordance with the requirements of  
14           10 V.S.A. § 4709(f).

15           (c) The exercise by the Department of Fish and Wildlife of the authority  
16           under 10 V.S.A. § 4709(f)(3) shall not prevent any person from pursuing or  
17           collecting the remedies set forth in this chapter.

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\* \* \* Ecosystem Services Working Group \* \* \*

Sec. 24. 2019 Act and Resolves No. 83, Sec. 3 is amended to read:

Sec. 3. SOIL CONSERVATION PRACTICE AND PAYMENT FOR  
ECOSYSTEM SERVICES WORKING GROUP

(a) ~~The Secretary of Agriculture, Food and Markets shall convene a Soil Conservation Practice and Payment for Ecosystem Services Working Group is established to recommend financial incentives designed to encourage farmers in Vermont to implement agricultural practices that exceed the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters. The Working Group shall:~~

(1) identify agricultural standards or practices that farmers can implement that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters;

(2) recommend existing financial incentives available to farmers that could be modified or amended to incentivize implementation of the agricultural standards identified under subdivision (1) of this subsection or incentivize the reclamation or preservation of wetlands and floodplains;

(3) propose new financial incentives, including a source of revenue, for implementation of the agricultural standards identified under subdivision (1) of

1 this subsection if existing financial incentives are inadequate or if the goal of  
2 implementation of the agricultural standards would be better served by a new  
3 financial incentive; and

4 (4) recommend legislative changes that may be required to implement  
5 any financial incentive recommended or proposed in the report.

6 (b) The Soil Conservation Practice and Payment for Ecosystem Services  
7 Working Group shall consist of persons with knowledge or expertise in  
8 agricultural water quality, soil health, economic development, or agricultural  
9 financing. The Secretary of Agriculture, Food and Markets shall appoint the  
10 members that are not ex officio members. The Working Group shall include  
11 the following members:

12 (1) the Secretary of Agriculture, Food and Markets or designee;

13 (2) the Secretary of Natural Resources or designee;

14 (3) a representative of the Vermont Housing and Conservation Board;

15 (4) a member of the former Dairy Water Collaborative;

16 (5) two persons representing farmer's watershed alliances in the State;

17 (6) a representative of the Natural Resources Conservation Council;

18 (7) a representative of the Gund Institute for Environment of the  
19 University of Vermont;

20 (8) a representative of the University of Vermont (UVM) Extension;

21 (9) two members of the Agricultural Water Quality Partnership;

- 1           (10) a representative of small-scale, diversified farming; ~~and~~
- 2           (11) a member of the Vermont Healthy Soils Coalition;
- 3           (12) a person engaged in farming other than dairy farming;
- 4           (13) a representative of an environmental organization with a statewide
- 5 membership that has technical expertise or fundraising experience;
- 6           (14) an agricultural economist from a university or other relevant
- 7 organization within the State;
- 8           (15) an ecosystem services specialist from UVM Extension; and
- 9           (16) a soil scientist.
- 10          (c)(1) The Secretary of Agriculture, Food and Markets or designee shall be
- 11 the Chair of the Working Group, and the representative of the Vermont
- 12 Housing and Conservation Board shall be the Vice Chair.
- 13          (2) A majority of the membership of the Working Group shall constitute
- 14 a quorum.
- 15          (3) The Working Group shall have the administrative, technical, and
- 16 legal assistance of the Agency of Agriculture, Food and Markets.
- 17          (4) The Working Group shall cease to exist on February 1, 2022.
- 18          (d) On or before January 15, 2020 2022, the Secretary of Agriculture, Food
- 19 and Markets shall submit to the Senate Committee on Agriculture and the
- 20 House Committee on Agriculture and Forestry a report ~~including the findings~~
- 21 ~~and recommendations of the Soil Conservation Practice and Payment for~~

1 ~~Ecosystem Services Working Group~~ regarding financial incentives designed to  
2 encourage farmers in Vermont to implement agricultural practices that improve  
3 soil health, enhance crop resilience, and reduce agricultural runoff to waters  
4 that shall include:

5 (1) a recommended payment for ecosystem services approach the State  
6 should pursue that benefits water quality, flood resilience, and climate stability,  
7 including ecosystem services to prioritize and capital or funding sources  
8 available for payments;

9 (2) a recommended definition of healthy soils, a recommended method  
10 or systems for measuring soil health and other indicators of ecosystem health,  
11 and a recommended tool for modeling and monitoring soil health;

12 (3) a recommended price, supported by evidence or other justification,  
13 for a unit of soil health or other unit of ecosystem service or benefit provided;

14 (4) proposed eligibility criteria for persons participating in the program;

15 (5) proposed methods for incorporating the recommended payment for  
16 ecosystem services approach into existing research and funding programs;

17 (6) an estimate of the potential future benefits of the recommended  
18 payment for ecosystem services approach, including the projected duration of  
19 the program;

20 (7) an estimate of the cost to the State to administer the recommended  
21 payment for ecosystem services approach; and

