

1 S.295

2 Introduced by Committee on Agriculture

3 Date: March 16, 2010

4 Subject: Agriculture; agricultural development director

5 Statement of purpose: This bill proposes to eliminate the position of deputy  
6 commissioner of agricultural development and replace the position with that of  
7 a nonappointed director of agricultural development to be staffed by a current  
8 employee of the agency of agriculture, food and markets.

9 ~~An act relating to the creation of an agricultural development director~~

~~*An act relating to miscellaneous agriculture*~~

~~*An act relating to miscellaneous agricultural subjects*~~

~~*An act relating to agricultural development, including agency positions and  
creation of development board; establishment of livestock care standards;  
operation of commercial slaughter facilities; animal rescue organizations; and  
health certificates for importation of certain animals.*~~

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1. FINDINGS AND PURPOSE~~

12 ~~(a) It is the intent of the general assembly that the leadership role at the~~  
13 ~~agricultural development division within the agency of agriculture, food and~~  
14 ~~markets revert from an appointed position to a nonappointed position.~~

15 ~~(b) The general assembly finds that returning the leadership role to a~~  
16 ~~nonappointed position will improve continuity of the agricultural development~~  
17 ~~division's programs and work.~~

~~Sec. 2. ELIMINATION OF POSITION OF DEPUTY COMMISSIONER~~

~~FOR AGRICULTURAL DEVELOPMENT~~

~~(a) The general assembly authorizes and directs the elimination of the position of deputy commissioner for agricultural development within the agency of agriculture, food and markets.~~

~~(b) The secretary of agriculture, food and markets may assign a current employee from within the agency of agriculture, food and markets to serve as the director of agricultural development. The director shall be responsible for the activities set forth in 6 V.S.A. § 2963(b) and any other authority and responsibilities delegated by the secretary.~~

~~(c) Any change in employment titles or responsibilities resulting from the creation of the position of director of agricultural development shall be accomplished without increasing the overall salary expenditures of the agency of agriculture, food and markets.~~

Sec. 3. 3 V.S.A. § 253(e) is amended to read:

\* \* \*

(e) The secretary of agriculture, food and markets, with the approval of the governor, shall appoint a deputy commissioner for administration and enforcement, ~~and a deputy commissioner for agricultural development.~~ The secretary of agriculture, food and markets may remove the deputy ~~commissioners~~ commissioner at pleasure, and he or she shall be responsible for

1 ~~their the deputy commissioner's acts. The agency of agriculture, food and~~  
2 ~~markets shall be so organized that, subject to the supervision of the secretary of~~  
3 ~~agriculture, food and markets, the functions and duties that relate to~~  
4 ~~administration and enforcement shall be in the charge of the deputy~~  
5 ~~commissioner of administration and enforcement, and those that relate to~~  
6 ~~agricultural development shall be in the charge of the deputy commissioner of~~  
7 ~~agricultural development.~~

8 Sec. 4. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2010.~~

*\* \* \* Agricultural Development \* \* \**

*Sec. 1. FINDINGS*

*For purposes of Secs. 2, 3, and 4 of this act, the general assembly finds:*

*(1) Vermont agriculture is the most visible industry in Vermont. Farmers provide food, and they steward the land, which provides natural habitat and scenery that is central to Vermont's character and working landscape.*

*(2) Forestry is also central to Vermont's character and working landscape, and 75 percent of Vermont is forested.*

*(3) Agriculture and forestry are major drivers of the tourism industry and offer many other recreational values and benefits.*

*(4) Ninety-five percent of Vermont's visitors purchase locally produced food items while in the state, and two-thirds of these visitors report purchasing Vermont-made products while at home.*

*(5) The Vermont brand, which signals quality and value and reminds consumers of the rural beauty of Vermont, presents considerable opportunities for expanding out-of-state markets for value-added Vermont products.*

*(6) Vermont agricultural producers should play an important role in supplying the regional food system while enhancing and expanding the development of regionally agriculturally related markets.*

(7) Vermont agriculture's impact on the state's economy is significant. The total value of direct, indirect, and value-added Vermont agricultural products sold in 2008 was \$2.3 billion. The farm-gate revenue generated by Vermont agricultural products sold in 2008 was \$673.7 million. Agri-tourism and recreational services related to agriculture had a 2008 market value of \$1.5 million.

(8) Vermont's tourism industry is highly dependent on the pervasiveness of agriculture and forestry in the state and contributes \$2 billion to the state's economy each year.

(9) Ninety-seven percent of Vermonters also support the state's agriculture and working landscape, and support for the viability of agriculture, including innovative agriculture, is long recognized.

(A) Relationship-based food systems such as farm-to-school programs, community supported agriculture (CSA) programs, farmers' markets, and pick-your-own operations are increasingly popular and offer areas of opportunity for farmers.

(B) The Vermont council on rural development, the Vermont housing and conservation board, the sustainable agriculture council, and others have each issued detailed reports on how to enhance the sustainability of agriculture and forestry in this state.

(C) The general assembly enacted No. 38 of the Acts of 2007, an act relating to the viability of Vermont agriculture, with specific recommendations as to how to "support and develop a more robust and self-sustaining agricultural sector that also promotes agricultural industries."

(D) The Farm-to-Plate Investment Program, approved at the end of the 2009 Vermont legislative session, directs the Vermont sustainable jobs fund, in consultation with the sustainable agriculture council and other stakeholders, to develop a 10-year strategic plan to strengthen Vermont's farm and food sector.

(10) Over the years there have been many reports and plans produced by a variety of stakeholders, including the agency of agriculture, food and markets. While some of the resulting recommendations have been adopted, such as the buy local program, the small business development center, and the installation of electronic benefits transfer machines at farmers' markets, the successful implementation of other recommendations could be enhanced through the sustained attention and actions of an entity such as the proposed agricultural development board.

(11) The agency of agriculture, food and markets has a broad range of expertise and experience that can contribute to the success of the agricultural development board.

(12) In order to provide continuity for the development and implementation of a comprehensive agricultural economic development policy, and to protect and promote Vermont's agricultural and working landscape, a new body of state leaders and creative thinkers is needed to implement agricultural development strategies, including the Farm-to-Plate Investment Program's strategic plan.

(13) In order to provide continuity of agricultural development work within the agency of agriculture, food and markets, the leadership role within the agency's agricultural development division should return to a classified position.

**Sec. 2. ELIMINATION OF POSITION OF DEPUTY COMMISSIONER FOR AGRICULTURAL DEVELOPMENT AND CREATION OF POSITION OF AGRICULTURAL DEVELOPMENT DIRECTOR**

(a) The general assembly authorizes and directs the elimination of the position of deputy commissioner for agricultural development within the agency of agriculture, food and markets.

(b) The general assembly authorizes and directs the creation of a position of agricultural development director within the agency of agriculture, food and markets. The position shall be a classified position. The director's responsibilities shall be those set forth in 6 V.S.A. § 2963(b) and those delegated by the secretary.

(c) Any change in employment titles or responsibilities resulting from the creation of the position of director of agricultural development shall be accomplished without increasing the overall salary expenditures of the agency of agriculture, food and markets.

Sec. 3. 3 V.S.A. § 253(e) is amended to read:

\* \* \*

(e) The secretary of agriculture, food and markets, with the approval of the governor, shall appoint a deputy commissioner for administration and enforcement, ~~and a deputy commissioner for agricultural development.~~ The secretary of agriculture, food and markets may remove the deputy ~~commissioners~~ commissioner at pleasure, and he or she shall be responsible for ~~their~~ the deputy commissioner's acts. The agency of agriculture, food and markets shall be so organized that, subject to the supervision of the secretary of agriculture, food and markets, the functions and duties that relate to administration and enforcement shall be in the charge of the deputy

~~commissioner of administration and enforcement, and those that relate to agricultural development shall be in the charge of the deputy commissioner of agricultural development.~~

Sec. 4. 6 V.S.A. § 2966 is added to read:

§ 2966. AGRICULTURAL DEVELOPMENT BOARD; ORGANIZATION; DUTIES AND AUTHORITY

(a) Purpose. The purpose of this section is to create a permanent Vermont agricultural development board that is authorized and empowered as the state's primary agricultural development entity.

(1) The board is charged with:

(A) optimizing the agricultural use of Vermont lands and other agricultural resources;

(B) expanding existing markets and identifying and developing new profitable in-state and out-of-state markets for food, fiber, forest products, and value-added agricultural products, including farm-derived renewable energy; and

(C) identifying opportunities and challenges related to infrastructure, product development, marketing, training, research, and education.

(2) The board shall:

(A) review existing strategies and plans and develop, implement, and continually update a comprehensive statewide plan to guide and encourage agricultural development and new and expanded markets for agricultural and forest products;

(B) advise and make recommendations to the secretaries of relevant state agencies, the governor, the director of the state experiment station, the University of Vermont extension service, and the general assembly on the adoption and amendment of laws, regulations, and governmental policies that affect agricultural development, land use, access to capital, the economic opportunities provided by Vermont agriculture, and the well-being of the people of Vermont;

(C) monitor and report on Vermont's progress in achieving the agricultural economic development goals identified by the board; and

(D) balance the needs of production methods with the opportunities to market products that enhance Vermont agriculture.

(b) Board created. The Vermont agricultural development board is hereby created. The exercise by the board of the powers conferred upon it in this section constitutes the performance of essential governmental functions.

(c) Powers and duties. The board shall have the authority and duty to:

(1) meet, at least quarterly, to conduct such business and take such action as is necessary to perform the duties set forth in this section;

(2) design and conduct an ongoing public engagement process, which may include taking testimony and receiving information from any party interested in the board's activities;

(3) gain information through the use of experts, consultants, and data to perform analysis as needed;

(4) request services from state economists, state administrative agencies, and state programs;

(5) obtain information from other planning entities, including the farm-to-plate investment program;

(6) serve as a resource for and make recommendations to the administration and the general assembly on ways to improve Vermont's laws, regulations, and policies in order to attain the goals of the comprehensive agricultural economic development plan; and

(7) develop an annual operating budget, and

(A) solicit any grants, gifts, or appropriations necessary to implement the budget pursuant to 32 V.S.A. § 5;

(B) expend any monies necessary to carry out the purposes of this section.

(d) Comprehensive agricultural economic development plan.

(1) Using information available from previous and ongoing agricultural development planning efforts, such as the farm-to-plate investment program's strategic plan, and the board's own data and assumptions, the board shall develop and implement a comprehensive agricultural economic development plan for the state of Vermont. The plan shall include, at minimum, the following:

(A) an assessment of the current status of agriculture in Vermont;

(B) current and projected workforce composition and needs;

(C) a profile of emerging business and industry sectors projected to present future agricultural economic development opportunities, and a cost-benefit analysis of strategies and resources necessary to capitalize on these opportunities;

(D) a profile of current components of physical and social infrastructure affecting agricultural economic development;

(E) a profile of government-sponsored programs, agricultural economic development resources, and financial incentives designed to promote and support agricultural economic development, and a cost-benefit analysis of continued support, expansion, or abandonment of these programs, resources, and incentives;

(F) the use of the Vermont brand to further agricultural development;

(G) the enhancement and expansion of out-of-state marketing of Vermont products; and

(H) any additional issues as the board determines appropriate.

(2) Based on its research and analysis, the board shall establish in the plan a set of clear strategies with defined and measurable outcomes for agricultural economic development, the purpose of which shall be to guide long-term agricultural economic development policymaking and planning.

(3) Within one year of its first meeting, the board shall present the plan to the governor and the house committee on agriculture, the senate committee on agriculture, the house committee on commerce and economic development, and the senate committee on economic development, housing and general affairs as the Vermont comprehensive plan for agricultural economic development.

(4) The board shall conduct a periodic review and revision of the comprehensive agricultural economic development plan as often as is necessary in its discretion, but at minimum every five years, to ensure the plan remains current, relevant, and effective for guiding and evaluating agricultural economic development policy.

(5) The board shall within one year of adopting the plan develop benchmarking standards to measure progress in meeting the plan's goals and outcomes.

(e) Annual report. The board shall make available a report, at least annually, to the administration, the house committee on agriculture, the senate committee on agriculture, the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the people of Vermont on the state's progress toward attaining the goals and outcomes identified in the comprehensive agricultural economic development plan.

(f) Composition of board.

(1) The board shall be composed of 12 members. In making appointments to the board pursuant to this section, the governor, the speaker of the house, and the president pro tempore of the senate shall coordinate their

selections to ensure, to the greatest extent possible, that the board members selected by them reflect the following qualities:

(A) proven leadership in a broad range of efforts and activities to promote and improve the Vermont agricultural economy and the quality of life of Vermonters;

(B) demonstrated innovation, creativity, collaboration, pragmatism, and willingness to make long-term commitments of time, energy, and effort;

(C) geographic, gender, ethnic, social, political, and economic diversity;

(D) diversity of agricultural enterprise location, size, and sector of the for-profit agricultural business community members; and

(E) diversity of interest of the nonprofit or nongovernmental organization community members.

(2) Members of the board shall include the following:

(A) four members appointed by the governor:

(i) a person with expertise in rural economic development issues;

(ii) an employee of a Vermont postsecondary institution experienced in researching issues related to agriculture;

(iii) a person familiar with the agricultural tourism industry; and

(iv) an agricultural lender.

(B) four members appointed by the speaker of the house of representatives:

(i) a person who produces an agricultural commodity other than dairy products;

(ii) a person who creates a value-added product using ingredients substantially produced on Vermont farms;

(iii) a person with expertise in sales and marketing; and

(iv) a person representing the feed, seed, fertilizer, or equipment enterprises.

(C) four members appointed by the committee on committees of the senate:

(i) a representative of Vermont's dairy industry who is also a dairy farmer;

(ii) a person with expertise in land planning and conservation efforts that support Vermont's working landscape;

(iii) a representative from a Vermont agricultural advocacy organization; and

(iv) a person with experience in providing youth with educational opportunities enhancing understanding of agriculture.

(3) The secretary of agriculture, food and markets or his or her designee shall be a nonvoting, ex officio member. The secretary may provide staff support from the agency of agriculture, food and markets as resources permit.

(4) The secretary of commerce and community development or his or her designee shall be a nonvoting, ex officio member.

(g) Governance.

(1) Eight members of the board shall constitute a quorum, and an action of the board shall be taken by a majority of those members present and voting.

(2)(A) The chair of the board shall be elected by the board from its membership at the first meeting.

(B) The chair shall serve for the duration of his or her member term, until his or her earlier resignation, or until his or her unanimous removal by the governor, the speaker of the house, and the president pro tempore of the senate.

(C) A chair may be reappointed, provided that no individual may serve more than two consecutive terms as chair.

(3) Each member of the board shall serve a three-year term, except:

(A) the governor initially shall appoint one member to a one-year term, one member to a two-year term, and two members to a three-year term;

(B) the speaker of the house initially shall appoint two members to a one-year term, one member to a two-year term, and one member to a three-year term; and

(C) the committee on committees initially shall appoint one member to a one-year term, two members to a two-year term, and one member to a three-year term.

(4) Any vacancy occurring among the members shall be filled by the respective appointing authority pursuant to this subsection, and shall be filled for the balance of the unexpired term. A member may be reappointed, provided that no individual may serve more than two consecutive three-year terms.

(h) Compensation. Members who are not state employees or whose membership is not supported by their employer or association may receive per diem and reimbursement for travel to the extent funding is available.

*\* \* \* Livestock Care Standards Advisory Council \* \* \**

*Sec. 5. FINDINGS*

For purposes of Secs. 6, 7, 8, and 9 of this act, the general assembly finds:

(1) Livestock is the core of dairy and livestock farming. The care of and management of livestock are important to the profitability of Vermont farms and the maintenance of Vermont's working landscape.

(2) The general public is increasingly interested in locally produced food, and local Vermont meat has an excellent reputation for quality and flavor.

(3) Livestock raised on Vermont farms offers profit potential and economic opportunity for Vermont producers.

(4) The state would benefit from a body charged with making policy recommendations regarding livestock care.

(5) It is the intent of this legislation to assure the continued success of livestock and dairy farming in Vermont and the continuance of a safe, local food supply.

*Sec. 6. 6 V.S.A. chapter 64 is added to read:*

CHAPTER 64. LIVESTOCK CARE STANDARDS, ADVISORY COUNCIL

§ 791. DEFINITIONS

As used in this chapter:

(1) "Agency" means the agency of agriculture, food and markets.

(2) "Council" means the livestock care standards advisory council.

(3) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, fallow deer, American bison, poultry, and any other animal that can or may be used in and for the preparation of meat, fiber, or poultry products.

(4) "Secretary" means the secretary of agriculture, food and markets.

§ 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) There is established a livestock care standards advisory council for the purposes of evaluating the laws of the state and of providing policy recommendations regarding the care, handling, and well-being of livestock in

the state. The livestock care standards advisory council shall be composed of the following members, all of whom shall be residents of Vermont:

(1) The secretary of agriculture, food and markets, who shall serve as the chair of the council.

(2) The state veterinarian.

(3) The following six members appointed by the governor:

(A) A person with knowledge of food safety and food safety regulation in the state.

(B) A person from a statewide organization that represents the beef industry.

(C) A Vermont licensed livestock or poultry veterinarian.

(D) A representative of an agricultural department of a Vermont college or university.

(E) A representative of the Vermont slaughter industry.

(F) A representative of the Vermont livestock dealer, hauler, or auction industry.

(4) The following three members appointed by the committee on committees:

(A) A producer of species other than bovidae.

(B) An operator of a medium farm or large farm permitted by the agency.

(C) A professional in the care and management of equines and equine facilities.

(5) The following three members appointed by the speaker of the house:

(A) An operator of a small Vermont dairy farm.

(B) A representative of a local humane society or organization from Vermont registered with the agency and organized under state law.

(C) A person with experience investigating charges of animal cruelty involving livestock, provided that no such person who has received or is receiving compensation from a national humane society or organization may be appointed under this subdivision.

(b) Members of the board shall be appointed for staggered terms of three years. Except for the chair, the state veterinarian, and the representative of the agricultural department of a Vermont college or university, no member of

the council may serve for more than six consecutive years. Eight members of the council shall constitute a quorum.

(c) With the concurrence of the chair, the council may use the services and staff of the agency in the performance of its duties.

§ 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) The council shall:

(1) Review and evaluate the laws and rules of the state applicable to the care and handling of livestock. In conducting the evaluation required by this section, the council shall consider the following:

(A) the overall health and welfare of livestock species;

(B) agricultural best management practices;

(C) biosecurity and disease prevention;

(D) animal morbidity and mortality data;

(E) food safety practices;

(F) the protection of local and affordable food supplies for consumers; and

(G) humane transport and slaughter practices.

(2) Submit policy recommendations to the secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the secretary shall be provided to the house and senate committees on agriculture. Recommendations may be in the form of proposed legislation.

(3) Meet at least annually and at such other times as the chair determines to be necessary.

(4) Submit minutes of the council annually, on or before January 15, to the house and senate committees on agriculture.

(b) The council may engage in education and outreach activities related to the laws and regulations for the care and handling of livestock. The council may accept funds from public or private sources in compliance with 32 V.S.A. § 5.

Sec. 7. 6 V.S.A. § 3306 is amended to read:

§ 3306. LICENSING

\* \* \*

*(e) The secretary may, after notice and opportunity for hearing, refuse to grant, suspend, or revoke a license, may impose terms or conditions for operation under a license, including video monitoring, or may take any other action which he or she deems appropriate concerning any license, if he or she determines that any false statement was made in the application or if he or she finds that there is any failure to comply with this chapter or the rules made under it.*

\* \* \*

*(h) The secretary may deny a commercial slaughter license or the renewal of a commercial slaughter license under this chapter to a person who has been convicted of a felony, convicted of a misdemeanor involving cruelty to animals, or has been found in violation of section 3132 of this title more than once. The secretary may deny a commercial slaughter license or renewal of a commercial slaughter license under this chapter if a person responsibly connected to the applicant has been convicted of a felony, convicted of a misdemeanor involving cruelty to animals, or has been found in violation of section 3132 of this title more than once. For purposes of this subdivision, a "person responsibly connected to an applicant" is a partner, officer, director, holder, or owner of 10 percent or more of the voting stock of the applicant's business or is an employee in a managerial or executive capacity at the applicant's business.*

*(i) All applicants for licensure or relicensure as a commercial slaughter facility shall submit a written humane livestock handling plan for review and approval by the secretary of agriculture, food and markets or designee. The secretary may suspend, revoke, or condition any commercial slaughter facility license, after notice and opportunity for hearing, for a licensee's failure to adhere to the written plan.*

*(j) Commercial slaughter facilities issued a license by the agency of agriculture, food and markets shall submit to the secretary or designee within five days of receipt any documentation received from the U.S. Department of Agriculture (USDA) related to violations of the Federal Humane Slaughter Act and rules adopted thereunder. The secretary shall review the documentation submitted under this subdivision for potential action under this chapter or chapter 201 of this title. A failure to submit documentation required under this subdivision shall be a violation of this chapter subject to an administrative penalty under chapter 15 of this title.*

**Sec. 8. TRAINING OF SLAUGHTERHOUSE EMPLOYEES;  
APPROPRIATIONS**

*In addition to any other funds appropriated to the agency of agriculture, food and markets in fiscal year 2011, there is transferred to the agency of*

agriculture, food and markets up to \$50,000.00 from the funds appropriated to the agency of commerce and community development's Vermont training program for use by the agency of agriculture, food and markets for training employees of Vermont-licensed slaughterhouses regarding the humane treatment of animals that is required under state and federal law.

Sec. 9. 6 V.S.A. § 3134 is amended to read:

§ 3134. PENALTY

A person who violates ~~this chapter~~ section 3132 of this title shall be guilty of a misdemeanor and shall be fined upon conviction not more than ~~\$100.00~~ \$1,000.00 for the first violation, not more than \$5,000.00 for the second violation, and not more than \$10,000.00 per violation for the third and any subsequent violations, or imprisoned not more than ~~90 days~~ two years, or both. In addition to the penalties provided ~~above~~ in this subsection, the secretary may seek an injunction against a slaughterer, packer, or stockyard operator who engages in practices which are prohibited by section 3132 of this title, by application to the superior court for the county in which such slaughterer, packer, or stockyard operator resides, or where such violations occur. The secretary may refer a violation of section 3132 of this title to the attorney general or the state's attorney for criminal prosecution. The secretary may also take any action authorized under chapter 1 of this title.

Sec. 10. 20 V.S.A. § 3901 is amended to read:

§ 3901. DEFINITIONS

As used in this chapter, unless the context clearly requires otherwise:

\* \* \*

(4) "Animal" means any dog or cat, rabbit, rodent, ~~nonhuman primate,~~ bird, or other warm-blooded vertebrate but shall not include horses, cattle, sheep, goats, swine, and domestic fowl.

\* \* \*

(16) "Rescue organization" means any organization that accepts more than five animals in a calendar year for the purpose of finding adoptive homes for the animals, and that:

(A) holds a license as a pet shop;

(B) is recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, but is not registered as an animal shelter; or

(C) is registered as an animal shelter with the agency of agriculture, food and markets under section 3903 of this title.

Sec. 11. 20 V.S.A. § 3903 is amended to read:

§ 3903. REGISTRATION OF ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

(a) ~~No person may operate an animal shelter after the expiration of six months following the effective date of this chapter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been granted by the secretary. Application for the certificate shall be made in the manner provided by the secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked, and may be renewed for like periods upon application in the manner provided.~~

(b) ~~An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the donor person transferring the animal to the shelter provides the following information: the name and address of the donor person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.~~

Sec. 12. 20 V.S.A. § 3907 is amended to read:

§ 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

~~Issuance of a certificate of registration may be denied to any animal shelter, rescue organization, or fair, or a license denied to any public auction, or pet merchants, or any certificate or license previously granted under this chapter, may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate for the purposes of this chapter, or if the feeding, watering, sanitizing, and housing practices of the animal shelter, rescue organization, fair, public auction, pet merchant as the case may be, are not consistent with this chapter or with rules adopted under this chapter.~~

Sec. 13. 20 V.S.A. § 3908 is amended to read:

§ 3908. ADOPTION OF REGULATIONS

~~The secretary may as he or she deems necessary adopt, amend, revise, and repeal rules consistent with this chapter for the purpose of carrying out its purposes. The rules may include, but need not be limited to, provisions relating to humane transportation to and from registered or licensed premises, records of purchase and sale, identification of animals, primary enclosures, housing facilities, sanitation, euthanasia, ambient temperatures, feeding, watering, and adequate veterinary medical care, with respect to animals kept or cared for at premises licensed or registered under this chapter. The secretary may at his or her discretion, adopt in whole or in part those portions~~

*of the rules of the secretary of agriculture under Public Law 89-544, commonly known as the Laboratory Animal Welfare Act, which are consistent with the purposes of this chapter.*

*Sec. 14. 20 V.S.A. § 3911(b) is amended to read:*

*(b) Any person who operates a fair, or public auction, or who transacts business as a pet merchant, animal shelter, or rescue organization without being duly licensed or without possessing a proper certificate of registration, as the case may be, as required under this chapter, or who violates any provision of this chapter or of any rule lawfully adopted under its authority for which no other penalty is provided, shall be fined not more than \$300.00 or imprisoned for not more than six months, or both.*

*Sec. 15. 20 V.S.A. § 3915 is added to read:*

§ 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

*(a) A dog, cat, ferret, or wolf-hybrid imported into the state for sale, resale, exchange, or donation shall be accompanied by an official health certificate or similar certificate of inspection for the dog, cat, ferret, or wolf-hybrid issued by a veterinarian licensed in the state or country of origin. The certificate shall certify that:*

*(1) the dog, cat, ferret, or wolf-hybrid has been inspected and is free of visible signs of infections or contagious or communicable disease; and*

*(2) if the dog, cat, ferret, or wolf-hybrid is more than three months of age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a specific breed for which a rabies vaccination is not age-appropriate.*

*(b) The agency of agriculture, food and markets may adopt rules regarding the issuance and contents of any certificate required under subsection (a) of this section.*

*Sec. 16. EFFECTIVE DATES*

*(a) Secs. 1 (agricultural development findings), 2 (agricultural development director), 3 (elimination of references to commissioner of agricultural development), 4 (agricultural development board), 10 (rescue organization), 11 (registration of rescue organizations), 12 (denial or revocation of animal shelter or rescue organization license), 13 (adoption of welfare of animal importation regulations), 14 (welfare of animal penalties), and 15 (health certificate for import of animal) of this act shall take effect on July 1, 2010.*

*(b) This section and Secs. 5 (livestock care findings), 6 (livestock care standards advisory council), 7 (commercial slaughter facility licensing), 8*

*(slaughterhouse employee training), and 9 (humane slaughter penalties) shall take effect upon passage.*