

1 H.507

2 SHORT FORM

3 Introduced by Representative Browning of Arlington

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; water resources; economic

7 development

8 Statement of purpose of bill as introduced: This bill proposes to require each
9 applicant for economic development assistance from the Agency of
10 Agriculture, Food and Markets, the Agency of Commerce and Community
11 Development, or the Agency of Natural Resources to identify on the
12 application for assistance whether the applicant, any property owned by the
13 applicant, or the project to be funded by the economic development assistance
14 is located in a watershed of the State that is impaired due to phosphorus,
15 nutrients, or sediment. If an applicant, any property owned by the applicant, or
16 the project to be funded by economic development assistance is located in a
17 watershed that is impaired due to phosphorus, nutrients, or sediment, the
18 applicant shall certify that the applicant: (1) does not have an active
19 enforcement violation with the Secretary of Natural Resources or the Secretary
20 of Agriculture, Food and Markets; (2) is in compliance with all terms of a
21 current permit, license, grant agreement, or contract with the Agency of

1 Natural Resources or the Agency of Agriculture, Food and Markets; and (3) all
2 entities or land owned and controlled by the applicant is operated or managed
3 in compliance with the State water quality standards.

4 An act relating to eligibility for economic development in impaired waters
5 of the State

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

7 ~~(TEXT OMITTED IN SHORT FORM BILLS)~~

*Sec. 1. SECRETARY OF ADMINISTRATION; WATER QUALITY
STANDARDS CERTIFICATION FOR STATE-FUNDED GRANTS;
REPORT*

(a)(1) The Secretary of Administration shall amend the Standard State Provisions for Contracts and Grants, referred to as Attachment C to Administrative Bulletin 5, to require an applicant for a State-funded grant to certify, under pains and penalties of perjury, that the applicant is in good standing with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

(2) The requirement under this subsection shall allow for an attachment or include space for an applicant who cannot certify under subdivision (1) of this subsection to explain the circumstances surrounding the applicant's inability to certify under subdivision (1).

(3) At any time prior to the award of a State-funded grant or during implementation of a State-funded grant, an applicant shall notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets.

(4) As used in this section:

(A) "Applicant" shall include all entities, including businesses in which the applicant has a greater than 10 percent interest, or land owned or controlled by the applicant.

(B) "Good standing" means the applicant:

(i) is not a named party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments; and

(ii) is in compliance with all federal and State water quality laws and regulations.

(b) A State agency or department may consider an applicant's certification or explanation under subsection (a) of this section in determining whether or not to award a State-funded grant to the applicant.

(c)(1) If a State-funded grant applicant knowingly provides a false certification or explanation under subsection (a) of this section or fails to notify the State agency or department administering the State-funded grant if

the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets as required in subdivision (a)(3) of this section, the State or its agencies or departments may:

(A) seek to recover the grant award; and

(B) deny any future grant award to the applicant, based on the false certification or explanation or failure to notify, for up to five years.

(2) In recovering a grant award under this section, the State or its agencies or departments shall be entitled to costs and expenses, including attorney's fees.

(d) This section shall not apply to federally funded grants, contracts, or tax credits or federal or State loan programs.

(e) On or before January 15, 2021, the Secretary of Administration shall submit a report to the House Committees on Fish, Wildlife and Water Resources and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs regarding methods to require all economic development assistance applications to include a certification that the applicant is not in violation of the requirements of programs enforced by the Agency of Natural Resources under 10 V.S.A. § 8003(a). The report shall also include information regarding any enforcement action taken by the State or its agencies or departments under subsection (c) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.