

1 H.868

2 Representative Browning of Arlington moves to amend the bill as follows:

3 First: By adding a Sec. H.14 to read:

4 Sec. H.14. 32 V.S.A. § 5930b(j) is added to read:

5 (j) Vermont Employment Growth Incentive eligibility; water quality.

6 (1) The Council shall require that an applicant applying for an incentive,
7 and the Department of Taxes shall require that an applicant filing a claim for
8 an incentive, under pains and penalties of perjury, to certify that the applicant
9 is in good standing with the Agency of Natural Resources and the Agency of
10 Agriculture, Food and Markets.

11 (2) The Council and the Department shall allow for an attachment or
12 include space for an applicant who cannot certify under subdivision (1) of this
13 subsection to explain the circumstances surrounding the applicant's inability to
14 certify under subdivision (1) of this subsection.

15 (3) At any time following approval of an application for an incentive, an
16 applicant shall notify the Council and the Department if the applicant is no
17 longer in good standing with the Agency of Natural Resources or the Agency
18 of Agriculture, Food and Markets.

19 (4) The Council and the Department may consider an applicant's
20 certification or explanation under subdivision (1) of this subsection in

1 determining whether or not to approve an application for an incentive or a
2 claim for an incentive.

3 (5) If an applicant knowingly provides a false certification or
4 explanation or fails to notify the Council and the Department if the applicant is
5 no longer in good standing with the Agency of Natural Resources or the
6 Agency of Agriculture, Food and Markets, the Department may:

7 (A) seek to recover the incentive; and

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

10 (6) In recovering an incentive under this section, the State or its agencies
11 or departments shall be entitled to costs and expenses, including attorney's
12 fees.

13 (7) As used in this subsection:

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

17 (B) "Good standing" means the applicant:

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

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

3 Second: In Sec. H.1 by adding a § 43 to read:

4 § 43. VERMONT EMPLOYMENT GROWTH INCENTIVE ELIGIBILITY;
5 WATER QUALITY.

6 (a) As used in this section:

7 (1) “Applicant” shall include all entities, including businesses in which
8 the applicant has a greater than 10 percent interest, or land owned or controlled
9 by the applicant.

10 (2) “Good standing” means the applicant:

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

14 (B) is in compliance with all federal and State water quality laws and
15 regulations.

16 (b) The Council shall require that an applicant applying for an incentive,
17 and the Department of Taxes shall require that an applicant filing a claim for
18 an incentive, under pains and penalties of perjury, to certify that the applicant
19 is in good standing with the Agency of Natural Resources and the Agency of
20 Agriculture, Food and Markets.

1 (c) The Council and the Department shall allow for an attachment or
2 include space for an applicant who cannot certify under subsection (b) of this
3 section to explain the circumstances surrounding the applicant’s inability to
4 certify.

5 (d) At any time following approval of an application for an incentive, an
6 applicant shall notify the Council and the Department if the applicant is no
7 longer in good standing with the Agency of Natural Resources or the Agency
8 of Agriculture, Food and Markets.

9 (e) The Council and the Department may consider an applicant’s
10 certification or explanation under subsection (b) of this section in determining
11 whether or not to approve an application for an incentive or a claim for an
12 incentive.

13 (f) If an applicant knowingly provides a false certification or explanation or
14 fails to notify the Council and the Department if the applicant is no longer in
15 good standing with the Agency of Natural Resources or the Agency of
16 Agriculture, Food and Markets, the Department may:

17 (A) seek to recover the incentive; and

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

20 (g) In recovering an incentive under this section, the State or its agencies or
21 departments shall be entitled to costs and expenses, including attorney’s fees.

1 Third: In Sec. H.10 by striking out “42” and inserting in lieu thereof 43

2 Fourth: In Sec. Q.1 by adding a subsection (e) to read:

3 (e) Sec. H.14 shall take effect on July 1, 2016 and shall be repealed on

4 July 1, 2017.