

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was
3 referred House Bill No. 507 entitled “An act relating to eligibility for economic
4 development in impaired waters of the State” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. SECRETARY OF ADMINISTRATION; WATER QUALITY

8 STANDARDS CERTIFICATION FOR STATE-FUNDED GRANTS;
9 REPORT

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

16 (2) The requirement under this subsection shall allow for an attachment
17 or include space for an applicant who cannot attest under subdivision (1) of
18 this subsection to explain the circumstances surrounding the applicant’s
19 inability to attest under subdivision (1).

20 (3) At any time prior to the award of a State-funded grant or during
21 implementation of a State-funded grant, an applicant shall notify the State

1 agency or department administering the State-funded grant if the applicant is
2 no longer in good standing with the Agency of Natural Resources or the
3 Agency of Agriculture, Food and Markets.

4 (4) As used in this section:

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

8 (B) “Good standing” means the applicant:

9 (i) does not have an active enforcement violation that has reached
10 a final order with the Secretary of Natural Resources or the Secretary of
11 Agriculture, Food and Markets;

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

15 (iii) is in compliance with all terms of a current permit, license,
16 grant agreement, or contract with the Agency of Natural Resources or the
17 Agency of Agriculture, Food and Markets.

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

1 (c)(1) If a State-funded grant applicant knowingly provides a false
2 attestation or explanation under subsection (a) of this section or fails to notify
3 the State agency or department administering the State-funded grant if the
4 applicant is no longer in good standing with the Agency of Natural Resources
5 or the Agency of Agriculture, Food and Markets as required in subdivision
6 (a)(3) of this section, the State or its agencies or departments may:

7 (A) seek to recover the grant award; and

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

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

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

15 (e) On or before January 15, 2021, the Secretary of Administration shall
16 submit a report to the House Committees on Fish, Wildlife and Water
17 Resources and on Commerce and Economic Development and the Senate
18 Committees on Natural Resources and Energy and on Economic Development,
19 Housing and General Affairs regarding methods to require all economic
20 development assistance applications to include an attestation that the applicant
21 is not in violation of the requirements of programs enforced by the Agency of

1 Natural Resources under 10 V.S.A. § 8003(a). The report shall also include
2 information regarding any enforcement action taken by the State or its agencies
3 or departments under subsection (c) of this section.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2016.

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8 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE