

1 Sec. A. 2020 Acts and resolves No. 138, Sec. 6 is amended to read:

2 Sec. 6. DAIRY ASSISTANCE PROGRAM; COVID-19 PUBLIC  
3 HEALTH EMERGENCY; APPROPRIATION

4 \* \* \*

5 (d) Program establishment; eligibility.

6 (1) There is established within the Agency of Agriculture, Food and  
7 Markets a Dairy Assistance Program (Program) to provide financial assistance  
8 to milk producers and dairy processors that have suffered economic harm in  
9 Vermont caused by the COVID-19 public health emergency.

10 (2) A milk producer or dairy processor shall be eligible to qualify for  
11 assistance under this section if:

12 \* \* \*

13 (C) the milk producer or dairy processor accurately demonstrates to  
14 the Secretary economic harm that occurred or accrued on or after March 1,  
15 2020 and before December 1, 2020 by providing evidence of lost revenues or  
16 expenses related to business interruption caused by the COVID-19 public  
17 health emergency.

18 \* \* \*

19 (g) Application; processing.

20 (1) Once a milk producer or dairy processor submits a complete  
21 application and demonstrates economic harm, the Secretary shall promptly

1 issue a grant payment, provided that the appropriated funds have not been  
2 expended. Initial applications shall be submitted not later than ~~October 1~~  
3 November 15, 2020, and the last grant payment may be a partial payment  
4 consisting of the remaining available funds.

5 (2) Whenever a milk producer or dairy processor has not demonstrated  
6 economic harm equal to or greater than the maximum allowed disbursement  
7 for its category, the application shall remain pending for a potential future  
8 showing of additional economic harm. Qualified milk producers or dairy  
9 processors that incur additional economic harm after the date of their initial  
10 application may file with the Secretary an addendum to demonstrate  
11 subsequent economic harm. The Secretary shall create an addendum form that  
12 milk producers and dairy processors shall utilize when applying for additional  
13 relief. Milk producers and dairy processors shall certify that all information  
14 they provide is truthful and accurate to the best of their knowledge,  
15 information, and belief. Eligible milk producers or dairy processors may  
16 submit an addendum to their initial application on or before ~~October 1~~  
17 November 15, 2020 to show any additional economic harm eligible for  
18 compensatory payment. No milk producer or dairy processor shall receive  
19 total grant payments that exceed the maximum allowed grant payment.

20 \* \* \*

1           (4) Each grant award shall be a direct payment from the State of  
2 Vermont to a milk producer or dairy processor. Except as provided under this  
3 section, a dairy processor shall not submit more than one application, and a  
4 milk producer shall not submit more than one application per each separate  
5 farm owned or controlled by the producer. A person who is both a milk  
6 producer and a dairy processor may submit one application as a milk producer  
7 and one as a dairy processor when each business is organized as a separate  
8 business entity. A person that is both a milk producer and a dairy processor  
9 but is not organized as separate business entities shall submit one application  
10 for assistance under this section, but will be eligible for assistance as a milk  
11 producer and a dairy processor, provided that the total assistance awarded  
12 under this section shall not exceed the total economic harm incurred by the  
13 applicant. The Secretary may ask an applicant that is both a milk producer and  
14 a dairy processor but is not organized as separate business entities to submit  
15 separate applications as a milk producer and a dairy processor if separate  
16 applications are more administratively efficient. A milk producer or dairy  
17 processor that does not initially qualify for the maximum allowed payment  
18 may submit an addendum to demonstrate additional economic harm not later  
19 than ~~October 1~~ November 15, 2020.

20           (h) Program terms and limitations.

1 (1) The Secretary of Agriculture, Food and Markets shall issue grant  
2 payments under this section on a first-come, first-served basis until all funds  
3 are expended or December 20, 2020, whichever is sooner.

4 \* \* \*

5 Sec. B. 2020 Acts and Resolves No. 138, Sec. 7 is amended to read:

6 Sec. 7. NON-DAIRY AGRICULTURAL PRODUCER AND  
7 PROCESSOR ASSISTANCE PROGRAM

8 \* \* \*

9 (g) Application; processing.

10 (1) Once an eligible applicant submits a complete application and  
11 demonstrates economic harm, the Vermont Economic Development Authority  
12 shall promptly approve a grant payment, provided that the appropriated funds  
13 have not been expended. Applications shall be submitted not later than  
14 ~~October 1~~ November 15, 2020, and the last payment may be a partial payment  
15 consisting of the remaining available funds.

16 \* \* \*

17 Sec. C. 2020 Acts and Resolves No. 138, Sec. 8 is amended to read:

18 Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL  
19 ASSISTANCE PROGRAMS; REPORTING; REVERSION

20 \* \* \*

1 (c) The Secretary of Agriculture, Food and Markets, beginning on July 1,  
2 2020 and ending on January 1, 2021, shall report to the Senate Committees on  
3 Agriculture and on Appropriations and the House Committees on Agriculture  
4 and Forestry and on Appropriations on the first day of each month regarding  
5 the status of the ~~Dairy Assistance Program and the Non-dairy Agricultural~~  
6 ~~Producer and Processor Assistance Program~~ Coronavirus Relief Fund  
7 assistance programs established by this act. The report shall include:

8 (1) the number of applicants for assistance in each month and overall;  
9 and

10 (2) the amount of grant funds awarded under each program.

11 (d)(1) In the ~~September~~ October 1, 2020 report required under subsection  
12 (c) of this section, the Secretary of Agriculture, Food and Markets shall  
13 provide an accounting of the ~~funds~~ Coronavirus Relief Funds remaining to be  
14 appropriated under the Dairy Assistance Program funds, the Non-dairy  
15 Agricultural Producer and Processor Assistance Program, and the Working  
16 Land Enterprise Board.

17 (2) If Coronavirus Relief Funds appropriated to the Dairy Assistance  
18 Program, the Non-dairy Agricultural Producer and Processor Assistance  
19 Program funds, or the Working Lands Enterprise Board remain unappropriated  
20 or unencumbered for award after expiration of the initial ~~on September 15~~  
21 October 1, 2020 application deadline, the Secretary of Agriculture, Food and

1 Markets **may** reallocate funds or pool unappropriated Coronavirus Relief  
2 ~~Funds from the Non-dairy Agricultural Producer and Processor Assistance~~  
3 ~~Program for award under the Dairy Assistance Program, to eligible applicants~~  
4 if additional funds are required to meet applicant needs under one or more of  
5 the programs.

6 (3) If the Secretary reallocates or pools funds under subdivision (2) of  
7 this subsection, the Secretary shall:

8 (A) reallocate or pool the funds in an equitable manner designed to  
9 provide assistance to as many of the eligible applicants as possible; and

10 (B) apply the eligibility requirements and maximum award amounts  
11 for each category or type of applicant as if the application was submitted under  
12 the relevant individual Coronavirus Relief Fund assistance program for the  
13 applicant.

14 Sec. D AGRICULTURE CRF ASSISTANCE PROGRAMS; APPLICATION  
15 PROCESSING; REVERSION

16 (a) The Secretary of Agriculture, Food and Markets shall process all  
17 applications for Coronavirus Relief Fund assistance received prior to the  
18 effective date of this act in the order the application was received. Applicants  
19 who submitted applications prior to the effective date of this act shall not be  
20 required to refile an application.

1        (b) If the Secretary of Agriculture, Food and Markets elects to reallocate or  
2        pool Coronavirus Relief Funds under Sec. C of this act, the Secretary shall  
3        process applications received on or before the October 1, 2020 application  
4        deadline in the order received and shall issue awards from the program fund  
5        for which each application was submitted.

6        (c) Notwithstanding 2020 Acts and Resolves No. 137, Sec. 6(d)(3), funds  
7        appropriated from the Coronavirus Relief Fund to the Working Land  
8        Enterprise Board under 2020 Acts and Resolves No. 137, Sec. 6(a)(2) shall not  
9        revert to the Agency of Commerce and Community Development on  
10       November 15, 2020 if unencumbered. Instead, the funds appropriated to the  
11       Working Lands Enterprise Board under 2020 Acts and Resolves No. 137, Sec.  
12       6(a)(2) shall remain available for award until the reversion required under 2020  
13       Acts and Resolves No. 137, Sec. 3(4).

14       (d)(1) Notwithstanding 2020 Acts and Resolves No. 138, Sec. 7(d)(5), it is  
15       the intent of the General Assembly that eligible applicants under the Non-dairy  
16       Agricultural Producer and Processor Assistance Program that had a net  
17       business profit between March 1, 2020 and August 1, 2020 shall be reviewed  
18       for eligibility for assistance through the Coronavirus Relief Fund Working  
19       Lands Grant Program or by the Secretary under any pooling of funds and that  
20       the criteria of no net business profit shall not be applied as a criteria for

1 disqualifying an applicant for Coronavirus Relief Fund assistance from the  
2 Agency of Agriculture, Food and Markets.

3 (2) It is the intent of the General Assembly that a sole proprietor that  
4 applies for Coronavirus Relief Fund assistance from the Agency of  
5 Agriculture, Food and Markets shall not be disqualified from receiving an  
6 award because of inability to provide a W-2 form to the Agency.

7 Sec. E. FARMERS' MARKETS; RELIEF ASSISTANCE

8 (a) As used in this section, "farmers' market" means an event or series of  
9 events at which two or more vendors of agricultural products, as defined in 11  
10 V.S.A. § 991, gather for purposes of offering for sale to the public their  
11 agricultural products.

12 (b) If on October 1, 2020, Coronavirus Relief Funds appropriated to the  
13 Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No.  
14 138 remain unappropriated or unencumbered, up to \$250,000.00 is  
15 appropriated from the Coronavirus Relief Fund to the Agency of Agriculture,  
16 Food and Markets in fiscal year 2021 for the purpose of awarding grants to  
17 farmers' markets in the State that have suffered verifiable lost revenues or  
18 expenses caused by the COVID-19 public health emergency.

19 (b) To be eligible for an award under this section, a farmers' market shall  
20 have annual gross sales of less than \$10,000.00. A farmers' market shall  
21 demonstrate to the Agency lost revenues or expenses that occurred or accrued



1 on or after March 1, 2020 and before November 1, 2020 due to the COVID-19  
2 public health emergency and shall submit an application by the deadline  
3 established by the Agency of Agriculture, Food and Markets. The Agency of  
4 Agriculture, Food and Markets shall award grants under this section equitably  
5 to all eligible farmers' markets in the State, provided that the maximum  
6 amount of an award under this section shall be \$2,500.00.

7 (c) The Agency of Agriculture, Food and Markets shall transfer any  
8 amounts appropriated for the purposes of this section that remain both  
9 unencumbered and unspent as of December 1, 2020 to the Agency of  
10 Agriculture, Food and Markets for award under 2020 Acts and Resolves No.  
11 138, Sec. 8, as amended by Sec. D of this act.