

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) It is the intent of the General Assembly that eligible applicants under
15 the Non-dairy Agricultural Producer and Processor Assistance Program that
16 had a net business profit between March 1, 2020 and August 1, 2020 shall be
17 reviewed for eligibility for assistance through the Coronavirus Relief Fund
18 Working Lands Grant Program or by the Secretary under any pooling of funds
19 and that the criteria of no net business profit shall not be applied as the sole
20 criteria for disqualifying an applicant for Coronavirus Relief Fund assistance
21 from the Agency of Agriculture, Food and Markets.

1 Sec. E.. FARMERS' MARKETS; RELIEF ASSISTANCE

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

6 (b) The sum of \$250,000.00 is appropriated from the Coronavirus Relief
7 Fund to the Agency of Agriculture, Food and Markets in fiscal year 2021 for
8 the purpose of awarding grants to farmers' markets in the State that have
9 suffered verifiable lost revenues or expenses caused by the COVID-19 public
10 health emergency.

11 (b) To be eligible for an award under this section, a farmers' market shall
12 have annual gross sales of less than \$10,000.00. A farmers' market shall
13 demonstrate to the Agency lost revenues or expenses that occurred or accrued
14 on or after March 1, 2020 and before November 1, 2020 due to the COVID-19
15 public health emergency and shall submit an application by the deadline
16 established by the Agency of Agriculture, Food and Markets. The Agency of
17 Agriculture, Food and Markets shall award grants under this section equitably
18 to all eligible farmers' markets in the State.

19 (c) The Agency of Agriculture, Food and Markets shall transfer any
20 amounts appropriated for the purposes of this section that remain both
21 unencumbered and unspent as of December 1, 2020 to the Agency of

- 1 Agriculture, Food and Markets for award under 2020 Acts and Resolves No.
- 2 138, Sec. 8, as amended by Sec. D of this act.