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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 (3) A milk producer may elect to have its economic harm determined by
19 calculating the difference between what the producer was paid for milk
20 produced between March 1, 2020 and December 1, 2020 and the price that the

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1 producer would have been paid if the price for milk remained at the statistical
2 uniform price of \$18.13 hundredweight for the Middlebury location in January
3 of 2020, or the milk producer may enter its own verifiable average price for
4 March through December 2020 and calculate the difference to its own
5 verifiable average price for January 2020 as well as added costs or expenses
6 related to the COVID-19 public health emergency.

7 * * *

8 (g) Application; processing.

9 (1) Once a milk producer or dairy processor submits a complete
10 application and demonstrates economic harm, the Secretary shall promptly
11 issue a grant payment, provided that the appropriated funds have not been
12 expended. Initial applications shall be submitted not later than October 1
13 November 15, 2020, and the last grant payment may be a partial payment
14 consisting of the remaining available funds.

15 (2) Whenever a milk producer or dairy processor has not demonstrated
16 economic harm equal to or greater than the maximum allowed disbursement
17 for its category, the application shall remain pending for a potential future
18 showing of additional economic harm. Qualified milk producers or dairy
19 processors that incur additional economic harm after the date of their initial
20 application may file with the Secretary an addendum to demonstrate

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1 subsequent economic harm. The Secretary shall create an addendum form that
2 milk producers and dairy processors shall utilize when applying for additional
3 relief. Milk producers and dairy processors shall certify that all information
4 they provide is truthful and accurate to the best of their knowledge,
5 information, and belief. Eligible milk producers or dairy processors may
6 submit an addendum to their initial application on or before ~~October 1~~
7 November 15, 2020 to show any additional economic harm eligible for
8 compensatory payment. No milk producer or dairy processor shall receive
9 total grant payments that exceed the maximum allowed grant payment.

10 * * *

11 (4) Each grant award shall be a direct payment from the State of
12 Vermont to a milk producer or dairy processor. Except as provided under this
13 section, a dairy processor shall not submit more than one application, and a
14 milk producer shall not submit more than one application per each separate
15 farm owned or controlled by the producer. A person who is both a milk
16 producer and a dairy processor may submit one application as a milk producer
17 and one as a dairy processor when each business is organized as a separate
18 business entity. A person that is both a milk producer and a dairy processor
19 but is not organized as separate business entities shall submit one application
20 for assistance under this section, but will be eligible for assistance as a milk

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1 producer and a dairy processor, provided that the total assistance awarded
2 under this section shall not exceed the total economic harm incurred by the
3 applicant. The Secretary may ask an applicant that is both a milk producer and
4 a dairy processor but is not organized as separate business entities to submit
5 separate applications as a milk producer and a dairy processor if separate
6 applications are more administratively efficient. A milk producer or dairy
7 processor that does not initially qualify for the maximum allowed payment
8 may submit an addendum to demonstrate additional economic harm not later
9 than ~~October 4~~ November 15, 2020.

10 (h) Program terms and limitations.

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

14 * * *

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

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

18 * * *

19 (d) Administration of Program; eligibility.

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1 (1) The Vermont Economic Development Authority shall administer a
2 Program according to the terms of a memorandum of understanding with the
3 Agency of Agriculture, Food, and Markets and shall approve applications for
4 assistance under this section to offset the economic harm incurred due to the
5 COVID-19 public health emergency.

6 (2) In order to qualify for assistance under this section, an eligible
7 applicant shall:

8 * * *

9 (C) accurately demonstrate to the Vermont Economic Development
10 Authority the economic harm that occurred or accrued on or after March 1,
11 2020 and before December 1, 2020 by providing evidence of losses or
12 expenses related to business interruption caused by the COVID-19 public
13 health emergency.

14 * * *

15 ~~(5) An eligible applicant shall not receive an award under this section if~~
16 ~~the applicant had a net business profit between March 1, 2020 and August 1,~~
17 ~~2020. [Repealed.]~~

18 * * *

19 (f) Payment; maximum award.

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1 (1) ~~Until all funds appropriated to the Program are awarded~~ Except for
2 awards under subdivision (2) of this subsection, the Vermont Economic
3 Development Authority shall award grant payments to reimburse eligible
4 applicants for demonstrated economic harm as follows based on annual gross
5 sales:

6 (A) Eligible applicants with annual gross sales of \$10,000.00 to
7 \$24,999.00 shall receive up to \$2,500.00.

8 (B) Eligible applicants with annual gross sales of \$25,000.00 to
9 \$49,999.00 shall receive up to \$5,000.00.

10 (C) Eligible applicants with annual gross sales of \$50,000.00 to
11 \$99,999.00 shall receive up to \$10,000.00.

12 (D) Eligible applicants with annual gross sales of \$100,000.00 or
13 more shall receive up to \$20,000.00.

14 (2) Eligible applicants that are farmers markets or agricultural producer
15 associations shall be awarded grant payments of up to ? for reimbursement of
16 demonstrated economic harm.

17 (3) An eligible applicant shall be evaluated according to the information
18 regarding the applicant known to the Secretary or the Vermont Economic
19 Development Authority as of March 1, 2020 or according to information
20 required to be submitted as part of the application.

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1 (g) Application; processing.

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

8 * * *

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

10 Sec. 8. EDUCATION AND OUTREACH; AGRICULTURAL
11 ASSISTANCE PROGRAMS; REPORTING; REVERSION

12 * * *

13 (c) The Secretary of Agriculture, Food and Markets, beginning on July 1,
14 2020 and ending on January 1, 2021, shall report to the Senate Committees on
15 Agriculture and on Appropriations and the House Committees on Agriculture
16 and Forestry and on Appropriations on the first day of each month regarding
17 the status of the Dairy Assistance Program and the Non-dairy Agricultural
18 Producer and Processor Assistance Program established by this act. The report
19 shall include:

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1 (1) the number of applicants for assistance in each month and overall;
2 and
3 (2) the amount of grant funds awarded under each program.

4 (d)(1) In the ~~September~~ October 1, 2020 report required under subsection
5 (c) of this section, the Secretary of Agriculture, Food and Markets shall
6 provide an accounting of the ~~funds~~ Coronavirus Relief Funds remaining to be
7 appropriated under the Dairy Assistance Program funds, the Non-dairy
8 Agricultural Producer and Processor Assistance Program, and the Working
9 Land Enterprise Board. If Coronavirus Relief Funds appropriated to the Dairy
10 Assistance Program, the Non-dairy Agricultural Producer and Processor
11 Assistance Program funds, or the Working Lands Enterprise Board remain
12 unappropriated or undesignated for award on September October 15, 2020, the
13 Secretary of Agriculture, Food and Markets may reallocate funds or pool
14 unappropriated Coronavirus Relief Funds from the Non-dairy Agricultural
15 Producer and Processor Assistance Program for award under the Dairy
16 Assistance Program, the Non-dairy Agricultural Producer and Processor
17 Assistance Program, or the Working Lands Enterprise Board if additional
18 funds are required to meet applicant needs under one or more of the programs.
19 If the Secretary reallocates or pools funds under this section, the funds shall be
20 reallocated in an equitable manner and in a manner that ensures that sufficient

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1 funds remain to process applications received on or before November 15,

2 2020 under any individual program or under a pooled fund.

3 Sec. D AGRICULTURE CRF ASSISTANCE PROGRAMS; APPLICATION

4 PROCESSING

5 (a) The Secretary of Agriculture, Food and Markets shall process all

6 applications it receives prior to the effective date of this act in the order it

7 receives the application. Applicants who submitted applications prior to the

8 effective date of this act shall not be required to refile an application.

9 (b) If the Secretary of Agriculture, Food and Markets elects to reallocate or

10 pool Coronavirus Relief Funds under Sec. C of this act, the Secretary shall

11 process applications received prior to October 1, 2020 in the order received

12 and shall issue awards from the program fund for which application was

13 submitted.