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1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Agriculture; pandemic response; financial assistance

4 Statement of purpose of bill as introduced: This bill proposes to <Purpose>

5 An act relating to providing pandemic relief assistance to the agricultural
6 community

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. DAIRY FARMER ASSISTANCE PROGRAM; COVID-19 PUBLIC
9 HEALTH EMERGENCY

10 (a) As used in this section:

11 (1) “Animal feeding operation” (AFO) means a lot or facility where the
12 livestock or domestic fowl have been, are, or will be stabled or confined and
13 fed or maintained for a total of 45 days or more in any 12-month period, and
14 crops, vegetation, or forage growth are not sustained in the normal growing
15 season over any portion of the lot or facility. Two or more individual farms
16 qualifying as an AFO that are under common ownership and that adjoin each
17 other or use a common area or system for the disposal of waste shall be
18 considered to be a single AFO if the combined number of livestock or
19 domestic fowl resulting qualifies as a medium farm as defined in
20 subdivision (5) of this section.

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1 (2) “Certified small farm” means a small farm required to certify
2 compliance with the Required Agricultural Practices under 6 V.S.A. § 4871.

3 (3) “Good standing” means a participant in the Program administered
4 under this section:

5 (A) does not have an active enforcement violation that has reached a
6 final order with the Agency of Agriculture, Food and Markets or the Agency of
7 Natural Resources; and

8 (B) is in compliance with all terms of a current grant agreement or
9 contract with the Agency of Agriculture, Food and Markets or the Agency of
10 Natural Resources.

11 (4) “Large farm” means an AFO that houses 700 or more mature dairy
12 animals.

13 (5) “Medium farm” is an AFO that houses 200 to 699 mature dairy
14 animals.

15 (6) “Milk producer” or “producer” is a person, partnership,
16 unincorporated association, or corporation who owns or controls one or more
17 cows, dairy goats, dairy sheep, or water buffalo and sells or offers for sale a
18 part or all of the milk produced by the animals.

19 (7) “Small farm” is an AFO that houses not more than 199 mature dairy
20 animals.

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1 **[Subsection (b): Alternative 1]**

2 (b)(1) This section establishes a Dairy Farmer Assistance Program
3 (Program) to provide financial assistance to milk producers due to the loss of
4 markets, such as schools and restaurants, caused by the COVID-19 public
5 health emergency. In order to qualify for assistance under this section, a milk
6 producer shall [self certify/certify that] :

7 (A) be actively producing milk;

8 (B) be in good standing; and

9 (C) complete a brief survey addressing the effect of the COVID-19
10 virus on the sustainability of the farm and whether technical or other assistance
11 would be valuable to or of interest to the farm.

12 **[Subsection (b): Alternative 2]**

13 (b)(1) This section establishes a Dairy Farmer Assistance Program
14 (Program) to provide financial assistance to milk producers due to the loss of
15 markets, such as schools and restaurants, caused by the COVID-19 public
16 health emergency. A recipient of a grant under this section shall be:

17 (A) actively producing milk;

18 (B) in good standing; and

19 (C) requested to complete a brief survey complete a brief survey
20 addressing the effect of the COVID-19 virus on the sustainability of the farm
21 and whether technical or other assistance would be valuable to or of interest to

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1 the farm.

2 (2) The Program shall provide assistance to a milk producer in the form
3 of a direct payment based on the size of the farm operated by the milk
4 producer. Assistance to milk producers operating large farms, medium farms,
5 and certified small farms shall be based on the average number of dairy
6 animals in each category of farm. Assistance to producers operating small
7 farms shall not be based on average dairy animals per farm.

8 (3) The Program shall award a direct payment to producers as follows:

9 (A) Large farms shall receive \$50,000.00, based on an average of
10 1,000 dairy animals per farm at \$50.00 per animal.

11 (B) Medium farms shall receive \$22,500.00, based on an average of
12 450 dairy animals per farm at \$50.00 per animal.

13 (C) Certified small farms shall receive \$12,500.00, based on an
14 average of 125 dairy animals per farm at \$100.00 per animal.

15 (D) Small farms shall receive \$5,000.00.

16 (4) The assistance shall be paid as a [one-time award][in three monthly
17 payments] on or before [July 1, 2020].

18 (c) The payment of the assistance under this section shall come as a
19 separate check direct to a milk producer from the State of Vermont.

20 Sec. 2. APPROPRIATIONS

21 There is appropriated from the Coronavirus Relief Fund in fiscal year 2020

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1 the sum of \$?,000,000.00 to the Agency of Agriculture, Food and Markets to
2 process payments under the Dairy Farmer Assistance Program established
3 under Sec. 1 of this act and to develop the survey on the effects of COVID-19
4 on farms requested as part of the Program.

5 * * * Agricultural Producer Assistance * * *

6 **[Alternative 1—Previous Language Review by Committee]**

7 **Sec. 3. AGRICULTURAL PRODUCER ASSISTANCE PROGRAM**

8 (a) Definitions. As used in this section:

9 (1) “Agricultural producer” means a farmer who is not eligible for
10 assistance under Sec. 1 of this act.

11 (2) “Farmer” means a person who is engaged in farming and subject to
12 the Required Agricultural Practices.

13 (3) “Farming” has the same meaning as in 10 V.S.A. 6001.

14 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

15 (b) Establishment of Program. There is established an Agricultural
16 Producer Assistance Program (Program) to provide agricultural producers a
17 direct relief grant payment to offset the [losses] or expenses incurred due to the
18 COVID-19 public health emergency, including expenses a farmer incurred to
19 adapt his or her business to market conditions.

20 (c) Administration of Program.

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1 (1) The Program shall be administered by the Agency of Agriculture,
2 Food and Markets. The Secretary may contract with a public or private entity
3 to conduct outreach, provide application assistance, process grant applications,
4 and deliver assistance payments to eligible agricultural producers.

5 (2) The Secretary shall adopt requirements, guidelines, and procedures
6 as necessary to implement and administer the Program. The Secretary shall
7 not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation
8 to any requirement, guideline, or procedure that is adopted or issued in relation
9 to the Program.

10 (d) Contract for implementation.

11 (1) Notwithstanding any provision of law to the contrary, the Secretary
12 may enter into contracts with a public or private entity that will implement and
13 administer the Program without the need to competitively bid such contracts.
14 For the purposes of the Program, the public health risk posed by COVID-19
15 shall be deemed to be an emergency situation that justifies the execution of
16 sole source contracts pursuant to Bulletin 3.5, the State’s Procurement and
17 Contracting Procedures.

18 (2) Any contract with the public or private entity that will implement the
19 Program shall, at a minimum, provide that the contracted entity shall issue
20 grant payments to eligible agricultural producers pursuant to the provisions of
21 this section and pursuant to the procedures established by the Secretary.

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1 (e) Application.

2 (1) In order to receive assistance under this section, an agricultural
3 producer shall submit to the Secretary or the Secretary’s designee an
4 application in a form specified by the Secretary or the Secretary’s designee.

5 (2) As part of the application required by this section, an agricultural
6 producer shall provide information demonstrating a [loss] or expense incurred
7 due to the COVID-19 public health emergency.

8 (3) As a condition of enrolling in the Program, each agricultural
9 producer shall agree to allow the Secretary to monitor the use of funds awarded
10 under this section for the purpose of verifying that all terms and conditions of
11 the award are met.

12 (f) Maximum grant award. The maximum amount of a grant to any one
13 agricultural producer under this section shall be [\$?,000.00].

14 (g) Penalty. An agricultural producer who submits false or misleading
15 public health emergency shall be subject to an administrative penalty of up to
16 [\$?,000.00] to be assessed by the Secretary under the process and requirements
17 for administrative penalties set forth under 6 V.S.A. § 15.

18 Sec. 4. APPROPRIATIONS

19 There is appropriated the sum of [\$?,000,000.00] to the Agency of
20 Agriculture, Food and Markets from the Coronavirus Relief Fund for use in

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1 fiscal years 2020 and 2021 to administer and process payments under the
2 Agricultural Producer Assistance Program established in Sec. 3 of this act.

3 **[Alternative 2—AAFMs Grants—Similar to Health Care Grants]**

4 **Sec. 3. AGRICULTURAL ASSISTANCE GRANTS; APPROPRIATIONS**

5 (a) Definitions. As used in this section:

6 (1) “Agricultural producer” means a farmer who is not eligible for
7 assistance under Sec. 1 of this act.

8 (2) “Farmer” means a person who is engaged in farming and subject to
9 the Required Agricultural Practices.

10 (3) “Farming” has the same meaning as in 10 V.S.A. 6001.

11 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

12 (b) Appropriation. The sum of [\$2,000,000.00] is appropriated to the
13 Agency of Agriculture, Food and Markets from the Coronavirus Relief Fund
14 for the purpose of awarding grants in fiscal years 2020 and 2021 to agricultural
15 producers for [losses] or expenses incurred due to the COVID-19 public health
16 emergency, including expenses a farmer incurred to adapt his or her business
17 to market conditions.

18 (c) Administration.

19 (1) The Secretary shall administer the Program and may adopt
20 requirements, guidelines, and procedures as necessary to implement and
21 administer the Program. The Secretary shall not be required to initiate

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1 rulemaking pursuant to 3 V.S.A. § 831(c) in relation to any requirement.

2 guideline, or procedure that is adopted or issued in relation to the Program.

3 (2) The Secretary may contract with a public or private entity to conduct

4 outreach, provide application assistance, process grant applications, and deliver

5 assistance payments to eligible agricultural producers. Notwithstanding any

6 provision of law to the contrary, the Secretary may enter into contract under

7 this subdivision without the need to competitively bid such contracts. For the

8 purposes of the Program, the public health risk posed by COVID-19 shall be

9 deemed to be an emergency situation that justifies the execution of sole source

10 contracts pursuant to Bulletin 3.5, the State’s Procurement and Contracting

11 Procedures.

12 (d) Criteria. The Secretary or contract administrator shall award grants to

13 agricultural producers who demonstrate a [loss] or expense incurred due to the

14 COVID-19 public health emergency. An agricultural producer may

15 demonstrate a qualifying [loss] or expense by providing the Secretary with

16 information demonstrating the [loss] or expense or by providing other

17 information specified by the Secretary.

18 * * * Farm Worker Assistance * * *

19 Sec. 4. FARM WORKER ASSISTANCE PROGRAM

20 (a) Definitions. As used in this section:

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1 (1) “CARES Act funding” means direct stimulus payments or other
2 financial assistance available to individuals under the Coronavirus Aid, Relief,
3 and Economic Security Act, Pub. L. No. 116–136.

4 (2)(A) “Eligible farm worker” means an individual over 18 years of age
5 who was required to work on a farm during the declared state of emergency
6 under 20 V.S.A. chapter 1 due to COVID-19 but who is ineligible for CARES
7 Act funding;

8 (B) “Eligible farm worker” shall not mean:

9 (i) an independent contractor or self-employed individual; or
10 (ii) an individual who has received unemployment insurance
11 benefits for any week during the declared state of emergency under 20 V.S.A.
12 chapter 1 due to COVID-19.

13 (C) “Farm” means a parcel or parcels that is devoted primarily to
14 farming and that is subject to regulation by the Agency of Agriculture, Food
15 and Markets under the Required Agricultural Practices.

16 (D) “Personally identifiable information” means an individual’s:

17 (i) name;
18 (ii) address;
19 (iii) date of birth;
20 (iv) place of birth;
21 (v) immigration status;

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1 (vi) unique biometric data generated from measurements or
2 technical analysis of human body characteristics used to identify or
3 authenticate the individual, such as a fingerprint, retina or iris image, or other
4 unique physical representation or digital representation of biometric data;

5 (vii) name or address of a member of the individual’s immediate
6 family or household;

7 (viii) Social Security number or other government-issued
8 identification number; or

9 (ix) other information that, either alone or in combination with the
10 information listed in subdivisions (C)(i)–(viii) of this subdivision (2), would
11 allow a reasonable person to identify the individual with reasonable certainty.

12 (b) Establishment of Program. There is established a Farm Worker
13 Assistance Program to award eligible farm workers with a \$500.00 direct relief
14 grant payment for work performed during the declared state of emergency
15 under 20 V.S.A. chapter 1 due to COVID-19.

16 (c) Administration of Program.

17 (1) The Program shall be administered by the Secretary of
18 Administration. The Secretary of Administration shall contract with a public
19 or private entity to conduct outreach, provide application assistance, process
20 grant applications, and deliver assistance payments to eligible individuals.

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1 (2) The Secretary shall adopt requirements, guidelines, and procedures
2 as necessary to implement and administer the Program. The Secretary shall
3 not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation
4 to any requirement, guideline, or procedure that is adopted or issued in relation
5 to the Program.

6 (3) The Secretary of Administration may utilize staff and resources from
7 any State agency or department as necessary to administer the Program and
8 contract with the public or private entity that will implement the Program.

9 (d) Contract for implementation.

10 (1) Notwithstanding any provision of law to the contrary, the Secretary
11 may enter into contracts with a public or private entity that will implement and
12 administer the Program without the need to competitively bid such contracts.
13 For the purposes of the Program, the public health risk posed by COVID-19
14 shall be deemed to be an emergency situation that justifies the execution of
15 sole source contracts pursuant to Bulletin 3.5, the State’s Procurement and
16 Contracting Procedures.

17 (2) The contract with the public or private entity that will implement the
18 Program shall, at a minimum, provide that the contracted entity shall issue
19 grant payments to eligible farm workers pursuant to the provisions of this
20 section and pursuant to the procedures established by the Secretary.

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1 (e) Confidentiality; personally identifiable information. All personally
2 identifiable information that is collected by the Program, any entity of State
3 government performing a function of the Program, or any entity that the
4 Secretary contracts with to perform a function of the Program shall be kept
5 confidential and shall be exempt from inspection and copying under the Public
6 Records Act.

7 (f) Protection of personally identifiable information. The Secretary shall
8 ensure that any entity of State government performing a function of the
9 Program, or any entity that the Secretary contracts with to perform a function
10 of the Program:

11 (1) implements appropriate procedures and safeguards to protect any
12 personally identifiable information that it obtains in relation to the Program;

13 (2) shall not disclose an individual's personally identifiable information
14 to another State entity or contractor performing a function of the Program
15 unless that disclosure is necessary for the administration of the Program; and

16 (3) complies with all applicable requirements of 9 V.S.A. chapter 62.

17 Sec. 5. APPROPRIATION; FARM WORKER ASSISTANCE PROGRAM

18 The amount of \$550,000.00 is appropriated in Fiscal Year 2020 from the
19 [General Fund] [Coronavirus Relief Fund] to the Agency of Administration for
20 use in fiscal years 2020 and 2021 for the administration of and payment of
21 grants pursuant to the Farm Worker Assistance Program, provided that the

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1 Agency may only use up to \$50,000.00 for the purposes of contracting for
2 administration of the Program.

3 * * * Farm Worker Safety * * *

4 Sec. 6. FARM WORKER HEALTH AND SAFETY; CORONAVIRUS;
5 AVAILABILITY

6 The Secretary of Agriculture, Food and Markets, after consultation with the
7 Department of Labor and the Vermont Occupational Safety and Health
8 Administration (VOSHA), shall post on the Agency of Agriculture, Food and
9 Markets' website educational material available from VOSHA related to farm
10 worker health and safety, including VOSHA's recommend best practices or
11 preventative measures farm workers should implement to address the threat to
12 health and safety posed by the COVID-19 coronavirus and other similar threats
13 to health and safety. The Secretary of Agriculture, Food and Markets shall
14 post the English and Spanish language versions of the VOSHA educational
15 material required under this section and shall provide links or references on
16 how to obtain the material from VOSHA in other languages.

17 * * * Future of Food Security * * *

18 Sec. 7. WORKING LANDS ENTERPRISE BOARD; FUTURE OF FOOD
19 SECURITY

20 [On or before August 1, 2020, the Working Lands Enterprise Board shall
21 submit to the Senate Committee on Agriculture and the House Committee on

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1 Agriculture and Forestry recommended legislative actions that the State should
2 enact to stabilize and strengthen the food production and distribution system in
3 Vermont so that it is less dependent on national or international production and
4 distribution during future pandemics or other emergencies.]

5 * * * Nutrition Program Spending * * *

6 Sec. 8. [Placeholder]

7 * * * Effective Date * * *

8 Sec. 9. EFFECTIVE DATE

9 This act shall take effect on passage.

DRAFT