

H.136

An act relating to executive branch fees

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

* * * Department of Public Safety * * *

Sec. 1. 20 V.S.A. § 1815(a) is amended to read:

(a) Photographic prints taken by the department of public safety or photostatic copies of investigation reports or other material on file relating to motor vehicle accidents or fires, may be furnished to any interested person.

* * *

(3) Copies of fire investigation reports shall be \$20.00 per report. If the reports contain audiotape or videotape, the fee for each audiotape or videotape ~~shall be \$20.00~~ is \$45.00.

(4) Investigation reports unrelated to fires or motor vehicle accidents may be furnished at the discretion of the commissioner when ~~in his or her opinion~~ the commissioner determines that the release of ~~such~~ the material would not be detrimental to the best interests of the department. The fee for ~~such reports shall be~~ each report is \$20.00. If the reports contain audiotape or videotape, the fee for each audiotape or videotape ~~shall be \$20.00~~ is \$45.00.

* * *

Sec. 2. PLAN FOR DIGITAL UPGRADE; REPORT; DEPARTMENT OF
PUBLIC SAFETY

The department of public safety shall develop a plan to upgrade its video recording system to a digital system. The department shall submit to the house committee on ways and means a written report outlining the details of the plan, including the possibility of using the Byrne grant for this upgrade, and the expected date of implementation which shall be as soon as practicable. The report and the implementation of the plan may be undertaken immediately, and the report may be submitted anytime before, but no later than, October 15, 2009.

* * * Agency of Commerce and Community Development * * *

* * * Department of Housing and Community Affairs * * *

* * * Historic Preservation * * *

Sec. 3. 22 V.S.A. § 723(a)(3) and (b)(3) are amended to read:

(3) Prepare and maintain a state register of historic properties and maintain a nonpublic electronic archeological inventory database. The division shall take all measures necessary to assure the security and protection of archeological site locations that are accessible through the database, and to assure that electronic access to this database is limited to authorized persons for authorized activities;

(3) Acquire or dispose of the fee or lesser interest to any historic property, including adjacent and associated lands, for the specific purpose of conveying or leasing the property back to its original owner or to any ~~such~~ other person, ~~firm, association, corporation or other organization~~ under ~~such~~ covenants, deed restrictions, lease_s, or other contractual arrangements ~~as will~~ that limit the future use of the property ~~in such a way as~~ to insure its preservation. In all cases where property is conveyed, it shall be ~~subjected by~~ subject to ~~covenant or otherwise to such~~ rights of access, public visitation_s, and other conditions or restrictions of operation, maintenance, restoration_s, and repair ~~as that~~ the division may prescribe; or ~~to such conditions as~~ may be agreed upon between the division and the grantee or lessee to accomplish the purposes of this section. In the event that the division intends to dispose of any historic property in fee, the transaction shall first be approved by the general assembly.

Sec. 4. 22 V.S.A. § 724 is amended to read:

§ 724. HISTORIC SITES PRESERVATION SPECIAL FUND FUNDS

(a) Historic sites operations special fund. ~~There is hereby established a fund to be known as the~~ The historic sites operations special fund. ~~This fund will be managed~~ is established pursuant to subchapter 5 of chapter 7 of Title 32 ~~and to be~~ used by the division for historic preservation to carry out the

provisions of subdivisions 723(a)(9) and (b)(1) of this title. Revenues to the fund shall be from the following sources:

(1) Receipts from ticket sales at and fees for rental of state-owned historic sites. Notwithstanding subdivision 603(2) of Title 32, fees for admission to and rentals of historic sites shall be set by the state historic preservation officer, with the approval of the commissioner of housing and community affairs, in a manner that both maximizes revenues and promotes the tourism purposes of historic sites, but not to exceed \$8.00 for a single admission. These fees shall be reported in accordance with section 605 of Title 32;

(2) Transfers from the accounts of gift shops operated at state-owned historic sites;

(3) ~~Gifts~~ Appropriations by the general assembly, gifts, grants, and other donations and moneys from any other source received for historic sites; ~~specimens, or the Vermont archeology heritage center;~~

(4) Income from trust funds held by the treasurer;

(5) ~~Other funds as may be appropriated by the legislature~~ Revenues from the sale of publications.

(b) Archeology operations special fund. The archeology operations special fund is established pursuant to subchapter 5 of chapter 7 of Title 32 to be used by the division for historic preservation for cost recovery related to activities

undertaken by the division to carry out the provisions of sections 723, 761, and 762 of this title. Revenues to the fund shall be from the following sources:

(1) Fees paid for electronic access to the nonpublic archeological inventory database. The fee shall be \$250.00 per year for each authorized person unless the state historic preservation officer determines that the fee may be paid on a pro rata basis.

(2) A \$400.00 one-time fee for each standard banker box of archeological collection for the care and maintenance for perpetuity paid by any person involved in a federally funded, licensed, or permitted project. This fee shall be paid on a pro rata basis for one-half and one-quarter boxes.

(3) Appropriations by the general assembly, gifts, grants, and other donations and moneys from any other source received for archeology activities and services performed by the division for historic preservation.

(c) The division of ~~of~~ for historic preservation shall ensure that donations and gifts are used for the purposes intended.

Sec. 5. ACT 250 ARCHEOLOGICAL FEE STRUCTURE; DIVISION FOR
HISTORIC PRESERVATION; THE NATURAL RESOURCES
BOARD

The division for historic preservation and the natural resources board shall collaborate to develop a fee schedule that will provide sufficient resources to both the division and the board to carry out their respective statutory duties in

regard to Act 250 proceedings. The division and the board shall issue to the house committees on ways and means and on natural resources and energy a written report outlining the proposed fee schedule no later than January 15, 2010.

* * * Vermont Economic Incentive Review Board * * *

Sec. 6. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT
FINANCING DISTRICTS

* * *

(k) The Vermont economic incentive review board may require a third-party financial and technical analysis as part of the application of a municipality applying for approval of a tax increment financing district pursuant to this section. The applicant municipality shall pay a fee to cover the actual cost of the analysis to be deposited in a special fund which shall be managed pursuant to subchapter 5 of chapter 7 of this title and be available to the board to pay the actual cost of the analysis.

(l) The state auditor of accounts shall review and audit all active tax increment financing districts every three years.

* * * Vermont Community Development Program * * *

Sec. 7. 10 V.S.A. § 686(d) is amended to read:

(d) The agency shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subchapter shall complete and submit an application in a manner as shall be prescribed by the secretary. The agency may require a third party credit analysis as part of the application. The applicant municipality shall pay a fee to cover the actual cost of the analysis to be deposited in a special fund which shall be managed pursuant to subchapter 5 of chapter 7 of Title 32 and be available to the agency to pay the actual cost of the analysis.

* * * Secretary of State * * *

* * * Professional Regulation * * *

* * * Barbers and Cosmetologists * * *

Sec. 8. 26 V.S.A. § 287 is amended to read:

§ 287. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Barber	\$ 50.00 <u>\$100.00</u>
(B) Cosmetologist	\$ 50.00 <u>\$100.00</u>
(C) Nail technician	\$ 50.00 <u>\$100.00</u>

(D) Esthetician	\$ 50.00 <u>\$100.00</u>
(E) Shop	\$ 150.00 <u>\$300.00</u>
(F) School	\$ 300.00
(2) Biennial renewal	
(A) Barber	\$ 80.00 <u>\$120.00</u>
(B) Cosmetologist	\$ 80.00 <u>\$120.00</u>
(C) Nail technician	\$ 80.00 <u>\$120.00</u>
(D) Esthetician	\$ 80.00 <u>\$120.00</u>
(E) Shop	\$100.00 <u>\$200.00</u>
(F) School	\$300.00
(3) Reinspection	\$100.00

* * * Professional Engineering * * *

Sec. 9. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for engineering license	\$ 100.00 <u>\$ 80.00</u>
(2) Application for engineer intern certificate	\$ 50.00
(3) Biennial renewal	\$ 100.00 <u>\$ 80.00</u>

* * * Department of Labor * * *

Sec. 10. 21 V.S.A. § 711(a) is amended to read:

(a) A workers' compensation administration fund is created pursuant to subchapter 5 of chapter 7 of Title 32 to be expended by the commissioner for the administration of the worker's compensation and occupational disease programs. The fund shall consist of contributions from employers made at a rate of ~~0.81~~ 0.96 percent of the direct calendar year premium for workers' compensation insurance, one percent of self-insured workers' compensation losses, and one percent of worker's compensation losses of corporations approved under the chapter 9 of this title. Disbursements from the fund shall be on warrants drawn by the commissioner of finance and management in anticipation of receipts authorized by this section.

* * * Fish and Wildlife * * *

Sec. 11. 10 V.S.A. § 4081(g) is amended to read:

(g) If the board finds that an antlerless season is necessary to maintain the health and size of the herd, the department shall administer an antlerless deer program. Annually, the board shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents a person may apply for a permit. Each person may submit only one application for a permit. The department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except under the provisions of section 4710 of this title. If the number of landowners who apply exceeds the number of permits for that district, the department shall award all permits in that district to landowners by lottery.

(2) ~~All remaining permits~~ Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.

(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the department for a \$10.00 fee for residents. Ten percent of ~~these shall~~ the remaining permits may be issued to nonresident applicants for a \$25.00 fee.

* * * Criminal and Civil Penalty Assessments * * *

Sec. 12. 13 V.S.A. § 7282 is amended to read:

§ 7282. ASSESSMENT

(a) In addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or judicial bureau shall levy an additional fee of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the victims' compensation special fund and \$2.25 shall be deposited into the criminal justice training council special fund established in section 2363 of Title 20.

* * *

(C) For any offense or violation committed after June 30, 2009, \$41.00, of which \$33.75 shall be deposited in the victims' compensation special fund, and \$2.25 shall be deposited into the criminal justice training council special fund established in section 2363 of Title 20.

(b) The fees imposed by this section shall be used for the purposes set out in section 7281 of this title and shall not be waived by the court.

(c) SIU ASSESSMENT Notwithstanding section 7281 of this title and subsection (b) of this section, in addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense committed after July 1, 2009, the clerk of the court or judicial bureau shall levy an additional fee of \$100.00 to be deposited with the specialized investigative unit grants board created in 24 V.S.A. § 1940(c) to be used to pay for staffing for specialized investigative units.

* * * Municipal Clerks * * *

Sec. 13 . 32 V.S.A. § 1671(a) is amended to read:

(a) For the purposes of this section a “page” is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least eight point type. Unless otherwise provided by law, the fees to town clerks shall be as follows:

(1) For recording a trust mortgage deed as provided in section 1155 of Title 24, \$10.00 per page;

(2) For filing or recording a copy of a complaint to foreclose a mortgage as provided in subsection 4523(b) of Title 12, ~~\$6.00~~ \$10.00 per page;

* * *

(6) Notwithstanding any other provision of law to the contrary, for the recording or filing, or both, of any document that is to become a matter of public record in the town clerk's office, or for any certified copy of such document, a fee of ~~\$8.00~~ \$10.00 per page shall be charged; except that for the recording or filing, or both, of a property transfer return, a fee of ~~\$8.00~~ \$10.00 shall be charged;

* * *

(8) For survey plats filed in accordance with chapter 17 of Title 27, a fee of ~~\$6.00~~ \$15.00 per 11 inch by 17 inch sheet, ~~\$8.00~~ \$15.00 per 18 inch by 24 inch sheet, and ~~\$10.00~~ \$15.00 per 24 inch by 36 inch sheet shall be charged.
Sec. 14. 32 V.S.A. § 9606(d) is amended to read:

(d) For receiving a property transfer return and tax payment, if any, under this chapter, there shall be paid to the town clerk at the time of filing a fee of ~~\$7.00~~ \$10.00.

* * * Home Health Agencies * * *

Sec. 15. 33 V.S.A. § 1955a(a) is amended to read:

(a) Beginning July 1, ~~2005~~ 2009, each home health agency's assessment shall be ~~18.45~~ 17.69 percent of its net operating revenues from core home health care services, excluding revenues for services provided under Title XVIII of the federal Social Security Act. The amount of the tax shall be

determined by the director based on the home health agency's most recent audited financial statements at the time of submission, a copy of which shall be provided on or before December 1 of each year to the office. For providers who begin operations as a home health agency after January 1, 2005, the tax shall be assessed as follows:

* * *

* * * Executive Branch Fees * * *

Sec. 16. EXECUTIVE BRANCH FEES; 2010 LEGISLATIVE REVIEW

Notwithstanding 32 V.S.A. § 605(b), in addition to the fee report and request covering all fees listed in 32 V.S.A. § 605(b)(2), the governor shall also submit a fee report and request covering the fees listed in 32 V.S.A. § 605(b)(3) to the general assembly on or before the third Tuesday of the 2010 legislative session.

Sec. 17. EFFECTIVE DATES

This act shall take effect on July 1, 2009, except that this section and Secs. 1, 2, 6, 7, and 24 shall take effect on passage.