

H.240

An act relating to Executive Branch fees

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

* * * Secretary of State * * *

* * * Office of Professional Regulation * * *

Sec. 1. 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 ~~\$100.00~~ \$110.00
- (B) Cosmetologist ~~\$100.00~~ \$110.00
- (C) Nail technician ~~\$100.00~~ \$110.00
- (D) Esthetician ~~\$100.00~~ \$110.00
- (E) Shop ~~\$300.00~~ \$330.00
- (F) School ~~\$300.00~~ \$330.00

(2) Biennial renewal:

- (A) Barber ~~\$120.00~~ \$130.00
- (B) Cosmetologist ~~\$120.00~~ \$130.00
- (C) Nail technician ~~\$120.00~~ \$130.00
- (D) Esthetician ~~\$120.00~~ \$130.00
- (E) Shop ~~\$200.00~~ \$225.00

(F) School ~~\$300.00~~ \$330.00

(3) Reinspection \$100.00

* * * Corporations * * *

* * * Telemarketers * * *

Sec. 2. 9 V.S.A. § 2464b is amended to read:

§ 2464b. REGISTRATION OF TELEMARKETERS

* * *

(c) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Registration: \$125.00.

(2) Statement of change of designated agent or designated office, or

both: \$25.00, not to exceed \$1,000.00 per filer per calendar year.

* * * Secured Transactions * * *

Sec. 3. 9A V.S.A. § 9-525 is amended to read:

§ 9-525. FEES

(a) ~~Except as otherwise provided in subsection (c) of this section, the~~ The fee for filing and indexing a record under this part, ~~other than an initial financing statement of the kind described in section 9-502(c), is the amount specified in subsection (c) of this section, if applicable, plus:~~

~~(1) \$25.00 if the record is communicated in writing; and~~

~~(2) \$25.00 if the record is communicated by another medium authorized by filing office rule~~ article is \$35.00.

(b) ~~Except as otherwise provided in subsection (e) of this section, the~~ The fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) is \$6.00 per page.

(c) ~~Number of names. Except as otherwise provided in subsection (e) of this section, if a record is communicated in writing, the fee for each name more than two required to be indexed is \$2.00.~~

~~(d) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is \$20.00, and \$0.50 per page for copying~~ \$25.00.

~~(e)~~(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 9-502(c) of this title. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

* * * Trade Name Registrations * * *

Sec. 4. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of \$50.00 to the ~~secretary of state for the benefit of the state~~ Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of \$20.00 to the ~~secretary of state for the benefit of the state~~ Secretary of State.

(c) Statement of change of designated agent or designated office, or both: \$25.00, not to exceed \$1,000.00 per filer per calendar year.

(d) The Secretary shall collect \$25.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding.

Sec. 5. 11 V.S.A. § 1631 is amended to read:

§ 1631. VACANCY

When ~~such~~ an appointee dies or removes from the ~~state~~ State, another person residing in such town and having therein an office or place of business, within ten days from the date of such death or removal, shall be appointed in the manner hereinbefore specified, upon whom service of process may be made as provided in section 1630 of this title. In case of such death or removal, or if a person is not appointed as aforesaid, process against such nonresident person may be served by delivering to the ~~secretary of state~~ Secretary of State duplicate copies thereof, one of which shall be filed with the ~~secretary of state~~ Secretary of State and the other shall be forwarded by mail prepaid by the clerk to the last known residence of such person. ~~There shall be paid to the secretary of state by the officer serving such duplicate copies the sum of \$2.00.~~

* * * Limited Liability Corporations * * *

Sec. 6. 11 V.S.A. § 3013 is amended to read:

§ 3013. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when a document described in this section is delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of organization \$ ~~100.00~~ 125.00

(2) Application for certificate of authority ~~100.00~~ \$125.00

* * *

(9) Statement of change of designated agent or designated
office, or both ~~\$20.00 and~~
\$25.00, not to
exceed
\$1,000.00
per filer per
calendar
year

* * *

(13) Application for certificate of existence or
authorization ~~20.00~~ \$25.00

* * *

(15) Annual report of a domestic limited liability company
~~25.00~~ \$35.00

(16) Annual report of a foreign limited liability company
~~125.00~~ \$140.00

* * *

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

- (1) ~~\$20.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding; and
- (2) ~~\$1.00 a page for copying and \$20.00~~ \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

* * * Partnerships * * *

Sec. 7. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when a document described in this section is delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

- (1) Statement of authority ~~50.00~~ \$125.00

* * *

- (13) Statement of change of designated agent or designated office,
or both \$25.00,
not to exceed
\$1,000.00
per filer per
calendar year

(14) Application for certificate of good standing \$25.00

(15) Any other document permitted or required to be
filed by this chapter 5.00 \$20.00

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

(1) ~~\$10.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary
under this chapter. The party to a proceeding causing service of process is
entitled to recover this fee as costs if he or she prevails in the proceeding; and

(2) ~~\$1.00 per page for copying and \$5.00~~ \$25.00 for the certificate
certifying the copy of any filed document related to a partnership, limited
liability partnership, or a foreign limited liability partnership.

* * * Limited Partnerships * * *

Sec. 8. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees
when a document described in this section is delivered to the ~~office of the~~
~~secretary of state~~ Office of the Secretary of State for filing:

(1) Certificate of Limited Partnership \$50.00 \$125.00

(2) Registration of Foreign Limited Partnership 50.00 125.00

(3) Amendment 25.00

(4) Cancellation No fee

(5) Merger 50.00

- (6) Statement of change of designated agent or designated office,
or both 25.00,
not to exceed
\$1,000.00
per filer per
calendar year
- (7) Application for certificate of good standing 25.00
- (8) Any other document permitted or required to
be filed by this chapter 5.00 20.00

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

- (1) ~~\$10.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding; and
- (2) ~~\$1.00 per page for copying and \$5.00~~ \$25.00 for the certificate certifying the copy of any filed document related to a partnership, limited liability partnership, or a foreign limited liability partnership.

* * * Vermont Business Corporations * * *

Sec. 9. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when the documents described in this section are delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of incorporation ~~\$ 75.00~~ \$125.00

* * *

(6) Statement of change of registered agents or registered office, or both ~~20.00 and~~ \$25.00,
not to exceed
\$1,000.00 per filer
per calendar year

* * *

(13) Application for certificate of authority ~~100.00~~ \$125.00

* * *

(16) Annual report of a foreign corporation ~~175.00~~ \$200.00

(17) Annual report of a domestic corporation ~~35.00~~ \$45.00

(18) Application for certificate of good standing ~~20.00~~ \$25.00

* * *

(b) The ~~secretary of state~~ Secretary of State shall collect a fee of ~~\$20.00~~ \$25.00 each time process is served on him or her under this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding.

(c) The ~~secretary of state~~ Secretary of State shall collect ~~the following fees~~ a fee of \$25.00 for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

~~(1) \$1.00 a page for copying; and~~

~~(2) \$20.00 for the certificate.~~

* * *

* * * Nonprofit Corporations * * *

Sec. 10. 11B V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

The ~~secretary of state~~ Secretary of State shall collect the following fees when the documents described in this section are delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of incorporation ~~\$75.00~~ \$125.00

* * *

(6) Change of registered agent, registered office, or both ~~5.00~~ \$25.00,
not to exceed
\$1,000.00 per filer

per calendar year.

* * *

(17) Biennial report ~~15.00~~ \$20.00

except that a corporation which certifies to the ~~secretary of state~~ Secretary of State, on a form approved by the ~~secretary~~ Secretary, that it did not compensate its officers, directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

* * *

(19) Application for certificate of good standing ~~5.00~~ \$25.00

(20) Certified copy of any filed document \$25.00

* * * Service of Process * * *

Sec. 11. 12 V.S.A. § 856 is amended to read:

§ 856. SERVICE OF PROCESS

Service of process by virtue of section 855 of this title shall be made by delivering to the ~~secretary of state~~ Secretary of State duplicate copies of the process, with the officer's return of service thereon, and a fee of ~~\$5.00~~ \$25.00, to be taxed in the plaintiff's costs if he or she prevails. The ~~secretary~~ Secretary shall forthwith forward one of the duplicate copies by registered mail prepaid to the corporation at its principal place of business in the state or country where it is incorporated, which principal place of business shall be stated in the process. The service shall be sufficient if a copy of the process, with the

officer's return thereon showing the service upon the ~~secretary of state~~
Secretary of State, is sent by the plaintiff to the foreign corporation by
registered mail, and if the plaintiff's affidavit of compliance herewith is filed
with the process in court. The ~~secretary~~ Secretary shall file one of the copies
and endorse upon each copy the day and hour of service.

* * * Center for Crime Victims' Services * * *

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

§ 7282. SURCHARGE

(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 surcharge 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~~ Victims' Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the ~~victims' compensation special fund~~ Victims' Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41.00, of which \$23.75 shall be deposited in the ~~victims' compensation special fund~~ Victims' Compensation Special Fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the ~~domestic and sexual violence special fund~~ Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, \$47.00, of which \$29.75 shall be deposited in the Victims' Compensation Special Fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

* * *

Sec. 13. REPEALS

The following are repealed:

(1) 2007 Acts and Resolves No. 40, Sec. 9 (repeal of surcharge for the Crime Victims' Restitution Special Fund).

(2) 2007 Acts and Resolves No. 40, Sec. 13, as amended by 2011 Acts and Resolves No. 55, Sec. 19 (effective date for repeal of surcharge for the Crime Victims' Restitution Special Fund).

* * * Department of Taxes * * *

Sec. 14. 32 V.S.A. § 3777 is added to read:

§ 3777. LIEN SUBORDINATION

The Commissioner in his or her discretion may subordinate the lien provided for in subsection 3757(f) of this title to a lender's mortgage interest in enrolled land to the extent that the Commissioner is satisfied that the landowner will maintain sufficient equity in the enrolled land to satisfy both the lender and any potential land use change tax that would arise upon development of the enrolled land. In order for subordination to be considered, the lender must complete an application form as prescribed by the Commissioner and pay a fee of \$179.00. The application shall provide all information deemed necessary by the Commissioner to determine the extent to which the State's lien can be subordinated to the lender's interest without adversely affecting the interest of the State.

* * * Agency of Agriculture, Food and Markets * * *

* * * Market Vermont * * *

Sec. 15. 3 V.S.A. § 2504 is amended to read:

§ 2504. MARKET VERMONT LOGO

* * *

(c) Persons wishing to apply for the identification logo shall be provided with application forms by the ~~secretary of the agency of commerce and community development or the secretary of the agency of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets or the Secretary of Commerce and Community Development. The ~~secretary of the agency of agriculture, food and markets and the secretary of the agency of commerce and community development~~ Secretary of Agriculture, Food and Markets and the Secretary of Commerce and Community Development shall establish a ~~jury~~ process for reviewing the applications to determine if the applicant meets the standards established for that particular category of goods, services, or experiences. No person participating in the ~~jury~~ process may be held liable for any decision or recommendation made about the granting or denial of the use of the market Vermont logo. In the event that an application is rejected, the applicant may request that the ~~secretary of the agency of agriculture, food and markets and the secretary of the agency of commerce and community development~~ Secretary of the Agriculture, Food and Markets and the Secretary

of Commerce and Community Development reconsider. If the application is again denied, the decision shall be final, unless the applicant can demonstrate that the goods, service, or experience has been altered in order to bring it in line with the standards established for that product.

* * *

~~(e) Fees. The secretary may require transactional charges, commissions, or other fees, which are based upon the actual costs to the department, to be paid by persons participating in the program, and to be applied toward administration and promotion of the program.~~

* * * Feed, Fertilizer, Livestock, and Pesticides * * *

Sec. 16. 6 V.S.A. § 324 is amended to read:

§ 324. REGISTRATION AND FEES

* * *

(b) ~~No~~ A person shall not distribute in this ~~state~~ State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the ~~secretary~~ Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of ~~\$75.00~~ \$85.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to

implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the ~~secretary~~ Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

* * *

Sec. 17. 6 V.S.A. § 364 is amended to read:

§ 364. REGISTRATION

(a) Each brand or grade of fertilizer shall be registered in the name of the person whose name appears upon the label before being distributed in this ~~state~~ State. The application for registration shall be submitted to the ~~secretary~~ Secretary on a form furnished by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and shall be accompanied by a fee of ~~\$15.00~~ \$20.00 per nutrient or recognized plant food element to a maximum of ~~\$105.00~~ \$140.00 per brand or grade. Upon approval by the ~~secretary~~ Secretary, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) the brand and grade;
- (2) the guaranteed analysis; and
- (3) the name and address of the registrant.

* * *

Sec. 18. 6 V.S.A. § 762 is amended to read:

§ 762. LICENSE; FEE

(a) A person shall not carry on the business of a livestock dealer without first obtaining a license from the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets. Before the issuance of such license, such dealer shall file with the ~~secretary of agriculture, food and markets~~ Secretary an application for such license on forms provided by the ~~agency~~ Agency. Each application shall be accompanied by a fee of ~~\$100.00~~ \$150.00 for persons who buy and sell or auction livestock, and ~~\$30.00~~ \$75.00 for persons who only transport livestock commercially.

* * *

Sec. 19. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

* * *

(b) The registrant shall pay an annual fee of ~~\$100.00~~ \$110.00 for each product registered, and that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and

unwanted pesticides. The annual registration year shall be from December 1 to November 30 of the following year.

* * *

Sec. 20. 6 V.S.A. § 4031 is amended to read:

§ 4031. PLANTS TAKEN FROM THE WILD

(a) The ~~secretary~~ Secretary may adopt procedural rules pursuant to the Administrative Procedure Act as set forth in 3 V.S.A. chapter 25, for the collection, sale, or distribution of plants taken from the wild, on the list of Convention on International Trade on Endangered Species of Wild Fauna and Flora, as amended, provided that the plants are not on the Vermont endangered species list. He or she may authorize surveys or other actions to determine the extent that plant collections may be undertaken without jeopardizing the survival of a plant species. He or she may classify plant species based on their populations or chances for survival and may restrict what amount, if any, of a particular species may be removed from the wild.

* * *

(d) The Secretary may collect a fee of \$60.00 for a three-year permit to engage in commerce with plants described in subsection (a) of this section. The fee shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of implementing this section.

* * * Weights and Measures * * *

Sec. 21. 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND
MEASURING DEVICES

* * *

(f)(1) The ~~secretary~~ Secretary shall charge, per unit, the following annual
license fees:

(A) Retail motor fuel dispenser meter: \$15.00.

(B) Vehicle tank meter: ~~\$50.00~~ \$100.00.

(C) Scales: \$10.00.

(D) Vehicle and heavy duty scales: \$150.00.

(E) Taxi meter: \$10.00.

(F) Meter: ~~\$5.00~~ \$15.00.

(G) Bulk plant meter: \$100.00.

(H) Truck mounted propane meter: \$150.00.

(I) Hopper scales: \$100.00.

(J) Propane fill station: \$50.00.

(K) Medium duty scales:

portable platform scales: ~~\$10.00~~ \$30.00.

all others: \$30.00.

* * *

* * * Department of Liquor Control * * *

Sec. 22. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(34) “Request to cater permit”: a permit granted by the Liquor Control Board authorizing a first or first and third class licensed caterer or commercial caterer to cater individual events.

(35) “Industrial alcohol distributors license”: a license granted by the Liquor Control Board that allows holders to sell pure ethyl or grain alcohol of at least 190 proof in quantities of five gallons or more directly to manufacturers, industrial users, hospitals, druggists, and institutions of learning. Alcohol sold under the industrial alcohol distributors license may only be used for manufacturing, mechanical, medicinal, and scientific purposes.

(36) “Outside consumption permit”: a permit granted by the Liquor Control Board allowing a first class or first and third class license holder and fourth class license holder to allow for consumption of alcohol in a delineated outside area.

Sec. 23. 7 V.S.A. § 61 is amended to read:

§ 61. RESTRICTIONS; EXCEPTIONS

A person, partnership, association, or corporation shall not furnish or sell, or expose or keep with intent to sell, any malt or vinous beverage, or spirits, or manufacture, sell, barter, transport, import, export, deliver, prescribe, furnish, or possess any alcohol, except as authorized by this title. However, this chapter shall not apply to the furnishing of such beverages or spirits by a person in his or her private dwelling, ~~unless to an habitual drunkard, or unless~~ such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than 32 liquid gallons capacity, provided the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of sacramental wine, nor to the furnishing, purchase, sale, barter, transportation, importation, exportation, delivery, prescription, or possession of alcohol for manufacturing, mechanical, medicinal, and scientific purposes, provided the same is done under and in accordance with rules and regulations made and licenses and permits issued by the ~~liquor control board~~ Liquor Control Board as hereinafter provided.

Sec. 24. 7 V.S.A. § 63 is amended to read:

§ 63. IMPORTATION OR TRANSPORTATION OF LIQUORS;

PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

(a) All spirituous liquors imported or transported into this ~~state~~ State shall be imported or transported by and through the ~~liquor control board~~ Liquor Control Board. A person importing or transporting or causing to be imported or transported into this ~~state~~ State any spirituous liquors shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. However, a person may import or transport not more than eight quarts of spirituous liquors into this ~~state~~ State in his or her own private vehicle or in his or her actual possession at the time of importation without license or permit.

(b) Except as provided in sections 66 and 68 of this title, all malt or vinous beverages, or both, imported or transported into this ~~state~~ State shall be imported or transported by and through a wholesale dealer holding a wholesale dealer's license issued by the ~~liquor control board~~ Liquor Control Board. A person importing or transporting or causing to be imported or transported into this ~~state~~ State any malt or vinous beverages, or both, shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. Provided, however, a person may import or transport not more than six gallons of malt or vinous beverages, or both, into this ~~state~~ State in his or her own private vehicle

or in his or her actual possession at the time of importation without license or permit, providing it is not for resale.

Sec. 25. 7 V.S.A. § 230 is amended to read:

§ 230. RESTRICTIONS; FINANCIAL INTERESTS; DISPLAY OF
LICENSE; EMPLOYEES

* * *

(b) An individual who is an employee of a wholesale dealer that does not hold a solicitor's ~~permit~~ license may also be employed by a second class licensee on a paid or voluntary basis, provided that the employee does not exercise any control over, or participate in, the management of the second class licensee's business or business decisions, and that either employment relationship does not result in the exclusion of any competitor wholesale dealer or any brand of alcoholic beverages of a competitor wholesale dealer.

Sec. 26. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid:

(1) For a manufacturer's or rectifier's license to manufacture or rectify malt beverages and vinous beverages or to manufacture or rectify spirituous liquors, ~~\$250.00~~ \$285.00 for either license.

- (2) For a bottler's license, ~~\$1,500.00~~ \$1,705.00.
- (3) For a wholesale dealer's license, ~~\$1,000.00~~ \$1,140.00 for each location.
- (4) For a first class license, ~~\$200.00~~ \$230.00.
- (5) For a second class license, ~~\$100.00~~ \$140.00.
- (6) For a third class license, ~~\$880.00~~ \$1,000.00 for an annual license and ~~\$440.00~~ \$500.00 for a six-month license.
- (7) For a shipping license for vinous beverages:
 - (A) In-state consumer shipping license, initial and renewal, \$300.00.
 - (B) Out-of-state consumer shipping license, initial and renewal, \$300.00.
 - (C) Retail shipping license, ~~initial and renewal, \$200.00~~ \$230.00.
- (8)(A) For a caterer's license, ~~\$200.00~~ \$230.00.
- (B) For a commercial catering license, \$200.00.
- (C) For a request to cater permit, \$20.00.
- (9) ~~For a first class cabaret license, \$200.00.~~ [Repealed.]
- (10) ~~For a third class cabaret license, \$880.00 for an annual license and \$440.00 for a six month license.~~ [Repealed.]
- (11) For up to ten fourth class vinous licenses, ~~\$50.00~~ \$65.00.
- (12) ~~[Deleted.]~~ For an industrial alcohol distributors license, \$200.00.
- (13) For a special events permit, ~~\$25.00~~ \$35.00.

- (14) For a festival permit, ~~\$100.00~~ \$115.00.
- (15) For a wine tasting permit, ~~\$15.00~~ \$25.00.
- (16) For an educational sampling event permit, ~~\$200.00~~ \$230.00.
- (17) ~~{Deleted.}~~ For an outside consumption permit, \$20.00.
- (18) For a certificate of approval:
 - (A) For malt beverages, ~~\$2,000.00 per year~~ \$2,275.00.
 - (B) For vinous beverages, ~~\$440.00 per year~~ \$900.00.
- (19) For a solicitor's ~~permit license~~, ~~\$50.00 per year~~ \$65.00.
- (20) For a vinous beverages storage license, ~~\$200.00 per year~~ \$215.00.
- (21) For a promotional tasting permit for a railroad, ~~\$15.00~~ \$20.00.
- (22) For an art gallery or bookstore permit, ~~\$15.00~~ \$20.00.

(b) Except for fees collected for first, second, and third class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the ~~liquor control enterprise fund~~ Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third class license fees: 55 percent shall go to the ~~liquor control enterprise fund~~ Liquor Control Enterprise Fund, and 45 percent shall go to the ~~general fund~~ General Fund and shall be used to fund the ~~DETER program in fiscal year 2007~~ fund alcohol abuse prevention and treatment programs.

* * *

Sec. 27. 7 V.S.A. chapter 13 is amended to read:

CHAPTER 13. SOLICITOR'S ~~PERMIT~~ LICENSE

§ 361. GRANTING OF ~~PERMIT LICENSE~~; SOLICITATION OF ORDERS

The ~~liquor control board~~ Liquor Control Board may grant to a natural person a solicitor's ~~permit license~~, which shall authorize such person to solicit orders for and promote the sale of malt or vinous beverages by canvassing or interviewing holders of licenses issued under the provisions of this title.

§ 362. APPLICATION; UNDERTAKING; RECOMMENDATION

Application for ~~such permit~~ a license shall be made in writing, signed by the applicant, to the ~~liquor control board~~ Liquor Control Board on a form prescribed by the ~~board~~ Board, containing the name, residence, and business address of the applicant, the name and address of the vendor to be represented by the applicant, and an undertaking by the applicant to comply with the regulations of the ~~board~~ Board. ~~Such~~ The application shall have appended thereto a recommendation of the applicant as being qualified to hold ~~such permit~~ the license, signed by such vendor.

§ 363. FEE

The fee for a solicitor's ~~permit license~~ shall be as provided in section 231 of this title and shall be collected by the ~~department of liquor control~~ Department of Liquor Control. ~~Such permit shall expire at midnight April 30 of each year and shall be renewable on application therefor and payment of the fee. A~~

certified check payable to the ~~state~~ State of Vermont shall accompany the application and shall be returned to the applicant in case the ~~board~~ Board fails to grant the ~~permit~~ license.

§ 364. SUSPENSION OR REVOCATION

The ~~liquor control board~~ Liquor Control Board shall have power to suspend or revoke any such solicitor's ~~permit~~ license for failure to comply with any regulation of the ~~board~~ Board or for other cause. ~~No such~~ The certificate shall not be revoked unless the holder thereof shall have had an opportunity to be heard after reasonable notice.

§ 365. PENALTY

A person who solicits orders for, or promotes the sale of malt or vinous beverages, or attempts so to solicit or promote, by canvassing or interviewing a holder of a license issued under the provisions of this title, without having first obtained a solicitor's ~~permit~~ license as provided for in this chapter, or who makes a false or fraudulent statement or representation in an application for ~~such permit~~ the license or in connection therewith shall be imprisoned not more than six months or be fined not more than \$500.00, or both.

Sec. 28. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

* * *

(d) A person applying simultaneously for a tobacco license and a liquor license shall apply to the legislative body of the municipality and shall pay to the ~~department~~ Department only the fee required to obtain the liquor license. A person applying ~~only~~ for a tobacco license shall submit a fee of ~~\$10.00~~ \$100.00 to the legislative body of the municipality for each tobacco license or renewal. The municipal clerk shall forward the application to the ~~department~~ Department, and the ~~department~~ Department shall issue the tobacco license. ~~The municipal clerk shall retain \$5.00 of this fee, and the remainder shall be deposited in the treasury of the municipality~~ The tobacco license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

* * *

* * * Department of Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 29. WORKERS' COMPENSATION RATE OF CONTRIBUTION

Pursuant to 21 V.S.A. § 711(b), for fiscal year 2014, the General Assembly has established that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be set at the rate of 1.45 percent notwithstanding 21 V.S.A. § 711(a). The contribution rate for self-insured workers' compensation losses and workers' compensation losses

of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Surcharges and Assessments * * *

Sec. 30. WORKERS' COMPENSATION ASSESSMENT

A surcharge on the direct calendar year premium for workers' compensation insurance shall be assessed at a rate of 0.16 percent and a surcharge on self-insured workers' compensation losses and workers' compensation losses of corporations shall be assessed at a rate of 0.25 percent for fiscal years 2014 and 2015 in order to enable the Department of Labor to complete a technological upgrade of its computer system.

Sec. 31. 32 V.S.A. § 602 is amended to read:

§ 602. DEFINITIONS

~~For purposes of~~ As used in this subchapter:

* * *

(2) "Fee":

(A) Means a monetary charge by an agency or the judiciary for a service or product provided to, or the regulation of, specified classes of individuals or entities.

(B) The following charges are exempt from the provisions of this subchapter, ~~except as provided in subsection 605(f) of this subchapter:~~

* * *

* * * Attorney General * * *

Sec. 32. 9 V.S.A. § 2473 is amended to read:

§ 2473. NOTICE OF SOLICITATION

* * *

(f)(1) In each calendar year in which a paid fundraiser solicits on behalf of a charitable organization, the paid fundraiser shall pay an annual registration fee of \$500.00 to the Attorney General with its first notice of solicitation.

(2) Each notice of solicitation filed in accordance with this section shall be accompanied by a fee of \$200.00.

(3) Fees paid under this subsection shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Attorney General for the costs of administering sections 2471–2479 of this title.

* * * State Police Dispatch Fees * * *

Sec. 33. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall adopt rules establishing uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety. In setting the fees, the Commissioner shall consult with sheriffs and other entities that provide dispatch services. The Commissioner shall report to the House Committee on Ways and Means and

the Senate Committee on Finance on or before January 15, 2014, regarding the adoption and implementation of the uniform dispatch fee rules.

* * * Games of Chance * * *

Sec. 34. 32 V.S.A. § 10209 is added to read:

§ 10209. RULEMAKING

The Commissioner of Liquor Control shall adopt rules for the maintenance of records relating to the distribution and sale of break-open tickets and for record keeping relating to the remittance of net proceeds from sales of break-open tickets to the intended eligible charitable recipients. The rules shall permit no proceeds to be retained by the operators of for-profit bars except for:

- (1) the actual cost of the break-open tickets;
- (2) the prizes awarded; and
- (3) any sales tax due on the sale of break-open tickets under chapter 233

of this title.

* * * Coolidge State Forest * * *

Sec. 35. PROCEEDS OF SALE OF PARCEL IN COOLIDGE STATE

FOREST

Notwithstanding the requirement in 29 V.S.A. § 166(d) that the proceeds of the sale of real property owned by the State shall be deposited to a capital fund account for future capital construction, the proceeds of the sale of a parcel in the Coolidge State Forest authorized by J.R.H.11 of 2013, as enacted, shall be

deposited in the Department of Forests, Parks and Recreation's Land
Acquisition Account.

* * * Unemployment Compensation * * *

Sec. 35a. 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

~~For the purpose of this subchapter~~ As used in this subchapter:

(1) "Affected unit" means a specific plan, department, shift, or other definable unit consisting of not less than five employees to which an approved short-time compensation plan applies.

(2) "Defined benefit plan" means a plan described in 26 U.S.C. § 414(j).

(3) "Defined contribution plan" means a plan described in 26 U.S.C. § 414(i).

(4) "Short-time compensation" or "STC" means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan as distinguished from the unemployment benefits otherwise payable under the conventional unemployment compensation provisions of this chapter.

~~(3)~~(5) "Short-time compensation plan" means a plan of an employer under which there is a reduction in the number of hours worked by employees of an affected unit rather than temporary layoffs. The term "temporary layoffs" for this purpose means the total separation of one or more workers in

the affected unit for an indefinite period expected to last for more than two months but not more than six months.

(4)(6) “Short-time compensation employer” means an employer who has one or more employees covered by an approved “Short-Time Compensation Plan.” “Short-time compensation employer” ~~includes~~ means an employer with ~~experience rating records and~~ an experience rating record or an employer who makes payments in lieu of ~~tax~~ contributions to the unemployment compensation trust fund and that meets all of the following criteria:

(A) ~~Has~~ has five or more employees covered by an approved short-time compensation plan;

(B) ~~Is~~ is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages; and

(C) ~~Is~~ is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years immediately prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the ~~commissioner~~ Commissioner grants a waiver based upon extenuating economic conditions or other good cause.

~~(5)~~(7) “Usual weekly hours of work” means the normal hours of work for full-time ~~and regular~~ or part-time employees in the affected unit when that unit is operating on its ~~normally full-time basis not less than 30 hours and~~ regular basis not to exceed 40 hours and not including hours of overtime work.

~~(6)~~(8) “Unemployment compensation” means the unemployment benefits payable under this chapter other than short-time compensation and includes any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

~~(7)~~(9) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

~~(8)~~(10) “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

~~(9)~~(11) “Seasonal employment” means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment during the off-season in each of the previous three years as reported to the ~~department~~ Department, or employment with an employer on a temporary basis during a particular season.

Sec. 35b. 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

(a) An employer wishing to participate in an STC program shall submit a ~~department of labor~~ Department of Labor electronic application or a signed written short-time compensation plan to the ~~commissioner~~ Commissioner for approval. The ~~commissioner~~ Commissioner may approve an STC plan only if the following criteria are met:

* * *

(3) ~~the plan outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that lead to the need for the STC plan~~ provides that if the employer provides fringe benefits, including health benefits and retirement benefits under a defined benefit plan or contributions under a defined contribution plan, to any employee whose workweek is reduced under the program, that the benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek had not been reduced. However, reductions in the benefits of short-time compensation plan participants are permitted to the extent that the reductions also apply to nonparticipant employees;

* * *

(5) the plan certifies that the aggregate reduction in work hours is in lieu of ~~temporary total~~ layoffs of one or more workers which would have resulted in an equivalent reduction in work hours and which the ~~commissioner~~ Commissioner finds would have caused an equivalent dollar amount to be payable in unemployment compensation;

* * *

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the ~~department~~ Department. The plan shall not subsidize seasonal employers during the off-season;

* * *

(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; ~~and~~

(12) ~~in addition to subdivisions (1) through (11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan~~ the plan describes the manner in which the requirements of this section will be implemented and

where feasible how notice will be given to an employee whose workweek is to be reduced and an estimate of the number of layoffs that would have occurred absent the ability to participate in the short-time compensation program and any other information that the U.S. Secretary of Labor determines is appropriate; and

(13) the employer certifies that the plan is consistent with employer obligations under applicable state and federal laws.

(b) In the event of any conflict between any provision of sections 1451–1460 of this title, or the regulations implemented pursuant to these sections, and applicable federal law, the federal law shall prevail and the provision shall be deemed invalid.

Sec. 35c. 21 V.S.A. § 1457 is amended to read:

§ 1457. ELIGIBILITY

(a) An individual is eligible to receive STC benefits with respect to any week only if, in addition to eligibility for monetary entitlement, the ~~commissioner~~ Commissioner finds that:

(1) the individual is employed during that week as a member of an affected unit under an approved short-time compensation plan which was in effect for that week;

(2) the individual is able to work and is available for the normal work week with the short-time employer;

(3) notwithstanding any other provisions of this chapter to the contrary, an individual is deemed unemployed in any week for which remuneration is payable to him or her as an employee in an affected unit for less than his or her normal weekly hours of work as specified under the approved short-time compensation plan in effect for the week;

(4) notwithstanding any other provisions of this chapter to the contrary, an individual shall not be denied STC benefits for any week by reason of the application of provisions relating to availability for work and active search for work with an employer other than the short-time employer.

(b) Eligible employees may participate, as appropriate, in training, including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998, to enhance job skills if the program has been approved by the Department.

Sec. 35d. 21 V.S.A. § 1253 is amended to read:

§ 1253. ELIGIBILITY

The ~~commissioner~~ Commissioner shall make all determinations for eligibility under this chapter. An individual shall be eligible for up to 26 weekly payments when the ~~commissioner~~ Commissioner determines that the individual voluntarily left work due to circumstances directly resulting from domestic and sexual violence, provided the individual:

(1) Leaves employment for one of the following reasons:

* * *

(D) The individual is physically or emotionally unable to work as a result of experiencing domestic or sexual violence as certified by a medical professional. The certification shall be reviewed by the Commissioner every six weeks and may be renewed until the individual is able to work or the benefits are exhausted.

* * *

Sec. 35e. 21 V.S.A. § 1254 is amended to read:

§ 1254. CONDITIONS

An individual shall be eligible to receive payments with respect to any week, only if the ~~commissioner~~ Commissioner finds that the individual complies with all of the following requirements:

- (1) ~~Files~~ files a claim certifying that he or she did not work during the week;
- (2) ~~Is~~ is not eligible for unemployment compensation benefits; and
- (3) ~~Is taking steps to become employed~~ is working with the Department to determine work readiness and taking reasonable steps as determined by the Commissioner to become employed.

Sec. 35f. 21 V.S.A. § 1255 is amended to read:

§ 1255. PROCEDURES

(a) The ~~commissioner~~ Commissioner or designee shall review all claims for payment and shall promptly provide written notification to the individual of any claim that is denied and the reasons for the denial.

(b) Within 30 days after receipt of a denial, the individual may appeal the determination to the ~~commissioner~~ Commissioner by requesting a review of the decision. On appeal to the Commissioner the individual may provide supplementary evidence to the record. The ~~commissioner~~ Commissioner shall review the record within seven working days after the notice of the appeal is filed and promptly notify the individual in writing of the ~~commissioner's~~ Commissioner's decision. The decision of the ~~commissioner~~ Commissioner shall become final unless an appeal to the ~~supreme court~~ Supreme Court is taken within 30 days of the date of the ~~commissioner's~~ Commissioner's decision.

* * * Repeal * * *

Sec. 36. REPEAL

32 V.S.A. § 605(f) (relating to report of surcharges and assessments) is repealed.

* * * Effective Date * * *

Sec. 37. EFFECTIVE DATE

This act shall take effect on July 1, 2013.