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MEMORANDUM

To: Rep. Helen Head, Chair, House Committee on General, Housing and Military Affairs

From: Rep. Janet Ancel, Chair, House Committee on Ways and Means
Rep. Carolyn Branagan, Vice-Chair, House Committee on Ways and Means

Date: January 16, 2014

Subject: Review of Administration's Proposed FY 2015 Fee Bill

The House Ways and Means Committee has begun work on the Administration's proposed FY 2015 Fee Bill and would like the input of the Committee on General, Housing and Military Affairs on Sections 4, 6, 7, 15, and 20 of the draft bill. Section 4 pertains to a fee falling within the jurisdiction of the Lottery Commission. The requestor's explanation for the fee increase is to offset the costs of background checks on lottery ticket sales license applicants. Sections 6 and 7 pertain to fees falling within the jurisdiction of the Department of Housing and Community Development. The requestor's explanation for the fee increase in Section 6 is to offset the costs of administering the laws regarding mobile home parks, including paying legal fees for leaseholders and fees required in the mediation process pursuant to 10 V.S.A. §§ 6252-6253. The requestor's explanation for the fee increases in Section 7 are to promote tourism at historic sites and recover costs associated with the care and maintenance of archeological materials discovered in the state. Sections 15 and 20 pertain to fees falling within the jurisdiction of the Office of Professional Regulation. The professional boards of Professional Engineering and Real Estate Brokers and Salespersons are seeking fee increases to keep the Boards' revenues and expenditures in balance.

It would be helpful if you would review this section and respond with your recommendations by the end of the day on Wednesday, January 22nd. Thank you in advance for your consideration.

* * * Tramways * * *

Sec. 10. 31 VSA § 706 is amended to read:

§ 706. OPERATORS TO PAY COST OF INSPECTION

The expenses of the ~~department~~ Department in connection with making the inspections under section 705 of this title shall be paid in the first instance by the ~~department~~ Department. However, ~~each operator shall, upon notification by the department of the amount due, reimburse the department for the expense of specialized assistance which may be employed by the department in making inspections. The department shall not charge in excess of \$25.00 per hour for the services of special assistants. It may include traveling time and expenses in addition. In the event that contractors are used by the Department for specialized engineering consultation, such as structural, electrical, mechanical, or failure analysis, the cost shall be reimbursed to the Department by the affected area tramway operators.~~ The reimbursement shall be credited to the revolving special fund created under this chapter.

* * * Department of Housing and Community Development * * *

Sec. 6. 10 V.S.A. § 6254 is amended to read:

§ 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

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(c) The Department may charge a mobile home park owner an annual fee of no more than ~~\$9.00~~ \$12.00 for each occupied leased lot in the park on September 1 of each year. The park owner may charge this fee to the affected mobile home park leaseholders. The fee shall be submitted to the Department with the registration form required in subsection (a) of this section. If a mobile home park owner charges the fee under this subsection, the fee shall not be deemed to be a lot rent increase and shall not be included in any calculation of a lot rent increase pursuant to section 6251 of this title. A mobile home park owner shall not be charged the fee under this subsection for any mobile home park in which all the mobile homes are owned by the mobile home park owner. The Commissioner may enforce filing of the registration form and payment of the fee under subsection 6205(a) of this title. A special fund shall be created for these fees, to be used by the ~~Department of Housing and Community Affairs~~ for its expenses in administering the laws regarding mobile home parks, and to pay any fees required in the

mediation process pursuant to section 6252 of this title and for legal representation for leaseholders pursuant to section 6253 of this title. This special fund shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

Sec. 7. 22 V.S.A. § 724 is amended to read:

§ 724. HISTORIC PRESERVATION SPECIAL FUNDS

(a) ~~Historic sites operations special fund~~ Sites Operations Special Fund. The ~~historic sites operations special fund~~ Historic Sites Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32 to be used by the ~~division for historic preservation~~ Division for Historic Preservation to carry out the provisions of subdivisions 723(a)(9) and (b)(1) of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

(1) Receipts from ticket sales at and fees for rental of ~~state-owned~~ State-owned historic sites. Notwithstanding ~~subdivision 32 V.S.A. § 603(2) of Title 32~~, fees for admission to and rentals of historic sites shall be set by the ~~state historic preservation officer~~ State Historic Preservation Officer, with the approval of the ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Development, in a manner that both maximizes revenues and promotes the tourism purposes of historic sites, but not to exceed ~~\$8.00~~ \$20.00 for a single admission. This not-to-exceed amount shall not apply to the rental of an historic site. These fees shall be reported in accordance with ~~section 605 of Title 32~~ 32 V.S.A. § 605.

* * *

(b) ~~Archeology operations special fund~~ Operations Special Fund. The ~~archeology operations special fund~~ Archeology Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32 to be used by the ~~division for historic preservation~~ Division for Historic Preservation for cost recovery related to activities undertaken by the ~~division~~ Division to carry out the provisions of sections 723, 761, and 762 of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

* * *

(2) A ~~\$400.00~~ \$500.00 one-time fee for each ~~standard banker box~~ archival box (standard banker box size) of archeological collection for the care and maintenance of such materials ~~for~~ at the Vermont Archeological Heritage Center in perpetuity paid by any person involved in a federally or State funded, licensed, ~~or permitted,~~ or approved project. This fee shall be paid on a pro rata basis for one-half and one-quarter boxes.

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* * * Professional Engineering * * *

Sec. 15. 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 or application to add additional specialty discipline
\$ 80.00
- (2) Application for engineer intern certificate \$ 50.00
- (3) Biennial license renewal ~~\$ 80.00~~ \$ 100.00
- (4) ~~[Deleted.]~~ [Repealed.]

* * * Real Estate Brokers and Salespersons * * *

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

- (1) Application
 - (A) Broker license \$ 50.00
 - (B) Salesperson license \$ 50.00
 - (C) Brokerage firm registration
 - ~~(i) Corporation or partnership~~ \$ 50.00
 - ~~(ii) Sole proprietor~~ \$ 0.00
 - (D) Branch office registration \$ 50.00

(2) Biennial renewal of broker or salesperson
license \$ ~~175.00~~ \$ 200.00

(3) Biennial registration renewal of corporation
or partnership \$ 200.00

~~(A) Corporation or partnership~~ \$ ~~75.00~~

~~(B) Sole proprietor~~ \$ ~~0.00~~

(4) Temporary permit \$ 25.00

(5) Transfer of license \$ 10.00

(6) Transfer to inactive status \$ 25.00

~~(b) A sole proprietor of a brokerage firm shall only pay the sole proprietor application and renewal fees pursuant to this section, provided the brokerage firm has no other persons licensed under this chapter providing professional services within the brokerage firm. [Repealed.]~~