

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 735 entitled
3 “An act relating to Executive Branch and Judiciary fees” respectfully reports
4 that it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Department of Taxes * * *

8 Sec. 1. 32 V.S.A. § 404 is amended to read:

9 § 404. ~~INSUFFICIENT FUNDS~~ RETURNED PAYMENTS; PENALTY

10 ~~The state treasurer~~ Agencies and departments of State government may
11 assess a penalty of \$20.00 against the issuer for each ~~check returned on~~
12 ~~account of insufficient or uncollected funds~~ payment for amounts due in the
13 form of a check, draft, electronic payment, or other acceptable forms of
14 payment that have been dishonored for lack of funds or credit to pay the same.

15 ~~(1) The department of taxes shall be entitled to \$13.00 of each such~~
16 Such penalty collected against a check issued to the department, which \$13.00
17 shall be credited to a special fund established and managed pursuant to
18 subchapter 5 of chapter 7 of this title, or to another budgeted fund other than
19 the General Fund, and shall be available to the agency or department of taxes
20 to offset the costs of collecting the amount owed, ~~and may be adjusted~~
21 ~~pursuant to subdivision 603(2) of this title.~~

1 the fees specified in subdivision 1671(a)(6) or subsection 1671(c) of this title,
2 and a fee of ~~\$30.00~~ \$70.00 for deposit in a special fund established and
3 managed pursuant to subchapter 5 of chapter 7 of this title. The Fund shall be
4 available as payment for the fees of the clerk of the municipality and ~~for the~~
5 improvement of the management of to offset the costs of administering the
6 application and managing the program.

7 * * *

8 * * * Lottery Commission * * *

9 Sec. 3. 31 V.S.A. § 655 is amended to read:

10 § 655. LICENSE FEES

11 A license fee shall be charged for each sales license granted to a person for
12 the purpose of selling lottery tickets. The fee shall be fixed by the ~~commission~~
13 Commission, but no license fee in excess of ~~\$15.00 per year~~ \$50.00 may be
14 charged.

15 * * * Department of Tourism and Marketing * * *

16 Sec. 4. 3 V.S.A. § 2504 is amended to read:

17 § 2504. MARKET VERMONT LOGO

18 (a) The Secretary of ~~the~~ Agriculture, Food and Markets and the Secretary
19 of ~~the~~ Commerce and Community Development shall develop categories and
20 standards designed to identify those Vermont goods, services, and experiences

1 which best portray and promote Vermont’s reputation for high standards of
2 quality.

3 * * *

4 (e) ~~[Deleted.]~~ [Repealed.]

5 (f) The Secretary of Commerce and Community Development may require
6 an annual fee not to exceed \$150 per product line enrolled in the program,
7 which shall be based upon the actual costs to the agencies, to be paid by
8 persons participating in the program, and to be applied toward administration
9 and promotion of the program.

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

11 Sec. 5. 10 V.S.A. § 6254 is amended to read:

12 § 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

13 * * *

14 (c) The Department may charge a mobile home park owner an annual fee
15 of no more than ~~\$9.00~~ \$12.00 for each occupied leased lot in the park on
16 September 1 of each year. The park owner may charge this fee to the affected
17 mobile home park leaseholders. The fee shall be submitted to the Department
18 with the registration form required in subsection (a) of this section. If a mobile
19 home park owner charges the fee under this subsection, the fee shall not be
20 deemed to be a lot rent increase and shall not be included in any calculation of
21 a lot rent increase pursuant to section 6251 of this title. A mobile home park

1 owner shall not be charged the fee under this subsection for any mobile home
2 park in which all the mobile homes are owned by the mobile home park owner.
3 The Commissioner may enforce filing of the registration form and payment of
4 the fee under subsection 6205(a) of this title. A special fund shall be created
5 for these fees, to be used by the Department of ~~Housing and Community~~
6 ~~Affairs~~ for its expenses in administering the laws regarding mobile home
7 parks, and to pay any fees required in the mediation process pursuant to section
8 6252 of this title and for legal representation for leaseholders pursuant to
9 section 6253 of this title. This special fund shall be managed in accordance
10 with 32 V.S.A. chapter 7, subchapter 5.

11 Sec. 6. 22 V.S.A. § 724 is amended to read:

12 § 724. HISTORIC PRESERVATION SPECIAL FUNDS

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

20 (1) Receipts from ticket sales at and fees for rental of ~~state-owned~~
21 State-owned historic sites. Notwithstanding ~~subdivision~~ 32 V.S.A. § 603(2) ~~of~~

1 ~~Title 32~~, fees for admission to and rentals of historic sites shall be set by the
2 ~~state historic preservation officer~~ State Historic Preservation Officer, with the
3 approval of the ~~commissioner of housing and community affairs~~ Commissioner
4 of Housing and Community Development, in a manner that both maximizes
5 revenues and promotes the tourism purposes of historic sites, but not to exceed
6 ~~\$8.00~~ \$12.00 for a single admission. This not-to-exceed amount shall not
7 apply to the rental of an historic site or admission to an historic site for a
8 special event. These fees shall be reported in accordance with ~~section 605 of~~
9 ~~Title 32~~ 32 V.S.A. § 605.

10 * * *

11 (b) Archeology ~~operations special fund~~ Operations Special Fund. The
12 ~~archeology operations special fund~~ Archeology Operations Special Fund is
13 established pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title~~
14 ~~32~~ to be used by the ~~division for historic preservation~~ Division for Historic
15 Preservation for cost recovery related to activities undertaken by the ~~division~~
16 Division to carry out the provisions of sections 723, 761, and 762 of this title.
17 Revenues to the ~~fund~~ Fund shall be from the following sources:

18 * * *

19 (2) A ~~\$400.00~~ \$500.00 one-time fee for each ~~standard banker box~~
20 archival box (standard banker box size) of archeological collection for the care
21 and maintenance of such materials ~~for~~ at the Vermont Archeological Heritage

1 Center in perpetuity paid by any person involved in a federally or State funded,
2 licensed, ~~or~~ permitted, or approved project. This fee shall be paid on a pro rata
3 basis for one-half and one-quarter boxes.

4 * * *

5 * * * Department of Labor * * *

6 * * * Workers' Compensation Fund * * *

7 Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

8 For fiscal year 2015, after consideration of the formula in 21 V.S.A.
9 § 711(b) and historical rate trends, the General Assembly has established that
10 the rate of contribution for the direct calendar year premium for workers'
11 compensation insurance shall remain at the rate of 1.45 percent established in
12 2013 Acts and Resolves No. 72, Sec. 29, notwithstanding 21 V.S.A. § 711(a).
13 The contribution rate for self-insured workers' compensation losses and
14 worker's compensation losses of corporations approved under 21 V.S.A.
15 chapter 9 shall remain at one percent.

16 * * * Tramways * * *

17 Sec. 8. 31 VSA § 706 is amended to read:

18 § 706. OPERATORS TO PAY COST OF INSPECTION

19 The expenses of the ~~department~~ Department in connection with making the
20 inspections under section 705 of this title shall be paid in the first instance by
21 the ~~department~~ Department. ~~However, each operator shall, upon notification~~

1 by the department of the amount due, reimburse the department for the expense
2 of specialized assistance which may be employed by the department in making
3 inspections. The department shall not charge in excess of \$25.00 per hour for
4 the services of special assistants. It may include traveling time and expenses in
5 addition. In the event that contractors are used by the Department for
6 specialized engineering consultation, such as structural, electrical, mechanical,
7 or failure analysis, the cost shall be reimbursed to the Department by the
8 affected area tramway operators. The reimbursement shall be credited to the
9 revolving special fund created under this chapter.

10 * * * Secretary of State * * *

11 * * * Elections * * *

12 Sec. 9. 2 V.S.A. § 263 is amended to read:

13 § 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

14 * * *

15 (f) Every employer and every lobbyist shall pay an initial registration fee of
16 ~~\$25.00~~ \$50.00.

17 (g) An employer shall pay a fee of ~~\$5.00~~ \$10.00 for each lobbyist engaged
18 by the employer. A lobbyist shall pay a fee of ~~\$5.00~~ \$10.00 for each employer
19 represented.

1 (h) A person who fails to file on time a statement required by this section
2 shall pay a late registration fee of \$25.00 ~~plus \$10.00~~ for each day the
3 statement is late, not to exceed ~~\$175.00~~ \$350.00.

4 * * *

5 Sec. 10. 2 V.S.A. § 264 is amended to read:

6 § 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
7 EMPLOYERS; LOBBYISTS

8 * * *

9 (i) A lobbyist, lobbying firm, or employer who fails to file a disclosure
10 report on time shall pay a late reporting fee of \$25.00 ~~plus \$10.00~~ for each day
11 the disclosure report is late, not to exceed ~~\$175.00~~ \$350.00.

12 * * *

13 Sec. 11. 2 V.S.A. § 264b is amended to read:

14 § 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
15 COMPENSATION, AND GIFTS; LOBBYING FIRMS

16 * * *

17 (a) On forms provided by the ~~secretary of state~~ Secretary of State, every
18 lobbying firm shall file a listing of all lobbyists who are employed by,
19 subcontracted by, members of, or affiliated with the lobbying firm within
20 48 hours of any such lobbyists commencing lobbying activities. The lobbying

1 firm shall file an updated listing within 48 hours of any changes to the listing.

2 Every lobbying firm shall pay an initial listing fee of \$100.00.

3 * * *

4 * * * Office of Professional Regulation * * *

5 * * * Chiropractic * * *

6 Sec. 12. 26 V.S.A. § 535 is amended to read:

7 § 535. FEES

8 Applicants and persons regulated under this chapter shall pay the

9 following fees:

10 (1) Chiropractors

11 (A) Application \$ 200.00

12 (B) Biennial renewal ~~\$ 365.00~~ \$ 265.00

13 (C) Initial competency endorsement under
14 section 525 of this title \$ 70.00

15 (D) Biennial renewal of competency endorsement
16 under section 525 of this title \$ 70.00

17 (E) Evaluation \$ 125.00

18 (2) Registration of intern \$ 50.00

1 (c) If a licensee fails to pay the renewal fee by the required date, the license
2 shall lapse. Thereafter, the license may be reinstated only upon application to
3 the ~~board~~ Board or the ~~office of professional regulation~~ Office of Professional
4 Regulation and upon payment of the renewal fee and a reinstatement fee.

5 (d) Applicants and persons regulated under this chapter shall pay the
6 following fees:

| | | |
|----|---------------------------------|---------------------------------------|
| 7 | (1) Application for license | \$ 70.00 |
| 8 | (2) Biennial renewal of license | |
| 9 | (A) Funeral director | \$ 300.00 <u>\$ 350.00</u> |
| 10 | (B) Embalmer | \$ 300.00 <u>\$ 350.00</u> |
| 11 | (C) Funeral establishment | \$ 540.00 <u>\$ 900.00</u> |
| 12 | (D) Crematory establishment | \$ 540.00 <u>\$ 900.00</u> |
| 13 | (E) Removal personnel | \$ 85.00 <u>\$ 125.00</u> |

14 (e) In addition to the provisions of subsection (a) of this section, an
15 applicant for renewal as a funeral director or embalmer shall have satisfactorily
16 completed continuing education as required by the ~~board~~ Board. For purposes
17 of this subsection, the ~~board~~ Board shall require, by rule, not less than six nor
18 more than ten hours of approved continuing education as a condition of
19 renewal and may require up to three hours of continuing education for removal
20 personnel in the subject area of universal precautions and infectious diseases.

* * * Optometry * * *

Sec. 17. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

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

- | | |
|----------------------|--------------------------------------|
| (1) Application | \$225.00 |
| (2) Biennial renewal | \$525.00 <u>\$ 425.00</u> |

* * * Real Estate Brokers and Salespersons * * *

Sec. 18. 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

| | | |
|---|---|---------------------|
| 1 | (3) Biennial registration renewal <u>of corporation</u> | |
| 2 | <u>or partnership</u> | <u>\$ 200.00</u> |
| 3 | (A) Corporation or partnership | \$ 75.00 |
| 4 | (B) Sole proprietor | \$ 0.00 |
| 5 | (4) Temporary permit | \$ 25.00 |
| 6 | (5) Transfer of license | \$ 10.00 |
| 7 | (6) Transfer to inactive status | \$ 25.00 |

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

12 * * * Department of Public Safety * * *

13 Sec. 19. 20 V.S.A. chapter 145 is redesignated to read:

14 CHAPTER 145. DISPOSITION AND FEE FOR STORAGE OF
15 UNLAWFUL FIREARMS

16 Sec. 20. 20 V.S.A. § 2307 is added to read:

17 § 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM
18 ABUSE ORDER; STORAGE; FEES; RETURN

19 (a) As used in this section:

1 (1) “Federally licensed firearms dealer” means a licensed importer,
2 licensed manufacturer, or licensed dealer required to conduct national instant
3 criminal background checks under 18 U.S.C. § 922(t).

4 (2) “Firearm” shall have the same meaning as in 18 U.S.C. § 921(a)(3).

5 (3) “Law enforcement agency” means the Vermont State Police, a
6 municipal police department, or a sheriff’s department.

7 (4) “Person” means anyone who meets the definition of “intimate
8 partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or
9 household member under 15 V.S.A. § 1101.

10 (b)(1) A person who is required to relinquish firearms, ammunition, or
11 other weapons in the person’s possession by a court order issued under
12 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law
13 consistent with 18 U.S.C. § 922(g)(8) shall, unless the Court orders an
14 alternative relinquishment pursuant to subdivision (2) of this section, upon
15 service of the order immediately relinquish the firearms, ammunition, or
16 weapons to a cooperating law enforcement agency or an approved federally
17 licensed firearms dealer.

18 (2)(A) The Court may order that the person relinquish the firearms,
19 ammunition, or other weapons to a person other than a cooperating law
20 enforcement agency or an approved federally licensed firearms dealer unless

1 the Court finds that relinquishment to the other person will not adequately
2 protect the safety of the victim.

3 (B) A person to whom firearms, ammunition, or other weapons are
4 relinquished pursuant to subdivision (2)(A) of this section shall execute an
5 affidavit on a form approved by the Court Administrator stating that the
6 person:

7 (i) acknowledges receipt of the firearms, ammunition, or other
8 weapons;

9 (ii) assumes responsibility for storage of the firearms,
10 ammunition, or other weapons until further order of the court;

11 (iii) is not prohibited from owning or possessing firearms under
12 State or Federal law; and

13 (iv) understands the obligations and requirements of the Court
14 order, including the potential for the person to be subject to civil contempt
15 proceedings pursuant to this subdivision (2)(A) of this section if the person
16 permits the firearms, ammunition, or other weapons to be possessed, accessed
17 or used by the person who relinquished the firearm or by any other person not
18 authorized by law to do so.

19 (C) A person to whom firearms, ammunition, or other weapons are
20 relinquished pursuant to this subdivision (2)(A) of this section shall be subject
21 to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits

1 the firearms, ammunition, or other weapons to be possessed, accessed or used
2 by the person who relinquished the firearm or by any other person not
3 authorized by law to do so.

4 (c) A law enforcement agency or an approved federally licensed firearms
5 dealer who takes possession of a firearm, ammunition, or other weapon
6 pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and
7 store the item in accordance with standards and guidelines established by the
8 Department of Public Safety pursuant to subdivision (h)(3) of this section. A
9 firearm, ammunition, or other weapon shall not be taken into possession
10 pursuant to this section if it is being or may be used as evidence in a pending
11 criminal matter.

12 (d)(1) A law enforcement agency or an approved federally licensed
13 firearms dealer who stores firearms, ammunition, or weapons pursuant to
14 subsection (d) of this section may charge the owner:

15 (A) a reasonable storage fee, not to exceed \$X.00 per firearm per
16 week or part thereof; and

17 (B) a reasonable transport, processing, and retrieval fee, as may be
18 applicable, not to exceed \$X.00 in total per relinquishment order.

19 (2)(A) Total fees imposed pursuant to this subsection per owner per
20 relinquishment order shall not exceed \$X.00 over a 365-day period unless:

21 (i) the parties agree to a greater fee; and

1 (ii) a greater fee is necessary to cover actual costs.

2 (B) As used in this subdivision, “actual costs” means expenses
3 directly related to taking possession, transporting, processing, storing,
4 retrieving, and selling the item pursuant to this section and shall not include
5 costs associated with overhead expenses of the facility.

6 (3) Fees permitted by this subsection shall not begin to accrue until after
7 the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

8 (e) Nothing in this section shall be construed to prohibit the lawful sale of
9 firearms or other items.

10 (f) A final relief from abuse order issued pursuant to 15 V.S.A. § 1103
11 requiring requiring a person to relinquish firearms, ammunition, or other
12 weapons shall direct the law enforcement agency, approved federally licensed
13 firearms dealer, or other person in possession of the item under subsection (b)
14 of this section to release it to the owner upon expiration of the order if all
15 applicable fees have been paid.

16 (g)(1) A law enforcement agency, an approved federally licensed firearms
17 dealer, or any other person who takes possession of firearms, ammunition, or
18 weapons for storage purposes pursuant to this section shall not release the item
19 to the owner without a court order unless the item is to be sold pursuant to
20 subdivision (2)(A) of this subsection. If a court orders the release of firearms,
21 ammunition, or weapons stored under this section, the law enforcement agency

1 or firearms dealer in possession of the item shall make it available to the owner
2 within three business days of receipt of the order and in a manner consistent
3 with federal law. The Supreme Court may promulgate rules under 12 V.S.A.
4 § 1 for judicial proceedings under this subsection.

5 (2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or
6 weapon and pay the applicable storage fee within 90 days of the court order
7 releasing the item, or if the owner fails to pay the storage fee for 90 days in
8 violation of the applicable fee schedule, the firearm, ammunition, or weapon
9 may be sold for fair market value. Title to the item shall pass to the law
10 enforcement agency or firearms dealer for the purpose of transferring
11 ownership.

12 (ii) The law enforcement agency or firearms dealer shall make a
13 reasonable effort to notify the owner of the sale before it occurs. In no event
14 shall the sale occur until after the Court issues a final relief from abuse order
15 pursuant to 15 V.S.A. § 1103.

16 (iii) As used in this subdivision, “reasonable effort” shall include
17 providing notice to the owner at least 21 days prior to the date of the sale
18 pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

19 (B) Proceeds from the sale of a firearm, ammunition, or weapon
20 pursuant to subdivision (A) of this subdivision (2) shall be apportioned as
21 follows:

1 (i) Unpaid storage fees and associated costs, including the costs of
2 sale and of locating and serving the owner, shall be paid to the law
3 enforcement agency or firearms dealer who incurred the cost.

4 (ii) Any proceeds remaining after payment is made to the law
5 enforcement agency or firearms dealer pursuant to subdivision (i) of this
6 subdivision (B) shall be paid to the original owner.

7 (h) A law enforcement agency or an approved federally licensed firearms
8 dealer shall be immune from civil or criminal liability for any damage or
9 deterioration of firearms, ammunition, or weapons stored or transported
10 pursuant to subsection (c) of this section. This subsection shall not apply if the
11 damage or deterioration occurred as a result of recklessness, gross negligence,
12 or intentional misconduct by the law enforcement agency or firearms dealer.

13 (i) The Department of Public Safety shall be responsible for the
14 implementation of and establishment of standards and guidelines to carry out
15 this section. To carry out this responsibility, the Department shall:

16 (1) establish minimum standards to be a qualified storage location and
17 maintain a list of qualified storage locations including:

18 (A) federally licensed firearms dealers who annually certify
19 compliance with the Department's standards to receive firearms, ammunition,
20 or other weapons pursuant to subdivision (b)(2) of this section; and

21 (B) cooperating law enforcement agencies;

1 (2) establish a fee schedule consistent with the fees established in this
2 section for the transportation, processing, storage, and retrieval of firearms,
3 ammunition, and other weapons pursuant to this section;

4 (3) establish standards and guidelines to provide for the transportation
5 and storage of firearms, ammunition and other weapons pursuant to this
6 section;

7 (4) establish a process by which an owner who has failed to make
8 storage fee payments may become current on the payment schedule in order to
9 avoid a sale of the stored item or items; and

10 (5) report on January 15, 2015 and annually thereafter to the House and
11 Senate Committees on Judiciary on the status of the program.

12 Sec. 21. DEPARTMENT OF PUBLIC SAFETY UPDATE

13 On or before April 15, 2014 the Department of Public Safety shall provide a
14 status report to the House and Senate Committees on Judiciary on the
15 implementation of the firearms storage program required by 20 V.S.A. § 2307,
16 including the standards and guidelines, fee schedules, and list of qualified
17 storage locations required by 20 V.S.A. § 2307(a).

18 * * * Dispatch Fees * * *

19 Sec. 21. UNIFORM DISPATCH FEES

20 The Commissioner of Public Safety shall propose specific dispatch services
21 fee schedules for use under 20 V.S.A. § 1871(i) and, on or before January 15,

1 2015, report on the same to the House Committee on Ways and Means and the
2 Senate Committee on Finance. Based on the Commissioner’s report, uniform
3 statewide fees for dispatch services provided by or under the direction of the
4 Department of Public Safety shall be set by the General Assembly under the
5 provisions of 32 V.S.A. § 603 on or before July 1, 2016. Fees collected by the
6 Commissioner shall be reported in accordance with 32 V.S.A. § 605, and
7 credited to a special fund established and managed pursuant to 32 V.S.A.
8 chapter 7, subchapter 5 or to another budgeted fund other than the General
9 Fund, and shall be available to the Department to offset the costs of collecting
10 the amount owed.

11 * * * Miscellaneous * * *

12 Sec. 22. 32 V.S.A. § 605 is amended to read:

13 § 605. CONSOLIDATED EXECUTIVE BRANCH ANNUAL FEE REPORT
14 AND REQUEST

15 * * *

16 (b) Fee reports shall be made as follows:

17 (1) A report covering all fees in existence on the prior July 1 within the
18 areas of government identified by the Department of Finance and Management
19 accounting system as “general government,” “labor,” “general education,”
20 “~~development~~ commerce and community affairs development” and

1 “transportation” shall be submitted by the third Tuesday of the legislative
2 session beginning in 2011 and every three years thereafter.

3 * * *

4 * * * Judiciary Fees * * *

5 Sec. 23. 32 V.S.A. § 1431 is amended to read:

6 § 1431. FEES IN SUPREME AND SUPERIOR COURTS

7 (a) Prior to the entry of any cause in the Supreme Court, there shall be paid
8 to the clerk of the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in
9 lieu of all other fees not otherwise set forth in this section.

10 (b)(1) Except as provided in subdivisions (2)-(5) of this subsection, prior to
11 the entry of any cause in the Superior Court, there shall be paid to the clerk of
12 the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all
13 other fees not otherwise set forth in this section.

14 (2) Prior to the entry of any divorce or annulment proceeding in the
15 Superior Court, there shall be paid to the clerk of the Court for the benefit of
16 the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set
17 forth in this section. If the divorce or annulment complaint is filed with a
18 stipulation for a final order, the fee shall be ~~\$75.00~~ \$80.00 if one or both of the
19 parties are residents, and ~~\$150.00~~ \$160.00 if neither party is a resident, except
20 that if the stipulation is not acceptable to the Court or if a matter previously

1 agreed to becomes contested, the difference between the full fee and the
2 reduced fee shall be paid to the Court prior to the issuance of a final order.

3 (3) Prior to the entry of any parentage or desertion and support
4 proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there
5 shall be paid to the clerk of the Court for the benefit of the State a fee of
6 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.

7 If the parentage or desertion and support complaint is filed with a stipulation
8 for a final order acceptable to the Court, the fee shall be ~~\$25.00~~ \$30.00 except
9 that if the stipulation is not acceptable to the Court or if a matter previously
10 agreed to becomes contested, the difference between the full fee and the
11 reduced fee shall be paid to the Court prior to the issuance of a final order.

12 (4) Prior to the entry of any motion or petition to enforce a final order
13 for parental rights and responsibilities, parent-child contact, property division,
14 or maintenance in the Superior Court, there shall be paid to the clerk of the
15 Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 in lieu of all other fees
16 not otherwise set forth in this section. Prior to the entry of any motion or
17 petition to vacate or modify a final order for parental rights and
18 responsibilities, parent-child contact, or maintenance in the Superior Court,
19 there shall be paid to the clerk of the Court for the benefit of the State a fee of
20 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.
21 However, if the motion or petition is filed with a stipulation for an order, the

1 fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the
2 Court or if a matter previously agreed to becomes contested, the difference
3 between the full fee and the reduced fee shall be paid to the Court prior to the
4 issuance of a final order. All motions or petitions filed by one party under this
5 subsection at one time shall be assessed one fee equal to the highest of the
6 filing fees associated with the motions or petitions involved. There are no
7 filing fees for prejudgment motions or petitions filed before a final divorce,
8 legal separation, dissolution of civil union, parentage, desertion, or nonsupport
9 judgment issued.

10 (5) Prior to the entry of any motion or petition to vacate or modify an
11 order for child support in the Superior Court, there shall be paid to the clerk of
12 the Court for the benefit of the State a fee of ~~\$35.00~~ \$40.00 in lieu of all other
13 fees not otherwise set forth in this section. If the motion or petition is filed
14 with a stipulation for an order, there shall be no fee except that if the
15 stipulation is not acceptable to the Court or if a matter previously agreed to
16 becomes contested, the difference between the full fee and the reduced fee
17 shall be paid to the Court prior to the issuance of a final order. A motion or
18 petition to enforce an order for child support shall require no fee. All motions
19 or petitions filed by one party at one time shall be assessed one fee; if a
20 simultaneous motion is filed by a party under subdivision (4) of this
21 subsection, the fee under subdivision (4) shall be the only fee assessed. There

1 are no filing fees for prejudgment motions or petitions filed before a final
2 divorce, legal separation, dissolution of civil union, parentage, desertion, or
3 nonsupport judgment has issued.

4 (6) Prior to the registration in Vermont of a child custody determination
5 issued by a court of another state, there shall be paid to the clerk of the Court
6 for the benefit of the State a fee of ~~\$75.00~~ \$80.00 unless the request for
7 registration is filed with a simultaneous motion for enforcement, in which
8 event the fee for registration shall be ~~\$30.00~~ \$35.00 in addition to the fee for
9 the motion as provided in subdivision (4) of this subsection.

10 (c)(1) Prior to the entry of a small claims action, there shall be paid to the
11 clerk in lieu of all other fees not otherwise set forth in this section, a fee of
12 ~~\$75.00~~ \$80.00 if the claim is for more than \$1,000.00 and ~~\$50.00~~ \$55.00 if the
13 claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in
14 a small claims action, there shall be paid to the clerk a fee of ~~\$50.00~~ \$55.00.
15 The fee for every counterclaim in small claims proceedings shall be ~~\$25.00~~
16 \$30.00, payable to the clerk, if the counterclaim is for more than \$500.00, and
17 ~~\$15.00~~ \$20.00 if the counterclaim is for \$500.00 or less.

18 (2)(A) Except as provided in subdivision (B) of this subdivision (2), fees
19 paid to the clerk pursuant to this subsection shall be divided as follows: 50
20 percent of the fee shall be for the benefit of the county and 50 percent of the
21 fee shall be for the benefit of the State.

1 (B) In a county where court facilities are provided by the State, all
2 fees paid to the clerk pursuant to this subsection shall be for the benefit of the
3 State.

4 (d) Prior to the entry of any subsequent pleading which sets forth a claim
5 for relief in the Supreme Court or the Superior Court, there shall be paid to the
6 clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 for
7 every appeal, cross-claim, or third-party claim and a fee of ~~\$75.00~~ \$80.00 for
8 every counterclaim in the Superior Court in lieu of all other fees not otherwise
9 set forth in this section. The fee for an appeal of a magistrate's decision in the
10 Superior Court shall be ~~\$100.00~~ \$105.00. The filing fee for civil suspension
11 proceedings filed pursuant to 23 V.S.A § 1205 shall be ~~\$75.00~~ \$80.00, which
12 shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of
13 this title. This subsection does not apply to filing fees in the Family Division,
14 except with respect to the fee for an appeal of a magistrate's decision.

15 (e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or
16 Environmental Division of the Superior Court, including motions to reopen
17 civil suspensions and motions for sealing or expungement in the Criminal
18 Division pursuant to 13 V.S.A. § 7602, there shall be paid to the clerk of the
19 Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 except for small claims
20 actions.

1 (f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$50.00~~
2 \$55.00; the State or municipality shall not be required to pay the fee; however,
3 if the respondent denies the allegations on the ticket, the fee shall be taxed in
4 the bill of costs in accordance with sections 1433 and 1471 of this title and
5 shall be paid to the clerk of the Bureau for the benefit of the State.

6 (g) Prior to the filing of any postjudgment motion in the Judicial Bureau
7 there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee
8 of ~~\$35.00~~ \$40.00. Prior to the filing of any appeal from the Judicial Bureau to
9 the Superior Court, there shall be paid to the Clerk of the Court, for the benefit
10 of the State, a fee of ~~\$100.00~~ \$105.00.

11 (h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of
12 Appellate Procedure 24(a), part or all of the filing fee may be waived if the
13 Court finds that the applicant is unable to pay it. The clerk of the Court or the
14 clerk's designee shall establish the in forma pauperis fee in accordance with
15 procedures and guidelines established by administrative order of the Supreme
16 Court. If, during the course of the proceeding and prior to a final judgment,
17 the Court determines that the applicant has the ability to pay all or a part of the
18 waived fee, the Court shall require that payment be made prior to issuing a
19 final judgment. If the applicant fails to pay the fee within a reasonable time,
20 the Court may dismiss the proceeding.

1 Sec. 24. 32 V.S.A. § 1434 is amended to read:

2 § 1434. PROBATE CASES

3 (a) The following entry fees shall be paid to the Probate Division of the
4 Superior Court for the benefit of the State, except for ~~subdivision~~ subdivisions
5 ~~(17)~~(18) and (19) of this subsection which shall be for the benefit of the county
6 in which the fee was collected:

7 (1) Estates of \$10,000.00 or less ~~\$25.00~~ \$30.00

8 (2) Estates of more than \$10,000.00 to not more ~~\$75.00~~ \$80.00
9 than \$50,000.00

10 (3) Estates of more than \$50,000.00 to not more ~~\$200.00~~ \$210.00
11 than \$150,000.00

12 (4) Estates of more than \$150,000.00 to not more ~~\$375.00~~ \$395.00
13 than \$500,000.00

14 (5) Estates of more than \$500,000.000 to not more ~~\$625.00~~ \$660.00
15 than \$1,000,000.00

16 (6) Estates of more than \$1,000,000.00 to ~~\$1,000.00~~ \$1,050.00
17 not more than \$5,000,000.00

18 (7) Estates of more than \$5,000,000.00 to ~~\$1,500.00~~ \$1,575.00
19 not more than \$10,000,000.00

20 (8) Estates of more than \$10,000,000.00 ~~\$1,750.00~~ \$1,840.00

21 (9) For all trust petitions, other than those described ~~\$150.00~~ \$160.00

1 in subdivision (11) of this subsection, where the corpus of the
2 trust at the time the petition is filed is \$100,000.00 or less,
3 including petitions to modify or terminate a trust, to remove
4 or substitute a trustee or trustees, or seeking remedies for
5 breach of trust

6 (10) For all trust petitions, other than those described ~~\$250.00~~ \$265.00
7 in subdivision (11) of this subsection, where the corpus of the
8 trust is more than \$100,000.00, including petitions to modify
9 or terminate a trust, to remove or substitute a trustee or trustees,
10 or seeking remedies for breach of trust

11 (11) Annual accounts on trusts ~~\$30.00~~ \$35.00

12 (12) Annual accounts on decedents' estates filed for ~~\$25.00~~ \$30.00
13 any period ending more than one year following the opening
14 of the estate

15 (13) Adoptions and relinquishments as part of an ~~\$75.00~~ \$100.00
16 adoption proceeding

17 (14) Relinquishments, separate from adoptions \$100.00

18 (15) Guardianships for minors ~~\$85.00~~ \$90.00

19 ~~(15)~~(16) Guardianships for adults ~~\$100.00~~ \$105.00

20 ~~(16)~~(17) Petitions for change of name ~~\$125.00~~ \$135.00

21 ~~(17)~~(18) Filing of a will for safekeeping, ~~except that~~ ~~\$20.00~~ \$25.00

1 Sec. 25. JUDICIARY; ELECTRONIC FILING FEE

2 It is the intent of the General Assembly that the Judiciary be authorized to
3 fund the licensing and operating costs of an electronic casefile and electronic
4 filing system for all courts through, among other sources, the imposition of
5 user fees on electronic filing or electronic access to Judiciary case records, or
6 both. The Supreme Court is authorized to submit to the General Assembly a
7 specific plan for such fees, including the amount of each fee, the coverage of
8 the fee and the user action that will trigger the imposition of the fee, to take
9 effect once funding for purchase of the electronic filing and electronic casefile
10 system is secured.

11 * * * Vermont Web Portal * * *

12 Sec. 26. 22 V.S.A. § 954 is added to read:

13 § 954. VERMONT WEB PORTAL; DEPARTMENT OF TAXES

14 The Vermont Web Portal may assess a three percent fee for credit card
15 payment of tax bills to the Vermont Department of Taxes.

16 Sec. 27. 22 V.S.A. § 955 is added to read:

17 § 955. VERMONT WEB PORTAL; DEPARTMENT OF MOTOR

18 VEHICLES

19 The Vermont Web Portal may assess a three percent fee for
20 over-the-counter credit card payment of Department of Motor Vehicle fees at
21 Department branch offices.

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* * * Dispensaries * * *

Sec. 28. 18 V.S.A. § 4474e(b) is amended to read:

(b)(1) A dispensary shall be operated on a nonprofit basis for the mutual benefit of its patients ~~but need~~. A dispensary does not need to be recognized as a tax-exempt organization by the Internal Revenue Service. Notwithstanding any other provision of law, a dispensary shall be exempt from taxes imposed by 32 V.S.A. §§ ~~5822 and 5832~~.

(2) A dispensary shall have a sliding-scale fee system that takes into account a registered patient's ability to pay.

Sec. 29. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the ~~department of public safety~~ Department:

* * *

(4) A registration fee of \$20,000.00 for the first year of operation, and an annual fee of \$30,000.00 in subsequent years that do not require a biennial audit and \$25,000.00 in subsequent years that require a biennial audit.

1 * * * Universal Service Fund; Prepaid Wireless Providers; Provider

2 Assessment * * *

3 Sec. 30. 30 V.S.A. § 7521 is amended to read:

4 § 7521. CHARGE IMPOSED; WHOLESAL EXEMPTION

5 (a) A universal service charge is imposed on all retail telecommunications
6 service provided to a Vermont address. Where the location of a service and the
7 location receiving the bill differ, the location of the service shall be used to
8 determine whether the charge applies. The charge is imposed on the person
9 purchasing the service, but shall be collected by the telecommunications
10 provider. Each telecommunications service provider shall include in its tariffs
11 filed at the ~~public service board~~ Public Service Board a description of its
12 billing procedures for the universal service fund charge.

13 (b) The universal service charge shall not apply to wholesale transactions
14 between telecommunications service providers where the service is a
15 component part of a service provided to an end user. This exemption includes,
16 ~~but is not limited to,~~ network access charges and interconnection charges paid
17 to a local exchange carrier.

18 (c) In the case of mobile telecommunications service, the universal service
19 charge is imposed when the customer's place of primary use is in Vermont.
20 The terms "customer," "place of primary use," and "mobile
21 telecommunications service" have the meanings given in 4 U.S.C. § 124. All

1 provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal
2 service charge under this section.

3 (d)(1) In the case of prepaid wireless telecommunications services, the
4 universal service charge shall be imposed on the provider based on its gross
5 operating revenue.

6 (2) For purposes of this subsection:

7 (A) “Gross operating revenue” means the gross operating revenue
8 received by the provider from the sale of prepaid wireless telecommunications
9 service in Vermont, as reported to the Department of Public Service under
10 section 22 of this title.

11 (B) “Prepaid wireless telecommunications service” means a
12 telecommunications service as defined in section 203(5) of this title that a
13 consumer pays for in advance and that is sold in predetermined units or dollars
14 which decline with use.

15 (3) Annually, the Commissioner of Taxes shall investigate the revenue
16 generated in other states which impose a universal service charge on retail
17 sales of prepaid wireless telecommunications services and, based on the
18 findings of that investigation, make a reasonable determination as to whether
19 Vermont providers under this subsection are contributing proportionate
20 universal service charges. If the Commissioner, in consultation with the
21 Commissioner of Public Service, determines the Vermont universal service

1 charge is not proportionate, the Commissioner of Taxes shall assess an
2 additional charge on applicable providers or apply a credit to their charges in
3 the subsequent year, at a time and in a manner he or she deems appropriate.

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

5 Sec. 31. 6 V.S.A. § 3022 is amended to read:

6 § 3022. ENFORCEMENT; INSPECTION

7 (a) ~~The secretary~~ Secretary shall enforce the provisions of this chapter. The
8 ~~secretary~~ Secretary may, with the approval of the ~~governor~~ Governor, appoint
9 or contract with one or more inspectors who shall also be authorized to inspect
10 all apiaries and otherwise enforce the provisions of this chapter.

11 (b) ~~The secretary shall pay any such inspectors their salary and necessary~~
12 ~~expenses incurred in the performance of their duties from the moneys annually~~
13 ~~available to the agency~~ Any person who is the owner of any bees, apiary,
14 colony, or hive shall pay a \$10.00 annual registration fee for each location of
15 hives. The fee revenue, together with any other funds appropriated to the
16 Agency for this purpose, shall be used to offset the costs of inspection services
17 and to provide educational services and technical assistance to beekeepers in
18 the State.

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* * * Repeal * * *

Sec. 32. REPEAL

Sec. 26 of this act (creating a three percent fee for credit card payment of tax bills to the Vermont Department of Taxes) is repealed on July 1, 2016.

* * * Effective Dates * * *

Sec. 33. EFFECTIVE DATES

(a) This section and Secs. 28–29 (dispensaries) shall take effect on passage.

(b) Sec. 31 (apiaries) shall take effect on July 1, 2015.

(c) All remaining sections shall take effect on July 1, 2014.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE