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H.872

Introduced by Committee on Ways and Means

Date:

Subject: Executive Branch fees

Statement of purpose of bill as introduced: This bill proposes to adjust certain
Executive Branch fees.

An act relating to Executive Branch fees

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

* * * Agriculture * * *

* * * General Powers of Agency; Secretary of Agriculture,

Food and Markets * * *

Sec. 1. 6 V.S.A. § 1 is amended to read:

§ 1. GENERAL POWERS OF AGENCY; SECRETARY OF

AGRICULTURE, FOOD AND MARKETS

(a) The Agency of Agriculture, Food and Markets shall be administered by
a Secretary of Agriculture, Food and Markets. The Secretary shall supervise
and be responsible for the execution and enforcement of all laws relating to
agriculture and standards of weight and measure. The Secretary may:

* * *

(13) notwithstanding any law to the contrary in this title or Title 9 or 20, issue all licenses, permits, registrations, or certificates under a program administered by the Secretary for a term of up to three years; renew and issue such licenses, permits, registrations, and certificates on any calendar cycle; collect any annual fee set by law for such multiyear licensure, permit, registration, or certificate on a pro-rated basis which shall not exceed 150 percent of the annual fee for an 18-month cycle, 200 percent of the annual fee for a two-year cycle, or 300 percent of the annual fee for a three-year cycle; and conduct inspections at regulated premises at least once every three years when inspection is required by law. The authority to mandate licenses, permits, registrations, or certificates for more than one year shall not extend to any program administered by the Secretary where the annual fee is more than \$125.00. The Secretary shall only provide refunds for overpayments of \$25.00 or more on a license, permit, registration, or certificate issued by the Secretary. ~~The Secretary may assess a late fee of \$27.00 for any license, registration, permit or certification that is renewed after a second renewal notice has been mailed by the Secretary to the applicant's last known address of record unless a higher late renewal fee is otherwise prescribed by statute;~~ *The Secretary may assess a late fee of \$27.00, provided that the late fee is no greater than the fee due, in which case the late fee shall equal the fee due, for any license, registration, permit, or certification renewal that is received more than 30*

*days past expiration unless a higher late renewal fee is otherwise prescribed
by statute;*

1 * * *

2 * * * Certificate of Free Sale * * *

3 Sec. 2. 6 V.S.A. § 18 is amended to read:

4 § 18. CERTIFICATE OF FREE SALE

5 (a) The ~~secretary~~ Secretary is hereby authorized to make available
6 certificates of free sale ~~or manufacturing~~ to applicants who manufacture or
7 produce Vermont food ~~or personal care products~~ regulated by the Agency for
8 the limited purpose of facilitating the shipment of such products for sale in
9 foreign countries.

10 (b) The ~~agency~~ Agency may adopt rules for the issuance of such
11 certificates.

12 (c) The ~~agency~~ Agency shall assess a fee of ~~\$15.00~~ \$30.00 per certificate to
13 offset administrative costs.

14 * * * Commercial Feeds * * *

15 Sec. 3. 6 V.S.A. § 324(b) is amended to read:

16 (b) A person shall not distribute in this State a commercial feed that has not
17 been registered pursuant to the provisions of this chapter. Application shall be
18 in a form and manner to be prescribed by rule of the Secretary. The
19 application for registration of a commercial feed shall be accompanied by a

1 registration fee of ~~\$85.00~~ \$105.00 per product. The registration fees, along
2 with any surcharges collected under subsection (c) of this section, shall be
3 deposited in the special fund created by subsection 364(e) of this title. Funds
4 deposited in this account shall be restricted to implementing and administering
5 the provisions of this title and any other provisions of the law relating to
6 fertilizer, lime, or seeds. If the Secretary so requests, the application for
7 registration shall be accompanied by a label or other printed matter describing
8 the product.

9 * * * Fertilizer and Lime * * *

10 Sec. 4. 6 V.S.A. § 364(d) is amended to read:

11 (d) Each separately identified agricultural lime product shall be registered
12 before being distributed in this State. Registration shall be performed in the
13 same manner as fertilizer registration except that each application shall be
14 accompanied by a fee of ~~\$40.00~~ \$50.00 per product.

15 * * * Tonnage Fees * * *

16 Sec. 5. 6 V.S.A. § 366 is amended to read:

17 § 366. TONNAGE FEES

18 (a) ~~There shall be paid annually to the Secretary for all fertilizers~~
19 ~~distributed to a nonregistrant consumer in this State an annual fee at a rate of~~
20 ~~\$0.25 cents per ton.~~ A person distributing fertilizer to a nonregistrant consumer
21 in the State annually shall pay the following fees to the Secretary:

(1) a \$150.00 ~~base fee~~ *minimum tonnage fee*;

1 (2) \$0.50 per ton of agricultural fertilizer distributed; and

2 (3) \$30.00 per ton of nonagricultural fertilizer distributed.

3 (b) Persons distributing fertilizer shall report annually ~~by~~ on or before
4 January 15 for the previous year ending December 31 to the Secretary
5 revealing the amounts of each grade of fertilizer and the form in which the
6 fertilizer was distributed within this State. Each report shall be accompanied
7 with payment and written permission allowing the Secretary to examine the
8 person's books for the purpose of verifying tonnage reports.

9 (c) No information concerning tonnage sales furnished to the Secretary
10 under this section shall be disclosed in such a way as to divulge the details of
11 the business operation to any person unless it is necessary for the enforcement
12 of the provisions of this chapter.

13 (d) [Repealed.]

14 (e) Agricultural limes, including agricultural lime mixed with wood ash,
15 are exempt from the tonnage fees required in this section.

16 (f) Lime and wood ash mixtures may be registered as agricultural liming
17 materials and guaranteed for potassium or potash provided that the wood ash
18 totals less than 50 percent of the mixture.

1 (g)(1) All fees collected under ~~subsection (a)~~ subdivisions (a)(1) and (2) of
2 this section shall be deposited in the ~~revolving~~ special fund created by
3 subsection 364(e) of this title and used in accordance with its provisions.

4 (2) All fees collected under subdivision (a)(3) of this section shall be
5 deposited in the Agricultural Water Quality Special Fund created under section
6 4803 of this title.

7 (h) ~~There shall be paid annually to the Secretary for all nonagricultural~~
8 ~~fertilizers distributed to a nonregistrant consumer in this State an annual fee at~~
9 ~~a rate of \$30.00 per ton of nonagricultural fertilizer for the purpose of~~
10 ~~supporting agricultural water quality programs in Vermont.~~

11 ~~(1) Persons distributing any fertilizer in the State shall report annually~~
12 ~~on or before January 15 for the previous year ending December 31 to the~~
13 ~~Secretary revealing the amounts of each grade of fertilizer and the form in~~
14 ~~which the fertilizer was distributed within this State. Each report shall be~~
15 ~~accompanied with payment of the fees under this section and written~~
16 ~~permission allowing the Secretary to examine the person's books for the~~
17 ~~purpose of verifying tonnage reports.~~

18 ~~(2) No information concerning tonnage sales furnished to the Secretary~~
19 ~~under this section shall be disclosed in such a way as to divulge the details of~~
20 ~~the business operation to any person unless it is necessary for the enforcement~~
21 ~~of the provisions of this chapter.~~

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* * * Seed Potatoes * * *

Sec. 7. 6 V.S.A. § 616 is amended to read:

§ 616. FEES

(a) The ~~secretary~~ Secretary shall have authority to assess growers who apply for the certification privilege a fee per acre, to be paid in one or more installments.

(b) Growers shall be assessed ~~\$30.00~~ \$35.00 for the first five acres inclusive. Over five acres shall be assessed ~~\$30.00~~ \$35.00 plus ~~\$2.00~~ \$3.00 per acre over five acres.

* * *

* * * Seed Standards; Dealers * * *

Sec. 8. 6 V.S.A. § 648(a) is amended to read:

(a) Inspection fees shall be paid to the ~~secretary~~ Secretary by a manufacturer or processor that distributes seed in the ~~state~~ State. Fees shall be established as follows:

(1) ~~thirty five cents per hundredweight~~ \$10.00 per ton for any seed sold in containers of more than ten pounds;

(2) a flat fee of ~~\$75.00~~ \$85.00 per company for any seed sold.

1 proper purchase, application, and disposal of household pesticides, and \$5.00
2 from each product registration shall be used to collect and dispose of obsolete
3 and unwanted pesticides. Of the registration fees collected under this
4 subsection, \$15.00 of the amount collected shall be deposited in the
5 Agricultural Water Quality Special Fund under section 4803 of this title. The
6 annual registration year shall be from December 1 to November 30 of the
7 following year.

8 * * * Pesticides * * *

9 Sec. 12. 6 V.S.A. § 1109 is amended to read:

10 § 1109. LICENSING RETAIL DEALERS

11 The ~~secretary~~ Secretary may adopt regulations requiring persons selling
12 Class C pesticides at retail to be licensed under this chapter, and may establish
13 reasonable requirements for obtaining licenses. The license fee for a retail
14 dealer shall be ~~\$20.00~~ \$25.00 for one year or any part thereof for each store or
15 place of business operated by the retail dealer. The license period shall be
16 January 1 to December 31.

17 ~~Sec. 13. 6 V.S.A. § 1112 is amended to read:~~

18 ~~§ 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE
19 COMPANIES; DEALERS~~

20 ~~(a) The ~~secretary~~ Secretary may adopt regulations requiring persons selling
21 ~~Class A and B pesticides to be licensed under this chapter. In addition, the~~~~

1 ~~secretary~~ Secretary may adopt regulations requiring companies which hire
2 applicators or conduct pesticide applications to be licensed, and applicators
3 who use pesticides to be certified under this chapter. The ~~secretary~~ Secretary
4 may establish reasonable requirements for obtaining licenses and certificates.
5 The fees for dealers, licensed companies, and applicator certificates under this
6 chapter shall be as follows:

7 (1) Class A Dealer License—~~\$30.00~~ \$50.00;

8 (2) Class B Dealer License—~~\$30.00~~ \$50.00;

9 (3) Pesticide Company License—~~\$60.00~~ \$75.00;

(4) Commercial and Noncommercial Applicator Certification fee—~~\$25.00~~
10 ~~—\$30.00~~ per category or subcategory with a maximum of ~~\$100.00~~ \$120.00;

11 (5) Second and third time examination fee for dealer licenses and
12 applicator certification—\$25.00;

(6) Private Applicator—\$25.00;

(7) Government, Municipal, and Public Education Institution

Applicators—\$30.00.

13 (b) All license and certification fees shall be for one year or any part
14 thereof for each dealer, licensed pesticide applicator company or certified
15 commercial and noncommercial applicator. The license and certification
16 period shall be January 1 to December 31. ~~The secretary shall exempt federal~~

1 ~~and state agencies and municipalities and public education institutions from~~
2 ~~certification and licensing fees.~~

Sec. 13. 6 V.S.A. § 1112 is amended to read:

*§ 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE
COMPANIES; DEALERS*

(a) The ~~secretary~~ Secretary may adopt ~~regulations~~ rules requiring persons selling Class A and B pesticides to be licensed under this chapter. In addition, the ~~secretary~~ Secretary may adopt ~~regulations~~ rules requiring companies ~~which~~ that hire applicators or conduct pesticide applications to be licensed, and applicators who use pesticides to be certified under this chapter. The ~~secretary~~ Secretary may establish reasonable requirements for obtaining licenses and certificates. The fees for dealers, licensed companies, and applicator certificates under this chapter shall be as follows:

(1) Class A Dealer License—~~\$30.00~~ \$50.00;

(2) Class B Dealer License—~~\$30.00~~ \$50.00;

(3) Pesticide Company License—~~\$60.00~~ \$75.00;

*(4) Commercial and Noncommercial Applicator Certification fee—~~\$25.00~~
\$30.00 per category or subcategory with a maximum of ~~\$100.00~~ \$120.00;*

*(5) Second and third time examination fee for dealer licenses and
applicator certification—~~\$25.00~~;*

(6) Private Applicator—\$25.00;

1 ~~application fee of \$50.00 for an initial application and a license fee based on~~
2 the following table. For a renewal application, only the fee in the table applies.
3 Out-of-state firms are to use the company's highest total pounds of milk or
4 dairy products bought, sold, packaged, assembled, transported, or processed
5 per production day. Milk handlers' licenses for transportation of bulk milk
6 will be capped at \$750.00 per year.

7	Pounds of milk or dairy	License handling fee
8	products bought, sold, packaged,	
9	assembled, transported, or	
10	processed per production day:	
11	500 pounds or less	\$50.00 <u>\$60.00</u>
12	Over 500 but less than 1,000 pounds	\$100.00
13	<u>Over 500 but less than 10,000 pounds</u>	<u>\$200.00</u>
14	1,000 to 10,000 pounds per day	\$175.00
15	<u>10,000 to 50,000 pounds</u>	<u>\$350.00</u>
16	Over 10,000 to 25,000 pounds per day	\$275.00
17	<u>Over 50,000 but less than 100,000 pounds</u>	<u>\$750.00</u>
18	Over 25,000 pounds	\$350.00
19	<u>100,000 to 500,000 pounds</u>	<u>\$1,000.00</u>
20	<u>Over 500,000 pounds</u>	<u>\$1,500.00</u>
21	Processor fee per pasteurizer	\$50.00 <u>\$75.00</u>

1 (c) ~~[Deleted.] [Repealed.]~~

Sec. 14. 6 V.S.A § 2721 is amended to read:

§ 2721. HANDLERS' LICENSES

* * *

(b) A milk handler shall not transact business in the ~~state~~ State unless the milk handler secures and holds a handler's license from the ~~secretary~~ Secretary. The license shall terminate September 1 each year and shall be procured by August 15 of each year. The ~~secretary~~ Secretary shall furnish all forms for applications, licenses, and bonds. At the time the application is delivered to the ~~secretary~~ Secretary, the milk handler shall pay a license application fee of \$50.00 for an initial application and a license fee based on the following table. For a renewal application, only the fee in the table applies. Out-of-state firms ~~are to~~ shall use the company's highest total pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day.

<i>Pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day:</i>	<i>License handling fee</i>
<i>500 pounds or less</i>	<i>\$50.00 <u>\$60.00</u></i>
<i>Over 500 but less than 1,000 pounds</i>	<i>\$100.00</i>

<u>Over 500 but less than 10,000 pounds</u>	<u>\$200.00</u>
1,000 to 10,000 pounds per day	\$175.00
<u>10,000 to 50,000 pounds</u>	<u>\$350.00</u>
Over 10,000 to 25,000 pounds per day	\$275.00
<u>Over 50,000 but less than 100,000 pounds</u>	<u>\$750.00</u>
Over 25,000 pounds	\$350.00
<u>100,000 to 500,000 pounds</u>	<u>\$1,000.00</u>
<u>Over 500,000 pounds</u>	<u>\$1,500.00</u>
<i>Processor fee per pasteurizer</i>	\$50.00 <u>\$75.00</u>

(c) ~~Deleted.~~ Notwithstanding subsection (b) of this section, the license handling fees only for the transportation of bulk milk shall be capped at \$750.00 per year.

1 Sec. 15. 6 V.S.A § 2722 is amended to read:

2 § 2722. APPLICATION

3 Applications shall be completely filled out and sworn to by the applicant or
4 a partner or officer thereof and in case of renewal shall be filed with the
5 Secretary on or before July 15 of each year. New handlers may apply for a
6 license at any time. Renewal applications not received on or before August 1
7 shall be assessed a late fee of ~~\$50.00~~ \$100.00. The application for a handler's
8 license shall provide the following information and such other information as
9 the Secretary by regulation shall reasonably require:

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* * *

Sec. 16. 6 V.S.A. § 2724(b) is amended to read:

(b) Any commercial enterprise that sells, installs, or repairs milking, milk cooling and storage, or dairy processing equipment shall register with the Secretary. The company shall apply for registration on a form made available by the Agency. The registration shall be valid for three years. Before registering a company, the Secretary shall determine that the company is qualified to sell, perform the installation, or repair milking and dairy processing equipment. The registration form shall be accompanied by a fee of ~~\$100.00~~ \$150.00. The Secretary may suspend or revoke registration for cause after giving the installer the opportunity to be heard. Registration shall terminate on December 31 of each year. Electricians or plumbers licensed pursuant to Title 26 doing only electrical or plumbing work within a farm or plant shall be exempt from this registration provided any work directly related to the processing of dairy products or milking of animals is performed under the supervision of a person that is registered. ~~Any company that fails to renew on or before December 31 shall pay a \$25.00 late fee, and the registration shall lapse if it is more than 30 days late.~~

1 ~~within the state dealing in or handling the fluid milk shall be the handler within~~
2 ~~the meaning of this chapter. [Repealed.]~~

3 * * * Retail Sale of Meat or Poultry Products * * *

4 Sec. 19. 6 V.S.A. § 3306(d) is amended to read:

5 (d) The annual fee for a license for a retail vendor is \$15.00 for vendors
6 without meat cutting operations, ~~\$30.00~~ \$50.00 for vendors with meat cutting
7 space of less than 300 square feet or meat display space of less than 20 linear
8 feet, and ~~\$60.00~~ \$100.00 for vendors with 300 or more square feet of meat
9 cutting space and 20 or more linear feet of meat display space. Fees collected
10 under this section shall be deposited in a special fund managed pursuant to
11 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to
12 offset the cost of administering chapter 204 of this title. For all other plants,
13 establishments, and related businesses listed under subsection (a) of this
14 section, except for a public warehouse licensed under chapter 67 of this title,
15 the annual license fee shall be ~~\$50.00~~ \$150.00.

16 * * * Nursery Inspection * * *

17 Sec. 20. 6 V.S.A. § 4024 is amended to read:

18 § 4024. NURSERY LICENSE

19 (a) No person shall operate as a nursery grower or nursery dealer in the
20 ~~state~~ State without first obtaining a nursery license from the ~~secretary~~
21 Secretary. A nursery grower or nursery dealer shall apply annually for a

1 nursery license on a form provided by the ~~secretary~~ Secretary. The ~~secretary~~
2 Secretary shall establish by rule the conditions for the issuance, suspension, or
3 revocation of a nursery license, and may place any restrictions or requirements
4 upon the license which he or she deems necessary.

5 (b) A nursery dealer licensed under this section ~~4024 of this title~~ shall pay
6 the following fee for a license:

7 (1) ~~\$50.00~~ \$60.00, if the nursery owns or controls:

8 (A) a nursery of one-half acre or more;

9 (B) greenhouse space of 25,000 square feet or more; or

10 (C) retail space of 25,000 square feet or more.

11 (2) ~~\$20.00~~ \$30.00 for all other nursery dealers.

12 * * *

13 * * * Plants Taken from the Wild; Ginseng * * *

14 Sec. 21. 6 V.S.A. § 4031(d) is amended to read:

15 (d) The Secretary may collect a fee of ~~\$60.00~~ \$75.00 for a three-year
16 permit to engage in commerce with plants described in subsection (a) of this
17 section. The fee shall be credited to a special fund established and managed
18 pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the
19 Agency to offset the costs of implementing this section.

1 Sec. 26. 9 V.S.A. § 2725(a) is amended to read:

2 (a) Any person wishing to be registered as a dealer or service person shall
3 apply to the Secretary upon forms provided by the Agency and each
4 application shall be accompanied by a fee of ~~\$50.00~~ \$60.00. Upon approval,
5 the Secretary shall issue to the applicant a registration certificate which shall
6 expire on June 30 unless sooner suspended or revoked under section 2726 of
7 this title. Any service person who applies for a registration certificate must
8 have obtained a hand seal which has a number registered with the Secretary.
9 Any service person who has been granted a registration certificate shall, with
10 the hand seal, seal all meters with a lead and wire seal at the time as he or she
11 installs, repairs, or adjusts the meters.

12 Sec. 27. 9 V.S.A. § 2730(f)(1) is amended to read:

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

15 (A) Retail motor fuel dispenser meter: ~~\$15.00~~ \$25.00.

16 (B) Vehicle tank meter: ~~\$100.00~~ \$125.00.

17 (C) Scales: \$10.00.

18 (D) Vehicle and heavy duty scales: ~~\$150.00~~ \$175.00.

19 (E) ~~Taxi meter: \$10.00.~~ [Repealed.]

20 (F) Meter: ~~\$15.00~~ \$25.00.

21 (G) ~~Bulk plant meter: \$100.00.~~ [Repealed.]

1 (H) Truck mounted propane meter: ~~\$150.00~~ \$175.00.

2 (I) Hopper scales: ~~\$100.00~~ \$125.00.

3 (J) Propane fill station: ~~\$50.00~~ \$60.00.

4 (K) Medium duty scales:

5 portable platform scales: ~~\$30.00~~ \$35.00.

6 all others: ~~\$30.00~~. [Repealed.]

7 * * * Welfare of Animals * * *

8 Sec. 28. 20 V.S.A § 3903 is amended to read:

9 § 3903. ~~REGISTRATION OF ANIMAL SHELTERS AND RESCUE~~

10 ORGANIZATIONS

11 (a) ~~No person may operate an animal shelter or rescue organization unless a~~
12 ~~certificate of registration for the animal shelter or rescue organization has been~~
13 ~~granted by the Secretary. Application for the certificate shall be made in the~~
14 ~~manner provided by the Secretary. No fee shall be required for the certificate.~~
15 ~~Certificates of registration shall be valid for a period of one year or until~~
16 ~~revoked and may be renewed for like periods upon application in the manner~~
17 ~~provided. [Repealed.]~~

18 (b) An animal shelter or rescue organization ~~registered~~ under this chapter
19 shall not accept an animal unless the person transferring the animal to the
20 shelter provides the following information: the name and address of the person
21 transferring the animal and, if known, the name of the animal, its vaccination

1 history, and other information concerning the background, temperament, and
2 health of the animal.

3 (c) A rescue organization ~~registered~~ under this chapter shall be recognized
4 and approved as a nonprofit organization under ~~Section 501(e)(3) of the~~
5 ~~Internal Revenue Code~~ 26 U.S.C. § 501(c)(3).

6 Sec. 29. 20 V.S.A. § 3906 is amended to read:

7 § 3906. LICENSING OF PET SHOPS

8 (a) No person may transact business as a pet shop, as defined in this
9 chapter, unless a license for that purpose has been granted by the Secretary to
10 that person. Application for the license shall be made in the manner provided
11 by the Secretary. The license period shall be April 1 to March 31 and the
12 license fee shall be ~~\$150.00~~ \$175.00 for each license period or part thereof.

13 (b) [Repealed.]

14 * * * Financial Regulations * * *

15 * * * License Requirements * * *

16 Sec. 30. 8 V.S.A. § 4791 is amended to read:

17 § 4791. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (8) “Business entity” means a corporation, association, partnership,
21 limited liability company, limited liability partnership, or other legal entity.

1 (9) “Business entity limited lines producer” means a business entity, as
2 defined in subdivision (8) of this section, that is also a limited lines producer,
3 as defined in subdivision (7) of this section.

4 Sec. 31. 8 V.S.A. § 4800 is amended to read:

5 § 4800. LICENSE REQUIREMENTS

6 The Commissioner shall not issue, continue, or permit to continue any
7 license of an insurance producer, surplus lines insurance broker, managing
8 general agent, reinsurance intermediary, insurance consultant, limited lines
9 producer, business entity limited lines producer, insurance adjuster, public
10 adjuster, and appraiser except in compliance with the following:

11 (1) Application shall be made to the Commissioner by the applicant on a
12 form prescribed by the Commissioner.

13 (2)(A) All license applications shall be accompanied by a \$30.00 fee
14 plus the applicable fees as follows:

15 (i) Initial licensing and biennial renewal licensing fee for
16 insurance producers and limited lines producers, \$30.00.

17 (ii) Initial licensing and biennial renewal licensing fee for a
18 business entity limited lines producer, \$150.00.

19 (iii) Except as provided in subdivisions (I) and (II) of this
20 subdivision, initial and biennial producer appointment fees for each

1 qualification set forth in section 4813g of subchapter 1A of this chapter for
2 resident and nonresident producers acting as agents of foreign insurers, \$60.00:

3 (I) the Commissioner may charge one fee for a qualification in
4 “property and casualty” insurance; and

5 (II) the Commissioner may charge one fee for a qualification in
6 “life and accident and health or sickness” insurance.

7 ~~(iii)~~(iv) Initial 24-month appointment and biennial renewal
8 appointment fee for limited lines producers, \$60.00.

9 ~~(iv)~~(v) Initial 24-month license and biennial renewal fee for
10 resident and nonresident adjusters, and appraisers licenses, \$60.00, and public
11 adjusters, \$200.00.

12 ~~(v)~~(vi) The initial 24-month license fee and biennial renewal fee
13 for surplus lines brokers, \$400.00.

14 ~~(vi)~~(vii) The initial 24-month license fee and biennial renewal fee
15 for consultants, \$200.00.

16 ~~(vii)~~(viii) The initial 24-month license fee and biennial renewal
17 fee for reinsurance intermediaries, \$200.00.

18 ~~(viii)~~(ix) The initial 24-month license fee and biennial renewal fee
19 for managing general agents, \$300.00.

20 * * *

1 Sec. 32. 8 V.S.A. § 4813a is amended to read:

2 § 4813a. DEFINITIONS

3 As used in this subchapter:

4 (1) “Business entity” ~~means a corporation, association, partnership,~~
5 ~~limited liability company, limited liability partnership, or other legal entity~~
6 shall have the same meaning as in subdivision 4791(8) of this title.

7 * * *

8 Sec. 33. 9 V.S.A. § 5302 is amended to read:

9 § 5302. NOTICE FILING

10 (a) With respect to a federal covered security, as defined in 15 U.S.C.
11 § 77r(b)(2), that is not otherwise exempt under sections 5201 through 5203 of
12 this title, a rule adopted or an order issued under this chapter may require the
13 filing of any or all of the following records:

14 (1) before the initial offer of a federal covered security in this State, all
15 records that are part of a federal registration statement filed with the Securities
16 and Exchange Commission under 15 U.S.C. § 77a et seq. and a consent to
17 service of process complying with section 5611 of this chapter signed by the
18 issuer and the payment of a registration fee as set forth in subsection (e) or (f)
19 of this section;

20 (2) after the initial offer of the federal covered security in this State, all
21 records that are part of an amendment to a federal registration statement filed

1 with the Securities and Exchange Commission under 15 U.S.C. § 77a et
2 seq.; and

3 (3) to the extent necessary or appropriate to compute fees, a report of the
4 value of the federal covered securities sold or offered to persons present in this
5 State in such form and at such time as the Commissioner may prescribe if the
6 State-specific sales data are not included and available in records filed with the
7 Securities and Exchange Commission.

8 (b) A notice filing under subsection (a) of this section is effective for one
9 year from the date the notice filing is accepted as complete by the Office of the
10 Commissioner. On or before expiration, the issuer may renew a notice filing
11 by filing a copy of those records filed by the issuer with the Securities and
12 Exchange Commission that are required by rule or order under this chapter to
13 be filed and by paying an annual renewal fee as set forth in subsection (e) or (f)
14 of this section. A previously filed consent to service of process complying
15 with section 5611 of this title may be incorporated by reference in a renewal.
16 A renewed notice filing becomes effective upon the expiration of the filing
17 being renewed.

18 (c) With respect to a security that is a federal covered security under
19 15 U.S.C. § 77r(b)(4)~~(D)~~(E), a rule under this chapter may require a notice
20 filing by or on behalf of an issuer to include a copy of Form D, including the
21 Appendix, as promulgated by the Securities and Exchange Commission, and a

1 consent to service of process complying with section 5611 of this chapter
2 signed by the issuer not later than 15 days after the first sale of the federal
3 covered security in this State and the payment of a fee as set forth in subsection
4 (e) of this section. The notice filing shall be effective for one year from the
5 date the notice filing is accepted as complete by the Office of the
6 Commissioner. On or before expiration, the issuer may annually renew a
7 notice filing by filing a copy of those records filed by the issuer with the
8 Securities and Exchange Commission that are required by rule or order under
9 this chapter to be filed and by paying an annual renewal fee as set forth in
10 subsection (e) of this section.

11 (d) Subject to the provisions of 15 U.S.C. § 77r(c)(2) and any rules adopted
12 thereunder, with respect to any security that is a federal covered security under
13 15 U.S.C. § 77r(b)(3) or (4)(A)-(C) and that is not otherwise exempt under
14 sections 5201 through 5203 of this title, a rule adopted or order issued under
15 this chapter may require any or all of the following with respect to such federal
16 covered securities, at such time as the Commissioner may deem appropriate:

17 (1) The filing of documents as deemed appropriate by the
18 Commissioner.

19 (2) The filing of a consent to service of process complying with section
20 5611 of this chapter.

1 (3) The payment of fees as set forth in subsection (e) of this section,
2 including fees for renewal of a notice filing, as appropriate. The notice filing
3 shall be effective for one year from the date the notice filing is accepted as
4 complete by the office of the Commissioner.

5 (e) At the time of the filing of the information prescribed in subsections (a),
6 (b), (c), or (d) of this section, except investment companies subject to
7 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of
8 \$600.00. If the notice filing is withdrawn or otherwise terminated, the
9 Commissioner shall retain the fee paid. ~~Open-end investment companies~~
10 ~~subject to 15 U.S.C. § 80a-1 et seq. shall pay an initial notice filing fee and~~
11 ~~annual renewal fee for each portfolio or class of investment company securities~~
12 ~~for which a notice filing is submitted.~~

13 (f) Investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay to
14 the Commissioner an initial notice filing fee of \$2,000.00 and an annual
15 renewal fee of \$1,500.00 for each portfolio or class of investment company
16 securities for which a notice filing is submitted.

17 (g) Nothing in this section shall be construed to require the notice filing or
18 payment of notice filing fees with respect to variable annuities or variable life
19 insurance products.

20 ~~(g)~~(h) Except with respect to a federal covered security under 15 U.S.C.
21 § 77r(b)(1), if the Commissioner finds that there is a failure to comply with a

1 notice or fee requirement of this section, the Commissioner may issue a stop
2 order suspending the offer and sale of a federal covered security in this State.
3 If the deficiency is corrected, the stop order is void as of the time of its
4 issuance and no penalty may be imposed by the Commissioner.

Sec. 33a. 9 V.S.A. § 5410 is amended to read:

§ 5410. FILING FEES

(a) A person shall pay a fee of ~~\$250.00~~ \$300.00 when initially filing an application for registration as a broker-dealer and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as a broker-dealer. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any broker-dealer who transacts business in this State from any place of business located within this State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

~~*(b) The fee for an individual is ~~\$60.00~~ \$85.00 when filing an application for registration as an agent, ~~\$60.00~~ \$85.00 when filing a renewal of registration as an agent, and ~~\$60.00~~ \$85.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.*~~

(b) The fee for an individual is ~~\$60.00~~ \$90.00 when filing an application for registration as an agent, ~~\$60.00~~ \$90.00 when filing a renewal of registration as an agent, and ~~\$60.00~~ \$90.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(c) A person shall pay a fee of ~~\$250.00~~ \$300.00 when filing an application for registration as an investment adviser and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as an investment adviser. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any investment adviser who transacts business in this State from any place of business located within the State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(d) The fee for an individual is ~~\$55.00~~ \$80.00 when filing an application for registration as an investment adviser representative, ~~\$55.00~~ \$80.00 when filing a renewal of registration as an investment adviser representative, and ~~\$55.00~~ \$80.00 when filing a change of registration as an investment adviser representative. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of ~~\$250.00~~ \$300.00 and an annual notice fee of ~~\$250.00~~ \$300.00. To the extent required to be included in documents filed with the Securities and Exchange Commission, such notice filing shall include information on the branch offices of a federal covered investment adviser who transacts business in this State from any place of business located within this State, accompanied by a notice filing fee of ~~\$100.00~~ \$120.00 per branch office in Vermont. A notice filing may be terminated by filing notice of such termination with the Commissioner. If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * *

* * * Charging Fees for Regulatory Costs; Exemption * * *

Sec. 34. 32 V.S.A. § 602 is amended to read:

§ 602. DEFINITIONS

As used in this subchapter:

* * *

(2) "Fee":

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

~~(A) Means a monetary charge by an agency or the judiciary
Judiciary, or a municipal official when that charge is established in statute, for
a service or product provided to, or the regulation of, specified classes of
individuals or entities.~~

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

1 (B) The following charges are exempt from the provisions of this
2 subchapter:

3 (i) A charge established under the jurisdiction of the Public
4 Service Board as provided by 30 V.S.A. §§ 20, 21, and 218.

5 (ii) A charge established by the Liquor Control Board as provided
6 by Title 7.

7 (iii) A duly adopted charge concerning only inmates of a
8 correctional or detention facility, students enrolled in an educational
9 institution, or patients admitted to a hospital or rehabilitation facility.

10 (iv) Monies paid into an enterprise or internal service fund.

11 (v) A transfer between agencies of State government or between
12 State government and a political subdivision, as compensation for a service, to
13 support a regulatory activity, or to account for surplus property.

1 (vi) Monies from interest and premium payments, rent or lease
2 payments, proceeds of fair market or negotiated sales, or sales of commercially
3 available items.

4 (vii) Except for the purposes of section 605 of this title, motor
5 vehicle and other highway user fees authorized by the General Assembly for
6 the support of the Transportation Fund.

7 (viii) A charge established by the Department of Financial
8 Regulation as authorized by law.

9 (ix) Any other charge exempt by law.

Sec. 34a. [Deleted.]

~~*Sec. 34a. 32 V.S.A. chapter 7, subchapter 6 is amended to read.*~~

~~*Subchapter 6. Executive and Judicial Branch Fees; Municipal Fees*~~

~~*§ 601. STATEMENT OF PURPOSE*~~

~~*It is the purpose of this subchapter to establish a uniform policy on the
creation and review of Executive and Judicial Branch fees and statutorily
established municipal fees, and to require that any such fee be created solely
by the General Assembly.*~~

~~***~~

~~*§ 605b. MUNICIPAL ADVISORY COMMITTEE; CONSOLIDATED*~~

~~*MUNICIPAL FEE REPORT AND REQUEST*~~

~~(a) Creation. There is created a Municipal Advisory Committee for the purpose of preparing a municipal fee report and request to be submitted to the General Assembly every three years.~~

~~(1) The Committee shall be composed of the following five members:~~

~~(A) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and one of whom does not receive fees as salary, who are current members of the Vermont Municipal Clerks' and Treasurers' Association (VMCTA), and who shall be appointed by the Governor after recommendation by the VMCTA;~~

~~(B) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and one of whom does not receive fees as salary, who are not members of the VMCTA, and who shall be appointed by the Governor after recommendation by the Vermont League of Cities and Towns; and~~

~~(C) The Secretary of State or designee.~~

~~(2) The Secretary of State or designee shall be the Chair of the Committee. The Chair shall call the first meeting of the Committee to occur on or before September 1, 2016. A majority of the membership shall constitute a quorum.~~

~~(3) The Committee shall have the administrative, technical, and legal assistance of the Secretary of State.~~

~~(1) There shall be no reimbursement for attendance at meetings of the Municipal Advisory Committee.~~

~~(b) Duties; generally. The Committee shall submit a consolidated municipal fee report and request no later than the third Tuesday of the legislative session of 2017 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.~~

~~(c) Fee report. After the Committee consults with any affected agency, a fee report shall contain for each fee required to be paid to a municipality that the Committee recommends be amended.~~

~~(1) its statutory authorization and termination date if any;~~

~~(2) its current rate or amount and the date this was last set or adjusted by the General Assembly;~~

~~(3) the fund into which its revenues are deposited; and~~

~~(4) the revenues derived from it in each of the two previous fiscal years.~~

~~(d) Fee request. A fee request shall contain any proposal to:~~

~~(1) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall include a description of the services provided or the function performed.~~

~~(2) Set a new or adjust an existing fee rate or amount. Each new or adjusted fee rate shall be accompanied by information justifying the rate, which may include:~~

~~(A) the relationship between the revenue to be raised by the fee or change in the fee and the cost or change in the cost of the service, product, or regulatory function supported by the fee, with costs construed pursuant to subdivision 603(2) of this title;~~

~~(B) the inflationary pressures that have arisen since the fee was last set;~~

~~(C) the effect on budgetary adequacy if the fee is not increased;~~

~~(D) the existence of comparable fees in other jurisdictions;~~

~~(E) policies that might affect the acceptance or the viability of the fee amount; and~~

~~(F) other considerations.~~

~~§ 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL~~

~~When the consolidated fee reports and requests are submitted to the General Assembly pursuant to ~~sections~~ section 605, ~~and~~ 605a, or 605b of this ~~the~~ subchapter, they shall immediately be forwarded to the House Committee on Ways and Means, which shall consult with other standing legislative committees having jurisdiction of the subject area of a fee contained in the reports and requests. As soon as possible, the Committee on Ways and Means~~

~~shall prepare and introduce a "consolidated fee bill" proposing:~~

~~***~~

**** EB-5; Regulation; Oversight; Fees ****

Sec. 34b. 10 V.S.A. § 20 is added to read:

§ 20. EB-5 PROGRAM; REGULATION; OVERSIGHT

(a) The U.S. Department of Homeland Security's U.S. Citizenship and Immigrations Services (USCIS) administers the EB-5 Program, a federal program designed to stimulate the U.S. economy through job creation and capital investment by foreign investors. The Vermont EB-5 Regional Center is a USCIS-designated regional center. The Center is managed by the Agency of Commerce and Community Development in partnership with the Department of Financial Regulation.

(b) The Agency of Commerce and Community Development has the personnel and resources to market and promote economic opportunities in Vermont, whereas the Department of Financial Regulation has the personnel and resources to supervise financial services and products offered in Vermont in a manner that advances fair business practices and protects the investing public. It is imperative that management of the EB-5 Program reflect the existing expertise of both these State entities.

(c) The Secretary of Commerce and Community Development and the Commissioner of Financial Regulation shall separately adopt rules pertaining

to the administration and oversight of the EB-5 Program. The rules shall be consistent with federal regulations and requirements as well as with the statutory expertise of the Department and Agency.

(d) The rules adopted under this section shall be modeled after the Memorandum of Understanding between the Agency of Commerce and Community Development and the Department of Financial Regulation, dated December 22, 2014, which pertains to the duties and responsibilities of the Agency and the Department with respect to the EB-5 Program. As such, the rules shall include provisions related to:

(1) communication with and reporting to the USCIS;

(2) marketing activities;

(3) required provisions pertaining to private placement memoranda;

(4) securities analysis and standards for project approval;

(5) ongoing oversight and compliance of approved projects, including annual audits;

(6) the establishment of escrow accounts for capital investments and third-party oversight of requisitions, if deemed appropriate by the Commissioner and Secretary;

(7) investor relations and a formal complaint protocol;

(8) standards for revoking approval of a project;

(9) penalties for failure to comply with rules adopted under this section;

(10) communication between the Agency and the Department, as well as with media outlets and with other regulatory or law enforcement entities;

(11) fees and costs of the Regional Center, consistent with subsection 21(c) of this title; and

(12) any other matter the Commissioner and the Secretary determine will strengthen the oversight and management of the EB-5 Program and prevent fraudulent activities.

(e) The rules adopted under this section shall explicitly state that any interest obtained through a capital investment in the EB-5 Program is a "security" as defined in 9 V.S.A. § 5102(28) and as such is subject to regulation by the Commissioner of Financial Regulation under the Vermont Uniform Securities Act, 9 V.S.A. chapter 150.

~~Sec. 34e. 10 V.S.A. § 21 is amended to read:~~

~~§ 21. EB-5 SPECIAL FUND~~

~~(a) An EB-5 Special Fund is created for the operation of the State of to support the operating costs of the Vermont Regional Center for Immigrant Investment under the federal EB-5 Program. The Fund shall consist of revenues derived from administrative charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section, any interest earned by the Fund, and all sums which are from time to time appropriated for the support of the Regional Center and its operations. It is~~

~~the intent of the General Assembly, however, that the collection of charges authorized by this section will obviate the need for legislative appropriations to support Regional Center expenses.~~

~~(b)(1) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.~~

~~(2) The Secretary of Commerce and Community Development shall maintain accurate and complete records of all receipts and expenditures by and from the Fund, and shall make an annual report on the condition of the Fund to the Secretary of Administration, the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.~~

~~(3) Expenditures from the Fund shall be used only to ~~administer the EB-5 Program~~ support the operating expenses of the Regional Center, including the costs of providing specialized services to support participating economic development projects, marketing and related travel expenses, application review and examination expenses, and personnel expenses incurred by the Agency of Commerce and Community Development and the Department of Financial Regulation. At the end of each fiscal year, the Secretary of Administration shall transfer from the EB-5 Special Fund to the General Fund~~

~~any amount that the Secretary of Administration determines, in his or her discretion, exceeds the funds necessary to administer the Program.~~

~~(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development, with input from the Commissioner of Financial Regulation, is authorized to impose ~~an~~ administrative charge for the costs of administering the Regional Center and providing specialized services in support of participating economic development projects charges on project developers to achieve the Fund's purpose. The charges shall include a one-time application fee as well as an annual assessment apportioned among approved projects in a fair and equitable manner as specified in rules adopted under section 20 of this title. In addition, the rules shall require that an applicant or approved project developer, as applicable, is liable for any additional expenses incurred with respect to the retention of outside legal, financial, examination or other services or studies deemed necessary by the Secretary or the Commissioner to assist with application or project review. The collection of some or all charges authorized under this section may be suspended for a period of time as deemed appropriate by the Secretary for good cause shown. Any charges imposed under this section shall be included in the consolidated Executive Branch fee report required under 32 V.S.A. § 605.~~

Sec. 34c. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 SPECIAL FUND

(a) An EB-5 Special Fund is created ~~for the operation of the State of~~ to support the operating costs of the Vermont Regional Center for Immigrant Investment under the federal EB-5 Program. The Fund shall consist of revenues derived from administrative charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section, any interest earned by the Fund, and all sums ~~which~~ that are from time to time appropriated for the support of the Regional Center and its operations. It is the intent of the General Assembly that the collection of charges authorized by this section will reduce or eliminate the need for legislative appropriations to support Regional Center expenses.

(b)(1) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.

(2) The Secretary of Commerce and Community Development shall maintain accurate and complete records of all receipts and expenditures by and from the Fund, and shall make an annual report on the condition of the Fund to the Secretary of Administration, the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.

(3) ~~Expenditures from the Fund shall be used only to administer the EB-5 Program~~ support the operating expenses of the Regional Center, including the costs of providing specialized services to support participating economic development projects, marketing and related travel expenses, application review and examination expenses, and personnel expenses incurred by the Agency of Commerce and Community Development. ~~At the end of each fiscal year, the Secretary of Administration shall transfer from the EB-5 Special Fund to the General Fund any amount that the Secretary of Administration determines, in his or her discretion, exceeds the funds necessary to administer the Program.~~

(c) ~~Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose an administrative charge for the costs of administering the Regional Center and providing specialized services in support of participating economic development projects~~ charges on project developers to achieve the Fund's purpose. The charges shall be sufficient to fully fund the personnel and operating expenses of the Regional Center and shall include a one-time application fee as well as an annual assessment apportioned among approved projects in a fair and equitable manner as specified in rules adopted under section 20 of this title. In addition, the rules shall require that an applicant or approved project developer, as applicable, is liable for any additional expenses incurred with respect to the

retention of outside legal, financial, examination or other services or studies deemed necessary by the Secretary or the Commissioner to assist with application or project review. The collection of some or all charges authorized under this section may be suspended for a period of time as deemed appropriate by the Secretary for good cause shown. Any charges imposed under this section shall be included in the consolidated Executive Branch fee report required under 32 V.S.A. § 605.

(d) Any costs incurred by the Department of Financial Regulation in connection with of the EB-5 Program shall be reimbursed in the manner specified in 8 V.S.A. § 18(d).

Sec. 34d. EB-5 PROJECT DEVELOPER; COLLECTION OF PAST-DUE

FEES

On or before July 1, 2016, the Secretary of Commerce and Community Development shall make every reasonable effort to proceed with the invoicing and collection of charges authorized under 10 V.S.A. § 21, including any invoicing and collection of charges previously suspended by the Secretary. The charges shall be collected in a manner that does not diminish the value of a foreign investor's interest acquired through a capital investment in an EB-5 project.

Sec. 34e. 8 V.S.A. § 18(d) is added to read:

(d) The Commissioner shall bill costs incurred by the Department in

1 construction work proposed to be done for all buildings, but in no event shall
2 the permit application fee exceed \$185,000.00 nor be less than \$50.00.

3 * * *

4 * * * Liquor Control * * *

5 * * * Licensing * * *

6 Sec. 38. 7 V.S.A. § 231 is amended to read:

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

8 (a) The following fees shall be paid:

9 (1) For a manufacturer's or rectifier's license to manufacture or rectify
10 malt beverages and vinous beverages or to manufacture or rectify spirits and
11 fortified wines, \$285.00 for either license.

12 (2) For a bottler's license, ~~\$1,705.00~~ \$1,865.00.

13 (3) For a wholesale dealer's license, ~~\$1,140.00~~ \$1,245.00 for each
14 location.

15 (4) For a first-class license, \$230.00.

16 (5) For a second-class license, \$140.00.

17 (6) For a third-class license, ~~\$1,000.00~~ \$1,095.00 for an annual license
18 and ~~\$500.00~~ \$550.00 for a six-month license.

19 (7) For a shipping license for vinous beverages:

20 (A) In-state consumer shipping license, initial and renewal, ~~\$300.00~~
21 \$330.00.

- 1 (B) Out-of-state consumer shipping license, initial and renewal,
2 ~~\$300.00~~ \$330.00.
- 3 (C) Retail shipping license, ~~\$230.00~~ \$250.00.
- 4 (8)(A) For a caterer's license, ~~\$230.00~~ \$250.00.
- 5 (B) For a commercial catering license, ~~\$200.00~~ \$220.00.
- 6 (C) For a request to cater permit, \$20.00.
- 7 (9) [Repealed.]
- 8 (10) [Repealed.]
- 9 (11) For up to ten fourth-class vinous licenses, ~~\$65.00~~ \$70.00.
- 10 (12) For an industrial alcohol distributors license, ~~\$200.00~~ \$220.00.
- 11 (13) For a special events permit, \$35.00.
- 12 (14) For a festival permit, ~~\$115.00~~ \$125.00.
- 13 (15) For a wine tasting permit, \$25.00.
- 14 (16) For an educational sampling event permit, ~~\$230.00~~ \$250.00.
- 15 (17) For an outside consumption permit, \$20.00.
- 16 (18) For a certificate of approval:
- 17 (A) For malt beverages, ~~\$2,275.00~~ \$2,485.00.
- 18 (B) For vinous beverages, ~~\$900.00~~ \$985.00.
- 19 (19) For a solicitor's license, ~~\$65.00~~ \$70.00.
- 20 (20) For a vinous beverages storage license, ~~\$215.00~~ \$235.00.
- 21 (21) For a promotional tasting permit for a railroad, \$20.00.

1 (22) For an art gallery or bookstore permit, \$20.00.

2 (23) For a fortified wine permit, \$100.00.

3 (24) For a public library or museum permit, \$20.00.

4 * * *

5 * * * Liquor License * * *

6 Sec. 39. 7 V.S.A. § 239 is amended to read:

7 § 239. LICENSEE EDUCATION

8 (a) A new first-class, second-class, third-class, fourth-class, or farmers'
9 market license, or manufacturer's or rectifier's license shall not be granted
10 until the applicant has ~~met with a liquor control investigator or training~~
11 ~~specialist~~ attended a Department of Liquor Control in-person seminar or
12 completed the appropriate Department of Liquor Control online training
13 program for the purpose of being informed of the Vermont liquor laws, rules,
14 and regulations pertaining to the purchase, storage, and sale of alcohol
15 beverages. A corporation, partnership, or association shall designate a
16 director, partner, or manager who shall comply with the terms of this
17 subsection.

18 (b) Every first-class, second-class, third-class, fourth-class, or farmers'
19 market licensee, and every holder of a manufacturer's or rectifier's license
20 shall complete the Department of Liquor Control in-person licensee training
21 seminar or the appropriate Department of Liquor Control online training

1 program at least once every two years. A corporation, partnership, or
2 association shall designate a director, partner, or manager who shall comply
3 with the terms of this subsection. A first-class, second-class, third-class,
4 fourth-class, or farmers' market license, or manufacturer's or rectifier's license
5 shall not be renewed unless the records of the Department of Liquor Control
6 show that the licensee has complied with the terms of this subsection.

(c) Each licensee shall ensure that every employee who is involved in the sale or serving of alcohol beverages completes a training program approved by the Department of Liquor Control before the employee begins serving or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted. ~~A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished or approved by the Department of Liquor Control.~~ *A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished or approved by the Department of Liquor Control.* A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title.

7 (d) The following fees for Department of Liquor Control in-person or
8 online seminars will be paid:

1 (1) For a first-class or first- and third-class licensee seminar either in
2 person or online, \$25.00 per person.

3 (2) For a second-class licensee seminar either in person or online,
4 \$25.00 per person.

5 (3) For a combination first-class, first- and third-class, and second-class
6 licensee seminar either in person or online, \$25.00 per person.

7 (4) For a manufacturer's or rectifier's, fourth-class, or farmers' market
8 licensee seminar either in person or online, \$10.00 per person.

9 (5) For common carrier seminars either in person or online, \$10.00 per
10 person.

11 (6) For all special event, festival, educational sampling, art gallery,
12 bookstore, museum and library permit holders for either in-person or online
13 seminar, \$10.00 per person.

14 (e) Fees for all seminars listed in this section and under other sections of
15 this title with regards to in-person or online training shall be deposited directly
16 in the Liquor Control Enterprise Fund.

17 Sec. 40. 7 V.S.A. § 1002 is amended to read:

18 § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

19 (a) No person shall engage in the retail sale of tobacco products, tobacco
20 substitutes, or tobacco paraphernalia, or provide a vending machine for their
21 sale in his or her place of business without a tobacco license obtained from the

1 Department of Liquor Control; provided, however, that no person shall engage
2 in the retail sale of tobacco substitutes without also obtaining a tobacco
3 substitute endorsement from the Department of Liquor Control. Tobacco
4 licenses and tobacco substitute endorsements shall expire at midnight,
5 April 30, of each year.

6 (b) The Board shall prepare and issue tobacco license and tobacco
7 substitute endorsement forms and applications. These shall be incorporated
8 into the liquor license forms and applications prepared and issued under this
9 title. The licenses issued under this section shall be entitled “LIQUOR
10 LICENSE,” “LIQUOR—TOBACCO LICENSE” or “TOBACCO LICENSE,”
11 as applicable. The endorsements issued under this section shall be entitled
12 “TOBACCO SUBSTITUTE ENDORSEMENT.” The Board shall also
13 provide simple instructions for licensees designed to assist them in complying
14 with the provisions of this chapter.

15 (c) Each tobacco license and tobacco substitute endorsement shall be
16 prominently displayed on the premises identified in the license.

17 (d)(1) ~~A person applying simultaneously for a tobacco license and a liquor~~
18 ~~license.~~ For a license or endorsement required under this section, a person shall
19 apply to the legislative body of the municipality and shall pay to the
20 Department only the fee required to obtain the liquor license the following
21 fees:

1 (A) to the Department of Liquor Control, the applicable liquor
2 license fee, as set forth in chapter 9 of this title, for a liquor license and a
3 tobacco license;

4 ~~(B) A person applying for a tobacco license shall submit a fee of~~
5 ~~\$100.00 to the legislative body of the municipality for each tobacco license or~~
6 ~~renewal~~ to the legislative body of the municipality, a fee of \$110.00 for a
7 tobacco license or renewal; and

8 (C) to the legislative body of the municipality, a fee of \$50.00 for a
9 tobacco substitute endorsement as provided in subsection (a) of this section.

10 (2) The municipal clerk shall forward the application to the Department,
11 and the Department shall issue the tobacco license.~~The tobacco license fee~~
12 ~~shall be forwarded~~ and the tobacco substitute endorsement, as applicable, and
13 shall forward all fees to the Commissioner for deposit in the Liquor Control
14 Enterprise Fund.

15 (e) A person who sells tobacco products, tobacco substitutes, or tobacco
16 paraphernalia without obtaining a tobacco license and a tobacco substitute
17 endorsement, as applicable, in violation of this section shall be guilty of a
18 misdemeanor and fined not more than \$200.00 for the first offense and not
19 more than \$500.00 for each subsequent offense.

20 (f) No individual under ~~the age of 16~~ years of age may sell tobacco
21 products, tobacco substitutes, or tobacco paraphernalia.

1

* * *

Sec. 41. [Deleted.]

2

~~*** Manufacturer Registration Fee; Tobacco Substitutes ***~~

3

Sec. 41. 7 V.S.A. § 1013 is added to read:

4

§ 1013. MANUFACTURER REGISTRATION FEE; TOBACCO

5

SUBSTITUTES

6

(a) As used in this section:

7

(1)(A) "Brand" means a corporate or product name, a business image, or

8

a mark, regardless of whether it may legally qualify as a trademark used by a

9

manufacturer to identify goods and to distinguish them from competitors'

10

goods.

11

(B) "Brand" does not mean individual product flavors.

12

(2) "Manufacturer" means any person or a successor that manufactures

13

or produces tobacco substitutes or causes tobacco substitutes to be

14

manufactured or produced, whether in State or out of State, and intends to sell

15

the tobacco substitutes in Vermont directly or through an importer, including

16

any first purchaser that intends to resell tobacco substitutes.

17

(3) "Tobacco substitute" shall have the same meaning as in section 1001

18

of this title.

19

(b) No person shall manufacture tobacco substitutes for sale in this State

20

unless that person has first paid an annual registration fee of \$1,000.00 per

1 ~~brand and filed with the Department of Liquor Control, in a form and manner~~
2 ~~prescribed by the Commissioner:~~

3 ~~(1) the name of the manufacturer;~~

4 ~~(2) the manufacturer's place of business;~~

5 ~~(3) the location of each manufacturing facility; and~~

6 ~~(4) any other information that the Commissioner considers to be~~

7 ~~necessary.~~

8 ~~(c) Fees imposed under this section shall be due and payable on October 1~~
9 ~~of each year.~~

10 ~~(d) Fees collected under this section shall be deposited in the Liquor~~
11 ~~Control Enterprise Fund.~~

12 Sec. 42. 7 V.S.A. § 1002a is amended to read:

13 § 1002a. LICENSEE EDUCATION

14 (a) An applicant for a tobacco license that does not hold a liquor license
15 issued under this title shall be granted a tobacco license pursuant to section
16 1002 of this title only after the applicant has ~~met with a liquor control~~
17 ~~investigator~~ attended a Department of Liquor Control in-person seminar or
18 completed the appropriate Department of Liquor Control online training
19 program for the purpose of being informed about the Vermont tobacco laws
20 pertaining to the purchase, storage, and sale of tobacco products. A

1 corporation, partnership or association shall designate a director, partner, or
2 manager to comply with the requirements of this subsection.

3 (b) The holder of a tobacco license that does not also hold a liquor license
4 issued pursuant to this title for the same premises shall:

5 (1) Complete the ~~department's~~ Department's in-person or online
6 enforcement seminar at least once every ~~three~~ two years. A corporation,
7 partnership, or association shall designate a director, partner, or manager to
8 comply with this subdivision.

(2) Ensure that every employee involved in the sale of tobacco products
completes a Department of Liquor Control in-person or online training
program or other training programs approved by the ~~department of liquor~~
~~control~~ Department before the employee begins selling or providing tobacco
products, and at least once every 24 months thereafter. ~~A licensee may comply~~
~~with this subdivision by conducting its own training program on its premises~~
~~using information and materials furnished by the department of liquor control~~
A licensee may comply with this subdivision by conducting its own training
program on its premises using information and materials furnished by the
~~department of liquor control~~ Department of Liquor Control. A licensee who
fails to comply with the requirements of this subsection shall be subject to
suspension of the tobacco license for no less than one day.

1	(2) Hunting license	\$26.00
2	(3) Combination hunting and fishing license	\$41.00 <u>\$42.00</u>
3	(4) Big game licenses (all require a hunting license)	
4	(A) archery license	\$23.00
5	(B) muzzle loader license	\$23.00
6	(C) turkey license	\$23.00
7	(D) second muzzle loader license	\$17.00
8	<u>[Repealed.]</u>	
9	(E) second archery license	\$17.00
10	<u>[Repealed.]</u>	
11	(F) moose license	\$100.00
12	(G) season bear tag	\$5.00
13	(H) additional deer archery tag	\$23.00
14	(5) Trapping license	\$23.00
15	(6) Hunting license for persons 17 years of age or under	\$8.00
16	(7) Trapping license for persons 17 years of age or under	\$10.00
17	(8) Fishing license for persons 15 through 17 years of age	\$8.00
18	(9) Super sport license	\$150.00
19	(10) Three-day fishing license	\$11.00
20	(11) Combination hunting and fishing license for persons	
21	17 years of age or under	\$12.00

1	(12) Mentored hunting license	\$10.00
2	(b) Nonresidents may apply for licenses on forms provided by the	
3	Commissioner. Fees for each license shall be:	
4	(1) Fishing license	\$51.00 <u>\$52.00</u>
5	(2) One-day fishing license	\$21.00
6	(3) [Repealed.]	
7	(4) Hunting license	\$100.00
8	(5) Combination hunting and fishing license	\$135.00 <u>\$138.00</u>
9	(6) Big game licenses (all require a hunting license)	
10	(A) archery license	\$38.00
11	(B) muzzle loader license	\$40.00
12	(C) turkey license	\$38.00
13	(D) [Repealed.]	
14	(E) [Repealed.]	
15	(F) moose license	\$350.00
16	(G) early season bear tag	\$15.00
17	(H) additional deer archery tag	\$38.00
18	(7) Small game licenses	
19	(A) all season	\$50.00
20	(B) [Repealed.]	
21	(8) Trapping license	\$305.00

1	(9) Hunting licenses for persons 17 years of age or under	\$25.00
2	(10) Three-day fishing license	\$23.00
3	(11) Seven-day fishing license	\$31.00
4	(12) Archery-only license (does not require hunting license)	\$75.00
5	(13) Fishing license for persons aged 15 through 17 <u>years</u>	
6	<u>of age</u>	\$15.00
7	(14) Super sport license	\$250.00
8	(15) Combination hunting and fishing license for persons	
9	aged 17 <u>years of age</u> or under	\$30.00
10	(16) Mentored hunting license	\$10.00

11 (c) A permanent or free license may be secured on application to the
12 Department by a person qualifying as follows:

13 (1) ~~For \$50.00, a~~ A Vermont resident ~~65~~ 70 years of age or older may
14 ~~purchase~~ receive one or all of the following licenses at no cost:

15 (A) a permanent fishing license;

16 (B) if the person qualifies for a hunting license, a combination fishing
17 and hunting license, which shall include all big game licenses, except for a
18 moose license;

19 (C) if the person qualifies for a trapping license, a trapping
20 license; and

21 (D) if the person qualifies for an archery license, an archery license.

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~~* * * Concentrated Animal Feeding Operations; Stormwater
Discharge Permits * * *~~

** * * Environmental Conservation; Stormwater Discharge Permits;
Concentrated Animal Feeding Operations * * **

Sec. 45. 3 V.S.A. § 2822(j) is amended to read:

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

* * *

(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of \$240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

~~* * *~~

(A) Application review fee.

* * *

*(iv) Indirect discharge or
underground injection control,
excluding stormwater discharges.*

(I) Indirect discharge, sewage.

*(aa) Individual permit: \$1,755.00 plus \$0.08 per
original application; amendment
gallon of design capacity
for increased flows; above 6,500 gpd.
amendment for
modification or replacement
of system.*

(II) Indirect discharge, nonsewage.

*(aa) Individual permit: \$0.06 per gallon
original application; of design capacity;
amendment for increased flows; minimum \$400.00.
amendment for modification
or replacement of system.*

*(III) Underground injection; ~~original~~ individual permit;
amendment for increased flows; amendment for modification
or replacement of system.*

*(aa) For applications \$500.00 and \$0.10 for
where the discharge meets each gallon per day
groundwater enforcement over 2,000 gallons
standards at the point of per day.*

discharge:

*(bb) For applications where \$1,500.00 and \$0.20 for
the discharge meets groundwater each gallon per day
enforcement standards at the over 2,000 gallons
point of compliance: per day.*

1 (B) Annual operating fee.

2 * * *

3 (iv) Stormwater.

4 * * *

5 (VIII) Individual permit or approval under a general permit for
6 a discharge from a medium concentrated animal feeding operation: \$1,500.00
7 per facility.

8 (IX) Individual permit or approval under a general permit for a
9 discharge from a large concentrated animal feeding operation: \$2,500.00 per
10 facility.

11 * * *

12 * * * Labor * * *

13 * * * Workers' Compensation Fund * * *

14 Sec. 46. WORKERS' COMPENSATION RATE OF CONTRIBUTION

15 For fiscal year 2017, after consideration of the formula in 21 V.S.A.

16 § 711(b) and historical rate trends, the General Assembly has established that

1 the rate of contribution for the direct calendar year premium for workers'
2 compensation insurance shall be set at the rate of 1.45 percent established in
3 2015 Acts and Resolves No. 57, Sec. 25, notwithstanding 21 V.S.A. § 711(a).
4 The contribution rate for self-insured workers' compensation losses and
5 workers' compensation losses of corporations approved under 21 V.S.A.
6 chapter 9 shall remain at one percent.

7 * * * Education * * *

8 * * * Results Oriented Program Approval * * *

9 Sec. 47. 16 V.S.A. § 1694 is amended to read:

10 § 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR
11 PROFESSIONAL EDUCATORS

12 In addition to any other powers and duties prescribed by law or incidental or
13 necessary to the exercise of such lawful powers and duties, the Standards
14 Board shall:

15 * * *

16 (2) Establish standards for educator preparation programs in Vermont
17 and approve those that meet the standards so that a person graduating from an
18 approved program shall be eligible for a license to engage in teaching or school
19 administration in accordance with Standards Board rules. The Standards
20 Board may accept accreditation of an educator preparation program in

1 Vermont or another state from a national accreditation entity as sufficient for
2 approval.

3 (A) Each Vermont educator preparation program seeking Results
4 Oriented Program Approval (ROPA) shall be subject to the following fees.

5 (i) Authority to recommend licensure. Colleges, universities, and
6 other educator preparation programs that have the authority to recommend
7 applicants for licensure shall pay an annual fee of \$1,000.00.

8 (ii) New program initiation. Colleges, universities, and other
9 educator preparation programs that do not have existing approved ROPA
10 programs, or that wish to add an additional program approved by ROPA shall
11 pay a fee of \$2,000.00 for the initial program application.

12 (iii) Program review. Colleges, universities, and other educator
13 preparation programs with approved ROPA programs shall pay an annual fee
14 of \$25.00 for each applicant who completes a program.

15 (iv) Two-year report. Colleges, universities, and other educator
16 preparation programs shall pay a fee of \$500.00 for the review of the two-year
17 report that they are required to submit following their program review.
18 Programs reviewed to be exemplary by the Vermont Standards Board for
19 Professional Educators may have the requirement of the two-year report
20 waived; in these cases, programs shall not be subject to the two-year report fee.

1 (v) Visit. Colleges, universities, and other educator preparation
2 programs shall pay a fee of \$1,500.00 for the travel, lodging, and meal
3 expenses of the review team. If a program chooses to have a review team chair
4 travel from outside the State under Vermont State Board of Professional
5 Educators (VSBPE) Policy N2, the program is responsible for all additional
6 expenses in excess of \$1,500.00.

7 (B) Fees collected under this section shall be credited to special funds
8 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and
9 shall be available to the Agency to offset the costs of providing those services.

~~*** State Lottery Commission; Fantasy Sports Contests; Operators ***~~

~~Sec. 47a. 9 V.S.A. § 4189 is added to read:~~

~~§ 4189. ANNUAL ASSESSMENT~~

~~(a) A fantasy sports operator shall pay two percent of its annual net~~
~~revenue to the State Lottery Commission for deposit in the State Lottery Fund~~
~~established in 31 V.S.A. § 658. These funds shall be reserved for programs~~
~~addressing addiction in Vermont.~~

~~(b) As used in this section, "annual net revenue" means the total amount of~~
~~consideration received in the prior year by a fantasy sports operator from~~
~~fantasy sports players in Vermont, less the amount of cash prizes, awards, or~~
~~cash equivalents that the fantasy sports operator paid in the prior year to~~
~~fantasy sports players in Vermont. The amount of the annual net revenue shall~~

~~be determined by the annual independent audit carried out pursuant to 9
V.S.A. § 4186(c).~~

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~~*** Effective Dates ***~~

3

Sec. 48. EFFECTIVE DATES

4

(a) Notwithstanding 1 V.S.A. § 214, Sec. 5 (fertilizer tonnage fee) shall

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take effect retroactively on January 1, 2016.

6

~~(b) This section shall take effect on passage.~~

7

~~(c) The remaining sections shall take effect on July 1, 2016.~~

~~(b) Notwithstanding 1 V.S.A. § 214, in Sec. 45 (stormwater discharge
permits), in 3 V.S.A. § 2822(j), subdivision (2)(A) shall take effect retroactively
on July 1, 2015.~~

~~(c) This section shall take effect on passage.~~

~~(d) The remaining sections shall take effect on July 1, 2016.~~