

Report of Committee of Conference

H.735

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill, entitled:

H.735. An act relating to Executive Branch and Judiciary fees.

Respectfully reports that it has met and considered the same and recommends that the Senate proposal of amendment be further amended as follows:

First: In Sec. 6, in 22 V.S.A. § 724, by inserting subsection (a) to read:

(a) ~~Historic sites operations special fund~~ Sites Operations Special Fund.

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

(1) Receipts from ticket sales at and fees for rental of ~~state-owned~~ State-owned historic sites. Notwithstanding ~~subdivision~~ 32 V.S.A. § 603(2) of Title 32, fees for admission to and rentals of historic sites shall be set by the ~~state historic preservation officer~~ State Historic Preservation Officer, with the approval of the ~~commissioner of housing and community affairs~~ Commissioner

of Housing and Community Development, in a manner that both maximizes revenues and promotes the tourism purposes of historic sites, but not to exceed ~~\$8.00~~ \$12.00 for a single admission. This not-to-exceed amount shall not apply to the rental of an historic site or admission to an historic site for a special event. These fees shall be reported in accordance with ~~section 605 of~~ Title 32 32 V.S.A. § 605.

Second: In Sec. 14, in 26 V.S.A. § 1256, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

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

- | | |
|---|---------------------------------------|
| (1) Application for license | \$ 70.00 |
| (2) Biennial renewal of license | |
| (A) Funeral director | \$ 300.00 <u>\$ 350.00</u> |
| (B) Embalmer | \$ 300.00 <u>\$ 350.00</u> |
| (C) Funeral establishment | \$ 540.00 <u>\$ 800.00</u> |
| (D) Crematory establishment | \$ 540.00 <u>\$ 800.00</u> |
| (E) <u>Crematory personnel</u> | <u>\$ 125.00</u> |
| (F) <u>Removal personnel</u> | \$ 85.00 <u>\$ 125.00</u> |
| (G) <u>Limited services establishment license</u> | <u>\$ 800.00</u> |

Third: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), subdivision (2)(B)(ii), after the words "until further order of the Court" by inserting: , and

specifies the manner in which he or she will provide secure storage of such items.

Fourth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), subdivision (2)(B)(iv), by striking out the words “this subdivision (2)(A)” and inserting in lieu thereof the words subdivision (2)(C).

Fifth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), at the end of subdivision (2)(C), by adding a sentence to read: In the event that the person required to relinquish the firearms, ammunition, or other weapons or any other person not authorized by law to possess the relinquished items obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (1) of this subsection (b).

Sixth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (g), subdivision (2)(A)(iii), by striking out the words “pursuant to Rule 4 of the Vermont Rules of Civil Procedure” and inserting in lieu thereof via first class mail, certified restricted delivery

Seventh: By striking out Sec. 28 in its entirety and inserting in lieu thereof a new Sec. 28 to read:

Sec. 28. 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~~ \$25,000.00 in subsequent years.

* * *

Eighth: In Sec. 29, 30 V.S.A. § 7521, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d)(1) Notwithstanding any other provision of law to the contrary, beginning on September 1, 2014, in the case of prepaid wireless telecommunications service, the universal service charge shall be imposed as follows:

(A) If the provider sells directly to a consumer in a retail transaction, the provider may collect the charge from the customer at the rate specified in section 7523 of this title; or

(B) if the provider does not sell directly to the consumer, or if the provider sells directly to the customer in a retail transaction but elects not to

collect the charge from the customer, the charge shall be imposed on the provider at the rate determined in subdivision (2) of this subsection (d).

(2) The Public Service Board shall establish a formula to ensure the universal service charge rate imposed on prepaid wireless telecommunications service providers under subdivision (1)(B) of this subsection reflects two percent of retail prepaid wireless telecommunications service in Vermont.

(3) As used in this subsection, “prepaid wireless telecommunications service” means a telecommunications service as defined in subdivision 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars that decline with use.

Ninth: In Sec. 30, in 30 V.S.A. § 7524, by inserting a new subsection to be subsection (f) to read:

(f) The Public Service Board shall ensure the fiscal agent is authorized to negotiate and collect from telecommunications service providers any universal service charges not properly assessed or remitted pursuant to this chapter. For the purpose of this subsection, the fiscal agent may examine the records of telecommunications providers for the immediately preceding three years and assess the provider for underpayments, if any, as appropriate.

Tenth: In Sec. 31, 6 V.S.A. § 3022, in subsection (a), by striking out in its entirety the sentence “The ~~secretary~~ Secretary may, ~~with the approval of the governor,~~ appoint or contract with one or more inspectors who shall also be

authorized to inspect all apiaries and otherwise enforce the provisions of this chapter.”

Eleventh: By striking out Sec. 32 (effective dates) in its entirety and inserting in lieu thereof the following Secs. 32–36 to read:

Sec. 32. 9 V.S.A. § 2632 is amended to read:

§ 2632. GENERAL POWERS AND DUTIES OF SECRETARY

* * *

(b) Fees and reimbursements of costs collected by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets under the provisions of this chapter and 6 V.S.A. § 3022 shall be credited to a weights and measures special fund and shall be available to the ~~agency~~ Agency to offset the costs of implementing this chapter.

Sec. 33. 30 V.S.A. § 7503(a) is amended to read:

(a) A fiscal agent shall be selected to receive and distribute funds under this chapter ~~for the Vermont telecommunications relay service, for the Vermont lifeline program, for enhanced 911 services, and, subject to further legislative authorization, to reduce the cost to customers of basic telecommunications service in high cost areas.~~

Sec. 34. 30 V.S.A. § 7511 is amended to read:

§ 7511. DISTRIBUTION GENERALLY

(a) As directed by the ~~public service board~~ Public Service Board, funds collected by the fiscal agent, and interest accruing thereon, shall be distributed as follows:

(1) ~~To~~ to pay costs payable to the fiscal agent under its contract with the ~~public service board.~~ Board;

(2) ~~To~~ to support the Vermont telecommunications relay service in the manner provided by section 7512 of this title;

(3) ~~To~~ to support the Vermont ~~lifeline~~ Lifeline program in the manner provided by section 7513 of this title;

(4) ~~To~~ to support ~~enhanced-911~~ Enhanced-911 services in the manner provided by section 7514 of this title;

(5) ~~To~~ to reduce the cost to customers of basic telecommunications service in high-cost areas, in the manner provided by section 7515 of this title; and

(6) to support the cost of Executive Branch activities as specified under section 7515a of this title.

(b) If insufficient funds exist to support all of the purposes contained in subsection (a) of this section, the ~~public service board~~ Board shall conduct an expedited proceeding to allocate the available funds, giving priority in the order listed in subsection (a).

Sec. 35. 30 V.S.A. § 7515a is added to read:

§ 7515a. ADDITIONAL PROGRAM SUPPORT

The fiscal agent may make distributions to the State Treasurer to fund Executive Branch activities related to and supportive of the programs funded under this chapter, as determined by the General Assembly.

Sec. 36. EFFECTIVE DATES

(a) This section and Sec. 28 (dispensaries) shall take effect on passage.

(b) Secs. 31 and 32 (apiaries) shall take effect on July 1, 2015.

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

COMMITTEE ON THE PART OF
THE SENATE

SEN. MARK A. MACDONALD

SEN. CHRISTOPHER A. BRAY

SEN. ELDRED FRENCH

COMMITTEE ON THE PART OF
THE HOUSE

REP. JAMES W. MASLAND

REP. ALISON H. CLARKSON

REP. KESHA K. RAM