

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: Executive Branch fees
5 Statement of purpose of bill as introduced: This bill proposes to adjust certain
6 Executive Branch fees.

7 An act relating to Executive Branch fees

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

9 * * * Department of Taxes * * *

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

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

12 ~~The state treasurer~~ Agencies and departments of State government may
13 assess a penalty of \$20.00 against the issuer for each ~~check returned on~~
14 ~~account of insufficient or uncollected funds~~ payment for amounts due in the
15 form of a check, draft, electronic payment, or other acceptable forms of
16 payment that have been dishonored for lack of funds or credit to pay the same,
17 or because the maker, issuer, or drawer has not identified a valid account with
18 the drawee.

19 ~~(1) The department of taxes shall be entitled to \$13.00 of each such~~
20 Such penalty collected ~~against a check issued to the department, which \$13.00~~

1 shall be credited to a special fund established and managed pursuant to
2 subchapter 5 of chapter 7 of this title, or to another budgeted fund other than
3 the General Fund, and shall be available to the agency or department of taxes
4 to offset the costs of collecting the amount owed, ~~and may be adjusted~~
5 ~~pursuant to subdivision 603(2) of this title.~~

6 ~~(2) In the case of checks issued to the agency of transportation~~
7 ~~(including the department of motor vehicles), \$13.00 of each such penalty~~
8 ~~collected shall be deposited in the transportation fund.~~

9 Sec. 2. 32 V.S.A. § 3756 is amended to read:

10 § 3756. QUALIFICATION FOR USE VALUE APPRAISAL

11 * * *

12 (e) Once a use value appraisal has been applied for and granted under this
13 section, such appraisal shall remain in effect for subsequent tax years pursuant
14 to the provisions of subsection (f) of this section, and until the property
15 concerned is transferred to another owner or is no longer eligible under
16 provisions of section 3752 or 3755 of this chapter, or due to a change of use or
17 as otherwise provided in section 3757 of this chapter. If enrolled property is
18 transferred to another owner, the new owner shall be entitled to continue to
19 have the eligible property appraised at its use value, provided the property
20 remains eligible and provided the new owner shall elect the continuation of use
21 value appraisal on the property transfer tax return at the time of transfer and,

1 within 30 days after the property transfer tax return has been received by the
2 municipality for recording, has applied to the Director and paid the fees
3 described in this subsection. The grant of use value appraisals of agricultural
4 ~~forest land~~ forestland and farm buildings shall be recorded in the land records
5 of the municipality by the clerk of the municipality. Applications shall include
6 the fees specified in subdivision 1671(a)(6) or subsection 1671(c) of this title,
7 and a fee of ~~\$30.00~~ \$70.00 for deposit in a special fund established and
8 managed pursuant to subchapter 5 of chapter 7 of this title. The Fund shall be
9 available as payment for the fees of the clerk of the municipality and ~~for the~~
10 improvement of the management of to offset the costs of administering the
11 application and managing the program.

12 * * *

13 Sec. 3. 32 V.S.A. § 4461 is amended to read:

14 § 4461. TIME AND MANNER OF APPEAL

15 (a) A taxpayer or the selectboard members of a town aggrieved by a
16 decision of the board of civil authority under subchapter 1 of this chapter may
17 appeal the decision of the board to either the ~~director~~ Director or the ~~superior~~
18 ~~court~~ Superior Court of the county in which the property is located. The
19 appeal to the ~~superior court~~ Superior Court shall be heard without a jury. The
20 appeal to either the ~~director~~ Director or the ~~superior court~~ Superior Court shall
21 be commenced by filing a notice of appeal pursuant to Rule 74 of the Vermont

1 Rules of Civil Procedure, within 30 days of entry of the decision of the board
2 of civil authority. The date of mailing of notice of the board's decision by the
3 town clerk to the taxpayer shall be deemed the date of entry of the board's
4 decision. The town clerk shall transmit a copy of the notice to the ~~director~~
5 Director or to the ~~superior court~~ Superior Court as indicated in the notice and
6 shall record or attach a copy of the notice in the grand list book. The entry fee
7 for an appeal to the ~~director~~ Director is ~~\$70.00~~ \$120.00.

8 (b) On or before the last day on which appeals may be taken from the
9 decision of the board of civil authority, the agent of the town to prosecute and
10 defend suits in which the town is interested, in the name of the town, on
11 written application of one or more taxpayers of the town whose combined
12 grand list represents at least three percent of the grand list of the town for the
13 preceding year, shall appeal to the ~~superior court~~ Superior Court from any
14 action of the board of civil authority not involving appeals of the applying
15 taxpayers. However, the town agent shall, in any event, have at least six days
16 after receipt of such taxpayers' application for appeal in which to take the
17 appeal, and the date for the taking of such appeal shall accordingly be
18 extended, if necessary, until the six days shall have elapsed. The ~~\$70.00~~
19 \$120.00 entry fee shall be paid by the applicants with respect to each
20 individual property thus being appealed which is separately listed in the grand
21 list.

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* * * Lottery Commission * * *

Sec. 4. 31 V.S.A. § 655 is amended to read:

§ 655. LICENSE FEES

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

* * * Department of Tourism and Marketing * * *

Sec. 5. 3 V.S.A. § 2504 is amended to read:

§ 2504. MARKET VERMONT LOGO

(a) The Secretary of ~~the~~ Agriculture, Food and Markets and the Secretary of ~~the~~ Commerce and Community Development shall develop categories and standards designed to identify those Vermont goods, services, and experiences which best portray and promote Vermont’s reputation for high standards of quality.

* * *

(e) ~~{Deleted.}~~ [Repealed.]

(f) The Secretary of Commerce and Community Development may require transactional charges, commissions, or other fees, which are based upon the

1 actual costs to the agencies, to be paid by persons participating in the program,
2 and to be applied toward administration and promotion of the program.

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

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

5 § 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

6 * * *

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

1 6252 of this title and for legal representation for leaseholders pursuant to
2 section 6253 of this title. This special fund shall be managed in accordance
3 with 32 V.S.A. chapter 7, subchapter 5.

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

5 § 724. HISTORIC PRESERVATION SPECIAL FUNDS

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

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

13 (1) Receipts from ticket sales at and fees for rental of ~~state-owned~~
14 State-owned historic sites. Notwithstanding ~~subdivision~~ 32 V.S.A. § 603(2) of
15 ~~Title 32~~, fees for admission to and rentals of historic sites shall be set by the
16 ~~state historic preservation officer~~ State Historic Preservation Officer, with the
17 approval of the ~~commissioner of housing and community affairs~~ Commissioner
18 of Housing and Community Development, in a manner that both maximizes
19 revenues and promotes the tourism purposes of historic sites, but not to exceed
20 ~~\$8.00~~ \$20.00 for a single admission. This not-to-exceed amount shall not

1 apply to the rental of an historic site. These fees shall be reported in
2 accordance with ~~section 605 of Title 32~~ 32 V.S.A. § 605.

3 * * *

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

11 * * *

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

18 * * *

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

2 Sec. 8. 6 V.S.A. § 3022 is amended to read:

3 § 3022. ENFORCEMENT; INSPECTION

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

8 (b) ~~The secretary shall pay any such inspectors their salary and necessary~~
9 ~~expenses incurred in the performance of their duties from the moneys annually~~
10 ~~available to the agency. Any person who is the owner of any bees, apiary,~~
11 ~~colony, or hive shall pay a \$10.00 annual registration fee for each location of~~
12 ~~hives. Fee revenue shall be credited to a special fund established and managed~~
13 ~~pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the~~
14 ~~Agency to offset the costs of inspection services and to make grants to~~
15 ~~qualified apiary organizations to provide educational services and technical~~
16 ~~assistance to beekeepers in the State.~~

17 * * * Department of Labor * * *

18 * * * Workers' Compensation Fund * * *

19 Sec. 9. WORKERS' COMPENSATION RATE OF CONTRIBUTION

20 For fiscal year 2015, after consideration of the formula in 21 V.S.A.
21 § 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 remain at the rate of 1.45 percent established in
3 2013 Acts and Resolves No. 72, Sec. 29, notwithstanding 21 V.S.A. § 711(a).

4 * * * Tramways * * *

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

6 § 706. OPERATORS TO PAY COST OF INSPECTION

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

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* * * Secretary of State * * *

* * * Elections * * *

Sec. 11. 2 V.S.A. § 263 is amended to read:

§ 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

* * *

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

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

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

* * *

Sec. 12. 2 V.S.A. § 264 is amended to read:

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

* * *

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

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

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

* * *

(a) On forms provided by the ~~secretary of state~~ Secretary of State, every lobbying firm shall file a listing of all lobbyists who are employed by, subcontracted by, members of, or affiliated with the lobbying firm within 48 hours of any such lobbyists commencing lobbying activities. The lobbying firm shall file an updated listing within 48 hours of any changes to the listing. Every lobbying firm shall pay an initial listing fee of \$100.00.

* * *

* * * Office of Professional Regulation * * *

* * * Chiropractic * * *

Sec. 14. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

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

(1) Chiropractors

(A) Application \$ 200.00

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

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* * * Funeral Directors * * *

Sec. 16. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

(a)(1) One month before renewal is required, the ~~board~~ Board or the ~~office of professional regulation~~ Office of Professional Regulation shall notify, by mail, every licensee of the date on which his or her or its license will expire.

(2) Biennially, every licensee shall renew his or her or its registration or license by paying the required fee.

(b) Upon request of the ~~board of health~~ Board of Health or a person authorized to issue burial or removal permits, a licensee shall show proof of current licensure.

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

(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~~ \$ 450.00
 - (B) Embalmer \$ ~~300.00~~ \$ 450.00

- 1 (C) Funeral establishment \$ ~~540.00~~ \$ 900.00
- 2 (D) Crematory establishment \$ ~~540.00~~ \$ 900.00
- 3 (E) Removal personnel \$ ~~85.00~~ \$ 125.00

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

11 * * * Nursing * * *

12 * * * Registered and Licensed Practical Nursing * * *

13 Sec. 17. 26 V.S.A. § 1577 is amended to read:

14 § 1577. FEES

15 Applicants and persons regulated under this subchapter shall pay the
16 following fees:

- 17 (1) Application \$ 60.00
- 18 (2) Registered nurse application by endorsement \$ 150.00
- 19 (3) Biennial renewal \$ ~~95.00~~ \$ 140.00
- 20 (4) Limited temporary license \$ 25.00
- 21 (5) Initial endorsement of advanced practice

1 registered nurses \$ 75.00

2 (6) Biennial renewal of advanced practice

3 registered nurses ~~\$ 50.00~~ \$ 75.00

4 * * * Nursing Assistants * * *

5 Sec. 18. 26 V.S.A. § 1599 is amended to read:

6 § 1599. FEES

7 Applicants and persons regulated under this subchapter shall pay the
8 following fees:

9 (1) Application \$20.00

10 (2) Biennial renewal ~~\$30.00~~ \$ 45.00

11 * * * Optometry * * *

12 Sec. 19. 26 V.S.A. § 1718 is amended to read:

13 § 1718. FEES

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

16 (1) Application \$225.00

17 (2) Biennial renewal ~~\$525.00~~ \$ 425.00

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

5 * * * Department of Public Safety * * *

6 Sec. 21. 20 V.S.A. chapter 145 is redesignated to read:

7 CHAPTER 145. DISPOSITION AND FEE FOR STORAGE OF
8 UNLAWFUL FIREARMS

9 Sec. 22. 20 V.S.A. § 2307 is added to read:

10 § 2307. FIREARMS SURRENDERED PURSUANT TO RELIEF FROM
11 ABUSE ORDER; STORAGE; FEES; RETURN

12 (a)(1) A person who is required to surrender firearms, ammunition, or other
13 weapons by a court order issued under 15 V.S.A. chapter 21 (abuse
14 prevention), or any other provision of law consistent with 18 U.S.C.
15 § 922(g)(8) shall upon service of the order immediately surrender to a law
16 enforcement officer or court-approved federally licensed firearms dealer any
17 firearms, ammunition, or weapons in the person's possession, custody, or
18 control.

19 (2) The Department of Public Safety shall maintain a list of federally
20 licensed firearms dealers who annually certify compliance with the standards

1 and guidelines established by the Department pursuant to subdivision (f) of this
2 section.

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

11 (c)(1) A law enforcement officer or a court-approved federally licensed
12 firearms dealer who stores firearms, ammunition, or weapons pursuant to
13 subsection (b) of this section may charge the owner a reasonable storage fee.
14 The fee shall not exceed the fees established by the Department of Public
15 Safety under subdivision (f)(1) of this section.

16 (2) A fee shall not be charged under this section for transport or storage
17 of any firearm, ammunition, or other weapon used as evidence in a
18 criminal matter.

19 (3)(A) If the owner fails to pay the applicable storage fee for 90 days,
20 the firearm, ammunition, or weapon may be sold at public auction. Title to the

1 item shall pass to the law enforcement officer or firearms dealer for the
2 purpose of transferring ownership to the auctioneer.

3 (B) Proceeds from the sale of a firearm, ammunition, or weapon
4 pursuant to subdivision (A) of this subdivision (3) shall be apportioned as
5 follows:

6 (i) Unpaid storage fees shall be paid to the law enforcement
7 officer or firearms dealer who incurred the cost.

8 (ii) Any proceeds remaining after payment is made to the law
9 enforcement officer or firearms dealer pursuant to subdivision (i) of this
10 subdivision (B) shall be paid to the owner.

11 (d)(1) A law enforcement officer or a court-approved federally licensed
12 firearms dealer shall be immune from civil or criminal liability for any damage
13 or deterioration of firearms, ammunition, or weapons stored or transported
14 pursuant to subsection (b) of this section.

15 (2) Subdivision (d)(1) of this subsection shall not apply if the damage or
16 deterioration occurred as a result of recklessness, gross negligence, or
17 intentional misconduct by the law enforcement officer or firearms dealer.

18 (e) A law enforcement officer or court approved federally licensed firearms
19 dealer who takes possession of firearms, ammunition, or weapons for storage
20 purposes pursuant to this section shall not release the item without a court
21 order unless the item is to be sold at public auction pursuant to subdivision

1 (c)(3) of this section. If a court orders the release of firearms, ammunition, or
2 weapons stored under this section the law enforcement officer or firearms
3 dealer in possession of the item shall release it to the owner within three
4 business days of the order and in a manner consistent with federal law. The
5 Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial
6 proceedings under this subsection.

7 (f) The Department of Public Safety shall establish:

8 (1) fees, standards and guidelines for the transportation and storage of
9 firearms, ammunition, and other weapons by law enforcement officers and
10 court-approved federally licensed firearms dealers under this section; and

11 (2) standards and guidelines for the listing of federally licensed firearms
12 dealers who annually certify compliance with the Department’s standards to
13 receive firearms, ammunition, or other weapons pursuant to subdivision (a)(2)
14 of this section.

15 (g) As used in this section:

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

19 (2) “Law enforcement officer” means a State Police officer, municipal
20 police officer, sheriff, or deputy sheriff certified by the Vermont Criminal
21 Justice Training Council as having satisfactorily completed the approved

1 training programs required to meet the minimum training standards applicable
2 to that person under section 2358 of this title.

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

6 * * * Miscellaneous * * *

7 Sec. 23. 32 V.S.A. § 605 is amended to read:

8 § 605. CONSOLIDATED EXECUTIVE BRANCH ANNUAL FEE REPORT
9 AND REQUEST

10 * * *

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

12 (1) A report covering all fees in existence on the prior July 1 within the
13 areas of government identified by the Department of Finance and Management
14 accounting system as “general government,” “labor,” “general education,”
15 “~~development~~ commerce and community ~~affairs~~ development” and
16 “transportation” shall be submitted by the third Tuesday of the legislative
17 session beginning in 2011 and every three years thereafter.

18 * * *

19 * * * Effective Date * * *

20 Sec. 24. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.