

1 TO THE HONORABLE SENATE:

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

7 * * * Department of Taxes * * *

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

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

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

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

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

7 * * *

8 * * * Lottery Commission * * *

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

10 § 655. LICENSE FEES

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

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

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

17 § 2504. MARKET VERMONT LOGO

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

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

3 * * *

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

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

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

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

12 § 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

13 * * *

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

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

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

12 § 724. HISTORIC PRESERVATION SPECIAL FUNDS

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

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

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

10 * * *

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

18 * * *

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

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

4 * * *

5 * * * Department of Labor * * *

6 * * * Workers' Compensation Fund * * *

7 Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

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

16 * * * Tramways * * *

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

18 § 706. OPERATORS TO PAY COST OF INSPECTION

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

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

10 * * * Secretary of State * * *

11 * * * Elections * * *

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

13 § 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

14 * * *

15 (f) Every employer and every lobbyist shall pay an initial registration fee of
16 \$25.00 ~~\$50.00~~ ~~\$60.00~~.

17 (g) An employer shall pay a fee of \$5.00 ~~\$10.00~~ ~~\$15.00~~ for each lobbyist
18 engaged by the employer. A lobbyist shall pay a fee of \$5.00 ~~\$10.00~~ ~~\$15.00~~
19 for each employer represented.

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

4 * * *

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

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

8 * * *

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

12 * * *

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

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

16 * * *

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

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

2 Every lobbying firm shall pay an initial listing fee of ~~\$100.00~~ \$150.00.

3 * * *

4 * * * Office of Professional Regulation * * *

5 * * * Chiropractic * * *

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

7 § 535. FEES

8 Applicants and persons regulated under this chapter shall pay the

9 following fees:

10 (1) Chiropractors

11 (A) Application \$ 200.00

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

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

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

17 (E) Evaluation \$ 125.00

18 (2) Registration of intern \$ 50.00

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

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

7	(1) Application for license	\$ 70.00
8	(2) Biennial renewal of license	
9	(A) Funeral director	\$ 300.00 <u>\$ 350.00</u>
10	(B) Embalmer	\$ 300.00 <u>\$ 350.00</u>
11	(C) Funeral establishment	\$ 540.00 <u>\$ 650.00</u>
12	(D) Crematory establishment	\$ 540.00 <u>\$ 650.00</u>
13	<u>(E) Crematory personnel</u>	<u>\$ 85.00</u>
14	<u>(F) Removal personnel</u>	\$ 85.00 <u>\$ 125.00</u>
15	<u>(G) Limited services establishment license</u>	<u>\$ 540.00</u>

16 (e) In addition to the provisions of subsection (a) of this section, an
17 applicant for renewal as a funeral director or embalmer shall have satisfactorily
18 completed continuing education as required by the ~~board~~ Board. For purposes
19 of this subsection, the ~~board~~ Board shall require, by rule, not less than six nor
20 more than ten hours of approved continuing education as a condition of

1 renewal and may require up to three hours of continuing education for removal
2 personnel in the subject area of universal precautions and infectious diseases.

3 * * * Nursing * * *

4 * * * Registered and Licensed Practical Nursing * * *

5 Sec. 15. 26 V.S.A. § 1577 is amended to read:

6 § 1577. FEES

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

9	(1) Application	\$ 60.00
10	(2) Registered nurse application by endorsement	\$ 150.00
11	(3) Biennial renewal	\$ 95.00 <u>\$ 140.00</u>
12	(4) Limited temporary license	\$ 25.00
13	(5) Initial endorsement of advanced practice	
14	registered nurses	\$ 75.00
15	(6) Biennial renewal of advanced practice	
16	registered nurses	\$ 50.00 <u>\$ 75.00</u>

17 * * * Nursing Assistants * * *

18 Sec. 16. 26 V.S.A. § 1599 is amended to read:

19 § 1599. FEES

20 Applicants and persons regulated under this subchapter shall pay the
21 following fees:

1	(2) Biennial renewal of broker or salesperson	
2	license	\$ 175.00 <u>\$ 200.00</u>
3	(3) Biennial <u>brokerage firm or branch office</u> registration renewal of	
4	<u>corporation or partnership</u>	<u>\$ 200.00</u>
5	(A) Corporation or partnership	\$ 75.00
6	(B) Sole proprietor	\$ 0.00
7	(4) Temporary permit	\$ 25.00
8	(5) Transfer of license	\$ 10.00
9	(6) Transfer to inactive status	\$ 25.00

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

14 Sec. 19. 26 V.S.A. § 3010 is amended to read:

15 § 3010. FEES; LICENSES

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

18	<u>(1) Application for license</u>	<u>\$175.00</u>
19	<u>(2) Biennial renewal of license</u>	<u>\$150.00</u>
20	(3) Psychological trainee registration	\$ 75.00
21	(4) Biennial renewal of trainee registration	\$ 90.00

1 licensed firearms dealer. As used in this subdivision, “person” means anyone
2 who meets the definition of “intimate partner” under 18 U.S.C. § 921(a)(32) or
3 who qualifies as a family or household member under 15 V.S.A. § 1101.

4 (2)(A) The Court may order that the person relinquish the firearms,
5 ammunition, or other weapons to a person other than a cooperating law
6 enforcement agency or an approved federally licensed firearms dealer unless
7 the Court finds that relinquishment to the other person will not adequately
8 protect the safety of the victim.

9 (B) A person to whom firearms, ammunition, or other weapons are
10 relinquished pursuant to subdivision (2)(A) of this subsection (b) shall execute
11 an affidavit on a form approved by the Court Administrator stating that the
12 person:

13 (i) acknowledges receipt of the firearms, ammunition, or other
14 weapons;

15 (ii) assumes responsibility for storage of the firearms,
16 ammunition, or other weapons until further order of the Court;

17 (iii) is not prohibited from owning or possessing firearms under
18 State or federal law; and

19 (iv) understands the obligations and requirements of the Court
20 order, including the potential for the person to be subject to civil contempt
21 proceedings pursuant to this subdivision (2)(A) of this subsection (b) if the

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

4 (C) A person to whom firearms, ammunition, or other weapons are
5 relinquished pursuant to this subdivision (2)(A) of this subsection (b) shall be
6 subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person
7 permits the firearms, ammunition, or other weapons to be possessed, accessed,
8 or used by the person who relinquished the item or by any other person not
9 authorized by law to do so.

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

18 (d) Fees.

19 (1) A law enforcement agency that stores firearms, ammunition, or
20 weapons pursuant to subdivision (b)(1) of this section may charge the owner a
21 reasonable storage fee, not to exceed:

1 (A) \$200.00 for the first firearm or weapon, and \$50.00 for each
2 additional firearm or weapon for up to 15 months, prorated on the number of
3 months the items are stored; and

4 (B) \$50.00 per firearm or weapon per year for each year or part
5 thereof thereafter.

6 (2) A federally licensed firearms dealer that stores firearms,
7 ammunition, or weapons pursuant to subdivision (b)(1) of this section may
8 charge the owner a storage fee that is reasonably related to the expenses it
9 incurs in the administration of this section. Any federally licensed firearm
10 dealer that certifies compliance under this section shall provide a copy of its
11 fee schedule to the Court.

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

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

16 (f) A final relief from abuse order issued pursuant to 15 V.S.A. § 1103
17 requiring a person to relinquish firearms, ammunition, or other weapons shall
18 direct the law enforcement agency, approved federally licensed firearms
19 dealer, or other person in possession of the items under subsection (b) of this
20 section to release them to the owner upon expiration of the order if all
21 applicable fees have been paid.

1 (g)(1) A law enforcement agency, an approved federally licensed firearms
2 dealer, or any other person that takes possession of firearms, ammunition, or
3 weapons for storage purposes pursuant to this section shall not release the
4 items to the owner without a court order unless the items are to be sold
5 pursuant to subdivision (2)(A) of this subsection. If a court orders the release
6 of firearms, ammunition, or weapons stored under this section, the law
7 enforcement agency or firearms dealer in possession of the items shall make
8 them available to the owner within three business days of receipt of the order
9 and in a manner consistent with federal law. The Supreme Court may
10 promulgate rules under 12 V.S.A. § 1 for judicial proceedings under
11 this subsection.

12 (2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or
13 weapon and pay the applicable storage fee within 90 days of the court order
14 releasing the items, the firearm, ammunition, or weapon may be sold for fair
15 market value. Title to the items shall pass to the law enforcement agency or
16 firearms dealer for the purpose of transferring ownership.

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

1 (iii) As used in this subdivision (2)(A), “reasonable effort” shall
2 include providing notice to the owner at least 21 days prior to the date of the
3 sale pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

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

7 (i) unpaid storage fees and associated costs, including the costs of
8 sale and of locating and serving the owner, shall be paid to the law
9 enforcement agency or firearms dealer that incurred the cost; and

10 (ii) any proceeds remaining after payment is made to the law
11 enforcement agency or firearms dealer pursuant to subdivision (i) of this
12 subdivision (2)(B) shall be paid to the original owner.

13 (h) A law enforcement agency shall be immune from civil or criminal
14 liability for any damage or deterioration of firearms, ammunition, or weapons
15 stored or transported pursuant to subsection (c) of this section. This subsection
16 shall not apply if the damage or deterioration occurred as a result of
17 recklessness, gross negligence, or intentional misconduct by the law
18 enforcement agency.

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

1 (1) Establish minimum standards to be a qualified storage location and
2 maintain a list of qualified storage locations, including:

3 (A) federally licensed firearms dealers that annually certify
4 compliance with the Department’s standards to receive firearms, ammunition,
5 or other weapons pursuant to subdivision (b)(2) of this section; and

6 (B) cooperating law enforcement agencies.

7 (2) Establish a fee schedule consistent with the fees established in this
8 section for the storage of firearms and other weapons by law enforcement
9 agencies pursuant to this section.

10 (3) Establish standards and guidelines to provide for the storage of
11 firearms, ammunition, and other weapons pursuant to this section by law
12 enforcement agencies. Such guidelines shall provide that:

13 (A) with the consent of the law enforcement agency taking
14 possession of a firearm, ammunition, or weapon under this section, an owner
15 may provide a storage container for the storage of such relinquished items;

16 (B) the law enforcement agency that takes possession of the firearm,
17 ammunition, or weapon may provide a storage container for the relinquished
18 item or items at an additional fee; and

19 (C) the law enforcement agency that takes possession of the firearm,
20 ammunition, or weapon shall present the owner with a receipt at the time of
21 relinquishment which includes the serial number and identifying characteristics

1 of the firearm, ammunition, or weapon and record the receipt of the item or
2 items in a log to be established by the Department.

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

6 (4) Report on January 15, 2015 and annually thereafter to the House and
7 Senate Committees on Judiciary on the status of the program.

8 * * * Dispatch Fees * * *

9 Sec. 22. UNIFORM DISPATCH FEES

10 The Commissioner of Public Safety shall propose specific dispatch services
11 fee schedules for use under 20 V.S.A. § 1871(i) and, on or before January 15,
12 2015, report on the same to the House Committee on Ways and Means and the
13 Senate Committee on Finance. Based on the Commissioner's report, uniform
14 statewide fees for dispatch services provided by or under the direction of the
15 Department of Public Safety shall be set by the General Assembly under the
16 provisions of 32 V.S.A. § 603 on or before July 1, 2016. Fees collected by the
17 Commissioner shall be reported in accordance with 32 V.S.A. § 605, and
18 credited to a special fund established and managed pursuant to 32 V.S.A.
19 chapter 7, subchapter 5 or to another budgeted fund other than the General
20 Fund, and shall be available to the Department to offset the costs of collecting
21 the amount owed.

1 the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all
2 other fees not otherwise set forth in this section.

3 (2) Prior to the entry of any divorce or annulment proceeding in the
4 Superior Court, there shall be paid to the clerk of the Court for the benefit of
5 the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set
6 forth in this section. If the divorce or annulment complaint is filed with a
7 stipulation for a final order, the fee shall be ~~\$75.00~~ \$80.00 if one or both of the
8 parties are residents, and ~~\$150.00~~ \$160.00 if neither party is a resident, except
9 that if the stipulation is not acceptable to the Court or if a matter previously
10 agreed to becomes contested, the difference between the full fee and the
11 reduced fee shall be paid to the Court prior to the issuance of a final order.

12 (3) Prior to the entry of any parentage or desertion and support
13 proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there
14 shall be paid to the clerk of the Court for the benefit of the State a fee of
15 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.
16 If the parentage or desertion and support complaint is filed with a stipulation
17 for a final order acceptable to the Court, the fee shall be ~~\$25.00~~ \$30.00 except
18 that if the stipulation is not acceptable to the Court or if a matter previously
19 agreed to becomes contested, the difference between the full fee and the
20 reduced fee shall be paid to the Court prior to the issuance of a final order.

1 (4) Prior to the entry of any motion or petition to enforce a final order
2 for parental rights and responsibilities, parent-child contact, property division,
3 or maintenance in the Superior Court, there shall be paid to the clerk of the
4 Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 in lieu of all other fees
5 not otherwise set forth in this section. Prior to the entry of any motion or
6 petition to vacate or modify a final order for parental rights and
7 responsibilities, parent-child contact, or maintenance in the Superior Court,
8 there shall be paid to the clerk of the Court for the benefit of the State a fee of
9 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.
10 However, if the motion or petition is filed with a stipulation for an order, the
11 fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the
12 Court or if a matter previously agreed to becomes contested, the difference
13 between the full fee and the reduced fee shall be paid to the Court prior to the
14 issuance of a final order. All motions or petitions filed by one party under this
15 subsection at one time shall be assessed one fee equal to the highest of the
16 filing fees associated with the motions or petitions involved. There are no
17 filing fees for prejudgment motions or petitions filed before a final divorce,
18 legal separation, dissolution of civil union, parentage, desertion, or nonsupport
19 judgment issued.

20 (5) Prior to the entry of any motion or petition to vacate or modify an
21 order for child support in the Superior Court, there shall be paid to the clerk of

1 the Court for the benefit of the State a fee of ~~\$35.00~~ \$40.00 in lieu of all other
2 fees not otherwise set forth in this section. If the motion or petition is filed
3 with a stipulation for an order, there shall be no fee except that if the
4 stipulation is not acceptable to the Court or if a matter previously agreed to
5 becomes contested, the difference between the full fee and the reduced fee
6 shall be paid to the Court prior to the issuance of a final order. A motion or
7 petition to enforce an order for child support shall require no fee. All motions
8 or petitions filed by one party at one time shall be assessed one fee; if a
9 simultaneous motion is filed by a party under subdivision (4) of this
10 subsection, the fee under subdivision (4) shall be the only fee assessed. There
11 are no filing fees for prejudgment motions or petitions filed before a final
12 divorce, legal separation, dissolution of civil union, parentage, desertion, or
13 nonsupport judgment has issued.

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

20 (c)(1) Prior to the entry of a small claims action, there shall be paid to the
21 clerk in lieu of all other fees not otherwise set forth in this section, a fee of

1 ~~\$75.00~~ \$80.00 if the claim is for more than \$1,000.00 and ~~\$50.00~~ \$55.00 if the
2 claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in
3 a small claims action, there shall be paid to the clerk a fee of ~~\$50.00~~ \$55.00.

4 The fee for every counterclaim in small claims proceedings shall be ~~\$25.00~~
5 \$30.00, payable to the clerk, if the counterclaim is for more than \$500.00, and
6 ~~\$15.00~~ \$20.00 if the counterclaim is for \$500.00 or less.

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

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

14 (d) Prior to the entry of any subsequent pleading which sets forth a claim
15 for relief in the Supreme Court or the Superior Court, there shall be paid to the
16 clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 for
17 every appeal, cross-claim, or third-party claim and a fee of ~~\$75.00~~ \$80.00 for
18 every counterclaim in the Superior Court in lieu of all other fees not otherwise
19 set forth in this section. The fee for an appeal of a magistrate's decision in the
20 Superior Court shall be ~~\$100.00~~ \$105.00. The filing fee for civil suspension
21 proceedings filed pursuant to 23 V.S.A § 1205 shall be ~~\$75.00~~ \$80.00, which

1 shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of
2 this title. This subsection does not apply to filing fees in the Family Division,
3 except with respect to the fee for an appeal of a magistrate's decision.

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

10 (f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$50.00~~
11 \$55.00; the State or municipality shall not be required to pay the fee; however,
12 if the respondent denies the allegations on the ticket, the fee shall be taxed in
13 the bill of costs in accordance with sections 1433 and 1471 of this title and
14 shall be paid to the clerk of the Bureau for the benefit of the State.

15 (g) Prior to the filing of any postjudgment motion in the Judicial Bureau
16 there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee
17 of ~~\$35.00~~ \$40.00. Prior to the filing of any appeal from the Judicial Bureau to
18 the Superior Court, there shall be paid to the Clerk of the Court, for the benefit
19 of the State, a fee of ~~\$100.00~~ \$105.00.

20 (h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of
21 Appellate Procedure 24(a), part or all of the filing fee may be waived if the

1 Court finds that the applicant is unable to pay it. The clerk of the Court or the
2 clerk's designee shall establish the in forma pauperis fee in accordance with
3 procedures and guidelines established by administrative order of the Supreme
4 Court. If, during the course of the proceeding and prior to a final judgment,
5 the Court determines that the applicant has the ability to pay all or a part of the
6 waived fee, the Court shall require that payment be made prior to issuing a
7 final judgment. If the applicant fails to pay the fee within a reasonable time,
8 the Court may dismiss the proceeding.

9 Sec. 25. 32 V.S.A. § 1434 is amended to read:

10 § 1434. PROBATE CASES

11 (a) The following entry fees shall be paid to the Probate Division of the
12 Superior Court for the benefit of the State, except for ~~subdivision~~ subdivisions
13 ~~(17)(18) and (19)~~ of this subsection which shall be for the benefit of the county
14 in which the fee was collected:

15	(1) Estates of \$10,000.00 or less	\$25.00 <u>\$ 30.00</u>
16	(2) Estates of more than \$10,000.00 to not more	\$75.00 <u>\$ 80.00</u>
17	than \$50,000.00	
18	(3) Estates of more than \$50,000.00 to not more	\$200.00 <u>\$210.00</u>
19	than \$150,000.00	
20	(4) Estates of more than \$150,000.00 to not more	\$375.00 <u>\$395.00</u>
21	than \$500,000.00	

- 1 (5) Estates of more than \$500,000.00 to not more \$ ~~625.00~~ \$ 660.00
2 than \$1,000,000.00
- 3 (6) Estates of more than \$1,000,000.00 to \$1,000.00 \$1,050.00
4 not more than \$5,000,000.00
- 5 (7) Estates of more than \$5,000,000.00 to \$1,500.00 \$1,575.00
6 not more than \$10,000,000.00
- 7 (8) Estates of more than \$10,000,000.00 \$1,750.00 \$1,840.00
- 8 (9) For all trust petitions, other than those described \$ ~~150.00~~ \$ 160.00
9 in subdivision (11) of this subsection, where the corpus of the
10 trust at the time the petition is filed is \$100,000.00 or less,
11 including petitions to modify or terminate a trust, to remove
12 or substitute a trustee or trustees, or seeking remedies for
13 breach of trust
- 14 (10) For all trust petitions, other than those described \$ ~~250.00~~ \$ 265.00
15 in subdivision (11) of this subsection, where the corpus of the
16 trust is more than \$100,000.00, including petitions to modify
17 or terminate a trust, to remove or substitute a trustee or trustees,
18 or seeking remedies for breach of trust
- 19 (11) Annual accounts on trusts \$ ~~30.00~~ \$ 35.00
- 20 (12) Annual accounts on decedents' estates filed for \$ ~~25.00~~ \$ 30.00
21 any period ending more than one year following the opening

1	of the estate	
2	(13) Adoptions <u>and relinquishments as part of an</u>	\$ 75.00 <u>\$100.00</u>
3	<u>adoption proceeding</u>	
4	(14) <u>Relinquishments, separate from adoptions</u>	<u>\$100.00</u>
5	(15) <u>Guardianships for minors</u>	\$ 85.00 <u>\$ 90.00</u>
6	(15) (16) <u>Guardianships for adults</u>	\$100.00 <u>\$105.00</u>
7	(16) (17) <u>Petitions for change of name</u>	\$125.00 <u>\$135.00</u>
8	(17) (18) <u>Filing of a will for safekeeping, except that</u>	\$ 20.00 <u>\$ 25.00</u>
9	there shall be no fee for the filing of subsequent wills in that	
10	district for the same person	
11	(19) <u>Filing of subsequent will for safekeeping, same</u>	<u>\$ 15.00</u>
12	<u>probate division or transfer to another probate division</u>	
13	(18) (20) <u>Corrections for vital records</u>	\$ 25.00 <u>\$ 30.00</u>
14	(19) (21) <u>Orders of authorization pursuant to</u>	\$ 25.00 <u>\$ 30.00</u>
15	<u>18 V.S.A. § 5144</u>	
16	(20) (22) <u>Conveyances of title to real estate pursuant</u>	\$ 50.00 <u>\$ 55.00</u>
17	<u>to 14 V.S.A. § 1801, including petitions to clear title and</u>	
18	<u>release or discharge of mortgage</u>	
19	(21) (23) <u>Petitions concerning advance directives</u>	\$75.00 <u>\$ 80.00</u>
20	<u>pursuant to 18 V.S.A. § 9718</u>	
21	(22) (24) <u>Civil actions brought pursuant to</u>	\$50.00 <u>\$ 55.00</u>

1	18 V.S.A. chapter 107, subchapter 3	
2	(23) (25) Petitions for partial decree	\$100.00 <u>\$105.00</u>
3	(24) (26) Petitions for license to sell real estate	\$ 50.00 <u>\$ 55.00</u>
4	<u>(27) Petitions for minor settlement pursuant to</u>	<u>\$ 30.00</u>

5 14 V.S.A. § 2643

6 * * *

7 Sec. 26. JUDICIARY; ELECTRONIC FILING FEE

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

17 * * * Vermont Web Portal * * *

18 **Sec. 27. WEB PORTAL FEES; DEPARTMENT OF TAXES AND**

19 **DEPARTMENT OF MOTOR VEHICLES**

20 In accordance with the provisions of 22 V.S.A. § 953, the General

21 Assembly hereby approves the three percent credit card fees proposed by the

1 Web Portal Board, which were approved by the Governor, and for which
2 legislative action has been requested by a member of the Joint Fiscal
3 Committee, as follows:

4 (1) Legislative approval is for the Vermont Web Portal to assess to the
5 taxpayer a three percent fee on credit card payment of tax bills to the Vermont
6 Department of Taxes:

7 (2) Legislative approval is for the Vermont Web Portal Board to assess
8 to the credit card holder a three percent fee on over-the-counter credit card
9 payment of Department of Motor Vehicle fees at Department branch offices.

10 Sec. 28. REVIEW OF WEB PORTAL FEE; DEPARTMENT OF TAXES

11 Prior to July 1, 2016, the Web Portal Board shall consider any changes to
12 the three percent fee on credit card payment of tax bills to the Vermont
13 Department of Taxes authorized in Sec. 26(a)(1) of this act, and, consistent
14 with the provisions of 22 V.S.A. § 953(c), shall recommend any such proposed
15 changes to the Joint Fiscal Committee.

16 22 V.S.A. § 954 is added to read:

17 § 954. VERMONT WEB PORTAL; DEPARTMENT OF TAXES

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

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

2 § 955. VERMONT WEB PORTAL; DEPARTMENT OF MOTOR

3 VEHICLES

4 The Vermont Web Portal may assess a three percent fee for

5 over the counter credit card payment of Department of Motor Vehicle fees at

6 Department branch offices.

7 * * * Dispensaries * * *

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

9 § 4474f. DISPENSARY APPLICATION, APPROVAL, AND

10 REGISTRATION

11 * * *

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

14 * * *

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

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

3 (d)(1) Notwithstanding any other provision of law to the contrary, in the
4 case of prepaid wireless telecommunications services, the universal service
5 charge shall be imposed on the provider in the manner determined by the
6 Public Service Board pursuant to subdivision (3) of this section.

7 (2) For purposes of this subsection, “prepaid wireless
8 telecommunications service” means a telecommunications service as defined
9 in section 203(5) of this title that a consumer pays for in advance and that is
10 sold in predetermined units or dollars that decline with use.

11 (3) The Public Service Board shall establish a formula to ensure the
12 universal service charge imposed on prepaid wireless telecommunications
13 service providers reflects two percent of retail prepaid wireless
14 telecommunications service in Vermont beginning on September 1, 2014.

15 **Sec. 31. 30 V.S.A. § 7524 is amended to read:**

16 **§ 7524. PAYMENT TO FISCAL AGENT**

17 **(a) Telecommunications service providers shall pay to the fiscal agent all**
18 **universal service charge receipts collected from customers. A report in a form**
19 **approved by ~~the public service board~~ Public Service Board shall be included**
20 **with each payment.**

1 (b) Payments shall be made monthly, by the 15th day of the month, and
2 shall be based upon amounts collected in the preceding month. If the amount
3 is small, the ~~board~~ Board may allow payment to be made less frequently, and
4 may permit payment on an accrual basis.

5 (c) Telecommunications service providers shall maintain records adequate
6 to demonstrate compliance with the requirements of this chapter. The ~~board~~
7 Board or the fiscal agent may examine those records in a reasonable manner.

8 (d) When a payment is due under this section by a telecommunications
9 service provider who has provided customer credits under the ~~lifeline~~ Lifeline
10 program, the amount due may be reduced by the amount of credit granted.

11 (e) The fiscal agent shall examine the records of telecommunications
12 service providers to determine whether their receipts reflect application of the
13 universal service charge on all assessable telecommunications services under
14 this chapter, including the federal subscriber line charge, directory assistance,
15 enhanced services unless they are billed as separate line items, and toll-related
16 services.

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

18 Sec. 32. 6 V.S.A. § 3022 is amended to read:

19 § 3022. ENFORCEMENT; INSPECTION

20 (a) The ~~secretary~~ Secretary shall enforce the provisions of this chapter. The
21 ~~secretary~~ Secretary may, with the approval of the governor, appoint or contract

1 with one or more inspectors who shall also be authorized to inspect all apiaries
2 and otherwise enforce the provisions of this chapter.

3 (b) ~~The secretary shall pay any such inspectors their salary and necessary~~
4 ~~expenses incurred in the performance of their duties from the moneys annually~~
5 ~~available to the agency~~ Any person who is the owner of any bees, apiary,
6 colony, or hive shall pay a \$10.00 annual registration fee for each location of
7 hives. The fee revenue, together with any other funds appropriated to the
8 Agency for this purpose, shall be collected by the Secretary and credited to the
9 Weights and Measures Testing fund to be used to offset the costs of inspection
10 services and to provide educational services and technical assistance to
11 beekeepers in the State.

12 *** Repeal ***

13 Sec. 32. REPEAL

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

16 * * * Effective Dates * * *

17 Sec. 33. EFFECTIVE DATES

18 (a) This section and Sec. 29 (dispensaries) shall take effect on passage.

19 (b) Sec. 32 (apiaries) shall take effect on July 1, 2015.

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

21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE