

# **ADDENDUM**

**TO THE**

**SENATE CALENDAR**

**OF**

**WEDNESDAY**

**April 29, 2015**

**COMMITTEE REPORT**

**H. 489**

**An act relating to revenue.**



**COMMITTEE REPORT**

**H. 489.**

An act relating to revenue.

**Reported favorably with recommendation of proposal of amendment by Senator Ashe for the Committee on Finance.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Secretary of State \* \* \*

\* \* \* Office of Professional Regulation \* \* \*

\* \* \* Osteopathy \* \* \*

Sec. 1. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

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

- (1) Application
  - (A) Licensure \$500.00
  - (B) Limited temporary license \$50.00
- (2) Biennial license renewal ~~\$500.00~~ \$350.00
- (3) Annual limited temporary license renewal \$100.00

\* \* \* Real Estate Brokers and Salespersons \* \* \*

Sec. 2. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

\* \* \*

- (7) Education course review \$100.00

\* \* \*

\* \* \* Veterinary Medicine \* \* \*

Sec. 3. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

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

- |                      |                                      |
|----------------------|--------------------------------------|
| (1) Application      | \$ 100.00                            |
| (2) Biennial renewal | <del>\$ 250.00</del> <u>\$200.00</u> |

\* \* \* Land Surveyors \* \* \*

Sec. 4. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

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

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| (1) Application                 | \$200.00                            |
| (2) Biennial renewal of license | <del>\$400.00</del> <u>\$300.00</u> |

\* \* \* Real Estate Appraisers \* \* \*

Sec. 5. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

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

- |   |                                     |
|---|-------------------------------------|
| (1) Application   | \$125.00                            |
| (2) Initial license                                       | \$150.00                            |
| (3) Biennial renewal                                      | <del>\$315.00</del> <u>\$200.00</u> |
| (4) Temporary license                                     | \$150.00                            |
| (5) Prelicensing course review                            | \$100.00                            |
| (6) Continuing education course review                    | \$100.00                            |
| (7) Appraiser trainee annual registration                 | \$100.00                            |
| (8) Appraisal management company registration application | \$125.00                            |
| (9) Appraisal management company registration renewal     | <del>\$500.00</del> <u>\$400.00</u> |

\* \* \* Agency of Education \* \* \*

Sec. 6. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

- (1) ~~Initial processing~~ Processing of application ~~\$40.00~~  
\$50.00 per application
- (2) Issuance of ~~initial~~ Level I license ~~\$40.00~~ \$50.00 per year  
for the term of the license
- (3) ~~Renewal~~ Issuance of Level II license ~~\$40.00~~ \$50.00 per year  
for the term of the renewal
- (4) ~~Replacement of license~~ Official copy of licenses \$10.00
- (5) [Repealed.]
- (6) Issuance of provisional, emergency, or apprenticeship license  
\$50.00 per year for term of license
- ~~(6)~~(7) Peer review process \$1,200.00 one-time fee

\* \* \*

\* \* \* Speech–Language Pathologists and Audiologists \* \* \*

Sec. 7. 26 V.S.A. § 4459 is amended to read:

§ 4459. FEES

(a) Each applicant and licensee shall be subject to the following fees:

- (1) ~~Initial processing~~ Processing of application ~~\$35.00~~ \$50.00
- (2) Issuance of ~~initial~~ license ~~\$35.00~~ \$50.00 per year for the term of the  
license
- (3) ~~Renewal~~ Issuance of license ~~\$35.00~~ \$50.00 per year for the term of  
the renewal
- (4) ~~Replacement~~ Official copy of license \$10.00
- ~~(5) Duplicate license \$3.00~~

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

Sec. 7a. CONTINGENT EFFECTIVE DATE OF SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSE FEES

The amendments to 26 V.S.A. § 4459 (fees for speech-language pathologists and audiologists) set forth in Sec. 7 of this act shall not take effect if during the 2015 legislative session, the General Assembly enacts legislation to transfer the licensure of speech-language pathologists and audiologists from the Agency of Education to the Office of Professional Regulation.

\* \* \* Department of Health \* \* \*

\* \* \* X-ray Equipment Fees \* \* \*

Sec. 8. 18 V.S.A. § 1652(e) is amended to read:

(e) Applicants for registration of X-ray equipment shall pay an annual registration fee of ~~\$45.00~~ \$85.00 per piece of equipment.

\* \* \* Food and Lodging Establishment Fees \* \* \*

Sec. 9. 18 V.S.A. § 4353 is amended to read:

§ 4353. FEES

(a) The following fees shall be paid annually to the ~~board~~ Board at the time of making the application according to the following schedules:

- (1) Restaurant I – Seating capacity of 0 to 25; ~~\$85.00~~ \$144.00
  - II — Seating capacity of 26 to 50; ~~\$145.00~~ \$204.00
  - III — Seating capacity of 51 to 100; ~~\$245.00~~ \$304.00
  - IV — Seating capacity of 101 to 200; ~~\$305.00~~ \$364.00
  - V — Seating capacity of over 200; ~~\$390.00~~ \$449.00
  - VI — Home Caterer; ~~\$95.00~~ \$154.00
  - VII — Commercial Caterer; ~~\$200.00~~ \$259.00
  - VIII — Limited Operations; ~~\$95.00~~ \$154.00
  - IX — Fair Stand; ~~\$70.00~~ \$129.00; if operating for four or more days per year; ~~\$160.00~~ \$219.00
- (2) Lodging
  - I — Lodging capacity of 1 to 10; ~~\$80.00~~ \$201.00
  - II — Lodging capacity of 11 to 20; ~~\$135.00~~ \$256.00
  - III — Lodging capacity of 21 to 50; ~~\$200.00~~ \$321.00
  - IV — Lodging capacity of over 50; ~~\$340.00~~ \$461.00

(3) Food processor - a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) - Gross receipts of \$10,001.00 to \$50,000.00; ~~\$115.00~~ \$175.00

(B) - Gross receipts of over \$50,000.00; ~~\$155.00~~ \$275.00

(4) Seafood vending facility – ~~\$125.00~~ \$175.00, unless operating pursuant to another license issued by the ~~department of health~~ Department of Health and generating less than \$40,000.00 in seafood gross receipts annually. If generating more than \$40,000.00 in seafood gross receipts annually, the fee is to be paid regardless of whether the facility is operating pursuant to another license issued by the ~~department of health~~ Department of Health.

(5) Shellfish reshippers and repackers – ~~\$285.00~~ \$375.00.

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

\* \* \*

Sec. 10. 18 V.S.A. § 4446 is amended to read:

§ 4446. FEE

(a) A person owning or conducting a bakery as specified in sections 4441 and 4444 of this title shall pay to the ~~board~~ Board a fee for each certificate and renewal thereof in accordance with the following schedule:

Bakery I – Home Bakery; ~~\$55.00~~ \$100.00

II – Small Commercial; ~~\$125.00~~ \$175.00

III – Large Commercial; ~~\$250.00~~ \$325.00

IV – Camps; ~~\$90.00~~ \$150.00

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

\* \* \*

Sec. 11. REPORT TO GENERAL ASSEMBLY; COMBINATION LICENSES FOR FOOD AND LODGING ESTABLISHMENTS

(a) On or before January 15, 2016, the Commissioner of Health shall submit to the House Committee on Human Services, the House Committee on Ways and Means, and the Senate Committee on Finance a report with recommendations designed to achieve licensing efficiencies, including risk-based inspections and combination licenses for food retailers and food and lodging establishments. The report shall include:

(1) a summary of how other New England states license such establishments and identify any other state that has a valuable model;

(2) a description of available models that include risk-based inspections and combination licenses;

(3) any recommendation of revenue-neutral fee structure changes that would improve efficiency for both the Department and licensees.

(b) Recommendations for combination licenses or fee changes shall be included in the fiscal year 2017 Executive Branch Fee Bill.

\* \* \* Board of Medical Practice Fees \* \* \*

\* \* \* Podiatry \* \* \*

Sec. 12. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

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

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

\* \* \* Medicine \* \* \*

Sec. 13. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The ~~department of health~~ Department of Health shall collect the following fees:

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.



(3) Initial limited temporary license; annual renewal ~~\$70.00~~ \$75.00.

\* \* \*

\* \* \* Anesthesiologist Assistants \* \* \*

Sec. 14. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

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

(1)(A)(i) Original application for certification, ~~\$115.00~~ \$120.00;

(ii) Each additional application, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2)(A)(i) Biennial renewal, ~~\$115.00~~ \$120.00;

(ii) Each additional renewal, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, ~~\$15.00~~ \$20.00.

\* \* \* Physician Assistants \* \* \*

Sec. 15. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

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

(1) Original application for licensure, ~~\$170.00~~ \$225.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$170.00~~ \$215.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

\* \* \* Radiologist Assistants \* \* \*

Sec. 16. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

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

- (1)(A)(i) Original application for certification                      ~~\$115.00~~ \$120.00;  
(ii) Each additional application    ~~\$ 50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

- (2)(A)(i) Biennial renewal    ~~\$115.00~~ \$120.00;  
(ii) Each additional renewal    ~~\$ 50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

- (3) Transfer of certification    ~~\$15.00~~ \$20.00.

\* \* \* Agency of Natural Resources/Natural Resource Board \* \* \*

Sec. 17. 30 V.S.A. § 248b is added to read:

§ 248b. FEES; AGENCY OF NATURAL RESOURCES; PARTICIPATION IN SITING PROCEEDINGS

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Agency of Natural Resources (the Agency) in reviewing applications for in-state facilities under sections 248 and 248a of this title.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Public Service Board in an amount calculated in accordance with this section. The fee shall be deposited into the Natural Resources Management Fund and allocated to the Agency.

(c) Definitions. In this section:

(1) “kW,” “MW” and “plant capacity” shall have the same meaning as in section 8002 of this title.

(2) “Natural gas facility” shall have the same meaning as in section 248 of this title.

(3) “Telecommunications facility” shall have the same meaning as in section 248a of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be no fee for an electric generation facility less than or equal to 139 kW in plant capacity or for an application filed under subsection 248(k), (l), or (n) of this title.

(2) The fee for electric generation facilities greater than 139 kW through five MW in plant capacity shall be calculated as follows, except that in no event shall the fee exceed \$15,000.00:

(A) An electric generation facility from 140 kW through 450 kW in plant capacity, \$3.00 per kW.

(B) An electric generation facility from 451 kW through 2.2 MW in plant capacity, \$4.00 per kW.

(C) An electric generation facility from 2.201 MW through five MW in plant capacity, \$5.00 per kW.

(3) The fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$100,000.00 per application, for a new electric generation facility greater than five MW in capacity, and for a new electric transmission facility or new natural gas facility not eligible for treatment under subsection 248(j) of this title.

(4) The fee shall be \$2,500.00 for an application under subsection 248(j) of this title for a facility that is not electric generation and for an application or that portion of an application under section 248 of this title that consists of upgrading an existing facility within its existing development footprint, reconductoring of an electric transmission line on an existing structure, or the addition of an electric transmission line to an existing structure.

(e) Telecommunications facilities. For an application under section 248a of this title proposing a wireless telecommunications facility that includes a new support structure, the fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$15,000.00.

(f) Exercise of duties. The Agency of Natural Resources shall exercise its duties under this title in a manner consistent with implementation of State policy and goals under sections 202a and 202c and chapter 89 of this title. In exercising its duties, the Agency shall establish procedures and work flow goals for the timely review of applications under sections 248 and 248a of this title. On or before the third Tuesday of each annual legislative session, the Agency shall submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall: list the fees collected under this section during the preceding fiscal year; discuss the Agency's performance in exercising its duties under this title during that year; identify areas that hinder the Agency's effective performance of these duties and summarize changes made to improve such performance; and, with respect to the Agency's exercise of these duties, discuss the Agency's staffing needs during the coming fiscal year and the future goals and objectives of the Agency.

Sec. 17a. 30 V.S.A. § 21 is amended to read:

§ 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

(a) The Board, the Department, or the Agency of Natural Resources may allocate the portion of the expense incurred or authorized by it in retaining additional personnel for the particular proceedings authorized in section 20 of this title to the applicant or the public service company or companies involved in those proceedings.

(1) The Board shall upon petition of an applicant or public service company to which costs are proposed to be allocated, review and determine, after opportunity for hearing, having due regard for the size and complexity of the project, the necessity and reasonableness of such costs, and may amend or revise such allocations. Nothing in this section shall confer authority on the Board to select or decide the personnel, the expenses of whom are being allocated, unless such personnel are retained by the Board. Prior to allocating costs, the Board shall make a determination of the purpose and use of the funds to be raised hereunder, identify the recipient of the funds, provide for allocation of costs among companies to be assessed, indicate an estimated duration of the proceedings, and estimate the total costs to be imposed. With the approval of the Board, such estimates may be revised as necessary. From

time to time during the progress of the work of such additional personnel, the Board, the Department, or the Agency of Natural Resources shall render to the company detailed statements showing the amount of money expended or contracted for in the work of such personnel, which statements shall be paid by the applicant or the public service company into the State Treasury at such time and in such manner as the Board, the Department, or the Agency of Natural Resources may reasonably direct.

(2) In any proceeding under section 248 of this title, the Agency of Natural Resources may allocate the portion of the expense incurred in retaining additional staff authorized in subsection 21(a) of this title only if the following apply:

(A) the Agency does not have the expertise and the retention of such expertise is required to fulfill the Agency's statutory obligations in the proceeding; and

(B) the Agency allocates only that portion of the cost for such expertise that exceeds the fee paid by the applicant under section 248b of this title.

(b) When regular employees of the Board, the Department, or the Agency of Natural Resources are employed in the particular proceedings described in section 20 of this title, the Board, the Department, or the Agency of Natural Resources may also allocate the portion of their costs and expenses to the applicant or the public service company or companies involved in the proceedings. The costs of regular employees shall be computed on the basis of working days within the salary period. The manner of assessment and of making payments shall otherwise be as provided for additional personnel in subsection (a) of this section. However, with respect to proceedings under section 248 of this title, the Agency shall not allocate the costs of regular employees.

\* \* \*

(d) The Agency of Natural Resources may allocate expenses under this section only for costs in excess of the amount specified in 3 V.S.A. § 2809(d)~~(2)~~(1)(A).

Sec. 18. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or

subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the following fees for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

(1) For projects involving construction, ~~\$5.40~~ \$6.65 for each \$1,000.00 of the first \$15,000,000.00 of construction costs, and ~~\$2.50~~ \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be paid to the Agency of Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications.

(2) For projects involving the creation of lots, ~~\$100.00~~ \$125.00 for each lot.

(3) For projects involving exploration for or removal of oil, gas, and fissionable source materials, a fee as determined under subdivision (1) of this subsection or \$1,000.00 for each day of Commission hearings required for such projects, whichever is greater.

(4) For projects involving the extraction of earth resources, including ~~but not limited to~~ sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$0.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

(5) For projects involving the review of a master plan, a fee equivalent to \$0.10 per ~~\$1,000~~ \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in ~~subdivisions~~ subdivision (1) of this subsection for any portion of the project seeing construction approval

(6) In no event shall a permit application fee exceed ~~\$150,000.00~~ \$165,000.00.

(b) Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of ~~\$150.00~~ \$187.50 for original applications and ~~\$50.00~~ \$62.50 for amendment applications, in addition to publication and recording costs. These costs shall be in addition to any other fee established by statute, unless otherwise expressly stated.

\* \* \*

Sec. 19. 3 V.S.A. § 2809(d)(4) is amended to read:

(4) All funds collected from applicants under the provisions of this section shall be paid into the State Treasury Environmental Permit Fund established pursuant to 10 V.S.A. § 2805, except that funds collected under provisions of subdivision (a)(2) of this section shall be paid into the Natural Resources Management Fund established pursuant to 23 V.S.A. § 3106(d).

Sec. 20. AGENCY OF NATURAL RESOURCES REPORT ON FEE FOR MOORINGS

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the House Committee on Ways and Means, the Senate Committee on Finance, the House Committee on Fish, Wildlife and Water Resources, and the Senate Committee on Natural Resources and Energy a report regarding whether the State should charge a fee for moorings located in waters of the State. The report shall:

(1) provide a detailed estimate of the number of moorings located in waters of the State and address whether other entities, public or private, are collecting fees associated with those moorings; and

(2) recommend:

(A) whether a fee should be charged for moorings or subcategories of moorings, such as private moorings versus commercial moorings;

(B) the amount the State should charge;

(C) how the fee should be charged, collected, and noncompliance enforced; and

(D) what new or existing program the fee revenue would support.

\* \* \* Department for Environmental Conservation \* \* \*

Sec. 21. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

\* \* \*

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. ~~In addition, the persons who are exempt under 32 V.S.A. § 710 are also exempt from the application fees for stormwater operating permits specified in subdivisions (j)(2)(A)(iii)(I)~~

~~and (II) of this section if they otherwise meet the requirements of 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (2), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall be subject to the payment of fees prescribed in subdivisions (j)(2), (10), (11), (12) and (26), except that a municipality shall also be exempt from those fees for orphan stormwater systems prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this section when a municipality agrees to become an applicant or co-applicant for an orphan stormwater system under 10 V.S.A. § 1264e for which a municipality has assumed full legal responsibility for the permit pursuant to 10 V.S.A. § 1264.~~

(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.

(1) For air pollution control permits or registrations issued under 10 V.S.A. chapter 23:

\* \* \*

~~(B) Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall submit an annual registration fee in accordance with the following registration fee schedule, where the sum of a source's emissions of the following air contaminants is greater than five tons per year: sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons:~~

~~Registration: \$0.0335 per pound of emissions of any of these contaminants. Where the sum of a source's emission of these contaminants is greater than ten tons per year, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00:~~

~~Base registration fee \$1,500.00; and \$0.0335 per pound of emissions of any of these contaminants.~~

(B) Annual registration. Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall annually pay the following:

(i) base fee where the sum of a source's emissions of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is:

(I) ten tons or greater: \$1,500.00;



(II) less than ten tons but greater than or equal to five tons: \$1,000.00; and

(III) less than five tons: \$500.00.

(ii) Where the sum of a source's emissions of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is greater than or equal to five tons: an annual registration fee that is \$0.0335 per pound of such emissions except that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00.

(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 ~~\$120.00~~ \$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) ~~Sewage~~ Indirect discharge.

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

~~(bb) Renewal, transfer, or minor \$0.00  
amendment of individual permit.~~

~~(cc) General permit. \$0.00~~

(II) ~~Nonsewage~~ Underground  
injection; original permit.

~~(aa) Individual permit: \$0.06 per gallon  
original application; capacity design; minimum  
amendment for increased \$400.00 per application.  
flows; amendment for~~

~~modification or replacement  
of system. For applications \$500.00 and \$0.10 for  
where the discharge meets each gallon per day~~

<u>groundwater enforcement standards at the point of discharge:</u>	<u>over 2,000 gallons per day.</u>
<del>(bb) Renewal, transfer, or minor amendment of individual permit</del>	<del>\$0.00</del>
<u>(bb) For applications where the discharge meets groundwater enforcement standards at the point of compliance:</u>	<u>\$1,500.00 and \$0.20 for each gallon per day over 2,000 gallons per day.</u>
<del>(cc) General permit.</del>	<del>\$0.00.</del>

(B) Annual operating fee.

\* \* \*

(v) Indirect discharge or underground injection control, excluding stormwater discharges:

(I) Sewage Indirect discharge.

(aa) Individual permit:	\$400.00 plus \$0.035 per gallon of design capacity above 6,500 gpd. maximum \$27,500.00.
(bb) Approval under general permit.:	\$220.00.

(II) Nonsewage Underground injection control.

<del>(aa) Individual permit</del> <u>For applications where the discharge meets groundwater enforcement standards at the point of discharge:</u>	<del>\$0.013 per gallon of design capacity. \$250.00 minimum; maximum \$5,500.00</del> <u>\$500.00 and \$0.02 for each gallon per day over 2,000 gallons per day.</u>
(bb) <u>For applications where the discharge meets groundwater enforcement standards at the point of compliance:</u>	<u>\$1,500.00 and \$0.02 for each gallon per day over 2,000 gallons per day.</u>

(cc) Approval under general permit: \$220.00.

(C) The Secretary shall bill all persons who hold discharge permits for the required annual operating fee. Annual operating fees may be divided into semiannual or quarterly billings.

(3) [Repealed.]

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: ~~\$245.00~~ \$306.25 per application.

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: ~~\$580.00~~ \$870.00 per application.

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: ~~\$2,000.00~~ \$3,000.00 per application.

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: ~~\$5,000.00~~ \$7,500.00 per application.

(v) design flows greater than 10,000 gpd: ~~\$9,500.00~~ \$13,500.00 per application.

(B) Minor amendments: ~~\$100.00.~~ \$150.00.

~~(C) Special fees~~

~~(i) Original application or amendment solely for construction of grease trap, due to change in use, no increase in design flow. \$135.00~~

~~(ii) Original application or amendment solely for construction of holding tank for nondomestic wastewater when nondomestic wastewater will be transported off-site. \$135.00.~~

~~(iii) Original application or amendment for initial connection by an existing building or structure to a municipal water or wastewater system at the time is first constructed where there is no increase in design flow and where the connection and system has been reviewed and approved by the facilities engineering division of the agency or has been reviewed, approved, and certified by a licensed designer retained by the municipality.~~ \$50.00

~~(iv)(I)(C)~~ Minor projects: \$180.00. \$270.00.

(H) As used in this subdivision (j)(4)(C), “minor project” means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow, but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

(D) Notwithstanding the other provisions of this subdivision, when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

\* \* \*

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 and interim groundwater withdrawal permits and approvals issued under 10 V.S.A. chapter 48:

(A) For public water supply construction permit and permit amendment applications:

~~\$375.00 per application plus \$0.0055 per gallon of design capacity. Amendments \$150.00 per application.~~

(i) For public community and nontransient noncommunity water supplies: \$900.00.

(ii) For transient noncommunity: \$500.00.

(B) For water treatment plant applications, except those applications submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design capacity. Amendments \$150.00 per application.

\* \* \*

(D) For public water supplies and bottled water facilities, annually:

(i) Transient noncommunity: ~~\$50.00~~ \$100.00.

(ii) Nontransient, noncommunity: \$0.0355 per 1,000 gallons of water produced annually or \$70.00, whichever is greater.

(iii) Community: ~~\$0.0439~~ \$0.05 per 1,000 gallons of water produced annually.

(iv) Bottled water: \$1,390.00 per permitted facility.

(E) Amendment to bottled water facility permit, \$150.00 per application.

(F) For facilities permitted to withdraw groundwater pursuant to 10 V.S.A. § 1418: \$2,300.00 annually per facility.

(G) In calculating flow-based fees under this subsection, the Secretary will use metered production flows where available. When metered production flows are not available, the Secretary shall estimate flows based on the standard design flows for new construction.

(H) The Secretary shall bill public water supplies and bottled water companies for the required fee. Annual fees may be divided into semiannual or quarterly billings.

(8) For public water system operator certifications issued under 10 V.S.A. § 1674:

(A) For class IA and IB operators: \$45.00 per initial certificate or renewal.

Operators who are also permittees under the transient noncommunity water system general permit are not subject to this fee.

(B) For all other classes: \$80.00 per initial certificate or renewal.

(9)(A) For a solid waste hauler: ~~an annual operating fee of \$50.00 per vehicle.~~

(i) \$50.00 per vehicle for small vehicles with two axels, including pickup trucks, utility trailers, and stakebody trucks.

(ii) \$75.00 per vehicle for vehicles with three or four axels, including packer trucks, dump trucks, and roll offs.

(iii) \$100.00 per vehicle for tractors and any number axel tandem trailers.

(B) For a hazardous waste hauler: an annual operating fee of \$125.00 per vehicle.

(10) For management of lakes and ponds permits issued under 29 V.S.A. chapter 11:

(A) Nonstructural erosion control: \$155.00 per application.

(B) Structural erosion control: \$250.00 per application

(C) All other encroachments: \$300.00 per application plus one percent of construction costs, not to exceed \$20,000.00 per application.

\* \* \*

(12)(A) For dam permits issued under 10 V.S.A. chapter 43: ~~0.525~~ 1.00 percent of construction costs, minimum fee of ~~\$200.00~~ \$1,000.00.

(B) For all dams capable of impounding 500,000 or more cubic feet of water or other liquid, an annual fee:

(i) For dams classified as low risk: \$200.00 per year.

(ii) For dams classified as significant risk: \$350.00 per year.

(iii) For dams classified as high risk: \$1,000.00 per year.

(iv) For dams that have not been classified by the Department: \$0.00 per year.

\* \* \*

~~(k) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay fees for any emissions of the following types of hazardous air contaminants. The following fees shall not be assessed for emissions resulting from the combustion of any fuels, except solid waste, in fuel burning or manufacturing process equipment. Any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) and who emits five or more tons per year shall pay fees as follows:~~

~~(1) Contaminants which cause short-term irritant effects — \$0.012 per pound of emissions; Where the emissions are resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment:~~

~~(A)(i) Wood - \$0.1915 per ton burned; or~~

~~(ii) Wood burned in electric utility units with advanced particulate matter and nitrogen oxide reduction technologies - \$0.0607 per ton burned;~~

~~(B) No. 4, 5, 6 grade fuel oil and used oil - \$0.0015 per gallon burned;~~

~~(C) No. 2 grade fuel oil - \$0.0005 per gallon burned;~~

~~(D) Propane - \$0.0003 per gallon burned;~~

~~(E) Natural gas - \$2.745 per million cubic feet burned;~~

~~(F) Diesel generator - \$0.0055 per gallon burned;~~

~~(G) Gas turbine using No. 2 grade fuel oil - \$0.0022 per gallon burned.~~

~~(2) Contaminants which cause chronic systemic toxicity (low potency) — \$0.0225 per pound of emissions; For the emission of any hazardous air contaminant not subject to subdivision (1) of this subsection:~~

~~(A) Contaminants which cause short-term irritant effects - \$0.02 per pound of emissions;~~

~~(B) Contaminants which cause chronic systemic toxicity - \$0.04 per pound of emissions;~~

(C) Contaminants known or suspected to cause cancer - \$0.95 per pound of emissions.

~~(3) Contaminants which cause chronic systemic toxicity (high potency) \$0.03 per pound of emissions;~~

~~(4) Contaminants known or suspected to cause cancer (low potency) \$0.825 per pound of emissions;~~

~~(5) Contaminants known or suspected to cause cancer (high potency) \$15.00 per pound of emissions.~~

~~(1) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of hazardous air contaminants resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment.~~

~~(1) Coal \$0.645 per ton burned;~~

~~(2)(A) Wood \$0.155 per ton burned; or~~

~~(B) Wood burned with an operational electrostatic precipitator and NOx reduction technologies \$0.0375 per ton burned;~~

~~(3) No. 6 grade fuel oil \$0.00075 per gallon burned;~~

~~(4) No. 4 grade fuel oil \$0.0006 per gallon burned;~~

~~(5) No. 2 grade fuel oil \$0.0003 per gallon burned;~~

~~(6) Liquid propane gas \$0.0003 per gallon burned;~~

~~(7) Natural gas \$1.305 per million cubic feet burned.~~

\* \* \*

Sec. 22. 10 V.S.A. § 6628(j) is amended to read:

(j) Fees shall be submitted annually on March 31. Fees shall be submitted to the Secretary and deposited into the hazardous waste management account of the Waste Management Assistance Fund established under section 6618 of this title. Fees shall be computed according to the following:

(1) ~~\$350.00~~ \$400.00 per toxic chemical identified pursuant to subdivision 6629(c)(4) of this title.

(2) ~~\$350.00~~ \$400.00 per hazardous waste stream identified pursuant to subdivision 6629(c)(3) of this title.

(3) Up to a maximum amount of:



- (A) ~~\$1,750.00~~ \$2,000.00 per plan for Class A generators.
- (B) ~~\$350.00~~ \$400.00 per plan for Class B generators.
- (C) ~~\$1,750.00~~ \$2,000.00 per plan for large users.
- (D) ~~\$3,500.00~~ \$4,000.00 per plan for Class A generators that are large users.
- (E) ~~\$1,050.00~~ \$1,200.00 per plan for Class B generators that are large users.

Sec. 23. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with State law.

(b) As used in this section:

(1) “Commercial hauler” means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

(3) The Secretary shall not require a commercial hauler to obtain a permit under this section, comply with the disclosure requirements of this section, comply with the reporting and registration requirements of section 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

(A) the commercial hauler does not transport more than four cubic yards of solid waste at any time; and

(B) the solid waste transportation services performed are incidental to other nonwaste transportation-related services performed by the commercial hauler.

\* \* \*

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a ~~transporter certified under this section~~ commercial hauler that offers the collection of municipal solid waste shall:

\* \* \*

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a ~~transporter~~ commercial hauler in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

\* \* \*

(3) A ~~transporter~~ commercial hauler is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:

\* \* \*

(h) A ~~transporter~~ commercial hauler certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a ~~transporter~~ commercial hauler may charge a fee for all service calls, stops, or collections at a residential property and a ~~transporter~~ commercial hauler may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A ~~transporter~~ commercial hauler certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A ~~transporter~~ commercial hauler certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

\* \* \* Department of Fish and Wildlife \* \* \*

Sec. 24. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	<del>\$25.00</del> <u>\$26.00</u>
(2) Hunting license	<del>\$25.00</del> <u>\$26.00</u>
(3) Combination hunting and fishing license	<del>\$40.00</del> <u>\$41.00</u>
(4) Big game licenses (all require a hunting license)	
(A) archery license	\$23.00
(B) muzzle loader license	\$23.00
(C) turkey license	\$23.00
(D) second muzzle loader license	\$17.00
(E) second archery license	\$17.00
(F) moose license	\$100.00
(G) season bear tag	\$5.00
(H) additional deer archery tag	\$23.00
(5) Trapping license	<del>\$20.00</del> <u>\$23.00</u>
(6) Hunting license for persons <del>aged 17 years</del> <u>of age</u> or under	\$8.00
(7) Trapping license for persons <del>aged 17 years</del> <u>of age</u> or under	\$10.00
(8) Fishing license for persons <del>aged 15 through 17</del> <u>years of age</u>	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	<del>\$10.00</del> <u>\$11.00</u>
(11) Combination hunting and fishing license for persons <del>aged 17 years of age</del> or under	\$12.00
(12) Mentored hunting license	\$10.00

(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	<del>\$50.00</del> <u>\$51.00</u>
(2) One-day fishing license	<del>\$20.00</del> <u>\$21.00</u>
(3) [Repealed.]	
(4) Hunting license	\$100.00
(5) Combination hunting and fishing license	\$135.00
(6) Big game licenses (all require a hunting license)	
(A) archery license	\$38.00
(B) muzzle loader license	\$40.00
(C) turkey license	\$38.00
(D) [Repealed.]	
(E) [Repealed.]	
(F) moose license	\$350.00
(G) early season bear tag	\$15.00
(H) additional deer archery tag	\$38.00
(7) Small game licenses	
(A) all season	\$50.00
(B) [Repealed.]	
(8) Trapping license	<del>\$300.00</del> <u>\$305.00</u>
(9) Hunting licenses for persons <del>aged</del> <u>aged 17 years of age</u> or under	\$25.00
(10) Three-day fishing license	<del>\$22.00</del> <u>\$23.00</u>
(11) Seven-day fishing license	<del>\$30.00</del> <u>\$31.00</u>

\* \* \*

\* \* \* Labor \* \* \*

\* \* \* Workers' Compensation Fund \* \* \*

#### Sec. 25. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2016, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly has established that

the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be set at the rate of 1.45 percent established in 2014 Acts and Resolves No. 191, Sec. 7, notwithstanding 21 V.S.A. § 711(a). The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

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

Sec. 26. 6 V.S.A. § 3022(b) is amended to read:

(b) Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each location of hives. The fee revenue, ~~together with any other funds appropriated to the Agency for this purpose,~~ shall be collected by the Secretary and credited to the Weights and Measures Testing Fund to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 27. 9 V.S.A. § 2632(b) is amended to read:

(b) Fees and reimbursements of costs collected by the 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 to offset the costs of implementing this chapter and 6 V.S.A. chapter 172.

\* \* \* Agency of Commerce and Community Development \* \* \*

Sec. 28. 10 V.S.A. § 128 is added to read:

§ 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION SPECIAL FUND

(a) A Special Fund is created for the operation of the Vermont Center for Geographic Information in the Agency of Commerce and Community Development. The Fund shall consist of revenues derived from the charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section for the provision of Geographic Information products and services, interest earned by the Fund, and sums which from time to time may be made available for the support of the Center and its operations. The Fund shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to support activities of the Center.

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

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose charges reasonably related to the costs of the products and services of the Vermont Center for Geographic Information, including the cost of personnel, equipment, supplies, and intellectual property.

\* \* \* Consumer Protection \* \* \*

\* \* \* Charitable Solicitations \* \* \*

Sec. 29. 9 V.S.A. § 2473 is amended to read:

§ 2473. NOTICE OF SOLICITATION

\* \* \*

(f)(1) ~~In~~ For each calendar year in which a paid fundraiser solicits in this State on behalf of a charitable organization, the paid fundraiser shall pay ~~an annual~~ a registration fee of \$500.00 to the Attorney General ~~with its first notice of~~ no later than ten days prior to its first solicitation in this State.

(2) Each notice of solicitation filed in accordance with this section shall be accompanied by a fee of \$200.00. In the case of a campaign lasting more than 12 months, an additional \$200.00 fee shall be paid annually on or before the date of the anniversary of the commencement of the campaign.

(3) Fees paid under this subsection shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Attorney General for the costs of administering sections 2471-2479 of this title.

\* \* \*

\* \* \* Motor Vehicles \* \* \*

\* \* \* All-terrain Vehicles \* \* \*

Sec. 30. 23 V.S.A. § 3504 is amended to read:

§ 3504. REGISTRATION FEES AND PLATES

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$25.00~~ \$35.00. Duplicate registration certificates may be obtained upon payment of \$5.00 to the Department.

\* \* \*

\* \* \* Department for Children and Families \* \* \*

\* \* \* Dog, Cat and Wolf Hybrid Spaying and Neutering Program \* \* \*

Sec. 31. 20 V.S.A. § 3581(c)(1) is amended to read:

(c)(1) A mandatory license fee surcharge of ~~\$3.00~~ \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in subchapter 6 of chapter 193 of this title.

Sec. 32. 20 V.S.A. § 3815(a) is amended to read:

(a) The ~~agency of human services~~ Agency of Human Services shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by ~~low income~~ individuals with low income. The ~~agency~~ Agency shall implement the program ~~through an agreement with a qualified organization~~ consistent with the applicable administrative rules.

\* \* \* Judiciary \* \* \*

Sec. 33. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

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

(1) Estates of \$10,000.00 or less	<del>\$30.00</del> <u>\$50.00</u>
(2) Estates of more than \$10,000.00 to not more than \$50,000.00	<del>\$80.00</del> <u>\$110.00</u>
(3) Estates of more than \$50,000.00 to not more than \$150,000.00	<del>\$210.00</del> <u>\$265.00</u>
(4) Estates of more than \$150,000.00 to not more than \$500,000.00	<del>\$395.00</del> <u>\$500.00</u>
(5) Estates of more than \$500,000.00 to not more than \$1,000,000.00	<del>\$660.00</del> <u>\$1,000.00</u>
(6) Estates of more than \$1,000,000.00 to not more than \$5,000,000.00	<del>\$1,050.00</del> <u>\$1,750.00</u>

(7) Estates of more than \$5,000,000.00 to not more than \$10,000,000.00	\$1,575.00 <u>\$2,500.00</u>
(8) Estates of more than \$10,000,000.00	<del>\$1,840.00</del> <u>\$3,250.00</u>
(9) For all petitions, other than those described in subdivision (11) of this subsection, <del>where the corpus of the trust at the time the petition is filed is \$100,000.00 or less, including petitions</del> to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust;	\$160.00
(A) <u>Trusts of \$10,000.00 or less</u>	<u>\$50.00</u>
(B) <u>Trusts of \$10,001.00 to not more     than \$50,000.00</u>	<u>\$110.00</u>
(C) <u>Trusts of \$50,001.00 to not more     than \$150,000.00</u>	<u>\$265.00</u>
(D) <u>Trusts of \$150,001.00 to not more     than \$500,000.00</u>	<u>\$500.00</u>
(E) <u>Trusts of \$500,001.00 to not more     than \$1,000,000.00</u>	<u>\$1,000.00</u>
(F) <u>Trusts of \$1,000,001.00 to not more     than \$5,000,000.00</u>	<u>\$1,750.00</u>
(G) <u>Trusts of \$5,000,001.00 to not more     than \$10,000,000.00</u>	<u>\$2,500.00</u>
(G) <u>Trust of more than \$10,000,000.00</u>	<u>\$3,250.00</u>
(10) <del>For all trust petitions, other than those described in subdivision (11) of this subsection, where the corpus of the trust is more than \$100,000.00, including petitions to modify or terminate a trust, to remove or substitute a</del>	<del>\$265.00</del>



~~trustee or trustees, or seeking remedies for breach of trust~~ [Repealed.]

(11) Annual accounts on trusts	<del>\$35.00</del> <u>\$85.00</u>
(12) Annual accounts on decedents' estates filed for any period ending more than one year following the opening of the estate	<del>\$30.00</del> <u>\$85.00</u>
(13) Adoptions and relinquishments as part of an adoption proceeding	<del>\$100.00</del> <u>\$150.00</u>
(14) Relinquishments, separate from adoptions	\$100.00
(15) Guardianships for minors	<del>\$90.00</del> <u>\$150.00</u>
(16) Guardianships for adults	<del>\$105.00</del> <u>\$150.00</u>
(17) Petitions for change of name	<del>\$135.00</del> <u>\$150.00</u>
(18) Filing of a will for safekeeping	<del>\$25.00</del> <u>\$30.00</u>
(19) Filing of subsequent will for safekeeping, same <del>probate division</del> <u>Probate Division</u> or transfer to another <del>probate division</del> <u>Probate Division</u>	<del>\$15.00</del> <u>\$30.00</u>
(20) Corrections for vital records	<del>\$30.00</del> <u>\$150.00</u>
(21) Orders of authorization pursuant to 18 V.S.A. § 5144	<del>\$30.00</del> <u>\$50.00</u>
(22) Conveyances of title to real estate pursuant to 14 V.S.A. § 1801, including petitions to clear title and release or discharge of mortgage	<del>\$55.00</del> <u>\$100.00</u>
(23) Petitions concerning advance directives pursuant to 18 V.S.A. § 9718	<del>\$80.00</del> <u>\$100.00</u>
(24) Civil actions brought pursuant to 18 V.S.A. chapter 107, subchapter 3.	<del>\$55.00</del> <u>\$100.00</u>
(25) Petitions for partial decree	\$105.00

(26) Petitions for license to sell real estate	<del>\$55.00</del> <u>\$100.00</u>
(27) <u>Petition for license to sell personal property</u>	<u>\$100.00</u>
(28) <u>Petitions for minor settlement pursuant to 14 V.S.A. § 2643</u>	<del>\$30.00</del> <u>\$90.00</u>

(b) Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it. The Court shall use procedures established in subsection 1431(h) of this title to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

(c) A fee of \$5.00 shall be paid for each additional certification of appointment of a fiduciary.

Sec. 34. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

(a) Prior to the entry of any cause in the Supreme Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (2)–(5) of this subsection, prior to the entry of any cause in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order, the fee shall be ~~\$80.00~~ \$90.00 if one or both of the parties are residents, and ~~\$160.00~~ \$180.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section.

If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the Court, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify a final order for parental rights and responsibilities, parent-child contact, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$40.00~~ \$45.00 in lieu of all other fees not otherwise set forth in this section. If the motion or petition is filed with a stipulation for an order, there shall be no fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination

issued by a court of another state, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be ~~\$35.00~~ \$40.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

(c)(1) Prior to the entry of a small claims action, there shall be paid to the clerk in lieu of all other fees not otherwise set forth in this section, a fee of ~~\$80.00~~ \$90.00 if the claim is for more than \$1,000.00 and ~~\$55.00~~ \$65.00 if the claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of ~~\$55.00~~ \$65.00. The fee for every counterclaim in small claims proceedings shall be ~~\$30.00~~ \$35.00, payable to the clerk, if the counterclaim is for more than \$500.00, and ~~\$20.00~~ \$25.00 if the counterclaim is for \$500.00 or less.

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

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

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 for every appeal, cross-claim, or third-party claim and a fee of ~~\$80.00~~ \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the Superior Court shall be ~~\$105.00~~ \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be ~~\$80.00~~ \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 except for small claims actions. A filing fee of \$90.00 shall be paid to the clerk of the Court for a civil petition for minor settlements.

(f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$55.00~~ \$65.00; the State or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the Bureau for the benefit of the State.

(g) Prior to the filing of any postjudgment motion in the Judicial Bureau there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee of ~~\$40.00~~ \$45.00. Prior to the filing of any appeal from the Judicial Bureau to the Superior Court, there shall be paid to the ~~Clerk~~ clerk of the Court, for the benefit of the State, a fee of ~~\$105.00~~ \$120.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the Court finds that the applicant is unable to pay it. The clerk of the Court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the Supreme Court. The applicant shall pay an in forma pauperis co-pay of \$10.00. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

\* \* \* Administrative Provisions \* \* \*

Sec. 35. 1 V.S.A. § 149 is added to read:

§ 149. SEMIWEEKLY

Unless a statute provides a more specific definition, "semiweekly" means twice per week.

Sec. 36. 7 V.S.A. § 302 is amended to read:

§ 302. APPLICATION

Application for such certificate of approval shall be made upon a form prescribed and furnished by the ~~liquor control board~~ Liquor Control Board, containing agreements to comply with the regulations of the ~~board~~ Board ~~and to file with the commissioner of taxes, on or before the 20th day of each month, a report under oath, on a form prescribed and furnished by the commissioner of taxes, showing the quantity of malt or vinous beverages sold or delivered by such manufacturer or distributor during the preceding calendar month to each holder of such bottler's or wholesale dealer's license,~~ Board and containing such further information as the ~~board~~ Board may deem necessary.

Sec. 37. 10 V.S.A. § 123(c) is amended to read:

(c) Within the limits of available resources, the Center shall operate a program of standards development, data dissemination, and quality assurance, and shall perform the following duties:

\* \* \*

(12) Provide to regional planning commissions, State agencies, and the general public orthophotographic imagery of the State at a scale appropriate for the production and revision of town property maps. Periodically, such digital imagery shall be updated to capture land use changes, new settlement patterns, and such additional information as may have become available to the Director or the Center.

(A) The Center shall supply to each town such orthophotographic imagery as has been prepared by it of the total area of that town. Any image shall be available, without charge, for public inspection in the office of the town clerk to whom the imagery was supplied.

(B) At a reasonable charge to be established by the Center and the Director, the Center shall supply to any person or agency other than a town clerk or lister a copy of any digital format orthophotographic imagery created under this section.

(C) Hard copy or nondigital format orthophotographic imagery created under this section shall be available for public review at the State Archives.

Sec. 38. 10 V.S.A. § 6608(c) is amended to read:

(c) Information obtained by the Secretary under this section shall be available to the public, unless the Secretary certifies such information as being proprietary. The Secretary may make such certification where any person shows, to the satisfaction of the Secretary, that the information, or parts thereof, would divulge methods or processes entitled to protection as trade secrets. Nothing in this section shall be construed as limiting the disclosure of information by the Secretary to office employees as authorized representatives of the State concerned with implementing the provisions of this chapter or to the Department of Taxes for purposes of enforcing the solid waste tax imposed by 32 V.S.A. chapter 151, subchapter 13.

Sec. 39. 13 V.S.A. § 2143(e) is amended to read:

(e) Games of chance shall be limited as follows:

\* \* \*

(4) A nonprofit organization may offer a prize worth not more than \$400.00 in value for a single game of chance, except that the nonprofit organization may offer a prize worth not more than \$1,000.00 in value for one game per day, a prize worth not more than \$5,000.00 in value for one game per calendar month and a prize of a motor vehicle, firearm, motorcycle, or watercraft worth not more than \$50,000.00 for one game per calendar year. A nonprofit organization may exceed the above prize limitations on four days per calendar year, if the days are at least 20 days ~~a part~~ apart and the total prize money offered for all games executed on the day does not exceed ~~\$20,000.00~~ \$50,000.00.

\* \* \*

Sec. 40. [Deleted.]

Sec. 41. 32 V.S.A. § 3436(a) is amended to read:

(a) The Director shall ~~provide an~~ certify assessment education ~~program~~ programs for municipal listers and assessors at convenient times and places during the year and is authorized to contract with one or more persons to provide part or all of the assessment instruction. ~~On an annual basis, the Director shall provide, to the extent allowed by available resources, Certified programs may include~~ instruction in lister duties, property inspection, data collection, valuation methods, mass appraisal techniques, ~~and~~ property tax administration, or such other subjects as the Director deems beneficial to listers and may be presented by Property Valuation and Review or a person pursuant to a contract with Property Valuation and Review, the International Association of Assessing Officials, the Vermont Assessors and Listers Association, or the Vermont League of Cities and Towns.

\* \* \* Local Option Taxes \* \* \*

Sec. 42. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

(1) ~~the local option taxes authorized under this section may be imposed by a municipality;~~

(2) ~~a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next~~

~~tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

\* \* \* Collections \* \* \*

Sec. 43. 32 V.S.A. § 3201(a) is amended to read:

(a) In the administration of taxes, the Commissioner may:

\* \* \*

(9) Attach property pursuant to section 3207 of this title for payment of an amount collectible by the Commissioner under this title.

(10) Garnish earnings pursuant to section 3208 of this title for payment of an amount collectible by the Commissioner under this title.

Sec. 44. 32 V.S.A. § 3207 is added to read:

§ 3207. ADMINISTRATIVE ATTACHMENT

(a) Notwithstanding other statutes which provide for levy of execution, trustee process, and attachment, the Commissioner, pursuant to this section, may attach tangible and intangible property of a taxpayer to satisfy amounts collectible by the Commissioner under this title by transmitting a notice of attachment to a financial institution or person holding property belonging to or owed to a taxpayer.

(b) The Commissioner may contact a financial institution to obtain verification of the account number, the names and Social Security numbers listed for an account, and account balances of accounts held by a delinquent taxpayer. A financial institution is immune from any liability for release of this information to the Commissioner.



(c) At least 30 days prior to attaching a taxpayer's property, the Commissioner shall demand payment from the taxpayer together with notice that the taxpayer is subject to attachment of property under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of the notice shall be presumptive evidence of its receipt.

(d) A notice of attachment shall direct the financial institution or person to transmit all or a portion of the property in the taxpayer's accounts or owed to the taxpayer to the Commissioner up to the amount owed to the Commissioner. The notice shall identify the taxpayer by Social Security number or federal employer identification number. Upon receipt of the notice, the financial institution or person forthwith shall remit the amount stated in the notice or the amount held or owned by such financial institution or person, whichever is less, to the Commissioner. Notwithstanding the foregoing, any financial institution shall surrender any deposits in such bank only after 21 days after transmittal of the notice of attachment. During the 21-day hold period, the financial institution shall not release the attached funds to the taxpayer unless the Commissioner releases the attachment. A financial institution is immune from any liability due to compliance with the Commissioner's notice of attachment.

(e) A copy of the notice of attachment transmitted to the financial institution or person holding property due to the taxpayer shall be sent by certified mail to the taxpayer at the time it is transmitted to the financial institution or person. The taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the attachment and the taxpayer may appeal in the manner provided in subsection (b) of this title. This shall be the taxpayer's exclusive remedy with respect to an attachment under this section.

(f) At a hearing under this section, the taxpayer may raise the following claims relating to the proposed attachment, including:

(1) whether the notice of attachment has identified the wrong taxpayer;

(2) whether the proposed attachment includes property that would be exempt from attachment and levy under 12 V.S.A. § 2740 in a judicial attachment;

(3) the statute of limitations to collect the liability expired before the notice of attachment was sent; and

(4) the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's Vermont tax liability based on a change in his or her federal tax liability since the Vermont liability was assessed.

(g) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(h) If a hearing is requested in a timely manner under this section, the attachment shall be suspended and the financial institution shall not release the attached funds for the period during which the appeal is pending.

(i) After a hearing, the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's federal tax liability or on a change in the amount that is subject to attachment as a result of the hearing.

(j) Attachment under this section and other collection measures provided by law are cumulative.

(k) The Commissioner forthwith shall notify the financial institution in writing and the financial institution shall cease attachment:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the attachment exceeds the amount permissible under 12 V.S.A. § 2740.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Financial institution" includes financial institutions as defined 8 V.S.A. § 11101(32) and credit unions as defined in 8 V.S.A. § 30101(5).

(2) "Intangible property" means property that has no intrinsic value, but is merely the representative of value such as cash, accounts, rents, stocks, bonds, promissory notes, or other instruments that create a payment obligation.

(3) "Person" has the same meaning as in section 3001 of this title.

Sec. 45. 32 V.S.A. § 3208 is added to read:

§ 3208. ADMINISTRATIVE GARNISHMENT

(a) Notwithstanding other statutes which provide for levy or execution, trustee process, or attachment, the Commissioner may garnish a taxpayer's

earnings pursuant to this section to satisfy amounts collectible by the Commissioner under this title, subject to the exemptions provided in 12 V.S.A. § 3170(a) and (b)(1).

(b) The Commissioner may contact an employer to obtain verification of a delinquent taxpayer's employment, earnings, deductions, and payment frequency as necessary to determine disposable earnings. The employer shall be immune from any liability for release of this information to the Commissioner.

(c) At least 30 days prior to initiating wage garnishment, the Commissioner shall demand payment from the taxpayer and notify the taxpayer that he or she is subject to garnishment under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of notice shall be presumptive evidence of receipt.

(d) After 30 days, a notice of garnishment shall be sent by certified mail to the taxpayer, and the taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the garnishment and the taxpayer may appeal in the manner provided in subsection 5885(b) of this title. This shall be the taxpayer's exclusive remedy with respect to a garnishment under this section.

(e) If, after 15 days, the taxpayer has not petitioned for a hearing, a notice of garnishment shall direct an employer to transmit a specified portion of the taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(f) If a hearing is requested in a timely manner under this section, the garnishment which is the subject of the requested hearing shall be suspended for the period during which such appeal is pending. Fifteen days after an appeal is resolved, the notice of garnishment shall direct an employer to transmit a specified portion of the taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(g) At a hearing under this section, the taxpayer may raise any relevant issue relating to the unpaid tax or the proposed attachment, including:

(1) whether the notice of garnishment has identified the wrong taxpayer;

(2) whether the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1); or

(3) the statute of limitations to collect the liability expired before the notice of attachment was sent.

(h) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(i) An employer's obligation to transmit garnished wages to the Commissioner shall begin with the first periodic payment of earnings following receipt of the notice of garnishment unless the notice is withdrawn by the Commissioner. An employer who fails to withhold and transmit the garnished earnings to the Commissioner shall be liable for such amounts and may be assessed in the same manner as withholding taxes are assessed under chapter 151 of this title. As soon as reasonably practicable, the employer shall notify the Commissioner of the termination of the taxpayer's employment. No taxpayer may be discharged from employment on account of garnishment under this section against the taxpayer's wages.

(j) The Commissioner forthwith shall notify the employer in writing and the employer shall cease withholding from the earnings of the taxpayer:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1).

(k) Wage garnishment under this section and other collection measures provided by law are cumulative.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and the amount of any wage garnishment payable to the Office of Child Support.

(2) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program and proceeds from the sale of milk with respect to an individual

engaged in the occupation of farming, but does not include payments from sources which by law are exempt from attachment.

Sec. 46. 32 V.S.A. chapter 103, subchapter 7 is added to read:

#### Subchapter 7. Collections

##### § 3301. COLLECTIONS UNIT

(a) There is established within the Department of Taxes a collections unit. The primary purpose of the Collections Unit is to enforce and collect debt owed the State, including tax debts and debts certified to the Department of Taxes from other branches, agencies, or subdivisions of government under this subchapter.

(b) The Collections Unit shall:

(1) employ such staff as is necessary, subject to the approval of the Commissioner of Taxes;

(2) adopt rules under 3 V.S.A. chapter 25 to provide for the uniform administration of the collection of State debt;

(3) collect tax deficiencies owed the State, including those under chapter 151, subchapters 8 and 9 of of this title;

(4) administer the system of tax debt setoff in chapter 151, subchapter 12 of this title;

(5) administer the system of tax intercepts under section 3113 of this title; and

(6) collect debts referred from agencies or from other branches or subdivisions of State government under this subchapter.

##### § 3302. DEBT REFERRAL

(a) An agency or any other branch or subdivision of State government may enter into an agreement with the Department of Taxes to collect any debt, other than debts related to property taxes under chapters 123 through 135 of this title, of \$50.00 or more under the procedures established by this subchapter.

(b) Any agreement shall contain the following provisions:

(1) a process for ensuring that the debt is final, and not subject to any negotiation for settlement;

(2) a process for providing the Department with information necessary to identify each debtor and for certifying in writing the amount of each debt submitted to the Department for collection, along with any other information

as the Commissioner shall require;

(3) a hierarchy of payments made from debts collected; and

(4) any other provisions necessary to allow the Department of Taxes to collect the referred debt.

### § 3303. COLLECTION POWERS AND PROCESS

The Collections Unit in collecting debt required under this chapter shall have the following enforcement powers at its disposal:

(1) any enforcement tool available to referring agency, in the name of that agency; and

(2) any enforcement tools for collection of tax debts under this title.

### Sec. 47. TRANSITION

By July 1, 2016, the Department of Taxes shall adopt rules necessary to implement the creation of the Collections Unit under 32 V.S.A. chapter 103, subchapter 7. The rules shall include provisions for entering into referral agreements with referring agencies, branches, and subdivisions, and for exercising the enforcement powers provided under this subchapter.

Sec. 48. 32 V.S.A. § 3113(d) is amended to read:

(d) If the Commissioner determines that any person who has agreed to furnish goods, services, or real estate space to any agency has neglected or refused to pay any tax administered by the Commissioner and that the person's liability for such tax is not under appeal, or if under appeal, the Commissioner has determined that the tax or interest or penalty is in jeopardy, the Commissioner shall notify the agency and the person in writing of the amount owed by such person. Upon receipt of such notice, the agency shall thereafter transfer to the Commissioner any amounts that would otherwise be payable by the agency to the taxpayer, up to the amount certified by the Commissioner. The Commissioner may treat any such payment as if it were a payment received from the taxpayer. As used in this section, "any person who has agreed to furnish services" includes a provider of Medicaid services who receives reimbursement from the State under Title 33.

\* \* \* Current Use \* \* \*

Sec. 49. 32 V.S.A. § 3757(f) is amended to read:

(f) ~~The~~ When the application for use value appraisal of agricultural and forestland, once has been approved by the State, the State shall be recorded ~~record a lien against the enrolled land~~ record a lien against the enrolled land in the land records of the municipality ~~and which shall constitute a lien to secure payment of the land use change tax~~

to the State upon development. The landowner shall bear the recording cost. The land use change tax and any obligation to repay benefits paid in error shall not constitute a personal debt of the person liable to pay the same, but shall constitute a lien which shall run with the land. All of the administrative provisions of chapter 151 of this title, including those relating to collection and enforcement, shall apply to the land use change tax.

Sec. 50. 32 V.S.A. § 3760a is added to read:

§ 3760a. VALUATION AUDITS

(a) Annually, the Director shall conduct an audit of three towns with enrolled land to ensure that parcels with a use value appraisal are appraised by the local assessing officials consistent with the appraisals for nonenrolled parcels.

(b) In determining which towns to select for an audit, the Director shall consider factors that demonstrate a deviation from consistent valuations, including the following:

(1) the fair market value per acre of enrolled land in each town;

(2) the fair market value of enrolled land versus unenrolled land in the same town;

(3) the fair market value of enrolled farm buildings in each town; and

(4) the fair market value of enrolled farm buildings in relation to the fair market value of the associated land.

(c) For each town selected for an audit, the Director shall:

(1) conduct an independent appraisal of enrolled parcels and enrolled farm buildings in that town;

(2) compare the appraisals reached by the Director for each enrolled parcel with the appraisal reached by the local assessing officials; and

(3) review the land schedule and appraisal model applied by the town.

(d) If, as a result of an audit, the Director determines that an appraisal reached by the Director differs from the appraisal reached by the local assessing officials by more than 10 percent, then the Director shall substitute his or her appraisal of fair market value for the appraisal reached by the local assessing officials. A substitution of a fair market appraisal under this subsection shall be treated as a substitution by the Director under subsection 3760(b) of this title.

Sec. 51. AGRICULTURAL LANDS SUBJECT TO A USE VALUE APPRAISAL

On or before September 1, 2015 and annually thereafter, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 52. COUNTY FORESTERS

(a) The Secretary of Natural Resources, in consultation with the Commissioner of Taxes and the Commissioner of Forest, Parks and Recreation, shall report to the Senate Committee on Finance and the House Committee on Ways and Means on whether the current number of county foresters is sufficient to oversee compliance of forestland subject to a use value appraisal under 32 V.S.A. chapter 124, given the increasing number of forestland parcels, and the increasing acreage of forestland, in the current use program. In addition to any issues the Secretary considers relevant to this report, he or she shall specifically consider whether any or all of the following would be appropriate to strengthening the current use program:

(1) providing an additional forester whose sole responsibility would be investigating alleged violations of the current use requirements and doing spot compliance checks for forestland parcels;

(2) adding additional foresters to reflect the growth in forestland parcels subject to a use value appraisal; and

(3) requiring consulting foresters to be licensed by the State.

(b) The report of the Secretary of Natural Resources under this section shall be due on January 15, 2016.

\* \* \* Statewide Education Tax \* \* \*

Sec. 53. 32 V.S.A. § 5401(7) is amended to read:

(7) "Homestead":

(A) "Homestead" means the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual ~~on April 1 and occupied~~ as the individual's domicile ~~for a minimum of~~ or owned and fully leased on April 1, provided the property is not leased for more than ~~183~~ 182 days out of the calendar year, or for purposes of the renter property



tax adjustment under subsection 6066(b) of this title, rented and occupied by a resident individual as the individual's domicile.

\* \* \*

Sec. 54. 32 V.S.A. § 5404a(a)(6) is amended to read:

(6) An exemption of a portion of the value of a qualified rental unit parcel. An owner of a qualified rental unit parcel shall be entitled to an exemption on the education property tax grand list of 10 percent of the grand list value of the parcel, multiplied by the ratio of square footage of improvements used for or related to residential rental purposes to total square footage of all improvements, multiplied by the ratio of qualified rental units to total residential rental units on the parcel. "Qualified rental units" means residential rental units which are subject to rent restriction under provisions of ~~state~~ State or federal law, but excluding units subject to rent restrictions under only one of the following programs: Section 8 moderate rehabilitation, Section 8 housing choice vouchers, or Section 236 or Section 515 rural development rental housing. A municipality shall allow the percentage exemption under this subsection upon presentation by the taxpayer to the municipality, by April 1, of a certificate of education grand list value exemption, obtained from the Vermont Housing Finance Agency (VHFA). VHFA shall issue a certificate of exemption upon presentation by the taxpayer of information which VHFA and the Commissioner shall require. ~~An exemption granted by a municipality~~ A certificate of exemption issues by VHFA under this subsection shall expire upon transfer of the building, upon expiration of the rent restriction, or after 10 years, whichever first occurs. The certificate of exemption shall be renewed if VHFA finds that the property continues to meet the requirements of this subsection.

\* \* \* Tax Increment Financing Districts \* \* \*

Sec. 55. 24 V.S.A. § 1901(3) is amended to read:

(3) Annually:

(A) ensure that the tax increment financing district account required by section 1896 of this subchapter is subject to the annual audit prescribed in ~~section~~ sections 1681 and 1690 of this title. Procedures must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance;

(B) on or before ~~January 15~~ February 15 of each year, on a form prescribed by the Council, submit an annual report to the Vermont Economic Progress Council and the Department of Taxes, including the information

required by subdivision (2) of this section if not already submitted during the year, all information required by subdivision (A) of this subdivision (3), and the information required by 32 V.S.A. § 5404a(i), including performance indicators and any other information required by the Council or the Department of Taxes.

Sec. 56. 24 V.S.A. § 1896(c) is amended to read:

(c) Notwithstanding any charter provision or other provision, all property taxes assessed within a district shall be subject to the provision of subsection (a) of this section. Special assessments levied under chapters 76A or 87 of this title or under a municipal charter shall not be considered property taxes for the purpose of this section if the proceeds are used exclusively for operating expenses related to properties within the district, and not for improvements within the district, as defined in subsection 1891(4) of this title.

\* \* \* Income Tax \* \* \*

Sec. 57. 32 V.S.A. § 5811(21) is amended to read:

(21) “Taxable income” means federal taxable income determined without regard to 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; ~~and~~

(iii) the amount ~~in excess of \$5,000.00~~ of State and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; ~~and~~

(iv) the amount of charitable contributions deducted from federal adjusted gross income for the taxable year, other than donations made to a qualified donee; and

(v) the amount in excess of the indexed amount of home mortgage interest deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

\* \* \*

(C) For the purpose of calculating the amount of home mortgage interest to be added back to taxable income under subdivision (A)(iv) of this subdivision (21), the “indexed amount” means

(i) \$12,000.00 for tax year 2015;

(ii) for tax years after 2015, “indexed amount” means the greater of \$12,000.00, or an amount equal to \$12,000.00 increased or decreased by the percentage change in the Federal Housing Finance Agency house price index for Vermont from tax year 2015 to the year prior to which the indexed amount is being calculated, and then rounded to the nearest \$500.00 increment over \$12,000.00.

\* \* \*

(28) “Charitable contribution” means a donation that qualifies as a charitable contribution under 26 U.S.C. § 170(c).

(29)(A) “Qualified donee” means a donee that provides a direct benefit to a charitable cause in this State. When considering whether a donee provides a direct benefit to a charitable cause in the State, the Department of Taxes shall consider whether the donee engages in, or provides direct support to, the types of charitable activities for which a deduction is permitted under 26 U.S.C. § 170(c), or the types of charitable activities as described by Section 7.25.3.5 of the Internal Revenue Manual, and that either occur within this State, or in such relationship to this State, that a direct and substantial benefit of those activities is realized within the State.

(B) A donee will be presumed to provide a direct benefit to a charitable cause in this State if all of the following conditions are met:

(i) the donee is the type of entity to whom a qualified charitable contribution may be made under 26 U.S.C. § 170(c);

(ii) the donee maintains a physical presence, local affiliate, or chapter within the State, or within 25 miles of the State; and

(iii) at least some part of the donee’s charitable work occurs within the State, or within 25 miles of the State.

(C) A qualified donee is the entity that actually receives the charitable contribution, regardless of how the donation is solicited or collected.

(D) In order to be considered a qualified donee, the donee must apply to the Department of Taxes and demonstrate to the satisfaction of the Commissioner how the donee meets the requirements of this subsection (c).

(E) On or before December 1 of each year, the Department of Taxes shall publicize the list of donees who are considered qualified under this section for the current tax year.

\* \* \*

Sec. 58. 32 V.S.A. § 5822(a)(6) is added to read

(6) If the federal adjusted gross income of the taxpayer exceeds \$150,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer’s federal adjusted gross income.

Sec. 59. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2013~~ 2014, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 60. 32 V.S.A. § 5841(c) is added to read:

(c) Every person who is required under this subchapter to withhold income taxes from payments of income, except for the government of the United States, shall provide the aggregate cost of applicable employer-sponsored coverage required under 26 U.S.C. § 6051(a)(14) regardless of the number of W-2 forms filed.

Sec. 61. 32 V.S.A. § 5842(a)(2) is amended to read:

(2) In semiweekly payments, if the person ~~can reasonably expect the amount to be deducted and withheld during that quarter will exceed \$9,000.00~~ is required to make semiweekly payments of federal withholding pursuant to the Internal Revenue Code. Semiweekly shall mean payment of tax withheld for pay dates on Wednesday, Thursday, or Friday is due by the following Wednesday, and tax withheld for pay dates on Saturday, Sunday, Monday, or Tuesday is due by the following Friday.

Sec. 62. 32 V.S.A. § 5852(a) is amended to read:

(a) Every individual, estate, and trust subject to taxation under section 5822 of this title, (other than a person receiving at least two-thirds of his or her income from farming or fishing as defined under the laws of the United States) shall make installment payments of the taxpayer’s estimated tax liability for each taxable year. The amount of each payment shall be 25 percent of the required annual payment. For any taxable year, payments shall be made on or

before April 15, June 15, and September 15 of the taxable year and January 15 of the following taxable year. In applying this section to a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

Sec. 63. 32 V.S.A. § 5920(h) is added to read:

(h) Notwithstanding any provisions in this section, a publicly traded partnership as defined in 26 U.S.C. § 7704(b), that is treated as a partnership for the purposes of the Internal Revenue Code, is exempt from any income tax liability under subsection (c) of this section, if information required by the Commissioner is provided by the due date of the partnership's return. This information includes the name, address, taxpayer identification number, and annual Vermont source of income greater than \$500.00 for each partner who had an interest in the partnership during the tax year. This information shall be provided to the Commissioner in an electronic format, according to rules or procedures adopted by the Commissioner.

\* \* \* Downtown Tax Credits \* \* \*

Sec. 64. 32 V.S.A. § 5930aa(3) is amended to read:

(3) "Qualified code or technology improvement project" means a project:

(A)(i) to install or improve platform lifts suitable for transporting personal mobility devices, limited use limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety; or

\* \* \*

Sec. 65. 32 V.S.A. § 5930cc(c) is amended to read:

(c) Code or technology improvement tax credit. The qualified applicant of a qualified code or technology improvement project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$12,000.00 for installation or improvement of a platform lift, a maximum credit of \$40,000.00 for the installation or improvement of a limited use limited application elevator, a maximum tax credit of \$50,000.00 for installation or improvement of an elevator, a

maximum tax credit of \$50,000.00 for installation or improvement of a sprinkler system, a maximum tax credit of \$30,000.00 for the combined costs of installation or improvement of data or network wiring or a heating, ventilating, or cooling system, and a maximum tax credit of ~~\$25,000.00~~ \$50,000.00 for the combined costs of all other qualified code improvements.

\* \* \* Cigarette and Tobacco Taxes \* \* \*

Sec. 66. 32 V.S.A. § 7734 is amended to read:

§ 7734. PENALTIES FOR SALES WITHOUT LICENSE

Any licensed wholesale dealer who shall sell, offer for sale, or possess with intent to sell any cigarettes, roll-your-own tobacco, little cigars, snuff, new smokeless tobacco, or other tobacco products, or both any combination thereof, without having first obtained a license as provided in this subchapter shall be fined not more than \$25.00 for the first offense and not more than \$200.00 nor less than \$25.00 for each subsequent offense.

Sec. 67. 32 V.S.A. § 7771(b) is amended to read:

(b) Payment of the tax on cigarettes under this section shall be evidenced by the affixing of stamps to the packages containing the cigarettes. Where practicable, the Commissioner may also require that stamps be affixed to packages containing little cigars or roll-your-own tobacco. Any cigarette, little cigar, or roll-your-own tobacco on which the tax imposed by this section has been paid, such payment being evidenced by the affixing of such stamp or such evidence as the Commissioner may require, shall not be subject to a further tax under this chapter. Nothing contained in this chapter shall be construed to impose a tax on any transaction the taxation of which by this State is prohibited by the constitution of the United States. The amount of taxes advanced and paid by a licensed wholesale dealer ~~or a retail dealer~~ as herein provided shall be added to and collected as part of the retail sale price on the cigarettes, little cigars, or roll-your-own tobacco.

Sec. 68. 32 V.S.A. § 7772 is amended to read:

§ 7772. FORM AND SALE OF STAMPS

(a) The Commissioner shall secure stamps of such designs and denominations as he or she shall prescribe to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter. The Commissioner shall sell such stamps to licensed wholesale dealers ~~and retail dealers~~ at a discount of two and three-tenths percent of their face value for payment at time of sale.

(b) At the purchaser's request, the Commissioner may sell stamps to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter to licensed wholesale dealers ~~and retail dealers~~ for payment within 10 days, at a discount of one and five-tenths percent of their face value if timely paid. In determining whether to sell stamps for payment within 10 days, the Commissioner shall consider the credit history of the dealer; and the filing and payment history, with respect to any tax administered by the Commissioner, of the dealer or any individual, corporation, partnership, or other legal entity with which the dealer is or was associated as principal, partner, officer, director, employee, agent, or incorporator.

(c) The Commissioner shall keep accurate records of all stamps sold to each wholesale dealer ~~and retail dealer~~, and shall pay over all receipts from the sale of stamps to the ~~state treasurer~~ State Treasurer.

Sec. 69. 32 V.S.A. § 7773 is amended to read:

§ 7773. USE AND REDEMPTION OF STAMPS

No licensed wholesale dealer ~~or retail dealer~~ shall sell or transfer any stamps issued under the provisions of this chapter. The Commissioner shall redeem at the amount paid therefor by the licensed wholesale or retail dealer any unused stamps issued under the provisions of this chapter, which are presented to him or her at his or her office in Montpelier.

Sec. 70. 32 V.S.A. § 7775 is amended to read:

§ 7775. ~~RETAILERS~~ RETAIL DEALERS

Within 24 hours after coming into possession of any cigarettes not bearing proper stamps evidencing payment of the tax imposed by this chapter and before selling the same, each retail dealer shall affix or cause to be affixed stamps of the proper denomination to each individual package of cigarettes as required by section 7771 of this title and in such manner as the Commissioner may specify in regulations issued pursuant to this chapter.

Sec. 71. 32 V.S.A. § 7777 is amended to read:

§ 7777. RECORDS REQUIRED; INSPECTION AND EXAMINATION; ASSESSMENT OF TAX DEFICIENCY

\* \* \*

(d) If a licensed wholesale dealer ~~or retail dealer~~ has failed to timely pay for stamps obtained for payment within 10 days or to pay the tax imposed on roll-your-own tobacco, the dealer shall be subject to assessment, collection, and enforcement in the same manner as provided under subchapter 4 of this chapter.

\* \* \*

Sec. 72. 32 V.S.A. § 7812 is amended to read:

§ 7812. LIABILITY FOR COLLECTION OF TAX

The ~~distributor~~ licensed wholesale dealer shall be liable for the payment of the tax on tobacco products which he or she imports or causes to be imported into the State, or which he or she manufactures in this State, and every ~~distributor~~ licensed wholesale dealer authorized by the Commissioner to make returns and pay the tax on tobacco products sold, shipped, or delivered by him or her to any person in the State, shall be liable for the collection and payment of the tax on all tobacco products sold, shipped, or delivered. Every retail dealer shall be liable for the collection of the tax on all tobacco products in his or her possession at any time, upon which the tax has not been paid by a ~~distributor~~ licensed wholesale dealer and the failure of any retail dealer to produce and exhibit to the Commissioner or his or her authorized representative, upon demand, an invoice by a ~~distributor~~ licensed wholesale dealer for any tobacco products in his or her possession, shall be presumptive evidence that the tax thereon has not been paid and that such retail dealer is liable for the collection of the tax thereon. The amount of taxes advanced and paid by a ~~distributor~~ licensed wholesale dealer or retail dealer as hereinabove provided shall be added and collected as part of the sales price of the tobacco products.

Sec. 73. 32 V.S.A. § 7813 is amended to read:

§ 7813. RETURNS AND PAYMENT OF TAX BY ~~DISTRIBUTOR~~ LICENSED WHOLESALE DEALER

Every ~~distributor~~ licensed wholesale dealer shall, on or before the 15th day of each month, file with the Commissioner a return on forms to be prescribed and furnished by the Commissioner, showing the quantity and wholesale price of all tobacco products sold, shipped, or delivered by him or her to any person in the State during the preceding calendar month. Such returns shall contain such further information as the Commissioner of Taxes may require. Every ~~distributor~~ licensed wholesale dealer shall pay to the Commissioner with the filing of such return, the tax on tobacco products for such month imposed under this subchapter. When the ~~distributor~~ licensed wholesale dealer files the return and pays the tax within the time specified in this section, he or she may deduct therefrom two percent of the tax due.



Sec. 74. 32 V.S.A. § 7819 is amended to read:

§ 7819. REFUNDS

Whenever any tobacco products upon which the tax has been paid have been sold and shipped into another state for sale or use there, or have become unfit for use and consumption or unsalable or have been destroyed, the licensed wholesale dealer shall be entitled to a refund of the actual amount of tax paid with respect thereto. If the Commissioner is satisfied that any licensed wholesale dealer is entitled to a refund, he or she shall so certify to the Commissioner of Finance and Management who shall issue his or her warrant in favor of the licensed wholesale dealer entitled to receive such refund.

Sec. 75. 32 V.S.A. § 7821 is amended to read:

§ 7821. CRIMINAL PENALTIES

Any ~~distributor or dealer~~ person who shall fail, neglect, or refuse to comply with or shall violate the provisions of this chapter relating to the tax on tobacco products or the rules and regulations ~~promulgated~~ adopted by the Commissioner under this chapter relating to such tax shall be guilty of a misdemeanor and upon conviction for a first offense shall be sentenced to pay a fine of not more than \$250.00 or to be imprisoned for not more than 60 days, or both such fine and imprisonment in the discretion of the Court; and for a second or subsequent offense shall be sentenced to pay a fine of not less than \$250.00 nor more than \$500.00, or be imprisoned for not more than six months, or both such fine and imprisonment in the discretion of the Court. This section shall not apply to violations of sections 7731–7734 and 7776 of this title.

Sec. 76. 33 V.S.A. § 1916 is amended to read:

§1916. DEFINITIONS

As used in this subchapter:

\* \* \*

(4) “~~Distributor~~ Wholesale dealer” shall have the same meaning as in 32 V.S.A. § 7702~~(4)~~(16).

\* \* \*

(10) “~~Stamping agent~~” shall mean a ~~person or entity that is required to secure a license pursuant to 32 V.S.A. § 7731 or that is required to pay a tax on cigarettes imposed pursuant to 32 V.S.A. chapter 205.~~ [Repealed.]

\* \* \*

Sec. 77. 33 V.S.A. § 1917(a) is amended to read:

(a) Every tobacco product manufacturer whose cigarettes are sold in this State, whether directly or through a ~~distributor~~, licensed wholesale dealer, retailer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General no later than April 30 each year certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is a participating manufacturer or is in full compliance with subchapter 1A of this chapter, including all quarterly installment payments required by section 1922 of this title.

Sec. 78. 33 V.S.A. § 1918(c) and (d) are amended to read:

(c) Unless otherwise provided by agreement between a ~~stamping agent~~ licensed wholesale dealer and a tobacco product manufacturer, a ~~stamping agent~~ licensed wholesale dealer shall be entitled to a refund from a tobacco product manufacturer for any money paid by the ~~stamping agent~~ licensed wholesale dealer to the tobacco product manufacturer for any cigarettes of that tobacco product manufacturer still in the possession of the ~~stamping agent~~ licensed wholesale dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. Also, unless otherwise provided by agreement between a retail dealer and a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer, a retail dealer shall be entitled to a refund from either a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer for any money paid by the retail dealer to the ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer for any cigarettes of that ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer still in the possession of the retail dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. The Attorney General shall not restore to the directory a tobacco product manufacturer or any individual styles or brands or cigarettes or, if applicable, brand families of that tobacco product manufacturer until the tobacco product manufacturer has paid all ~~stamping agents~~ licensed wholesale dealers any refund due pursuant to this section.

(d) The Commissioner shall refund to a ~~retailer dealer or stamping agent~~ licensed wholesale dealer any tax paid under 32 V.S.A. chapter 205 on products no longer saleable in the State under this subchapter.

Sec. 79. 33 V.S.A. § 1921 is amended to read:

§ 1921. REPORTING AND SHARING OF INFORMATION

(a) At the date specified in 32 V.S.A. § 7785 or 7813, for monthly reports from licensed wholesale dealers ~~or distributors~~, or at such date and frequency as the Commissioner may require for other ~~stamping agents~~ licensed wholesale dealers, which will be at least quarterly, each ~~stamping agent~~ licensed wholesale dealer shall submit such information as the Commissioner requires to facilitate compliance with subchapter 1A of this chapter and this subchapter, including a list by brand family of the total number of cigarettes, or, in the case of roll-your-own tobacco, the equivalent stick count, as determined pursuant to the formula set forth in subchapter 1A of this chapter, for which the ~~stamping agent~~ licensed wholesale dealer affixed stamps during the reporting period or otherwise paid the tax due for such cigarettes. ~~Stamping agents~~ Licensed wholesale dealers shall maintain, and make available to the Commissioner, all documentation and other information relied upon in reporting to the Commissioner for a period of six years.

\* \* \*

(c) The Attorney General may require a ~~stamping agent~~ licensed wholesale dealer or tobacco product manufacturer to submit any additional information, including samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this subchapter and subchapter 1A of this chapter.

\* \* \*

\* \* \* Corporation Taxes \* \* \*

Sec. 80. 32 V.S.A. § 8146 is amended to read:

§ 8146. ADDITIONAL TAX; REFUNDS

When the Commissioner finds that owing to the incorrectness of a return or any other cause, a tax paid pursuant to this chapter is too small, he or she shall assess an additional tax sufficient to cover the deficit and shall forthwith notify the parties so assessed. ~~If the additional assessment is not paid within 30 days after such notice, the person or corporation against whom it is assessed shall be liable to the same penalties as for neglect to pay annual or semiannual taxes.~~ The administrative provisions of chapter 103 and 151 shall apply to assessments and refund claims under this chapter, including those provisions governing interest and penalty, appeals, and collection of assessments.

\* \* \* Employer Assessment \* \* \*

Sec. 81. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

(a) The Commissioner of Labor shall assess and an employer shall pay a quarterly Health Care Fund contribution for each full-time equivalent uncovered employee employed during that quarter ~~in excess of:~~

- ~~(1) eight full-time equivalent employees in fiscal years 2007 and 2008;~~
- ~~(2) six full-time equivalent employees in fiscal year 2009; and~~
- ~~(3) four full-time equivalent employees in fiscal years 2010 and thereafter.~~

~~(b) For any quarter in fiscal years 2007 and 2008, the amount of the Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver level plan in the Vermont Health Benefit Exchange.~~

(1) For the fourth quarter of calendar year 2015, the amount of the Health Care Fund contribution shall be calculated as follows:

(A) for employers with at least one but no more than 49 full-time equivalent employees, the amount of the Health Care Fund contribution shall be \$140.84 for each uncovered full-time equivalent employee in excess of four;

(B) for employers with at least 50 but no more than 249 full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$228.13 for each uncovered full-time equivalent employee in excess of four; and

(C) for employers with 250 or more full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$319.38 for each uncovered full-time equivalent employee in excess of four.

(2) For each calendar year after calendar year 2015, the Health Care Fund contribution amounts described in subdivision (1) of this subsection shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

\* \* \* Meals and Rooms Taxes \* \* \*

Sec. 82. 32 V.S.A. § 9202 is amended to read:

§ 9202. DEFINITIONS

(10) “Taxable meal” means:

(A) Any food or beverage furnished within the ~~state~~ State by a restaurant for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises.

(B) Where furnished by other than a restaurant, any nonprepackaged food or beverage furnished within the ~~state~~ State and for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises. Fruits, vegetables, candy, flour, nuts, coffee beans, and similar unprepared grocery items sold self-serve for take-out from bulk containers are not subject to tax under this subdivision.

(C) Regardless where sold and whether or not prepackaged:

- (i) sandwiches of any kind except frozen;
- (ii) food or beverage furnished from a salad bar;
- (iii) heated food or beverage;
- (iv) food or beverage sold through a vending machine.

\* \* \*

(19) “Vending machine” means a machine operated by coin, currency, credit card, slug, token, coupon, or similar device which dispenses food or beverages.

Sec. 83. 32 V.S.A. § 9271 is amended to read:

§ 9271. LICENSES REQUIRED

Each operator prior to commencing business shall register with the Commissioner each place of business within the ~~state~~ State where he or she operates a hotel or sells taxable meals or alcoholic beverages; provided however, that an operator who sells taxable meals through a vending machine shall not be required to hold a license for each individual machine. Upon receipt of an application in such form and containing such information as the Commissioner may require for the proper administration of this chapter, the Commissioner shall issue without charge a license for each such place in such form as he or she may determine, attesting that such registration has been made. No person shall engage in serving taxable meals or alcoholic beverages or renting hotel rooms without the license provided in this section. The license

shall be nonassignable and nontransferable and shall be surrendered to the Commissioner, if the business is sold or transferred or if the registrant ceases to do business at the place named.

Sec. 84. 32 V.S.A. § 9245 is amended to read:

§ 9245. OVERPAYMENT; REFUNDS

Upon application by an operator, if the Commissioner determines that any tax, interest, or penalty has been paid more than once, or has been erroneously or illegally collected or computed, the same shall be credited by the Commissioner on any taxes then due from the operator under this chapter, and the balance shall be refunded to the operator or his or her successors, administrators, executors, or assigns, together with interest at the rate per annum established from time to time by the Commissioner pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed, or from 45 days after the date the return was due, including any extensions of time thereto, with respect to which the excess payment was made, whichever is the later date or, if the taxpayer filed an amended return or otherwise requested a refund, 45 days after the date such amended return or request was filed. Provided, however, no such credit or refund shall be allowed after three years from the date the return was due.

\* \* \* Sales and Use Tax - Fiscal Year 2016 \* \* \*

Sec. 85. 32 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

Unless the context in which they occur requires otherwise, the following terms when used in this chapter mean:

\* \* \*

(31) “Food and food ingredients” means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” does not include alcoholic beverages ~~or~~, tobacco, soft drinks, candy, or bottled water.

\* \* \*

(53) “Bottled water” means water that is placed in a safety-sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: antimicrobial agents; fluoride; carbonation; vitamins, minerals, and electrolytes; oxygen; preservatives; and only those flavors, extracts, or

essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(54) "Soft drink" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than 50 percent of vegetable or fruit juice by volume.

(55) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no refrigeration.

Sec. 86. 32 V.S.A. § 9741 is amended to read:

#### § 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

\* \* \*

(13) Sales of ~~food, food stamps, purchases made with food stamps, food products and beverages,~~ food and food ingredients sold for human consumption off the premises where sold, and sales of eligible foods that are purchased with benefits under the Supplemental Nutrition Assistance Program or any successor program, consistent with federal law.

#### Sec. 87. SALES TAX PROPOSAL

(a) The General Assembly concludes that the structural deficiencies in Vermont's current revenue and budgeting structure, combined with a change in the State economy from an economy based on goods to an economy based on services, requires an examination and rethinking of Vermont's current sales tax base.

(b) On or before January 15, 2016, the Commissioner of Taxes shall report to the Senate Committee on Finance and House Committee on Ways and Means on how the Department of Taxes would implement an extension of Vermont's sales and use tax to select consumer services, not to include business to business services, most commonly taxed in other states. The extension of the sales and use tax modeled in the report shall provide two scenarios designed to raise both \$15 million and \$30 million in revenue in Vermont on an annual basis. The report shall include a draft of proposed rules which shall identify specific services by industry type that are taxable or not taxable.

(c) On or before January 15, 2016, the economists for the Legislative and Executive Branches, with the assistance of the Joint Fiscal Office and the Department of Taxes, shall file a joint report to the Senate Committee on Finance and the House Committee on Ways and Means on the fiscal impact of further extending Vermont's sales and use tax to a broader range of consumer services. The report shall analyze the short- and long-term economic impacts to the State of Vermont of such an extension, and contrast those impacts with the short- and-long term projections of Vermont's current sales and use tax revenues without the changes in the proposal.

\* \* \* Satellite Programming Tax \* \* \*

Sec. 88. 32 V.S.A. chapter 245 is added to read:

CHAPTER 245. TAX ON SATELLITE TELEVISION  
PROGRAMMING

§ 10501. DEFINITIONS

As used in this chapter:

(1) "Commissioner" means the Commissioner of Taxes.

(2) "Distributor" means any person engaged in the business of making satellite programming available for purchase by subscribers.

(3) "Satellite programming" means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber's receiving equipment located at an end user subscriber's or end user customer's premises.

(4) "Subscriber" means a person who purchases programming taxable under this chapter.

§ 10502. TAX IMPOSED

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of five percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

(b) The tax, together with a return in a form prescribed by the Commissioner, shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer's taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.

(c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of



chapter 151 of this title shall apply to the tax imposed by this section.

§ 10503. EXEMPTIONS

(a) The following transactions are not covered by the tax in this chapter:

- (1) transactions that are not within the taxing power of this State; and
- (2) the provision of satellite programming to a person for resale.

(b) The following organizations are not covered by the tax in this chapter:

- (1) the State of Vermont or any of its agencies, instrumentalities, public authorities, or political subdivisions; and
- (2) the United States of America or any of its agencies and instrumentalities.

\* \* \* Tax Expenditures \* \* \*

Sec. 89. EVALUATION OF TAX EXPENDITURES

(a) The Joint Fiscal Office shall, in consultation with an organization or organizations with experience in the evaluation of tax expenditures, develop a strategy to evaluate the effectiveness of each Vermont tax expenditure in the report required by 32 V.S.A. § 312. The Joint Fiscal Office shall consider the experiences of other states and shall propose a strategy that identifies but is not limited to:

- (1) an appropriate schedule and approach for evaluating tax expenditures;
- (2) specific metrics for different tax expenditures based on the statutory purposes;
- (3) sources of data and economic models, if any, that are matched to the identified metrics; and
- (4) the composition and mandate of an appropriate body, if other than the General Assembly, to consider the effectiveness of tax expenditures.

(b) The Joint Fiscal Office shall present its findings and recommendations as well as an example of a Vermont tax expenditure evaluation to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2016. The Joint Fiscal Office shall, in addition to consulting with outside organizations, have the assistance of the Department of Taxes and the Office of Legislative Council.

\* \* \* Repeals \* \* \*

Sec. 90. REPEALS

The following are repealed:

- (1) 32 V.S.A. § 3409 (preparation of property maps).
- (2) 32 V.S.A. § 5925 (definitions for expired section) and 10 V.S.A. § 697(a) (cross reference).

\* \* \* Effective Dates \* \* \*

Sec. 91. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Secs. 1–5 (Office of Professional Regulation), 6–7 (Agency of Education), 8–11 (Department of Health), 12–16 (Board of Medical Practice), 17–23 (Agency of Natural Resources), 25 (Workers’ Compensation Fund), 27 (Apiaries), 30 (Motor Vehicles), 31–32 (VSNIP surcharge and language), 33–34 (Probate fees and Superior and Supreme Court fees), 48 (Medicaid Services), 50 (town audit), 51 (agricultural land certification), 82 (vending), 83 (licensing), 85 (sales tax definitions), and 86 (sales tax exemptions) shall take effect on July 1, 2015.

(2) Sec. 24 (Department of Fish and Wildlife) shall take effect on January 1, 2016.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 28 (VCGI Special Fund) shall take effect on passage and apply retroactively as of February 8, 2015.

(4) Secs. 43–45 (administrative attachment and garnishment) shall take effect on July 1, 2015.

(5) Sec. 46 (collections unit) shall take effect on July 1, 2016.

(6) Sec. 54 (qualified housing exemption), notwithstanding 1 V.S.A. § 214, shall take effect retroactively on January 1, 2014; provided however, that the 20-year period created by this section shall begin on January 1, 2004.

(7) Sec. 56 (special assessments) shall take effect July 1, 2015, and apply to special assessments enacted after that date.

(8) Secs. 57 (taxable income), 58 (minimum tax) and 59 (annual income tax update), notwithstanding 1 V.S.A. § 214, shall take effect retroactively to January 1, 2015, and apply to taxable years beginning on and after January 1, 2014.

(9) Sec. 62 (obligation of estates and trusts to make estimated payments) shall take effect on passage and apply to taxable years beginning on and after January 1, 2016.

(10) Sec. 81 (employer assessment) shall take effect on October 1, 2015 and shall apply to the amounts that are due to be collected on or before January 31, 2016.

(11) Sec. 88 (satellite tax) shall take effect July 1, 2015.

(Committee vote: 6-1-0)

And that the bill ought to pass in concurrence with such proposal of amendment.

SENATOR TIMOTHY R. ASHE  
FOR THE COMMITTEE