

H. 872 – FEE BILL SIDE-BY-SIDE COMPARISON

As Passed House and Senate amendments

4/26/16

House Sec.#	Summary	Sen. Finance Sec.#	Summary
Secretary of Agriculture, Food and Markets			
1	<p>General Powers; Secretary of Agriculture, Food and Markets</p> <p>Creates a new \$27 late fee for licenses, registrations, permits, and certifications renewed after the second renewal notice has been mailed.</p>	1	<p>Removes 2nd notice requirement for assessing the late fee, because AAFM does not send 2nd notices for all product registrations.</p> <p>Inserts new language <u>“The Secretary may assess a late fee of \$27.00, provided that the late fee is no greater than the fee due, in which case the late fee shall equal the fee due, for any license, registration, permit or certification renewal that is received more than 30 days past expiration unless a higher late renewal fee is otherwise prescribed by statute”</u></p>
2	<p>Certificate of Free Sale</p> <p>Reduces Secretary’s authority to issue only certificates of free sale for export of Vermont products, not certificates of manufacturing. Reduces Secretary’s authority to issue certificates to only those who manufacture or produce Vermont food, not personal care products. Increases fee per certificate.</p>	2	Same
3	<p>Commercial Feeds</p> <p>Increases registration fee for commercial feeds, including livestock and pet foods.</p>	3	Same
4	<p>Agricultural Lime</p> <p>Increases registration fee for agricultural lime products.</p>	4	Same
5	<p>Fertilizer Tonnage Fees</p> <p>Increases annual fee on distributors of fertilizer from \$0.25 to \$0.50 per ton, and limits it to agricultural</p>	5	<p>Removes <u>“(1) a \$150 base fee”</u></p> <p>Inserts (from struck out subsec. (d)) <u>“(1) a \$150.00 minimum tonnage fee”</u></p> <p>The minimum required tonnage fee is</p>

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	fertilizer. Imposes \$150 base fee on both agricultural and nonagricultural fertilizer, rather than on nonagricultural fertilizer alone.		\$150, though most fertilizer distributors distribute much more than that minimum.
6	Maple Products Increases annual license fees for maple dealers and producers.	6	Same
7-8	Seeds Adjusts certification fees for seed potato growers. Increases inspection fees for seed manufacturers or processors who distribute seeds in State.	7-8	Same
9	Livestock Dealers Increases license application fees for persons who buy, sell, auction, or transport livestock.	9	Same
10	Public Warehouses that Store Farm Products Adjusts annual license fee for public warehouses that store farm products.	10	Same
11	Insecticides, Fungicides, and Rodenticides Increases annual fee per product for insecticides, fungicides, & rodenticides.	11	Same
12	Pesticides Increases licensing and certification fees for pesticide dealers, companies, and applicators.	12	Same
13	Pesticides Eliminates exemption from certification and licensing requirements and fee for federal	13	(i) Changes maximum commercial or noncommercial pesticide applicator certification fee of "\$100" to "\$120" to account for increase in fee from \$25 to

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	and state agencies and municipalities and public education institutions. Creates a new \$25 fee for private pesticide applicators.		<p>\$30</p> <p>(ii) House language strikes out fee exemption for federal and state agencies and municipalities and public education institutions, but does not explicitly state a new fee.</p> <p>Inserts a new subdivision (a)(7) to read:</p> <p><u>“(7) Government, Municipal and Public Education Institution Applicators—\$30.”</u></p>
14-15	<p>Milk Handlers’ Licenses</p> <p>Creates a new annual cap of \$750 in fees for milk handlers’ licenses for the transportation of bulk milk. Changes categories and corresponding license fees for milk handlers. Creates new milk handlers’ license fee categories for amounts of milk handled per production day over 25,000 pounds.</p>	14-15	Same
16	<p>Dairy; Processing Equipment;</p> <p>Increases registration fees for commercial enterprises that sell, install, or repair milking, milk cooling and storage, or dairy processing equipment.</p>	16	<p>Removes final sentence “Any company that fails to renew on or before December 31 shall pay a \$25 late fee, and the registration shall lapse if it is more than 30 days late.”</p> <p>A late fee is already imposed by default under Sec. 1 of bill.</p>
17	<p>Frozen Desserts</p> <p>Increases annual license fee for manufacturers of frozen desserts.</p>	17	Same
18	<p>Dairy Promotion Council</p> <p>Repeals fee on handlers for all fluid milk sold in Vermont. These funds have been used to promote the sale of milk and milk products.</p>	18	Same

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19	<p>Retail Sale of Livestock and Poultry Products</p> <p>Increases fees for retail vendors with meat cutting operations or meat display space. Increases fee for all other meat-handling establishments except public warehouses that store meat and other farm products.</p>	19	Same
20	<p>Nursery Inspection</p> <p>Adjusts license fees for plant nursery growers or dealers.</p>	20	Same
21	<p>Plants Taken from the Wild; Ginseng</p> <p>Increases three-year fee for permit to collect and sell wild plants, including ginseng.</p>	21	Same
22	<p>Small Farm Certification</p> <p>Requires Secretary of Agriculture, Food and Markets to report to the General Assembly in November 2016 with a proposed fee for small farms required to certify compliance with water quality requirements.</p>	22	Same
23	<p>Manure Applicators Certification</p> <p>Creates a new \$30 annual fee for registration of custom manure applicators.</p> <p>Custom manure applicator means a person who engages in business of applying manure or nutrients to land, and who charges or collects other consideration for service.</p>	23	Same
24	<p>Laser Scanning Check-Out Systems</p> <p>Reduces exemption for retail stores from annual license fee imposed per retail laser scanner. New exemption only</p>	24	Same

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	<p>applies to stores with two or fewer scanners. Stores with three or more scanners will be subject to per scanner fee. Retains current fee of \$10 per scanner.</p>		
25-27	<p>Weights and Measures</p> <p>Increases license fee for public weighmasters. Increases registration fee for weighing device dealers or repair persons. Increases annual operating license fees for various meters and scales. Repeals annual license fees for the following weighing devices: taxi meters, bulk plant meters, and all medium duty scales other than portable platform scales.</p>	25-27	Same
28-29	<p>Welfare of Animals</p> <p>Repeals registration requirement for animal shelters or rescue organizations. Increases license fee for pet shops.</p>	28-29	Same
Department of Financial Regulation			
30-31	<p>Business Entity Limited Lines Producers</p> <p>Creates a new category of business entity limited lines insurance providers, so that a business may sell limited lines insurance such as travel accident or travel baggage insurance.</p> <p>Creates a corresponding fee of \$150 for both initial licensing and subsequent biennial renewals.</p>	30-31	Same
33	<p>Mutual Fund Fee; Notice Filing</p> <p>Increases notice filing fee per portfolio or class of securities</p>	33	Same

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	for investment companies, and divides it into two separate fees. Creates a new \$2,000 fee for initial filing. Increases existing \$600 fee required for each annual renewal to \$1,500.		
<u>NEW</u>		33a	<p>Increases fees for securities broker-dealers, agents, investment advisers, investment adviser representatives, SEC & exempt investment adviser firms.</p> <p>(a) Broker dealer firms:</p> <ul style="list-style-type: none"> • Initial registration: \$250 to \$300 • Renewal: \$250 to \$300 • Branch office registration or renewal: \$100 to \$110 <p>(b) Individual broker-dealers:</p> <ul style="list-style-type: none"> • Initial registration: \$60 to \$85 • Renewal of registration: \$60 to \$85 • Filing a change: \$60 to \$85 <p>(c) Investment advisors:</p> <ul style="list-style-type: none"> • Initial registration: \$250 to \$300 • Renewal: \$250 to \$300 • Branch office registration or renewal: \$100 to \$110 <p>(d) Investment adviser representative:</p> <ul style="list-style-type: none"> • Initial registration: \$55 to \$80 • Renewal of registration: \$55 to \$80 • Filing a change: \$55 to \$80 <p>(e) SEC & exempt investment adviser firms:</p> <ul style="list-style-type: none"> • Initial registration: \$250 to \$300 • Renewal: \$250 to \$300 • Branch office registration or renewal: \$100 to \$110

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34	Creates a new exemption for the Department of Financial Regulation to exempt it from limitations on what it raises revenues for through its fees. Allows DFR to raise revenues through its fees that are not directly related to its costs of regulation.	34	Changes the definition of fee to include a charge by a municipal office, when that charge is established in statute .
<u>NEW</u>		<u>34a</u>	<p>Town clerks fees</p> <p>Changes subchapter on fees to include municipal fees when established in statute.</p> <p>Establishes a municipal advisory committee, which will propose an annual consolidated fee report and request to the General Assembly.</p> <p>Adds references to the new section on municipal fee reports and requests in the legislative fee review process.</p>
<u>NEW</u>		<u>34a</u>	<p>EB-5 Program; Regulation; Oversight</p> <ul style="list-style-type: none"> • Creates a new section that distinguishes between roles of Agency of Commerce and Community development and DFR. • Provides for rule-adopting authority for administration and oversight of EB-5 program, modeled after MOU between ACCD and DFR. • In particular, allows for creation of escrow accounts for capital investments and third-party oversight of requisitions.
<u>NEW</u>		34b	<p>EB-5 special fund</p> <p>Amends existing special fund language:</p> <ul style="list-style-type: none"> • To clarify that funds are intended to support operating costs of VT Regional Center

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			<p>for Immigrant Investment, and to make additional legislative appropriations unnecessary for Center's operating costs.</p> <ul style="list-style-type: none"> • Authorizes application fees and fees for annual project assessments.
<u>NEW</u>		34c	<p>EB-5 project developer; collection of past-due fees</p> <p><i>Session law</i></p> <p>Directs the Secretary of Commerce and Community Development to collect past-due fees incurred by an EB-5 project developer without diminishing the value of foreign investors' interest acquired through capital investment in EB-5 projects.</p>
Center for Crime Victim Services			
35	<p>Marriage License Fee; Vermont Center for Crime Victim Services</p> <p>Increases the marriage license fee collected by town clerks for issuing and recording a marriage or civil union license. The portion of the marriage license fee that is deposited into the Domestic and Special Violence Special Fund is increased by the full amount of the fee increase.</p>	35	Same
Department of Public Safety			
36-37	<p>Public Safety; Hazardous Substances; Fire Prevention</p> <p>Increases fees for use or storage of hazardous substances. Increases permit application fees for approval of a construction plan according to fire prevention and building code.</p>	36-37	Same

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Department of Liquor Control			
38-39	<p>Liquor Control Licensing; Education Requirement</p> <p>Increases many, but not all, existing liquor licensing fees.</p> <p>Establishes fees for required in-person or online training seminars for liquor licensees applying for new licenses, renewing existing licenses, or obtaining training for employees. Allows licensees to continue training employees using DLC-approved materials.</p>	38-39	Same
40	<p>Tobacco Licensing; Tobacco Substitutes;</p> <p>Increases tobacco licensing fees from \$100 to \$110.</p> <p>Creates a new endorsement requirement and annual \$50 fee for anyone who sells tobacco substitutes, including electronic cigarettes.</p>	40	Same
41	<p>Tobacco Substitute Manufacturer Registration</p> <p>Creates a new annual tobacco substitute manufacturer fee of \$1,000 per brand, not including individual flavors. Directs Dept. of Liquor Control to collect fee and register manufacturers.</p>	41	Deletes section
42	<p>Tobacco Education Requirement</p> <p>Establishes fees for required in-person or online training seminars for tobacco licensees applying for new licenses or renewing existing licenses, or obtaining training for employees. Allows licensees to continue training their employees using materials</p>	42	Same

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	approved by the Department.		
43	<p>Common Carriers of Alcoholic Beverages; Education Requirement</p> <p>Inserts reference to new education requirement for common carriers of alcoholic beverages.</p>	43	Same
Agency of Natural Resources			
44	<p>Fish and Wildlife; Licenses and Permits</p> <p>Increases fees for resident combination hunting and fishing licenses, and for nonresident fishing licenses, and nonresident combination hunting and fishing licenses. Repeals fees for resident second muzzle loader licenses, second archery licenses, and for senior residents 65 and older to receive one or multiple licenses. Permits both resident and nonresident bear tags at any time during the season.</p> <p>Creates new free senior licenses for residents 70 years of age or older.</p>	44	Same
45	<p>Department of Environmental Conservation</p> <p>Creates new stormwater discharge permit fees for Concentrated Animal Feeding Operations (CAFO): \$1,500 for a medium farm operation, and \$2,500 for a large farm operation.</p>	45	<p>Reinstates fee for non-sewage indirect discharge permit reviews, which was inadvertently struck in last year's fee bill. Without a correction, breweries and other dischargers of non-sewage waste will be required to pay higher fees.</p> <p>Proposed effective date is retroactive to July 1, 2015 to allow DEC to charge the correct fees to permit applicants for the last year.</p>
Department of Labor			
46	<p>Workers' Compensation Fund Rate of Contribution</p> <p>Maintains the Workers'</p>	46	Same

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	Compensation Fund premium rate at 1.45 percent for fiscal year 2017.		
Agency of Education			
47	<p>Agency of Education; Educator Preparation Program Accreditation</p> <p>Creates five new fees to fund the Results Oriented Program Approval (ROPA) process, which accredits Vermont institutions of higher education with educator preparation programs. The educator programs will pay the fees.</p>	47	Same
State Lottery Commission			
<u>NEW</u>		47a	<p>Fantasy sports operators annual assessment</p> <p>Creates new annual assessment on fantasy sports operators for deposit in the State Lottery Fund, for purpose of funding addition programs in VT.</p>
Effective Dates			
48	<p>Effective Dates</p> <p>(a) 5 (fertilizer tonnage fee) takes effect retroactively on January 1, 2016.</p> <p>(b) 48 (effective dates) takes effect on passage.</p> <p>(c) All other sections take effect on July 1, 2016.</p>	48	<p>New effective dates to allow for DEC's indirect, nonsewage discharge permits to apply retroactively</p> <p>(a) 5 (fertilizer tonnage fee) takes effect retroactively on January 1, 2016.</p> <p>(b) in Sec. 45 (stormwater discharge permits), in 3 V.S.A. § 2822(j), subdivision (2)(A), (indirect, nonsewage discharge permits), takes effect retroactively on July 1, 2015.</p> <p>(c) 48 (effective dates) takes effect on passage.</p> <p>(d) All other sections take effect on July 1, 2016.</p>