

**Draft Fee Bill Language from Administration**  
*Agriculture, Food and Markets*

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\*\*\*Agriculture \*\*\*

\*\*\*General powers of agency; secretary of agriculture, food and markets\*\*\*

**Sec. 1.** 6 V.S.A. § 1 is amended to read:

(13) notwithstanding any law to the contrary in this title or Title 9 or 20, issue all licenses, permits, registrations, or certificates under a program administered by the secretary for a term of up to three years; renew and issue such licenses, permits, registrations, and certificates on any calendar cycle; collect any annual fee set by law for such multiyear licensure, permit, registration, or certificate on a pro-rated basis which shall not exceed 150 percent of the annual fee for an 18-month cycle, 200 percent of the annual fee for a two-year cycle, or 300 percent of the annual fee for a three-year cycle; and conduct inspections at regulated premises at least once every three years when inspection is required by law. The authority to mandate licenses, permits, registrations, or certificates for more than one year shall not extend to any program administered by the secretary where the annual fee is more than \$125.00. The Secretary may collect a fee of \$25.00 for all licenses, registrations, permits and certifications issued by the Secretary for which there is no fee authority otherwise prescribed by statute. The Secretary may assess a late fee of \$25.00 for any license, registration, permit or certification that is renewed after a 2<sup>nd</sup> renewal notice has been mailed by the Secretary to the applicant's last known address of record unless a higher late renewal fee is otherwise prescribed by statute.;

\*\*\*Certificate of free sale\*\*\*

**Sec. 2.** 6 V.S.A. § 18 is amended to read

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a) The secretary is hereby authorized to make available certificates of free sale ~~or manufacturing~~ to applicants who manufacture or produce Vermont food ~~or personal care products~~ regulated by the Agency for the limited purpose of facilitating the shipment of such products for sale in foreign countries.

(b) The agency may adopt rules for the issuance of such certificates.

(c) The agency shall assess a fee of ~~\$15.00~~ \$30.00 per certificate to offset administrative costs.

\*\*\* Commercial Feeds\*\*\*

**Sec. 3.** 6 V.S.A. § 324 is amended to read:

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of ~~\$85.00~~ \$105.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

\*\*\* Fertilizer and Lime\*\*\*

**Sec. 4.** 6 V.S.A. § 364 is amended to read:

(d) Each separately identified agricultural lime product shall be registered before being distributed in this State. Registration shall be performed in the same manner as fertilizer registration except that each application shall be accompanied by a fee of ~~\$40.00~~ \$50.00 per product.

\*\*\*Tonnage fees\*\*\*

**Sec.. 5.** 6 V.S.A. § 366 is amended to read:

(a) ~~There shall be paid annually to the Secretary for all fertilizers distributed to a nonregistrant consumer in this State an annual fee at a rate of \$0.25 cents per ton~~ A person distributing fertilizer to a nonregistrant consumer in the State annually shall pay the following fees to the Secretary:

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- (1) a \$150.00 base fee;
- (2) ~~\$0.25~~ \$0.50 per ton of agricultural fertilizer distributed; and
- (3) \$30.00 per ton of nonagricultural fertilizer distributed.

(b) Persons distributing fertilizer shall report annually by January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was distributed within this State. Each report shall be accompanied with payment and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.

(c) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.

(d) A \$150.00 minimum tonnage fee shall be assessed on all distributors who distribute agricultural fertilizers in this state.

\*\*\* Maple Syrup\*\*\*

**Sec. 6.** 6 V.S.A. § 483 (b) and (c) is amended to read:

**§ 483. License required**

(a) A dealer or processor who is doing business in this state, or who wishes to do business in this state shall first obtain a license to do so from the secretary.

(b) A dealer wishing to be licensed shall apply annually before July 1 to the secretary for a license on forms supplied by the secretary and shall pay a license fee of ~~\$20.00~~ \$30.00.

(c) A processor wishing to be licensed shall apply annually before July 1 to the secretary for a license on forms supplied by the secretary and shall pay a license fee of ~~\$100.00~~ \$150.00.

\*\*\* Seeds\*\*\*

**Sec. 7.** 6 V.S.A. § 616 is amended to read:

(a) The secretary shall have authority to assess growers who apply for the certification privilege a fee per acre, to be paid in one or more installments.

(b) Growers shall be assessed ~~\$30.00~~ \$35.00 for the first five acres inclusive. Over five acres shall be assessed ~~\$30.00~~ \$35.00 plus \$3.00 per acre over five acres.

(c) Payment for certification shall be based upon the following schedule:

(1) The application for certification shall be accompanied by 60 percent of the certification fee. The balance, or 40 percent of the certification fee, shall be payable no

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later than 90 days after the bill is rendered. Certification shall be withheld until all fees have been paid.

(2) The balance, 40 percent, of the certification shall be waived if the field is rejected upon field inspection or if no crop is harvested for reasons beyond the grower's control

\*\*\* Seeds Standards\*\*\*

**Sec. 8.** 6 V.S.A. § 648 is amended to read:

(a) Inspection fees shall be paid to the secretary by a manufacturer or processor that distributes seed in the state. Fees shall be established as follows:

(1) ~~thirty five cents per hundredweight~~ \$10 per ton for any seed sold in containers of more than ten pounds;

(2) a flat fee of ~~\$75.00~~ \$85.00 per company for any seed sold.

\*\*\* Livestock Dealers, Auctions, And Sales Rings\*\*\*

**Sec. 9.** 6 V.S.A. § 762 (a) is amended to read:

(a) A person shall not carry on the business of a livestock dealer without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of such license, such dealer shall file with the Secretary an application for such license on forms provided by the Agency. Each application shall be accompanied by a fee of ~~\$150.00~~ \$175.00 for persons who buy and sell or auction livestock, and ~~\$75.00~~ \$100.00 for persons who only transport livestock commercially.

\*\*\* Public Warehouses That Store Farm Products\*\*\*

**Sec. 10.** 6 VSA § 893 is amended to read:

The secretary of agriculture, food and markets shall furnish necessary application forms. The annual license date shall be April 1. The annual license fee shall be ~~\$100.00~~ \$125.00.

\*\*\*Insecticides, Fungicides, And Rodenticides \*\*\*

**Sec. 11.** 6 VSA § 893 is amended to read:

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(b) The registrant shall pay an annual fee of ~~\$125.00~~ \$175.00 for each product registered, and ~~\$110.00~~ \$160.00 of that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. The annual registration year shall be from December 1 to November 30 of the following year.

\*\*\*Control of Pesticides\*\*\*

**Sec. 12.** 6 V.S.A. § 1109 is amended to read:

The secretary may adopt regulations requiring persons selling Class C pesticides at retail to be licensed under this chapter, and may establish reasonable requirements for obtaining licenses. The license fee for a retail dealer shall be ~~\$20.00~~ \$25.00 for one year or any part thereof for each store or place of business operated by the retail dealer. The license period shall be January 1 to December 31.

**Sec. 13.** 6 V.S.A. § 1112 is amended to read:

(a) The secretary may adopt regulations requiring persons selling Class A and B pesticides to be licensed under this chapter. In addition, the secretary may adopt regulations requiring companies which hire applicators or conduct pesticide applications to be licensed, and applicators who use pesticides to be certified under this chapter. The secretary may establish reasonable requirements for obtaining licenses and certificates. The fees for dealers, licensed companies and applicator certificates under this chapter shall be as follows:

- (1) Class A Dealer License-~~\$30.00~~ \$50.00;
- (2) Class B Dealer License-~~\$30.00~~ \$50.00;
- (3) Pesticide Company License-~~\$60.00~~ \$75.00;

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(4) Commercial, Noncommercial Applicator, federal and state agencies and municipalities and public education institutions Certification fee-~~\$25.00~~ \$30.00 per category or subcategory with a maximum of \$100.00;

(5) Second and third time examination fee for dealer licenses and applicator certification-~~\$25.00~~.

(6) Private Applicator - \$25.00

(b) All license and certification fees shall be for one year or any part thereof for each dealer, licensed pesticide applicator company or certified commercial and noncommercial applicator. The license and certification period shall be January 1 to December 31. ~~The secretary shall exempt federal and state agencies and municipalities and public education institutions from certification and licensing fees.~~

\*\*\*Supervision, Inspection, And Licensing Of Dairy Operations\*\*\*

**Sec. 14. 6 V.S.A § 2721 is amended to read:**

(b) A milk handler shall not transact business in the state unless the milk handler secures and holds a handler's license from the secretary. The license shall terminate September 1 each year and shall be procured by August 15 of each year. The secretary shall furnish all forms for applications, licenses, and bonds. At the time the application is delivered to the secretary, the milk handler shall pay a license application fee of \$50.00 for an initial application and a license fee based on the following table. For a renewal application, only the fee in the table applies. Out-of-state firms are to use the company's highest total pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day. Milk Handlers Licenses for transportation of bulk milk will be capped at \$750 per year.

<del>Pounds of milk or dairy</del>	<del>License handling fee</del>
<del>products bought, sold, pack-</del>	
<del>aged, assembled, transported, or</del>	
<del>processed per production day:</del>	

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500 pounds or less	\$ 50.00
Over 500 but less than 1,000 pounds	\$100.00
1,000 to 10,000 pounds per day	\$175.00
Over 10,000 to 25,000 pounds per day	\$275.00
Over 25,000 pounds	\$350.00
Processor fee per pasteurizer	\$ 50.00

Pounds of milk or dairy products bought, sold, packaged, assembled, transported or processed per production day	License Handling Fee
Less than 500 pounds	<del>\$50.00</del> \$60.00
500 to 10,000 pounds	\$200
10,000 to 50,000 pounds	\$350
50,000 to 100,000 pounds	\$750
100,000 to 500,000 pounds	\$1,000
Over 500,000 pounds	\$1,500
Processor Fee Per pasteurizer	<del>\$50</del> \$75

**Sec. 15.** 6 V.S.A § 2722 is amended to read:

Applications shall be completely filled out and sworn to by the applicant or a partner or officer thereof and in case of renewal shall be filed with the Secretary on or before July 15 of each year. New handlers may apply for a license at any time. Renewal applications not received on or before August 1 shall be assessed a late fee of ~~\$50.00~~ \$100.00. The application for a handler's license shall provide the following information and such other information as the Secretary by regulation shall reasonably require:

**Sec. 16.** 6 V.S.A. § 2724(b) is amended to read:

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(b) Any commercial enterprise that sells, installs, or repairs milking, milk cooling and storage, or dairy processing equipment shall register with the Secretary. The company shall apply for registration on a form made available by the Agency. The registration shall be valid for three years. Before registering a company, the Secretary shall determine that the company is qualified to sell, perform the installation, or repair milking and dairy processing equipment. The registration form shall be accompanied by a fee of ~~\$100.00~~ \$150.00. The Secretary may suspend or revoke registration for cause after giving the installer the opportunity to be heard. Registration shall terminate on December 31 of each year. Electricians or plumbers licensed pursuant to Title 26 doing only electrical or plumbing work within a farm or plant shall be exempt from this registration provided any work directly related to the processing of dairy products or milking of animals is performed under the supervision of a person that is registered. Any company that fails to renew on or before December 31 shall pay a \$25.00 late fee, and the registration shall lapse if it is more than 30 days late.

\*\*\* Frozen Desserts\*\*\*

**Sec. 17.** 6 V.S.A. § 2855 is amended to read:

No person shall manufacture for sale frozen desserts unless that person first secures a license from the secretary of agriculture, food and markets. Applications shall be made on forms furnished by the secretary and be accompanied by a fee of ~~\$70.00~~ \$75.00. All licenses shall terminate December 31st of each year. Frozen dessert licenses may be revoked or suspended for cause following due notice and hearing.

\*\*\*Dairy Promotion Council\*\*\*

**Sec. 18.** 6 V.S.A. § 2981 is amended to read:

~~§2981 Rate and collection of Assessment~~

~~(b) Each handler shall pay the council each month two cents per hundredweight on all fluid milk sold for consumption within the state of Vermont. Each handler shall file a report and pay the handler's hundredweight fee to the council on forms provided for that purpose, except that handlers who sell less than 100 quarts of fluid milk per day may file reports and pay the prescribed hundredweight fees at the end of each three month period. In case the same fluid milk is handled by more than one handler, the first handler within~~



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~~the state dealing in or handling the fluid milk shall be the handler within the meaning of this chapter.~~

\*\*\* Preparation Of Livestock And Poultry Products\*\*\*

**Sec. 19.** 6 V.S.A. § 3306 (d ) is amended to read:

(d) The annual fee for a license for a retail vendor is ~~\$15.00~~ \$25.00 for vendors without meat cutting operations, ~~\$30.00~~ \$50.00 for vendors with meat cutting space of less than 300 square feet or meat display space of less than 20 linear feet, and ~~\$60.00~~ \$100.00 for vendors with 300 or more square feet of meat cutting space and 20 or more linear feet of meat display space. Fees collected under this section shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the cost of administering chapter 204 of this title. For all other plants, establishments, and related businesses listed under subsection (a) of this section, except for a public warehouse licensed under chapter 67 of this title, the annual license fee shall be ~~\$50.00~~ \$150.00.

\*\*\*Nursery Inspection\*\*\*

**Sec. 20.** 6 V.S.A. § 4024 is amended to read:

(a) No person shall operate as a nursery grower or nursery dealer in the state without first obtaining a nursery license from the secretary. A nursery grower or nursery dealer shall apply annually for a nursery license on a form provided by the secretary. The secretary shall establish by rule the conditions for the issuance, suspension, or revocation of a nursery license, and may place any restrictions or requirements upon the license which he or she deems necessary.

(b) A nursery dealer licensed under section 4024 of this title shall pay the following fee for a license:

- (1) ~~\$50.00~~ \$60.00, if the nursery owns or controls:
  - (A) a nursery of one-half acre or more;
  - (B) greenhouse space of 25,000 square feet or more; or
  - (C) retail space of 25,000 square feet or more.
- (2) ~~\$20.00~~ \$30.00 for all other nursery dealers.

(c) Any person soliciting orders for, offering for sale, or distributing nursery stock shall have in his or her possession a copy of the nursery license required under subsection

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(a) of this section, which he or she shall show upon demand to prospective buyers or the secretary.

(d) A person selling \$1,000.00 or less of nursery stock in a year shall be exempt from the requirement to obtain a license under this section.

**Sec. 21.** 6 V.S.A. § 4031 is amended to read:

(d) The Secretary may collect a fee of ~~\$60.00~~ \$75.00 for a three-year permit to engage in commerce with plants described in subsection (a) of this section. The fee shall be credited to a special fund established and managed pursuant to 32V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the cost of implementing this section.

\*\*\*Small Farm Certification\*\*\*

**Sec. 22.** 6 V.S.A § 4871 is amended to read:

(a) Small farm definition. As used in this section, “small farm” means a parcel or parcels of land:

(1) on which 10 or more acres are used for farming;

(2) that house no more than the number of animals specified under section 4857 of this title; and

(3)(A) that house at least the number of mature animals that the Secretary of Agriculture, Food and Markets designates by rule under the Required Agricultural Practices; or

(B) that are used for the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops for sale.

(4) All farms that meet the definition and are designated under the Required Agricultural Practices shall pay a certification fee yearly of \$250.00.

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\*\*\*Certification of Custom Applicators of Manure or Nutrients \*\*\*

**Sec. 23.** 6 V.S.A. § 4987 is amended to read:

As used in this subchapter, “custom applicator” means a person who is engaged in the business of applying manure or nutrients to land and who charges or collects other consideration for the service. Custom applicator shall include full-time employees of a person engaged in the business of applying manure or nutrients to land, when the employees apply manure or nutrients to land. A certification fee of \$30.00 will be charged yearly to all persons meeting this definition.

\*\*\*Weights And Measures \*\*\*

**Sec. 24.** 9 V.S.A. § 2643 is amended to read:

(a) No person shall operate a retail point-of-sale laser scanning check-out system ~~with more than three point-of-sale scanning points~~ without first obtaining a license from the Secretary.

(2) The annual license fee shall be ~~\$10.00~~ \$25.00 per individual point-of-sale scanning point within a store. All single retail units that have three or fewer scanning points shall be exempt from this fee.

**Sec. 25.** 9 V.S.A. § 2730 is amended to read:

(g) License fee exemptions.

~~(2) Any person who operates three or fewer motor fuel dispensers shall be exempt from the license fee requirement of subdivision (f)(1)(A) of this section.~~

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(f)(1) The Secretary shall charge, per unit, the following annual license fees:

~~(E) Taxi meter: \$10.00.~~

~~(G) Bulk plant meter: \$100.00.~~

**Sec. 26** 9 VSA Sec. 2721 is amended to read:

Any person, who is 18 years of age or older, wishing to be a licensed public weighmaster shall apply to the Secretary upon forms provided by the Agency, and remit a fee of ~~\$15.00~~ \$25.00. Upon approval, the Secretary shall issue to the applicant a license certificate which shall expire on June 30 unless sooner suspended or revoked under section 2723 of this title. Renewal applications shall be in such form as the Secretary shall prescribe.

**Sec. 27.** 9 V.S.A. § 2725 is amended to read:

(a) Any person wishing to be registered as a dealer or service person shall apply to the Secretary upon forms provided by the Agency and each application shall be accompanied by a fee of ~~\$50.00~~ \$60.00. Upon approval, the Secretary shall issue to the applicant a registration certificate which shall expire on June 30 unless sooner suspended or revoked under section 2726 of this title. Any service person who applies for a registration certificate must have obtained a hand seal which has a number registered with the Secretary. Any service person who has been granted a registration certificate shall, with the hand seal, seal all meters with a lead and wire seal at the time as he or she installs, repairs, or adjusts the meters.

**Sec. 28.** 9 VSA § 2730 is amended to read:

(f)(1) The Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: ~~\$15.00~~ \$25.00.

(B) Vehicle tank meter: ~~\$100.00~~ \$125.00.

(C) Scales: ~~\$10.00~~ \$25.00.

(D) Vehicle and heavy duty scales: ~~\$150.00~~ \$175.00

~~(E) Taxi meter: \$10.00.~~

(F) Meter: ~~\$15.00~~ \$25.00.

~~(G) Bulk plant meter: \$100.00.~~

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(H) Truck mounted propane meter: ~~\$150.00~~ \$175.00.

(I) Hopper scales: ~~\$100.00~~ \$125.00.

(J) Propane fill station: ~~\$50.00~~ \$60.00.

(K) Medium duty scales:

portable platform scales: ~~\$30.00~~ \$35.00.

all others: ~~\$30.00~~ \$35.00.

\*\*\*Welfare of Animals\*\*\*

**Sec. 29.** 10 V.S.A § 3903 is amended to read:

~~(a) No person may operate an animal shelter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been granted by the Secretary. Application for the certificate shall be made in the manner provided by the Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked and may be renewed for like periods upon application in the manner provided.~~

(b) An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the person transferring the animal to the shelter provides the following information: the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

(c) A rescue organization registered under this chapter shall be recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code.

(Added 1971, No. 27, § 5, eff. March 24, 1971; amended 1997, No. 130 (Adj. Sess.), §

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14; 2003, No. 42, § 2, eff. May 27, 2003; 2009, No. 158 (Adj. Sess.), § 11; 2013, No. 30, § 6.)

**Sec. 30.** 20 V.S.A. § 3906 is amended to read:

(a) No person may transact business as a pet shop, as defined in this chapter, unless a license for that purpose has been granted by the Secretary to that person. Application for the license shall be made in the manner provided by the Secretary. The license period shall be April 1 to March 31 and the license fee shall be ~~\$150.00~~ \$175.00 for each license period or part thereof.