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MEMORANDUM

To: Rep. Donna Sweaney, Chair, House Committee on Government Operations

From: Rep. Janet Ancel, Chair, House Committee on Ways and Means
Rep. Carolyn Branagan, Vice-Chair, House Committee on Ways and Means

Date: January 26, 2016

Subject: Review of Administration's Proposed FY 2017 Fee Bill

The House Ways and Means Committee has begun work on the Administration's proposed FY 2017 Fee Bill and would like the Committee on Government Operations to review Sections 37 to 40 and 48 of the draft bill.

Sections 37 to 40 pertain to the Department of Public Safety, specifically regarding fee changes for the storage of hazardous chemicals and substances, the allocation of fee revenue from criminal history record checks, fire prevention fee changes, as well as changes to operations and curriculum costs for the Vermont Fire Service Training Council to be paid by insurance companies.

Section 48 pertains to the Vermont Web Portal and credit card payment processing fees charged by the Vermont Information Consortium for payment processing services, falling within the jurisdiction of the Agency of Administration Department of Information and Innovation.

Please see below the proposed language and fees provided by the Administration. It would be helpful if you could respond with any recommendations by the end of the day on Friday, February 5th, 2016. Thank you in advance for your consideration.

Public Safety

Emergency Management

Sec. 37. 20 VSA § 39(a) is amended to read:

- (a) Every person required to report the use or storage of hazardous chemicals or substances pursuant to EPCRA shall pay the following annual fees for each hazardous chemical or substance, as defined by the state emergency response commission, that is present at the facility:

- (1) ~~\$35.00~~ \$40.00 for quantities between 100 and 999 pounds.
- (2) ~~\$55.00~~ \$60.00 for quantities between 1,000 and 9,999 pounds.
- (3) ~~\$90.00~~ \$100.00 for quantities between 10,000 and 99,999 pounds.
- (4) ~~\$265.00~~ \$290.00 for quantities between 100,000 and 999,999 pounds.
- (5) ~~\$800.00~~ \$880.00 for quantities exceeding 999,999 pounds.
- (6) An additional fee of ~~\$175.00~~ \$250.00 will be assessed for each extremely hazardous chemical or substance as defined in 42 U.S.C. § 11002.

Sec. 38. 20 VSA § 2063 is amended to read

(c)(1) The Criminal History Record Check Fund is established and shall be managed by the Commissioner of Public Safety in accordance with the provisions of 32 VSA chapter 7, subchapter 5. ~~The first \$200,000 of fees paid each year under this section shall be placed in the fund and used for personnel and equipment related to the processing, maintenance, and dissemination of criminal history records.~~ Revenue deposited in this fund shall be available to the Department of Public Safety to cover the costs of operating the program to include personnel and equipment related to the processing, maintenance, and dissemination of criminal history records. Any revenue in the fund in excess of these annual program costs shall go to the General Fund. The Commissioner of Finance and Management may draw warrants for disbursements from this Fund in anticipation of receipts.

Fire Prevention/Building Inspection

Sec. 39. 20 VSA § 2731(c)1 is amended to read:

(c) The following fire prevention and building code fees are established:

- (1) The permit application fee for a construction plan approval shall be based on ~~\$5.50~~ \$8.00 per each \$1,000.00 of the total valuation of the construction work proposed to be done for all buildings, but in no event shall the permit application fee exceed \$185,000.00 nor be less than \$50.00

*** Corporation taxes***

Vermont Fire Service Training Council***

Sec. 40. 32 V.S.A § 8557 is amended to read:

- (a) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed ~~\$950,000.00~~ \$1,200,000 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, including surplus lines companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30

days after notice from the Commissioner of Financial Regulation of such estimated expenses.
Captive companies shall be excluded from the effect of this section.

* * * Vermont Web Portal * * *

Sec. 48. WEB PORTAL FEES; CREDIT CARD PROCESSING

In accordance with the provisions of 22 V.S.A. § 953(c), the General Assembly hereby approves the fees proposed by the Web Portal Board for payment processing by VIC, as follows:

(1) New service costs will be 3% of the total amount paid by credit card for the service, or \$1.50 for each transaction paid for by ACH (electronic checks);

(2) This fee structure is intended for the use of any state or quasi-state entity that wishes to enter into a payment processing agreement with VIC.