

1 Introduced by Committee on Ways and Means

2 Date:

3 Subject: Executive Branch fees

4 Statement of purpose of bill as introduced: This bill proposes to adjust certain
5 Executive Branch fees.

6 An act relating to Executive Branch fees

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 * * * Agriculture * * *

9 * * * General Powers of Agency; Secretary of Agriculture,

10 Food and Markets * * *

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

12 § 1. GENERAL POWERS OF AGENCY; SECRETARY OF

13 AGRICULTURE, FOOD AND MARKETS

14 * * *

15 (a) The Agency of Agriculture, Food and Markets shall be administered by
16 a Secretary of Agriculture, Food and Markets. The Secretary shall supervise
17 and be responsible for the execution and enforcement of all laws relating to
18 agriculture and standards of weight and measure. The Secretary may:

19 * * *

1 deposited in this account shall be restricted to implementing and administering
2 the provisions of this title and any other provisions of the law relating to
3 fertilizer, lime, or seeds. If the Secretary so requests, the application for
4 registration shall be accompanied by a label or other printed matter describing
5 the product.

6 * * * Fertilizer and Lime * * *

7 **Sec. 4.** 6 V.S.A. § 364(d) is amended to read:

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

12 * * * Tonnage Fees * * *

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

14 § 366. TONNAGE FEES

15 (a) ~~There shall be paid annually to the Secretary for all fertilizers~~
16 ~~distributed to a nonregistrant consumer in this State an annual fee at a rate of~~
17 ~~\$0.25 cents per ton.~~ A person distributing fertilizer to a nonregistrant consumer
18 in the State annually shall pay the following fees to the Secretary:

19 (1) a \$150.00 base fee;

20 (2) \$0.50 per ton of agricultural fertilizer distributed; and

21 (3) \$30.00 per ton of nonagricultural fertilizer distributed.

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

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

11 (d) [Repealed.]

12 (e) Agricultural limes, including agricultural lime mixed with wood ash,
13 are exempt from the tonnage fees required in this section.

14 (f) Lime and wood ash mixtures may be registered as agricultural liming
15 materials and guaranteed for potassium or potash provided that the wood ash
16 totals less than 50 percent of the mixture.

17 (g)(1) All fees collected under ~~subsection (a)~~ subdivisions (a)(1) and (2)
18 of this section shall be deposited in the ~~revolving~~ special fund created by
19 subsection 364(e) of this title and used in accordance with its provisions.

1 (2) All fees collected under subdivision (a)(3) of this section shall be
2 deposited in the Agricultural Water Quality Special Fund created under section
3 4803 of this title.

4 ~~(h) There shall be paid annually to the Secretary for all nonagricultural~~
5 ~~fertilizers distributed to a nonregistrant consumer in this State an annual fee at~~
6 ~~a rate of \$30.00 per ton of nonagricultural fertilizer for the purpose of~~
7 ~~supporting agricultural water quality programs in Vermont.~~

8 ~~(1) Persons distributing any fertilizer in the State shall report annually~~
9 ~~on or before January 15 for the previous year ending December 31 to the~~
10 ~~Secretary revealing the amounts of each grade of fertilizer and the form in~~
11 ~~which the fertilizer was distributed within this State. Each report shall be~~
12 ~~accompanied with payment of the fees under this section and written~~
13 ~~permission allowing the Secretary to examine the person's books for the~~
14 ~~purpose of verifying tonnage reports.~~

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

19 ~~(3) A \$150.00 minimum tonnage fee shall be assessed on all distributors~~
20 ~~who distribute nonagricultural fertilizers in this State.~~

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* * * Seed Potatoes * * *

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

§ 616. FEES

(a) The ~~secretary~~ 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 ~~\$2.00~~ \$3.00 per acre over five acres.

* * *

* * * Seed Standards; Dealers * * *

Sec. 8. 6 V.S.A. § 648(a) is amended to read:

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

(1) ~~thirty five cents per hundredweight~~ \$10.00 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 * * *

1
2 **Sec. 9.** 6 V.S.A. § 762(a) is amended to read:

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

10 * * * Public Warehouses That Store Farm Products * * *

11 **Sec. 10.** 6 V.S.A. § 893 is amended to read:

12 § 893. APPLICATION FORMS; FEE

13 The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
14 Food and Markets shall furnish necessary application forms. The annual
15 license date shall be April 1. The annual license fee shall be ~~\$100.00~~ \$125.00.

16 * * * Insecticides, Fungicides, and Rodenticides * * *

17 **Sec. 11.** 6 V.S.A. § 918(b) is amended to read:

18 (b) The registrant shall pay an annual fee of ~~\$125.00~~ \$175.00 for each
19 product registered, and ~~\$110.00~~ \$160.00 of that amount shall be deposited in
20 the special fund created in section 929 of this title, of which \$5.00 from each
21 product registration shall be used for an educational program related to the

1 proper purchase, application, and disposal of household pesticides, and \$5.00
2 from each product registration shall be used to collect and dispose of obsolete
3 and unwanted pesticides. Of the registration fees collected under this
4 subsection, \$15.00 of the amount collected shall be deposited in the
5 Agricultural Water Quality Special Fund under section 4803 of this title. The
6 annual registration year shall be from December 1 to November 30 of the
7 following year.

8 * * * Pesticides * * *

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

10 § 1109. LICENSING RETAIL DEALERS

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

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

18 § 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE

19 COMPANIES; DEALERS

20 (a) The ~~secretary~~ Secretary may adopt regulations requiring persons selling
21 Class A and B pesticides to be licensed under this chapter. In addition, the

1 ~~secretary~~ Secretary may adopt regulations requiring companies which hire
2 applicators or conduct pesticide applications to be licensed, and applicators
3 who use pesticides to be certified under this chapter. The ~~secretary~~ Secretary
4 may establish reasonable requirements for obtaining licenses and certificates.
5 The fees for dealers, licensed companies, and applicator certificates under this
6 chapter shall be as follows:

7 (1) Class A Dealer License—~~\$30.00~~ \$50.00;

8 (2) Class B Dealer License—~~\$30.00~~ \$50.00;

9 (3) Pesticide Company License—~~\$60.00~~ \$75.00;

10 (4) Commercial and Noncommercial Applicator Certification fee—~~\$25.00~~
11 \$30.00 per category or subcategory with a maximum of \$100.00;

12 (5) Second and third time examination fee for dealer licenses and
13 applicator certification—\$25.00;

14 (6) Private Applicator—\$25.00.

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

| | | |
|----|---|-----------------------------------|
| 1 | Over 500 but less than 1,000 pounds | \$100.00 |
| 2 | <u>Over 500 but less than 10,000 pounds</u> | <u>\$200.00</u> |
| 3 | 1,000 to 10,000 pounds per day | \$175.00 |
| 4 | <u>10,000 to 50,000 pounds</u> | <u>\$350.00</u> |
| 5 | Over 10,000 to 25,000 pounds per day | \$275.00 |
| 6 | <u>Over 50,000 but less than 100,000 pounds</u> | <u>\$750.00</u> |
| 7 | Over 25,000 pounds | \$350.00 |
| 8 | <u>100,000 to 500,000 pounds</u> | <u>\$1,000.00</u> |
| 9 | <u>Over 500,000 pounds</u> | <u>\$1,500.00</u> |
| 10 | Processor fee per pasteurizer | \$50.00 <u>\$75.00</u> |

11 (c) ~~[Deleted.]~~ [Repealed.]

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

13 § 2722. APPLICATION

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

21 * * *

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

2 (b) Any commercial enterprise that sells, installs, or repairs milking, milk
3 cooling and storage, or dairy processing equipment shall register with the
4 Secretary. The company shall apply for registration on a form made available
5 by the Agency. The registration shall be valid for three years. Before
6 registering a company, the Secretary shall determine that the company is
7 qualified to sell, perform the installation, or repair milking and dairy
8 processing equipment. The registration form shall be accompanied by a fee of
9 ~~\$100.00~~ \$150.00. The Secretary may suspend or revoke registration for cause
10 after giving the installer the opportunity to be heard. Registration shall
11 terminate on December 31 of each year. Electricians or plumbers licensed
12 pursuant to Title 26 doing only electrical or plumbing work within a farm or
13 plant shall be exempt from this registration provided any work directly related
14 to the processing of dairy products or milking of animals is performed under
15 the supervision of a person that is registered. Any company that fails to renew
16 on or before December 31 shall pay a \$25.00 late fee, and the registration shall
17 lapse if it is more than 30 days late.

1 ~~within the state dealing in or handling the fluid milk shall be the handler within~~
2 ~~the meaning of this chapter. [Repealed.]~~

3 * * * Retail Sale of Meat or Poultry Products * * *

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

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

16 * * * Nursery Inspection * * *

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

18 § 4024. NURSERY LICENSE

19 (a) No person shall operate as a nursery grower or nursery dealer in the
20 ~~state~~ State without first obtaining a nursery license from the ~~secretary~~
21 Secretary. A nursery grower or nursery dealer shall apply annually for a

1 nursery license on a form provided by the ~~secretary~~ Secretary. The ~~secretary~~
2 Secretary shall establish by rule the conditions for the issuance, suspension, or
3 revocation of a nursery license, and may place any restrictions or requirements
4 upon the license which he or she deems necessary.

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

7 (1) ~~\$50.00~~ \$60.00, if the nursery owns or controls:

8 (A) a nursery of one-half acre or more;

9 (B) greenhouse space of 25,000 square feet or more; or

10 (C) retail space of 25,000 square feet or more.

11 (2) ~~\$20.00~~ \$30.00 for all other nursery dealers.

12 * * *

13 * * * Plants Taken from the Wild; Ginseng * * *

14 **Sec. 21.** 6 V.S.A. § 4031(d) is amended to read:

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

1 **Sec. 26.** 9 V.S.A. § 2725(a) is amended to read:

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

12 **Sec. 27.** 9 V.S.A. § 2730(f)(1) is amended to read:

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

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

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

17 (C) Scales: \$10.00.

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

19 (E) ~~Taxi meter: \$10.00.~~ [Repealed.]

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

21 (G) ~~Bulk plant meter: \$100.00.~~ [Repealed.]

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

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

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

4 (K) Medium duty scales:

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

6 all others: ~~\$30.00~~. [Repealed.]

7 * * * Welfare of Animals * * *

8 **Sec. 28.** 20 V.S.A § 3903 is amended to read:

9 § 3903. ~~REGISTRATION OF ANIMAL SHELTERS AND RESCUE~~

10 ORGANIZATIONS

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

18 (b) An animal shelter or rescue organization ~~registered~~ under this chapter
19 shall not accept an animal unless the person transferring the animal to the
20 shelter provides the following information: the name and address of the person
21 transferring the animal and, if known, the name of the animal, its vaccination

1 history, and other information concerning the background, temperament, and
2 health of the animal.

3 (c) A rescue organization ~~registered~~ under this chapter shall be recognized
4 and approved as a nonprofit organization under ~~Section 501(c)(3) of the~~
5 ~~Internal Revenue Code~~ 26 U.S.C. § 501(c)(3).

6 **Sec. 29.** 20 V.S.A. § 3906 is amended to read:

7 § 3906. LICENSING OF PET SHOPS

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

13 (b) [Repealed.]

14 * * * Financial Regulations * * *

15 * * * License Requirements * * *

16 **Sec. 30.** 8 V.S.A. § 4791 is amended to read:

17 § 4791. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (8) “Business entity” means a corporation, association, partnership,
21 limited liability company, limited liability partnership, or other legal entity.

1 (9) “Business entity limited lines producer” means a business entity, as
2 defined in subdivision (8) of this section, that is also a limited lines producer,
3 as defined in subdivision (7) of this section.

4 **Sec. 31.** 8 V.S.A. § 4800 is amended to read:

5 § 4800. LICENSE REQUIREMENTS

6 The Commissioner shall not issue, continue, or permit to continue any
7 license of an insurance producer, surplus lines insurance broker, managing
8 general agent, reinsurance intermediary, insurance consultant, limited lines
9 producer, business entity limited lines producer, insurance adjuster, public
10 adjuster, and appraiser except in compliance with the following:

11 (1) Application shall be made to the Commissioner by the applicant on a
12 form prescribed by the Commissioner.

13 (2)(A) All license applications shall be accompanied by a \$30.00 fee
14 plus the applicable fees as follows:

15 (i) Initial licensing and biennial renewal licensing fee for
16 insurance producers and limited lines producers, \$30.00.

17 (ii) Initial licensing and biennial renewal licensing fee for a
18 business entity limited lines producer, \$150.00.

19 (iii) Except as provided in subdivisions (I) and (II) of this
20 subdivision, initial and biennial producer appointment fees for each

1 qualification set forth in section 4813g of subchapter 1A of this chapter for
2 resident and nonresident producers acting as agents of foreign insurers, \$60.00:

3 (I) the Commissioner may charge one fee for a qualification in
4 “property and casualty” insurance; and

5 (II) the Commissioner may charge one fee for a qualification in
6 “life and accident and health or sickness” insurance.

7 ~~(iii)~~(iv) Initial 24-month appointment and biennial renewal
8 appointment fee for limited lines producers, \$60.00.

9 ~~(iv)~~(v) Initial 24-month license and biennial renewal fee for
10 resident and nonresident adjusters, and appraisers licenses, \$60.00, and public
11 adjusters, \$200.00.

12 ~~(v)~~(vi) The initial 24-month license fee and biennial renewal fee
13 for surplus lines brokers, \$400.00.

14 ~~(vi)~~(vii) The initial 24-month license fee and biennial renewal fee
15 for consultants, \$200.00.

16 ~~(vii)~~(viii) The initial 24-month license fee and biennial renewal
17 fee for reinsurance intermediaries, \$200.00.

18 ~~(viii)~~(ix) The initial 24-month license fee and biennial renewal fee
19 for managing general agents, \$300.00.

20 * * *

1 **Sec. 32.** 8 V.S.A. § 4813a is amended to read:

2 § 4813a. DEFINITIONS

3 As used in this subchapter:

4 (1) “Business entity” ~~means a corporation, association, partnership,~~
5 ~~limited liability company, limited liability partnership, or other legal entity~~
6 shall have the same meaning as in subdivision 4791(8) of this title.

7 * * *

8 **Sec. 33.** 9 V.S.A. § 5302 is amended to read:

9 § 5302. NOTICE FILING

10 (a) With respect to a federal covered security, as defined in 15 U.S.C.
11 § 77r(b)(2), that is not otherwise exempt under sections 5201 through 5203 of
12 this title, a rule adopted or an order issued under this chapter may require the
13 filing of any or all of the following records:

14 (1) before the initial offer of a federal covered security in this State, all
15 records that are part of a federal registration statement filed with the Securities
16 and Exchange Commission under 15 U.S.C. § 77a et seq. and a consent to
17 service of process complying with section 5611 of this chapter signed by the
18 issuer and the payment of a registration fee as set forth in subsection (e) or (f)
19 of this section;

20 (2) after the initial offer of the federal covered security in this State, all
21 records that are part of an amendment to a federal registration statement filed

1 with the Securities and Exchange Commission under 15 U.S.C. § 77a et
2 seq.; and

3 (3) to the extent necessary or appropriate to compute fees, a report of the
4 value of the federal covered securities sold or offered to persons present in this
5 State in such form and at such time as the Commissioner may prescribe if the
6 State-specific sales data are not included and available in records filed with the
7 Securities and Exchange Commission.

8 (b) A notice filing under subsection (a) of this section is effective for one
9 year from the date the notice filing is accepted as complete by the Office of the
10 Commissioner. On or before expiration, the issuer may renew a notice filing
11 by filing a copy of those records filed by the issuer with the Securities and
12 Exchange Commission that are required by rule or order under this chapter to
13 be filed and by paying an annual renewal fee as set forth in subsection (e) or (f)
14 of this section. A previously filed consent to service of process complying
15 with section 5611 of this title may be incorporated by reference in a renewal.
16 A renewed notice filing becomes effective upon the expiration of the filing
17 being renewed.

18 (c) With respect to a security that is a federal covered security under
19 15 U.S.C. § 77r(b)(4)(~~D~~)(E), a rule under this chapter may require a notice
20 filing by or on behalf of an issuer to include a copy of Form D, including the
21 Appendix, as promulgated by the Securities and Exchange Commission, and a

1 consent to service of process complying with section 5611 of this chapter
2 signed by the issuer not later than 15 days after the first sale of the federal
3 covered security in this State and the payment of a fee as set forth in subsection
4 (e) of this section. The notice filing shall be effective for one year from the
5 date the notice filing is accepted as complete by the Office of the
6 Commissioner. On or before expiration, the issuer may annually renew a
7 notice filing by filing a copy of those records filed by the issuer with the
8 Securities and Exchange Commission that are required by rule or order under
9 this chapter to be filed and by paying an annual renewal fee as set forth in
10 subsection (e) of this section.

11 (d) Subject to the provisions of 15 U.S.C. § 77r(c)(2) and any rules adopted
12 thereunder, with respect to any security that is a federal covered security under
13 15 U.S.C. § 77r(b)(3) or (4)(A)-(C) and that is not otherwise exempt under
14 sections 5201 through 5203 of this title, a rule adopted or order issued under
15 this chapter may require any or all of the following with respect to such federal
16 covered securities, at such time as the Commissioner may deem appropriate:

17 (1) The filing of documents as deemed appropriate by the
18 Commissioner.

19 (2) The filing of a consent to service of process complying with section
20 5611 of this chapter.

1 (3) The payment of fees as set forth in subsection (e) of this section,
2 including fees for renewal of a notice filing, as appropriate. The notice filing
3 shall be effective for one year from the date the notice filing is accepted as
4 complete by the office of the Commissioner.

5 (e) At the time of the filing of the information prescribed in subsections (a),
6 (b), (c), or (d) of this section, except investment companies subject to
7 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of
8 \$600.00. If the notice filing is withdrawn or otherwise terminated, the
9 Commissioner shall retain the fee paid. ~~Open-end investment companies~~
10 ~~subject to 15 U.S.C. § 80a-1 et seq. shall pay an initial notice filing fee and~~
11 ~~annual renewal fee for each portfolio or class of investment company securities~~
12 ~~for which a notice filing is submitted.~~

13 (f) Investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay to
14 the Commissioner an initial notice filing fee of \$2,000.00 and an annual
15 renewal fee of \$1,500.00 for each portfolio or class of investment company
16 securities for which a notice filing is submitted.

17 (g) Nothing in this section shall be construed to require the notice filing or
18 payment of notice filing fees with respect to variable annuities or variable life
19 insurance products.

20 ~~(g)~~(h) Except with respect to a federal covered security under 15 U.S.C.
21 § 77r(b)(1), if the Commissioner finds that there is a failure to comply with a

1 notice or fee requirement of this section, the Commissioner may issue a stop
2 order suspending the offer and sale of a federal covered security in this State.
3 If the deficiency is corrected, the stop order is void as of the time of its
4 issuance and no penalty may be imposed by the Commissioner.

5 * * * Charging Fees for Regulatory Costs; Exemption * * *

6 **Sec. 34.** 32 V.S.A. § 602 is amended to read:

7 § 602. DEFINITIONS

8 As used in this subchapter:

9 * * *

10 (2) “Fee”:

11 (A) Means a monetary charge by an agency or the ~~judiciary~~ Judiciary
12 for a service or product provided to, or the regulation of, specified classes of
13 individuals or entities.

14 (B) The following charges are exempt from the provisions of this
15 subchapter:

16 (i) A charge established under the jurisdiction of the Public
17 Service Board as provided by 30 V.S.A. §§ 20, 21, and 218.

18 (ii) A charge established by the Liquor Control Board as provided
19 by Title 7.

1 (iii) A duly adopted charge concerning only inmates of a
2 correctional or detention facility, students enrolled in an educational
3 institution, or patients admitted to a hospital or rehabilitation facility.

4 (iv) Monies paid into an enterprise or internal service fund.

5 (v) A transfer between agencies of State government or between
6 State government and a political subdivision, as compensation for a service, to
7 support a regulatory activity, or to account for surplus property.

8 (vi) Monies from interest and premium payments, rent or lease
9 payments, proceeds of fair market or negotiated sales, or sales of commercially
10 available items.

11 (vii) Except for the purposes of section 605 of this title, motor
12 vehicle and other highway user fees authorized by the General Assembly for
13 the support of the Transportation Fund.

14 (viii) A charge established by the Department of Financial
15 Regulation as authorized by law.

16 (ix) Any other charge exempt by law.

1 * * * Vermont Center for Crime Victim Services * * *

2 * * * Marriage License Fee * * *

3 **Sec. 35.** 32 V.S.A. § 1712 is amended to read:

4 § 1712. TOWN CLERKS

5 Town clerks shall receive the following fees in the matter of vital
6 registration:

7 (1) For issuing and recording a civil marriage or civil union license,
8 ~~\$45.00~~ \$60.00 to be paid by the applicant, \$10.00 of which sum shall be
9 retained by the town clerk as a fee, ~~\$20.00~~ \$35.00 of which shall be deposited
10 in the Domestic and Sexual Violence Special Fund created by 13 V.S.A.
11 § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State
12 Treasurer in a return filed quarterly upon forms furnished by the State
13 Treasurer and specifying all fees received by him or her during the quarter.
14 Such quarterly period shall be as of the first day of January, April, July, and
15 October.

16 * * *

17 * * * Public Safety * * *

18 * * * Emergency Management * * *

19 **Sec. 36.** 20 V.S.A. § 39(a) is amended to read:

20 (a) Every person required to report the use or storage of hazardous
21 chemicals or substances pursuant to EPCRA shall pay the following annual

1 fees for each hazardous chemical or substance, as defined by the ~~state~~
2 ~~emergency response commission~~ State Emergency Response Commission, that
3 is present at the facility:

4 (1) ~~\$35.00~~ \$40.00 for quantities between 100 and 999 pounds.

5 (2) ~~\$55.00~~ \$60.00 for quantities between 1,000 and 9,999 pounds.

6 (3) ~~\$90.00~~ \$100.00 for quantities between 10,000 and 99,999 pounds.

7 (4) ~~\$265.00~~ \$290.00 for quantities between 100,000 and 999,999
8 pounds.

9 (5) ~~\$800.00~~ \$880.00 for quantities exceeding 999,999 pounds.

10 (6) An additional fee of ~~\$175.00~~ \$250.00 will be assessed for each
11 extremely hazardous chemical or substance as defined in 42 U.S.C. § 11002.

12 * * * Fire Prevention; Building Inspection * * *

13 **Sec. 37.** 20 V.S.A. § 2731(c) is amended to read:

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

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

19 * * *

- 1 (8)(A) For a caterer’s license, ~~\$230.00~~ \$250.00.
- 2 (B) For a commercial catering license, ~~\$200.00~~ \$220.00.
- 3 (C) For a request to cater permit, \$20.00.
- 4 (9) [Repealed.]
- 5 (10) [Repealed.]
- 6 (11) For up to ten fourth-class vinous licenses, ~~\$65.00~~ \$70.00.
- 7 (12) For an industrial alcohol distributors license, ~~\$200.00~~ \$220.00.
- 8 (13) For a special events permit, ~~\$35.00~~ \$40.00.
- 9 (14) For a festival permit, ~~\$115.00~~ \$125.00.
- 10 (15) For a wine tasting permit, \$25.00.
- 11 (16) For an educational sampling event permit, ~~\$230.00~~ \$250.00.
- 12 (17) For an outside consumption permit, \$20.00.
- 13 (18) For a certificate of approval:
 - 14 (A) For malt beverages, ~~\$2,275.00~~ \$2,485.00.
 - 15 (B) For vinous beverages, ~~\$900.00~~ \$985.00.
- 16 (19) For a solicitor’s license, ~~\$65.00~~ \$70.00.
- 17 (20) For a vinous beverages storage license, ~~\$215.00~~ \$235.00.
- 18 (21) For a promotional tasting permit for a railroad, \$20.00.
- 19 (22) For an art gallery or bookstore permit, \$20.00.
- 20 (23) For a fortified wine permit, \$100.00.
- 21 (24) For a public library or museum permit, \$20.00.

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* * * Liquor License * * *

Sec. 39. 7 V.S.A. § 239 is amended to read:

§ 239. LICENSEE EDUCATION

(a) A new first-class, second-class, third-class, fourth-class, or farmers’ market license, or manufacturer’s or rectifier’s license shall not be granted until the applicant has ~~met with a liquor control investigator or training specialist~~ attended a Department of Liquor Control in-person seminar or completed the appropriate Department of Liquor Control online training program for the purpose of being informed of the Vermont liquor laws, rules, and regulations pertaining to the purchase, storage, and sale of alcohol beverages. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection.

(b) Every first-class, second-class, third-class, fourth-class, or farmers’ market licensee, and every holder of a manufacturer’s or rectifier’s license shall complete the Department of Liquor Control in-person licensee training seminar or the appropriate Department of Liquor Control online training program at least once every two years. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection. A first-class, second-class, third-class,

1 fourth-class, or farmers' market license, or manufacturer's or rectifier's license
2 shall not be renewed unless the records of the Department of Liquor Control
3 show that the licensee has complied with the terms of this subsection.

4 (c) Each licensee shall ensure that every employee who is involved in the
5 sale or serving of alcohol beverages completes a training program approved by
6 the Department of Liquor Control before the employee begins serving or
7 selling alcoholic beverages and at least once every 24 months thereafter. Each
8 licensee shall maintain written documentation, signed by each employee
9 trained, of each training program conducted. A licensee may comply with this
10 requirement by ~~conducting its own training program on its premises~~, using
11 information ~~and materials furnished or~~ approved by the Department of Liquor
12 Control. A licensee who fails to comply with the requirements of this
13 subsection shall be subject to a suspension of no less than one day of the
14 license issued under this title.

15 (d) The following fees for Department of Liquor Control in-person or
16 online seminars will be paid:

17 (1) For a first-class or first- and third-class licensee seminar either in
18 person or online, \$25.00 per person.

19 (2) For a second-class licensee seminar either in person or online,
20 \$25.00 per person.

1 (3) For a combination first-class, first- and third-class, and second-class
2 licensee seminar either in person or online, \$25.00 per person.

3 (4) For a manufacturer’s or rectifier’s, fourth-class, or farmers’ market
4 licensee seminar either in person or online, \$10.00 per person.

5 (5) For common carrier seminars either in person or online, \$10.00 per
6 person.

7 (6) For all special event, festival, educational sampling, art gallery,
8 bookstore, museum and library permit holders for either in-person or online
9 seminar, \$10.00 per person.

10 (e) Fees for all seminars listed in this section and under other sections of
11 this title with regards to in-person or online training shall be deposited directly
12 in the Liquor Control Enterprise Fund.

13 **Sec. 40.** 7 V.S.A. § 1002 is amended to read:

14 § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

15 (a) No person shall engage in the retail sale of tobacco products, tobacco
16 substitutes, or tobacco paraphernalia, or provide a vending machine for their
17 sale in his or her place of business without a tobacco license obtained from the
18 Department of Liquor Control; provided, however, that no person shall engage
19 in the retail sale of tobacco substitutes without also obtaining a tobacco
20 substitute endorsement from the Department of Liquor Control. Tobacco

1 licenses and tobacco substitute endorsements shall expire at midnight, April
2 30, of each year.

3 (b) The Board shall prepare and issue tobacco license and tobacco
4 substitute endorsement forms and applications. These shall be incorporated
5 into the liquor license forms and applications prepared and issued under this
6 title. The licenses issued under this section shall be entitled “LIQUOR
7 LICENSE,” “LIQUOR—TOBACCO LICENSE” or “TOBACCO LICENSE,”
8 as applicable. The endorsements issued under this section shall be entitled
9 “TOBACCO SUBSTITUTE ENDORSEMENT”. The Board shall also
10 provide simple instructions for licensees designed to assist them in complying
11 with the provisions of this chapter.

12 (c) Each tobacco license and tobacco substitute endorsement shall be
13 prominently displayed on the premises identified in the license.

14 ~~(d)(1) A person applying simultaneously for a tobacco license and a liquor~~
15 ~~license~~ For a license or endorsement required under this section, a person shall
16 apply to the legislative body of the municipality and shall pay ~~to the~~
17 ~~Department only the fee required to obtain the liquor license~~ the following
18 fees:

19 (A) to the Department of Liquor Control, the applicable liquor
20 license fee, as set forth in chapter 9 of this title, for a liquor license and a
21 tobacco license;

1 * * * Manufacturer Registration Fee; Tobacco Substitutes * * *

2 Sec. 41. 7 V.S.A. § 1013 is added to read:

3 § 1013. MANUFACTURER REGISTRATION FEE; TOBACCO
4 SUBSTITUTES

5 (a) As used in this section:

6 (1) “Tobacco substitute” means products including electronic cigarettes
7 or other electronic or battery-powered devices as defined in 7 V.S.A. § 1001.

8 (2) “Manufacturer” means any person or a successor that manufactures
9 or produces tobacco substitutes or causes tobacco substitutes to be
10 manufactured or produced, whether in State or out of State, and intends to sell
11 the tobacco substitutes in Vermont directly or through an importer, including
12 any first purchaser that intends to resell tobacco substitutes.

13 (b) No person shall manufacture tobacco substitutes for sale in this State
14 unless that person has first paid an annual registration fee of \$1,000.00 per
15 product and filed with the Department of Liquor Control, in a form and manner
16 prescribed by the Commissioner:

17 (1) the name of the manufacturer;

18 (2) the manufacturer’s place of business;

19 (3) the location of each manufacturing facility; and

20 (4) any other information that the Commissioner considers to be
21 necessary.

1 (c) Fees imposed under this section shall be due and payable on October 1
2 of each year.

3 (d) Fees collected under this section shall be deposited in the Liquor
4 Control Enterprise Fund.

5 **Sec. 42.** 7 V.S.A. § 1002a is amended to read:

6 § 1002a. LICENSEE EDUCATION

7 (a) An applicant for a tobacco license that does not hold a liquor license
8 issued under this title shall be granted a tobacco license pursuant to section
9 1002 of this title only after the applicant has ~~met with a liquor control~~
10 ~~investigator~~ attended a Department of Liquor Control in-person seminar or
11 completed the appropriate Department of Liquor Control online training
12 program for the purpose of being informed about the Vermont tobacco laws
13 pertaining to the purchase, storage, and sale of tobacco products. A
14 corporation, partnership or association shall designate a director, partner, or
15 manager to comply with the requirements of this subsection.

16 (b) The holder of a tobacco license that does not also hold a liquor license
17 issued pursuant to this title for the same premises shall:

18 (1) Complete the ~~department's~~ Department's in-person or online
19 enforcement seminar at least once every ~~three~~ two years. A corporation,
20 partnership, or association shall designate a director, partner, or manager to
21 comply with this subdivision.

1 of a license issued under this section or a vinous beverage storage license
2 issued under section 68 of this title.

3 * * * Natural Resources * * *

4 * * * Fish and Wildlife * * *

5 **Sec. 44.** 10 V.S.A. § 4255 is amended to read:

6 § 4255. LICENSE FEES

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

| | | |
|----|---|-----------------------------------|
| 9 | (1) Fishing license | \$26.00 |
| 10 | (2) Hunting license | \$26.00 |
| 11 | (3) Combination hunting and fishing license | \$41.00 <u>\$42.00</u> |
| 12 | (4) Big game licenses (all require a hunting license) | |
| 13 | (A) archery license | \$23.00 |
| 14 | (B) muzzle loader license | \$23.00 |
| 15 | (C) turkey license | \$23.00 |
| 16 | (D) second muzzle loader license | \$17.00 |
| 17 | <u>[Repealed.]</u> | |
| 18 | (E) second archery license | \$17.00 |
| 19 | <u>[Repealed.]</u> | |
| 20 | (F) moose license | \$100.00 |
| 21 | (G) season bear tag | \$5.00 |

| | | |
|----|--|-------------------------------------|
| 1 | (H) additional deer archery tag | \$23.00 |
| 2 | (5) Trapping license | \$23.00 |
| 3 | (6) Hunting license for persons 17 years of age or under | \$8.00 |
| 4 | (7) Trapping license for persons 17 years of age or under | \$10.00 |
| 5 | (8) Fishing license for persons 15 through 17 years of age | \$8.00 |
| 6 | (9) Super sport license | \$150.00 |
| 7 | (10) Three-day fishing license | \$11.00 |
| 8 | (11) Combination hunting and fishing license for persons | |
| 9 | 17 years of age or under | \$12.00 |
| 10 | (12) Mentored hunting license | \$10.00 |
| 11 | (b) Nonresidents may apply for licenses on forms provided by the | |
| 12 | Commissioner. Fees for each license shall be: | |
| 13 | (1) Fishing license | \$51.00 <u>\$52.00</u> |
| 14 | (2) One-day fishing license | \$21.00 |
| 15 | (3) [Repealed.] | |
| 16 | (4) Hunting license | \$100.00 |
| 17 | (5) Combination hunting and fishing license | \$135.00 <u>\$138.00</u> |
| 18 | (6) Big game licenses (all require a hunting license) | |
| 19 | (A) archery license | \$38.00 |
| 20 | (B) muzzle loader license | \$40.00 |
| 21 | (C) turkey license | \$38.00 |

| | | |
|----|---|----------|
| 1 | (D) [Repealed.] | |
| 2 | (E) [Repealed.] | |
| 3 | (F) moose license | \$350.00 |
| 4 | (G) early season bear tag | \$15.00 |
| 5 | (H) additional deer archery tag | \$38.00 |
| 6 | (7) Small game licenses | |
| 7 | (A) all season | \$50.00 |
| 8 | (B) [Repealed.] | |
| 9 | (8) Trapping license | \$305.00 |
| 10 | (9) Hunting licenses for persons 17 years of age or under | \$25.00 |
| 11 | (10) Three-day fishing license | \$23.00 |
| 12 | (11) Seven-day fishing license | \$31.00 |
| 13 | (12) Archery-only license (does not require hunting license) | \$75.00 |
| 14 | (13) Fishing license for persons aged 15 through 17 <u>years</u> | |
| 15 | <u>of age</u> | \$15.00 |
| 16 | (14) Super sport license | \$250.00 |
| 17 | (15) Combination hunting and fishing license for persons | |
| 18 | aged 17 <u>years of age</u> or under | \$30.00 |
| 19 | (16) Mentored hunting license | \$10.00 |

20 (c) A permanent or free license may be secured on application to the
21 Department by a person qualifying as follows:

1 application review fee and any annual operating fee, except for permit
2 applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

3 * * *

4 (B) Annual operating fee.

5 * * *

6 (iv) Stormwater.

7 * * *

8 (VIII) Individual permit or approval under a general permit for
9 a discharge from a medium concentrated animal feeding operation: \$1,500.00
10 per facility.

11 (IX) Individual permit or approval under a general permit for a
12 discharge from a large concentrated animal feeding operation: \$2,500.00 per
13 facility.

14 * * *

15 * * * Labor * * *

16 * * * Workers' Compensation Fund * * *

17 **Sec. 46.** WORKERS' COMPENSATION RATE OF CONTRIBUTION

18 For fiscal year 2017, after consideration of the formula in 21 V.S.A.
19 § 711(b) and historical rate trends, the General Assembly has established that
20 the rate of contribution for the direct calendar year premium for workers'
21 compensation insurance shall be set at the rate of 1.45 percent established in

1 2015 Acts and Resolves No. 57, Sec. 25, notwithstanding 21 V.S.A. § 711(a).
2 The contribution rate for self-insured workers' compensation losses and
3 workers' compensation losses of corporations approved under 21 V.S.A.
4 chapter 9 shall remain at one percent.

5 * * * Education * * *

6 * * * Results Oriented Program Approval * * *

7 **Sec. 47.** 16 V.S.A. § 1694 is amended to read:

8 § 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR
9 PROFESSIONAL EDUCATORS

10 In addition to any other powers and duties prescribed by law or incidental or
11 necessary to the exercise of such lawful powers and duties, the Standards
12 Board shall:

13 * * *

14 (2) Establish standards for educator preparation programs in Vermont
15 and approve those that meet the standards so that a person graduating from an
16 approved program shall be eligible for a license to engage in teaching or school
17 administration in accordance with Standards Board rules. The Standards
18 Board may accept accreditation of an educator preparation program in
19 Vermont or another state from a national accreditation entity as sufficient for
20 approval.

1 (A) Each Vermont educator preparation program seeking Results
2 Oriented Program Approval (ROPA) shall be subject to the following fees.

3 (i) Authority to recommend licensure. Colleges, universities, and
4 other educator preparation programs that have the authority to recommend
5 applicants for licensure shall pay an annual fee of \$1,000.00.

6 (ii) New program initiation. Colleges, universities, and other
7 educator preparation programs that do not have existing approved ROPA
8 programs, or that wish to add an additional program approved by ROPA shall
9 pay a fee of \$2,000.00 for the initial program application.

10 (iii) Program review. Colleges, universities, and other educator
11 preparation programs with approved ROPA programs shall pay an annual fee
12 of \$25.00 for each applicant who completes a program.

13 (iv) Two-year report. Colleges, universities, and other educator
14 preparation programs shall pay a fee of \$500.00 for the review of the two-year
15 report that they are required to submit following their program review.
16 Programs reviewed to be exemplary by the Vermont Standards Board for
17 Professional Educators may have the requirement of the two-year report
18 waived; in these cases, programs shall not be subject to the two-year report fee.

19 (v) Visit. Colleges, universities, and other educator preparation
20 programs shall pay a fee of \$1,500.00 for the travel, lodging, and meal
21 expenses of the review team. If a program chooses to have a review team chair

1 travel from outside the State under Vermont State Board of Professional
2 Educators (VSBPE) Policy N2, the program is responsible for all additional
3 expenses in excess of \$1,500.00.

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

7 * * *

8 * * * Effective Dates * * *

9 **Sec. 48.** EFFECTIVE DATES

10 (a) Notwithstanding 1 V.S.A. § 214, Sec. 5 (fertilizer tonnage fee) shall
11 take effect retroactively on January 1, 2016.

12 (b) This section shall take effect on passage.

13 (c) The remaining sections of this act shall take effect on July 1, 2016.