

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

As Amended by the Senate

4/27/16

| House Sec.# | Summary | Senate 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>Adds a new requirement that when the \$27 late fee is greater than the original fee due, the late fee shall equal the original fee.</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 fertilizer. Imposes \$150 base fee on both agricultural and nonagricultural fertilizer, rather than on nonagricultural fertilizer alone.</p> | 5 | <p>Removes “(1) a \$150 base fee”</p> <p>Inserts (from struck out subsec. (d)) “(1) a \$150.00 minimum tonnage fee”</p> <p>The minimum required tonnage fee is \$150, though most fertilizer distributors distribute much more than that minimum.</p> |

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| 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 and state agencies and municipalities and public education institutions. Creates a new \$25 fee for private pesticide applicators. | 13 | Pesticides <ul style="list-style-type: none"> Changes maximum commercial or noncommercial pesticide applicator certification fee of "\$100" to "\$120" to account for increase in fee from \$25 to \$30 House language strikes out fee exemption for federal and state agencies and municipalities |

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| | | | <p>and public education institutions, but does not explicitly state a new fee.</p> <ul style="list-style-type: none"> • Explicitly states the new \$30 pesticide applicator fee for federal and state agencies, municipalities, and public education institutions. |
| 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 lbs.</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 the final sentence that charges a late registration fee for dairy companies that renew on or before December 31, and that causes registrations that are more than 30 days late to lapse.</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 |
| 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</p> | 19 | Same |

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| | fee for all other meat-handling establishments except public warehouses that store meat and other farm products. | | |
| 20 | Nursery Inspection Adjusts license fees for plant nursery growers or dealers. | 20 | Same |
| 21 | Plants Taken from the Wild; Ginseng Increases three-year fee for permit to collect and sell wild plants, including ginseng. | 21 | Same |
| 22 | Small Farm Certification 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. | 22 | Same |
| 23 | Manure Applicators Certification Creates a new \$30 annual fee for registration of custom manure applicators. 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. | 23 | Same |
| 24 | Laser Scanning Check-Out Systems Reduces exemption for retail stores from annual license fee imposed per retail laser scanner. New exemption only 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. | 24 | Same |

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| 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 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.</p> | 33 | Same |

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| <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 |
| 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. |

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| <u>NEW</u> | | 34a | <p>Town clerks fees</p> <ul style="list-style-type: none"> • Changes subchapter on fees to include municipal fees when established in statute. • Establishes a municipal advisory committee, which will propose a fee report and request to the General Assembly every three years regarding municipal fees that are set in statute. • Adds references to the new section on municipal fee reports and requests in the legislative fee review process. |
| <u>NEW</u> | | 34b | <p>EB-5 Program; Regulation; Oversight</p> <ul style="list-style-type: none"> • Directs ACCD and DFR to adopt separate rules pertaining to the administration and oversight of the Program. • Requires that those rules be modeled after the MOU entered into between ACCD and DFR on December 22, 2014. That MOU is set to expire in December 2016. In large part, the MOU clearly delineates the roles of the two State entities with respect to the Program. For example, ACCD is charged primarily with marketing and promotion of projects, and DFR is charged primarily with reviewing project financials, making the final determination on whether a project should be approved, and then providing ongoing oversight of approved projects. |

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| <u>NEW</u> | | 34c | EB-5 special fund <ul style="list-style-type: none"> • Amends existing special fund language • States the legislative intent that the Regional Center ultimately function as a wholly self-funded entity, relying on fees, assessments, and bill-back provisions imposed on project developers to cover the Regional Center's operating costs, instead of relying in part on legislative appropriations. |
| <u>NEW</u> | | 34d | EB-5 project developer; collection of past-due fees <i>Session law</i> <ul style="list-style-type: none"> • Requests that the Secretary of ACCD make every reasonable effort to invoice and collect EB-5 Fund charges, including charges previously suspended by the Secretary, and to do so in a manner that does not diminish the value of a foreign investor's interest acquired through a capital investment in an EB-5 project. |
| Center for Crime Victim Services | | | |
| 35 | Marriage License Fee; Vermont Center for Crime Victim Services 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 | 35 | Same |

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| | the fee increase. | | |
| 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 |
| 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</p> | 41 | Deletes section |

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| | manufacturers. | | |
| 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 approved by the Department.</p> | 42 | Same |
| 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</p> | 45 | 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 |

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| | Operations (CAFO): \$1,500 for a medium farm operation, and \$2,500 for a large farm operation. | | fees. Effective date is retroactive to July 1, 2015 to allow DEC to charge correct fees to permit applicants for 2015. |
| Department of Labor | | | |
| 46 | Workers' Compensation Fund Rate of Contribution Maintains Workers' Compensation Fund premium rate at 1.45 % for FY 2017. | 46 | Same |
| Agency of Education | | | |
| 47 | Agency of Education; Educator Preparation Program Accreditation 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. | 47 | Same |
| State Lottery Commission | | | |
| <u>NEW</u> | | 47a | Fantasy sports operators annual assessment Creates new annual assessment on fantasy sports operators for deposit in State Lottery Fund, to fund addiction programs in VT. |
| Effective Dates | | | |
| 48 | Effective Dates (a) Sec. 5 (fertilizer tonnage fee) takes effect retroactively on January 1, 2016. (b) Sec. 48 (effective dates) takes effect on passage. (c) All other sections take effect on July 1, 2016. | 48 | Effective Dates Added a new effective date to allow for the Dept. of Environmental Conservation's non-sewage indirect discharge permit fees (Sec. 45) to apply retroactively to July 1, 2015. |