

Report of Committee of Conference

H.872

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill 872, entitled:

H.872. An act relating to Executive Branch fees.

Respectfully reports that it has met and considered the same and recommends that the House accede to the Senate proposal of amendment when further amended as follows:

First: In Sec. 13, 6 V.S.A. § 1112 (pesticide applicator, company, and dealer licensing fees), by striking out the section in its entirety and inserting in lieu thereof the following:

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

§ 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE  
COMPANIES; DEALERS

(a) The ~~secretary~~ Secretary may adopt ~~regulations~~ rules requiring persons selling Class A and B pesticides to be licensed under this chapter. In addition, the ~~secretary~~ Secretary may adopt ~~regulations~~ rules 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~~ 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;
- (4) Commercial and Noncommercial Applicator Certification fee—~~\$25.00~~  
~~—\$30.00~~ per category or subcategory with a maximum of ~~\$100.00~~ \$120.00;
- (5) Second and third time examination fee for dealer licenses and applicator certification—\$25.00;
- (6) Private Applicator—\$25.00;
- (7) State Government, Municipal, and Public Education Institution Applicators—\$30.00.

(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~~

(c) Notwithstanding the fees provided in subsection (a) of this section, the Secretary shall exempt the federal government, its agencies, and instrumentalities from license and certification fees.

Second: In Sec. 14, 6 V.S.A § 2721 (milk handlers' licenses), by striking out the section in its entirety and inserting in lieu thereof the following:

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

§ 2721. HANDLERS' LICENSES

\* \* \*

(b) A milk handler shall not transact business in the ~~state~~ State unless the milk handler secures and holds a handler's license from the ~~secretary~~ Secretary. The license shall terminate September 1 each year and shall be procured by August 15 of each year. The ~~secretary~~ Secretary shall furnish all forms for applications, licenses, and bonds. At the time the application is delivered to the ~~secretary~~ 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~~ shall use the company's highest total pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day.

Pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day:	License handling fee
500 pounds or less	<del>\$50.00</del> <u>\$60.00</u>

<del>Over 500 but less than 1,000 pounds</del>	<del>\$100.00</del>
<u>Over 500 but less than 10,000 pounds</u>	<u>\$200.00</u>
<del>1,000 to 10,000 pounds per day</del>	<del>\$175.00</del>
<u>10,000 to 50,000 pounds</u>	<u>\$350.00</u>
<del>Over 10,000 to 25,000 pounds per day</del>	<del>\$275.00</del>
<u>Over 50,000 but less than 100,000 pounds</u>	<u>\$750.00</u>
<del>Over 25,000 pounds</del>	<del>\$350.00</del>
<u>100,000 to 500,000 pounds</u>	<u>\$1,000.00</u>
<u>Over 500,000 pounds</u>	<u>\$1,500.00</u>
Processor fee per pasteurizer	<del>\$50.00</del> <u>\$75.00</u>

(c) ~~{Deleted.}~~ Notwithstanding subsection (b) of this section, the license handling fees only for the transportation of bulk milk shall be capped at \$750.00 per year.

Third: In Sec. 34, 32 V.S.A. § 602 (definitions), in subdivision (2) (definition of “fee”), by striking out subparagraph (A) in its entirety and inserting in lieu thereof a new subparagraph (A) to read as follows:

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

Fourth: In Sec. 34a, 32 V.S.A. chapter 7, subchapter 6 (municipal fees), by striking out the section in its entirety and inserting in lieu thereof:

Sec. 34a. [Deleted.]

Fifth: In Sec. 34c, 10 V.S.A. § 21 (EB-5 Special Fund), by striking out the section in its entirety and inserting in lieu thereof a new Sec. 34c to read:

Sec. 34c. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 SPECIAL FUND

(a) An EB-5 Special Fund is created ~~for the operation of the State of~~ to support the operating costs of the Vermont Regional Center for Immigrant Investment under the federal EB-5 Program. The Fund shall consist of revenues derived from administrative charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section, any interest earned by the Fund, and all sums ~~which~~ that are from time to time appropriated for the support of the Regional Center and its operations. It is the intent of the General Assembly, however, that the collection of charges authorized by this section will reduce or eliminate the need for legislative appropriations to support Regional Center expenses.

(b)(1) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.

(2) The Secretary of Commerce and Community Development shall maintain accurate and complete records of all receipts and expenditures by and from the Fund, and shall make an annual report on the condition of the Fund to

the Secretary of Administration, the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.

(3) Expenditures from the Fund shall be used only to ~~administer the EB-5 Program~~ support the operating expenses of the Regional Center, including the costs of providing specialized services to support participating economic development projects, marketing and related travel expenses, application review and examination expenses, and personnel expenses incurred by the Agency of Commerce and Community Development. At the end of each fiscal year, the Secretary of Administration shall transfer from the EB-5 Special Fund to the General Fund any amount that the Secretary of Administration determines, in his or her discretion, exceeds the funds necessary to administer the Program.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose ~~an administrative charge for the costs of administering the Regional Center and providing specialized services in support of participating economic development projects~~ charges on project developers to achieve the Fund's purpose. **The charges shall be sufficient to fully fund the personnel and operating expenses of the Regional Center and** shall include a one-time application fee as well as an annual assessment apportioned among approved projects in a fair and equitable

manner as specified in rules adopted under section 20 of this title. In addition, the rules shall require that an applicant or approved project developer, as applicable, is liable for any additional expenses incurred with respect to the retention of outside legal, financial, examination or other services or studies deemed necessary by the Secretary or the Commissioner to assist with application or project review. The collection of some or all charges authorized under this section may be suspended for a period of time as deemed appropriate by the Secretary for good cause shown. Any charges imposed under this section shall be included in the consolidated Executive Branch fee report required under 32 V.S.A. § 605.

(d) Any costs incurred by the Department of Financial Regulation in connection with of the EB-5 Program shall be reimbursed in the manner specified in 8 V.S.A. § 18(d).

Sixth: After Sec. 34d (collection of past-due fees from EB-5 project developers), by inserting a new Sec. 34e to read as follows:

Sec. 34e. 8 V.S.A. § 18(d) is added to read:

**(d) The Commissioner shall bill costs incurred by the Department in connection with any examination, review, or investigation conducted or caused to be conducted by the Department to the EB-5 projects subject to regulatory oversight under 10 V.S.A. chapter 3. It is the intent of the**

**General Assembly that the costs of regulation of EB-5 projects be borne by project developers and not by the State General Fund or special funds.**

Seventh: In Sec. 41 (deleted), by striking out the section in its entirety and inserting in lieu thereof a reader assistance and a new Sec. 41 to read as follows:

\* \* \* Tobacco Substitute **Manufacturers** \* \* \*

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

**§ 1013. TOBACCO SUBSTITUTE MANUFACTURER FEE**

(a) As used in this section:

(1)(A) “Brand” means a corporate or product name, a business image, or a mark, regardless of whether it may legally qualify as a trademark used by a manufacturer to identify goods and to distinguish them from competitors’ goods.

(B) “Brand” does not mean individual product flavors.

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

(3) “Tobacco substitute” shall have the same meaning as in section 1001 of this title.



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

(1) the name of the **manufacturer**;

(2) the **manufacturer's** place of business;

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

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

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

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

Eighth: In Sec. 47a, 9 V.S.A. § 4189 (fantasy sports operator assessment), by striking out the section in its entirety.

Ninth: In Sec. 48 (effective dates), by striking out subsections (c) and (d) in their entirety and inserting in lieu thereof the following:

(c) Sec. 41 (tobacco substitute manufacturer fee), shall take effect on January 1, 2017.

(d) This section shall take effect on passage.

(e) The remaining sections shall take effect on July 1, 2016.

COMMITTEE ON THE PART OF  
THE SENATE

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SEN. MARK A. MACDONALD

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SEN. KEVIN J. MULLIN

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SEN. MICHAEL D. SIROTKIN

COMMITTEE ON THE PART OF  
THE HOUSE

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REP. JANET ANCEL

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REP. CAROLYN W. BRANAGAN

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REP. ALISON H. CLARKSON