

Senate proposal of amendment

H. 527

An act relating to Executive Branch and Judicial Branch fees

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Department of Financial Regulation * * *
* * * Financial and Related Services; Licensees * * *

Sec. 1. 8 V.S.A. 2102 is added to read:

§ 2102. APPLICATION FOR LICENSE

(a) Application for a license or registration shall be in writing, under oath, and in the form prescribed by the Commissioner, and shall contain the legal name, any fictitious name or trade name, and the address of the residence and place of business of the applicant, and if the applicant is a partnership or an association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further information as the Commissioner may require.

(b) At the time of making an application, the applicant shall pay to the Commissioner a fee for investigating the application and a license or registration fee for a period terminating on the last day of the current calendar year. The following fees are imposed on applicants:

(1) For an application for a lender license under chapter 73 of this title, \$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee for the initial license. For each additional lender license from the same applicant, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(2) For an application for a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(3) For an application for a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (b)(4)(A)–(B) of this section, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(4) For an application for a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00 as a license fee and \$250.00 as an application and investigation fee:

(A) the applicant is an individual sole proprietor; and

(B) no person, other than the applicant, shall be authorized to act as a mortgage broker under the applicant's license.

(5) For an application for a mortgage loan originator license under chapter 73 of this title, \$50.00 as a license fee and \$50.00 as an application and investigation fee.

(6) For an application for a sales finance company license under chapter 73 of this title, \$350.00 as a license fee and \$350.00 as an application and investigation fee.

(7) For an application for a loan solicitation license under chapter 73 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(8) For an application for any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,500.00 as a license fee and \$1,500.00 as an application and investigation fee.

(9) For an application for a consumer litigation funding company registration under chapter 74 of this title, \$200.00 as a registration fee and \$300.00 as an application and investigation fee.

(10) For an application for a money transmission license under chapter 79 of this title, \$1,000.00 as a license fee, \$1,000.00 as an application and investigation fee, and \$25.00 as a license fee for each authorized delegate location.

(11) For an application for a check cashing and currency exchange license under chapter 79 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(12) For an application for a debt adjuster license under chapter 83 of this title, \$250.00 as a license fee and \$500.00 as an application and investigation fee.

(13) For an application for a loan servicer license under chapter 85 of this title, \$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee.

Sec. 1a. 8 V.S.A. 2109 is added to read:

§ 2109. ANNUAL RENEWAL OF LICENSE

(a) On or before December 1 of each year, every licensee shall renew its license or registration for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license or registration fee. At a minimum, the licensee or registree shall continue to meet the applicable

standards for licensure or registration. At the same time, the licensee or registree shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license or registration renewal fee shall be:

(1) For a lender license under chapter 73 of this title, \$1,200.00.

(2) For a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00.

(3) For a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (4)(A)–(C) of this section, \$500.00.

(4) For a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00:

(A) the mortgage broker license is held by an individual sole proprietor;

(B) no person, other than the individual sole proprietor, shall be authorized to act as a mortgage broker under this license; and

(C) the mortgage broker originated five or fewer loans within the last calendar year.

(5) For a mortgage loan originator license under chapter 73 of this title, \$100.00.

(6) For a sales finance company license under chapter 73 of this title, \$350.00.

(7) For a loan solicitation license under chapter 73 of this title, \$500.00.

(8) For any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,700.00.

(9) For a consumer litigation funding company registration under chapter 74 of this title, \$200.00.

(10) For a money transmission license under chapter 79 of this title, \$1,000.00, plus an annual renewal fee of \$25.00 for each authorized delegate, provided that the total renewal fee of all authorized delegate locations shall not exceed \$3,500.00.

(11) For a check cashing and currency exchange license under chapter 79 of this title, \$500.00.

(12) For a debt adjuster license under chapter 83 of this title, \$250.00.

(13) For a loan servicer license under chapter 85 of this title, \$1,000.00.

* * * Insurance * * *
* * * Term of License * * *

Sec. 2. 8 V.S.A. § 4798 is amended to read:

§ 4798. TERM OF LICENSE

(a) Except as provided by ~~subsection~~ subsections (b) and (d) of this section, all licenses issued pursuant to this subchapter shall continue in force not longer than 24 months.

* * *

(d) Producer appointments shall expire as of 12:01 a.m. on the first day of June ~~of the odd-numbered year next~~ following the date of issuance. ~~Biennially~~ Annually, before the expiration of producer appointments, the Commissioner shall provide each insurer with an alphabetical appointment renewal list of the names for all of its producers in the State. Each insurer shall return the list and identify the producer appointments to be renewed in a manner and time specified by the Commissioner. Payment of the ~~biennial~~ annual producer appointment renewal fee, as specified in section 4800 of this title, shall be made in a manner and time specified by the Commissioner.

* * * License Requirements * * *

Sec. 3. 8 V.S.A. § 4800(2)(A) is amended to read:

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

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and biennial producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$60.00~~ \$120.00:

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

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

(iv) Initial 24-month appointment and biennial renewal appointment fee for limited lines producers, ~~\$60.00~~ \$90.00.

(v) Initial 24-month license and biennial renewal fee for resident and nonresident adjusters, and appraisers licenses, ~~\$60.00~~ \$120.00, and public adjusters, \$200.00.

* * *

Sec. 3a. 8 V.S.A. § 4800(2)(A) is amended to read:

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

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and ~~biennial~~ annual producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$120.00~~ \$60.00:

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

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

* * *

* * * Securities Act * * *

* * * Agents, Investment Advisers, Investment Adviser Representatives,
and Federal Covered Investment Advisors * * *

Sec. 4. 9 V.S.A. § 5410(b) is amended to read:

(b) The fee for an individual is ~~\$90.00~~ \$120.00 when filing an application for registration as an agent, ~~\$90.00~~ \$120.00 when filing a renewal of registration as an agent, and ~~\$90.00~~ \$120.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * * Department of Fish and Wildlife * * *

* * * License Fees * * *

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

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

(1) Fishing license	\$26.00 <u>\$28.00</u>
(2) Hunting license	\$26.00 <u>\$28.00</u>
(3) Combination hunting and fishing license	\$42.00 <u>\$47.00</u>

* * *

(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	\$52.00 <u>\$54.00</u>
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* * *

(4) Hunting license	\$100.00 <u>\$102.00</u>
(5) Combination hunting and fishing license	\$138.00 <u>\$143.00</u>

* * *

* * * Lifetime Licenses * * *

Sec. 6. 10 V.S.A. § 4279(f) is amended to read:

(f) Fees for lifetime licenses shall be the appropriate multiplication factor for the child's or adult's age multiplied by the fee for the appropriate license. Appropriate license fees are those in subdivisions 4255(a)(1), (2), and (3) of this title for residents and subdivisions 4255(b)(1), (4), and (5) of this title for nonresidents. Multiplication factors are as follows:

(1) for children under 1 year of age	<u>6</u> <u>8</u>
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* * *

* * * Department of Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2020, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Department of Motor Vehicles * * *

* * * All-Terrain Vehicles * * *

Sec. 8. 23 V.S.A. § 3504(a) is amended to read:

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$35.00~~ \$45.00. Duplicate registration certificates may be obtained upon payment of \$6.00 to the Department.

* * * Department of Public Service and Public Utility Commission * * *

* * * Gross Receipts Tax * * *

Sec. 9. 30 V.S.A. § 22 is amended to read:

§ 22. TAX TO FINANCE DEPARTMENT AND COMMISSION

(a) For the purpose of maintaining the Department of Public Service and Public Utility Commission, including expenses related to maintaining an adequate engineering, legal, and administrative force in the Department of

Public Service and paying all the expenses incident thereof, including rents, each person, partnership, association, or private or municipal corporation conducting a business subject to the supervision of the Department of Public Service and Public Utility Commission, including electric cooperatives, shall pay into the State Treasury on or before April 15 annually, in addition to the taxes now required by law to be paid, a tax, at the rate hereinafter named, according to the nature of the public service business engaged in by such person, partnership, association, or private or municipal corporation, based on the gross operating revenue received by such person, partnership, association, or private or municipal corporation in the conduct of such business in the State during the year next preceding, as shown by the annual report filed on or before such date with the Department of Public Service on the form prescribed by it and containing such information as may be necessary to enable the Department to determine the amount of the tax payable.

(1) The rate of tax for each type of public service company, for the purpose of maintaining the Department of Public Service, shall be the following:

~~(1)~~(A) for companies, cooperative, municipal or privately owned, generating, distributing, selling, or transmitting electric energy, ~~0.0050~~ 0.00320 of gross operating revenue;

~~(2)~~(B) for telephone companies, ~~0.0050~~ 0.003 of gross operating revenue or ~~\$500.00~~ \$300.00, whichever is greater;

~~(3)~~(C) for gas companies, ~~0.0030~~ 0.00320 of gross operating revenue;

~~(4)~~(D) for water companies, ~~0.001~~ 0.0006 of gross operating revenue or ~~\$5.00~~ \$3.00, whichever is greater;

~~(5)~~(E) for companies owning or operating a cable television system, ~~0.005~~ 0.003 of gross operating revenue or ~~\$25.00~~ \$15.00, whichever is greater, \$25,000.00 of which shall be used each year by the Department for special planning functions relating to cable television systems;

~~(6)~~(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either ~~0.0050~~ 0.003 of gross operating revenue from telephone revenues or the amount of ~~\$20.00~~ \$12.00; and

~~(7)~~(G) for all other companies named in section 203 of this title, ~~0.001~~ 0.0006 of gross operating revenues.

(2) The rate of tax for each type of public service company, for the purpose of maintaining the Public Utility Commission, shall be the following:

(A) for companies, cooperative, municipal or privately owned, generating, distributing, selling, or transmitting electric energy, 0.00205 of

gross operating revenue;

(B) for telephone companies, 0.002 of gross operating revenue or \$200.00, whichever is greater;

(C) for gas companies, 0.00205 of gross operating revenue;

(D) for water companies, 0.0004 of gross operating revenue or \$2.00, whichever is greater;

(E) for companies owning or operating a cable television system, 0.002 of gross operating revenue or \$10.00, whichever is greater;

(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either 0.002 of gross operating revenue from telephone revenues or the amount of \$8.00; and

(G) for all other companies named in section 203 of this title, 0.0004 of gross operating revenues.

(b) ~~The tax~~ taxes levied under this section shall not apply to sales of electrical power for resale.

(c) ~~Of the revenue deposited into the special fund for the maintenance of engineering and accounting forces, 40 percent shall be allocated to the Public Utility Commission and 60 percent shall be allocated to the Department of Public Service. [Repealed.]~~

(d)(1) ~~On June 30 of each year, any balance in the amount allocated to received by the Public Utility Commission from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the Commission's allocation funds received by the Commission for that year shall be used in the manner provided by subdivision (3) of this subsection.~~

(2) ~~On June 30 of each year, any balance in the amount allocated to received by the Department of Public Service from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the Department's allocation funds received by the Department for that year shall be used in the manner provided by subdivision (3) of this subsection.~~

* * *

* * * Certificates of Public Good for New Gas and Electric Purchases,
Investments, and Facilities * * *

Sec. 10. 30 V.S.A. § 248c is added to read:

§ 248c. FEES; DEPARTMENT OF PUBLIC SERVICE AND PUBLIC

UTILITY COMMISSION; PARTICIPATION IN CERTIFICATION
AND SITING PROCEEDINGS

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Department of Public Service (Department) and the Public Utility Commission (Commission) in reviewing applications for in-state facilities under section 248 of this title. Companies that pay the gross receipts tax as provided in section 22 of this title shall not be subject to the fees established in this section.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Commission in an amount calculated in accordance with this section. The fee shall be deposited into the gross revenue fund. Of the fees deposited into the gross revenue fund, 60 percent shall be allocated to the Department and 40 percent shall be allocated to the Commission.

(c) Definitions. As used in this section, “kW” and “plant capacity” have the same meaning as in section 8002 of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be a registration fee of \$100.00 for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(2) There shall be a fee of \$25.00 for modifications for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(3) There shall be a fee for electric generation facilities that do not qualify for the lower fees in subdivisions (1) and (2) of this subsection, calculated as follows:

(A) \$5.00 per kW; and

(B) \$100.00 for modifications.

(e) Report. On or before the third Tuesday of each annual legislative session, the Department and Commission shall jointly submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall list the fees collected and refunds approved, if any, under this section and under section 248d of this title during the preceding fiscal year.

Sec. 11. 30 V.S.A. § 248d is added to read:

§ 248d. FEE REFUND

If an applicant withdraws an application and seeks a fee refund, then a written request for an application fee refund shall be submitted to the Public Utility Commission (Commission) within 90 days of the withdrawal of the application.

(1) As used in this section, “agency” means the Agency of Natural Resources, the Department of Public Service, or the Commission.

(2) In the event that an application is withdrawn before any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 50 percent of the fee paid to each agency above the first \$100.00; however, in no instance shall the agency retain more than \$20,000.00.

(3) In the event that an application is withdrawn after any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 25 percent of the fee paid to each agency above the first \$100.00.

(4) Commission decisions regarding application fee refunds may be appealed to the Vermont Supreme Court.

(5) In no event may an application fee or a portion thereof be refunded after the Commission has issued a final decision on the merits of an application, whether the decision is to grant or deny the application in whole or in part.

(6) No interest will be due or payable on any money refunded under this section.

Sec. 12. EVALUATION OF FEES

The Department of Public Service (Department), in consultation with the Public Utility Commission (Commission), shall evaluate the feasibility of using billback mechanisms to recover the costs related to reviewing applications for in-state facilities under section 248 of this title for projects that produce five megawatts or more of electricity. The Department shall, on or before January 15 of 2020, submit electronically a report to the House Committee on Ways and Means and to the House Committee on Energy and Technology with their findings.

* * * Secretary of State * * *
* * * Professional Regulation * * *

Sec. 13. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or adviser profession may charge the following fees:

* * *

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(2) Application for licensure or certification, \$100.00, except application for:

* * *

(C) Application for real estate appraisers, \$275.00.

(D) Temporary real estate appraiser license, \$150.00.

(E) Appraisal management company registration, \$600.00.

* * *

(4) Biennial renewal, ~~\$200.00~~ \$240.00, except biennial renewal for:

* * *

(C) Physical therapists and assistants, ~~\$100.00~~ \$150.00.

* * *

(J) Appraisal management company registration, \$600.00.

(K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.

(L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.

* * *

(6) Radiologic evaluation, \$125.00.

* * *

* * * Board of Public Accountancy * * *

Sec. 14. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|--|---------------------------------------|
| (1) Application for license | \$ 75.00 <u>\$ 100.00</u> |
| (2) Biennial renewal of license | \$ 120.00 <u>\$ 220.00</u> |
| (3) Firm registration and biennial renewal of registration | \$ 120.00 <u>\$ 200.00</u> |

* * *

- | | |
|---|------------------|
| (5) Firm biennial renewal of registration | <u>\$ 400.00</u> |
| (6) Sole proprietor firm biennial renewal of registration | <u>\$ 200.00</u> |

* * * Board of Dental Examiners * * *

Sec. 15. 26 V.S.A. § 662(a) is amended to read:

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|----------------------|---------------------------------------|
| (1) Application | |
| (A) Dentist | \$ 225.00 <u>\$ 250.00</u> |
| (B) Dental therapist | \$ 185.00 |
| (C) Dental hygienist | \$ 150.00 <u>\$ 175.00</u> |
| (D) Dental assistant | \$ 60.00 <u>\$ 70.00</u> |
| (2) Biennial renewal | |
| (A) Dentist | \$ 355.00 <u>\$ 575.00</u> |
| (B) Dental therapist | \$ 225.00 <u>\$ 270.00</u> |
| (C) Dental hygienist | \$ 125.00 <u>\$ 215.00</u> |
| (D) Dental assistant | \$ 75.00 <u>\$ 90.00</u> |

* * * Board of Professional Engineering * * *

Sec. 16. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|---|--------------------------------------|
| (1) Application for engineering license or application to add additional specialty discipline | \$ 80.00 <u>\$ 100.00</u> |
|---|--------------------------------------|

* * *

(3) Biennial license renewal ~~\$100.00~~ \$ 150.00

* * *

* * * State Board of Nursing * * *

Sec. 17. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Nursing Assistants

* * *

(B) Biennial renewal ~~\$45.00~~ \$ 55.00

(2) Practical Nurses and Registered Nurses

(A) Application by exam ~~\$60.00~~ \$ 75.00

(B) ~~Registered nurse application~~ Application by endorsement
\$ 150.00

(C) Biennial renewal for Practical Nurses ~~\$140.00~~ \$ 175.00

(D) Biennial renewal for Registered Nurses \$ 190.00

(3) Advanced Practice Registered Nurses

(A) Initial endorsement of advanced practice registered nurses
~~\$ 75.00~~ \$ 100.00

(B) Biennial renewal of advanced practice registered nurses ~~\$ 75.00~~
\$ 125.00

* * * Board of Pharmacy * * *

* * * Licensing Fees * * *

Sec. 18. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Initial application:

* * *

(C) Institutional drug outlets ~~\$300.00~~ \$ 400.00

(D) Manufacturing drug outlet ~~\$300.00~~ \$ 400.00

(E) Wholesale drug outlet ~~\$ 600.00~~ \$ 700.00

* * *

(H) Outsourcing drug outlet \$ 700.00

(I) Nuclear drug outlet \$ 700.00

(J) Compounding drug outlet \$ 700.00

(K) Home infusion drug outlet \$ 700.00

(L) Third-party logistics \$ 700.00

(M) Pharmacy interns \$ 20.00

(2) Biennial renewal:

(A) Pharmacists ~~\$ 100.00~~ \$ 125.00

(B) Retail drug outlets ~~\$ 300.00~~ \$ 400.00

(C) Institutional drug outlets ~~\$ 300.00~~ \$ 500.00

(D) Manufacturing drug outlet ~~\$ 300.00~~ \$ 500.00

(E) Wholesale drug outlet ~~\$ 300.00~~ \$ 500.00

* * *

(H) Outsourcing drug outlet \$ 500.00

(I) Nuclear drug outlet \$ 500.00

(J) Compounding drug outlet \$ 500.00

(K) Home infusion drug outlet \$ 500.00

(L) Third-party logistics \$ 500.00

(M) Pharmacy interns \$ 45.00

* * *

* * * Wholesale Distributors and Manufacturers * * *

Sec. 19. 26 V.S.A. § 2076(c) is amended to read:

(c) If the Board determines it is necessary to inspect a certain premises under the same ownership more than once in any two-year period, the Board may charge a reinspection fee of not more than \$100.00 \$500.00.

* * * Real Estate Commission * * *

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the

(2) Biennial renewal ~~\$150.00~~ \$200.00

* * * Board of Real Estate Appraisers * * *

Sec. 23. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

~~Applicants and persons licensed under this chapter shall pay the following fees:~~

- (1) ~~Application~~ ~~\$125.00~~
- (2) ~~Initial license~~ ~~\$150.00~~
- (3) ~~Biennial renewal~~ ~~\$200.00~~
- (4) ~~Temporary license~~ ~~\$150.00~~
- (5) ~~Prelicensing course review~~ ~~\$100.00~~
- (6) ~~Continuing education course review~~ ~~\$100.00~~
- (7) ~~Appraiser trainee annual registration~~ ~~\$100.00~~
- (8) ~~Appraisal management company registration application~~ ~~\$125.00~~
- (9) ~~Appraisal management company registration renewal~~ ~~\$400.00~~

In addition to the fees otherwise authorized by law, the Director may charge the fees for professions regulated by the Director as set forth in 3 V.S.A. § 125(b).

* * * Board of Allied Mental Health Practitioners * * *

* * * Marriage and Family Therapists * * *

Sec. 24. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$125.00~~ \$150.00
- (2) Biennial renewal ~~\$150.00~~ \$250.00

* * * Roster of Psychotherapists Who Are Nonlicensed
and Noncertified * * *

Sec. 25. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$75.00~~ \$80.00

(2) Biennial roster reentry \$90.00 \$150.00

* * * Electrologists * * *

Sec. 26. 26 V.S.A. § 4412 is amended to read:

§ 4412. FEES

In addition to examination fees, applicants and licensees regulated under this chapter shall be subject to the fees set forth in 3 V.S.A. § 125(b) ~~and the following fees:~~

~~(1) Initial electrology office license \$100.00;~~

~~(2) Biennial office license renewal \$ 50.00.~~

* * * Judiciary * * *

* * * Supreme and Superior Courts * * *

Sec. 27. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$120.00 for every ~~appeal, cross-claim, or third-party claim~~ and a fee of \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision or the appeal of a small claims decision in the Superior Court shall be \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions, ~~and estates, and motions to confirm the sale of property in foreclosure.~~ A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements.

* * *

* * * Probate Cases * * *

Sec. 28. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection, which shall be for the benefit of the county in which the fee was collected:

* * *

(26) Petitions for license to sell or convey real estate
\$100.00

(27) Petition for license to sell or convey personal property \$100.00

* * *

(31) ~~Requests for findings regarding motor vehicle title pursuant to 23 V.S.A. § 2023(e)(2) \$50.00 [Repealed.]~~

(32) Petitions to obtain a birth order pursuant to 15C V.S.A. § 708(a) or § 804(a) \$100.00

(33) Petitions to appeal the State Registrar's denial of an application to amend a birth or death certificate pursuant to 18 V.S.A. § 5073(b) \$150.00

* * *

* * * Prescription Drug Cost Containment * * *
* * * Manufacturer Fees * * *

Sec. 29. 33 V.S.A. § 2004(a) is amended to read:

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~4.5~~ 1.75 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

* * * Entities that Administer Health Reimbursement Arrangements * * *

Sec. 30. 18 V.S.A. § 9417 is added to read:

§ 9417. TAX-ADVANTAGED ACCOUNTS FOR HEALTH EXPENSES;

ADMINISTRATION; RULEMAKING

(a) As used in this section:

(1) "Flexible spending account" or "FSA" has the same meaning as in 26 U.S.C. § 106(c)(2).

(2) “Health reimbursement arrangement” or “HRA” means any account-based reimbursement arrangement funded solely by employer contributions that reimburses an employee, spouse, or dependents, or a combination thereof, for medical care expenses incurred by the employee, spouse, dependents, or a combination thereof, up to a maximum coverage amount set by the employer for a given coverage period, and that is established pursuant to 26 U.S.C. §§ 105–106 and applicable guidance from the Internal Revenue Service.

(3) “Health savings account” or “HSA” has the same meaning as in 26 U.S.C. § 223(d)(1).

(b) Any entity administering one or more HRAs, HSAs, or FSAs, or a combination of these, in this State is providing financial services to Vermont residents and is subject to the jurisdiction of the Commissioner of Financial Regulation pursuant to 8 V.S.A. § 10 and all other applicable provisions.

(c) The Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to license and regulate, to the extent permitted under federal law, entities administering or proposing to administer one or more HRAs, HSAs, or FSAs, or a combination of these, in this State. The rules may include:

(1) annual licensure or registration filing requirements; and

(2) such requirements and qualifications for such entities as the Commissioner determines are appropriate, which may include:

(A) bonding, surplus, reserves, or a combination thereof;

(B) information security and confidentiality; and

(C) examination and enforcement.

(d) Following the adoption of rules pursuant to subsection (c) of this section, an entity making an initial application for a license or registration to administer HRAs, HSAs, or FSAs, or a combination of these, in this State shall pay to the Commissioner a nonrefundable fee of \$600.00 for examining, investigating, and processing the application. Each such entity shall also pay a renewal fee of \$600.00 on or before December 31 every three years following initial licensure.

Sec. 31. RULEMAKING; REPORT

On or before February 15, 2020, the Commissioner of Financial Regulation shall provide an update to the Senate Committee on Finance and the House Committees on Health Care and on Commerce and Economic Development on the progress of the rulemaking required by Sec. 30 of this act, including any findings related to the permissible scope of the rule.

* * * Department of Motor Vehicles * * *

* * * Public Records Requests * * *

Sec. 32. 23 V.S.A. § 104(a) is amended to read:

~~(a) The records of the registration of motor vehicles, snowmobiles, and motorboats, licensing of operators and registration of dealers, all original accident reports, and the records showing suspension and revocation of licenses and registrations and the records regarding diesel fuel, gasoline, and rental vehicle taxes shall be deemed official and public records, and shall be open to public inspection at all reasonable hours. The Commissioner shall furnish certified copies of the records to any interested person on payment of such fee as established by subdivision 114(a)(21) of this title. Notwithstanding section 114 of this title, information from the records of the Department may be made available to government agencies in the manner determined by the Commissioner and at the actual cost of furnishing the same. The records may be maintained on microfilm or electronic imaging. [Repealed.]~~

Sec. 33. 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

- | | |
|---|-----------------|
| (1) Listings of 1 through 4 registrations | \$8.00 |
| (2) Certified copy of registration application | \$8.00 |
| (3) Sample plates | \$18.00 |
| (4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies | \$8.00 per page |
| (5) [Repealed.] | |
| (6) Periodic inspection sticker record | \$8.00 |
| (7) Certified copy individual accident crash report | \$12.00 |
| (8) Certified copy police accident crash report | \$18.00 |
| (9) Certified copy suspension notice | \$8.00 |
| (10) Certified copy mail receipt | \$8.00 |
| (11) Certified copy proof of mailing | \$8.00 |
| (12) Certified copy reinstatement notice | \$8.00 |
| (13) Certified copy operator's license application | \$8.00 |
| (14) Certified copy three-year operating record | \$14.00 |

- (15) [Repealed.]
- (16) Government official photo identification card \$6.00
- (17) Listing of operator's licenses of 1 through 4 \$8.00
- (18) Statistics and research \$42.00 per hour
- (19) Insurance information on crash \$8.00
- (20) Certified copy complete operating record \$20.00
- (21) Records not otherwise specified \$8.00 per page
- (22) ~~List of title records and related data elements excluding any personally identifiable information—initial computer programming~~ Public records request for Department records requiring custom computer programming \$5,331.00 \$100.00 per hour, but not less than \$500.00
- (23) ~~List of title records and related data elements excluding any personally identifiable information—record set on electronic media~~ Public records request for Department records requiring custom computer programming (updated) \$119.00

* * *

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES

(a) Secs. 2 (insurance term of license) and 3a (insurance license requirements) shall take effect on June 1, 2021.

(b) Secs. 5 (Department of Fish and Wildlife license fees) and 6 (Department of Fish and Wildlife lifetime licenses) shall take effect on January 1, 2020.

(c) Secs. 30 (tax-advantaged accounts for health expenses), 31 (rulemaking; report), and 34 (effective dates) shall take effect on passage, provided that the Department of Financial Regulation shall adopt its final rule on or before September 1, 2020 regulating entities that administer HRAs, HSAs, or FSAs, or a combination of these.

(d) All remaining sections shall take effect on July 1, 2019.