

115 STATE STREET  
MONTPELIER, VT 05633  
TEL: (802) 828-2228  
FAX: (802) 828-2424




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**House Committee on Ways and Means**

**MEMORANDUM**

To: Representative Carolyn Partridge, Chair, House Committee on Agriculture and Forestry

From: Representative Janet Ancel, Chair, House Committee on Ways and Means 

Date: February 1, 2019

Subject: Provisions in the Administration's Proposed FY 2019 Fee Bill

The House Committee on Ways and Means has received the Administration's Proposed FY 2019 Fee Bill. We are asking your committee to review and make recommendations on the provisions which fall under your jurisdiction. Please review the attached highlighted provisions and respond to the committee by Thursday, February 14, 2019.



## Department of Financial Regulation

The language provided by the Department of Financial Regulation is as follows:

The Banking Division will propose moving all the licensee fees of Part 2, Title 8, into a new chapter in Part 2. Here is the proposed language. I've marked where the fee will change.

### **§ 2102. Application for license**

(a) Application for a license shall be in writing, under oath, and in the form prescribed by the Commissioner, and shall contain the 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 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 application, the applicant shall pay to the Commissioner a fee for investigating the application and a license 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 mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (b)(3)(A)-(B) of this section, \$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 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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. [This is a new option for companies that want multiple types of licenses.]

(8) For an application for a litigation funding company registration under chapter 74 of this title, \$200.00 as a registration fee and \$500.00 ~~\$250.00~~ as an application and investigation fee.

(9) For an application for a money transmission license under chapter 79 of this title, \$1,000.00 ~~\$500.00~~ as a license fee, \$1,000.00 as an application and investigation fee, and a license fee of \$25.00 for each authorized delegate location.

(10) 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.

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

(12) 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.

**§2107. Annual renewal of license**

(a) On or before December 1 of each year, every licensee shall renew its license for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license fee. At a minimum, the licensee shall continue to meet the applicable standards for licensure. At the same time, the licensee shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license 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 the 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. [This is a new option for companies that want multiple types of licenses.]

(9) For a 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~~\$500.00, 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.

#### **9 V.S.A. § 5410(b)**

(b) The fee for an individual is ~~\$90~~ \$120.00 when filing an application for registration as an agent, ~~\$90~~ \$120.00 when filing a renewal of registration as an agent, and ~~\$90~~ \$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.

#### **8 V.S.A. § 4800**

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

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

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

(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~~ \$90.00:

(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~~ 90.00.

(v) Initial 24-month license and biennial renewal fee for resident and nonresident adjusters, and appraisers licenses, ~~\$60~~ \$90.00, and public adjusters, \$200.00.

## Fish and Wildlife

**10 VSA § 4279(f)(1)** is amended to read: for children under 1 year of age ~~6~~ 8 (2) for children 1 through 15 years of age 16 (3) for adults 16 through 24 years of age 31 (4) for adults 25 through 64 years of age 26

## Public Service Department

**Added to 30 VSA is § 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 (the Department) and the Public Utility Commission (the Commission) in reviewing applications for in-state facilities under sections 248 and 248a of this title.

(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 Public Utility Commission in an amount calculated in accordance with this section. The fee shall be deposited into the and allocated to the Department and Commission as provided in section of this title.

(c) Definitions. In this section:

(1) "kW," "MW," and "plant capacity" shall 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 for each electric generation facility less than or equal to 50 kW in plant capacity, or for an application filed under subsection 248(k), (l), or (n) of this title.

(2) There shall be a fee of \$25 for modifications for each electric generation facility less than or equal to 50 kW in plant capacity, or for an application filed under subsection 248(k), (l) or (n) of this title.

(3) The fee for electric generation facilities greater than 50 kW through five MW in plant capacity shall be calculated as follows:

(A) An electric generation facility above 51 kW in plant capacity, \$4.00 per kW.

(B) 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 under this section during the preceding fiscal year;

discuss the Department's performance in exercising its duties under this title during that year; identify areas that hinder the Department's effective performance of these duties and summarize changes made to improve such performance; and, with respect to the Department's exercise of these duties, discuss the Department's staffing needs during the coming fiscal year and the future goals and objectives of the Department.

**Added to 30 VSA is § 248d. Fee Refund**

(a) A written request for an application fee refund shall be submitted to the PUC within 90 days of the withdrawal of the application.

(1) In the event that an application is withdrawn prior to the Agencies filing net-metering comments, testimony or a stipulated agreement with the PUC in the context of CPG proceeding, the PUC, upon request of the applicant, refund 50 percent of the fee paid to each Agency between \$100.00 and \$15,000.00, and all of that portion of the fee paid in excess of \$15,000.00 except that the PUC may decrease the amount of the refund if the direct and indirect costs incurred by the State of Vermont clearly and unreasonably exceed the fee that would otherwise be retained by the Agencies.

(2) In the event that an application is withdrawn after the Agencies file net-metering comments, testimony or a stipulated agreement with the PUC in the context of CPG proceeding, the PUC shall, upon request of the applicant, refund 25 percent of the fee paid to each Agency between \$100.00 and \$15,000.00 and all of that portion of the fee paid in excess of \$15,000.00 except that the PUC may decrease the amount of the refund if the direct and indirect costs incurred by the State of Vermont clearly and unreasonably exceed the fee that would otherwise be retained by the Agencies.

(3) The PUC shall, upon request of the applicant, increase the amount of the refund if the application of subdivisions (1) and (2) of this subsection clearly would result in a fee that unreasonably exceeds the direct and indirect costs incurred by the State of Vermont.

(4) PUC decisions regarding application fee refunds may be appealed to the Environmental Division of the Superior Court

(5) For the purposes of this section, "Agencies" include those state agencies that have received a Sec. 248 application fee for the withdrawn application, such as ANR, PSD, or PUC.

(6) In no event may an application fee or a portion thereof be refunded after the PUC has issued a final decision on the merits of an application.

(7) In no event may an application fee refund include the payment of interest on the application fee.



## → **Agriculture, Food and Markets**

→ **6 VSA § 564 (d)** is amended to read:

The Secretary may assess an annual registration fee of ~~\$25.00~~ for the performance of his or her duties under this chapter.

A person shall not grow hemp in the State unless registered with the Secretary. The person must apply to register to grow hemp on an annual basis on forms provided by the Secretary. The annual registration shall terminate December 31 of each year. At the time the person submits the application to the Secretary for review, the person shall pay an annual registration fee based on the amount of acreage and end use product of hemp that the person intends to grow in the year for which the person is registering and as set forth in the following tables. If the person wants to grow more acres than the amount that they have registered for during the calendar year the person must first pay the additional annual registration fee based on the amount of acreage to be added.

A person growing hemp for seed, grain crop, fiber or textile will pay a flat fee of \$100 per year.

A person growing hemp for floral material production, and viable seed, or cannabinoids including but not limited to, Cannabidiolic Acid (CBDA), Cannabidiol (CBD) Cannabinol (CBN) Cannabigerol (CBG) Cannabichromene (CBC) Tetrahydrocannabivarin (THCV), will pay a fee based on the number of acres planted per year.

| <u>Acres of hemp Grown for floral material or cannabinoids</u> | <u>Registration Fee</u> |
|--|-------------------------|
| <u>Less than 0.5 acres</u>                                     | <u>\$50</u>             |
| <u>0.5 to 9.9</u>  | <u>\$250</u>            |
| <u>10 to 50</u>  | <u>\$500</u>            |
| <u>Greater than 50</u>   | <u>\$1500</u>           |

→ **6 VSA § 566 (c)** is amended to read: The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products. A person shall not process floral material from hemp or manufacture hemp-infused products unless registered with the Secretary. The person must apply on an annual basis on forms provided by the Secretary. The annual registration shall terminate December 31 of each year. The Secretary shall assess an annual registration fee of \$1500 for the performance of his or her duties under this section, which shall be due at the time of application.

→ **Added to 6 VSA is § 567 (5)** is amended to read: Analytical testing laboratory that intends to be a certified under the Agency of Agriculture's cannabis quality control program, shall register with the Secretary on an annual basis. The Secretary shall assess an annual registration fee of \$1500 for the performance of his or her duties under this section, which shall be due at the time of certification.

## **Secretary of State**

The Secretary of State will provide language under separate cover.

