

No. 191. An act relating to Executive Branch and Judiciary fees.

(H.735)

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

* * * Department of Taxes * * *

Sec. 1. 32 V.S.A. § 404 is amended to read:

§ 404. ~~INSUFFICIENT FUNDS~~ RETURNED PAYMENTS; PENALTY

~~The state treasurer~~ Agencies and departments of State government may assess a penalty of \$20.00 against the issuer for each ~~check returned on account of insufficient or uncollected funds~~ payment for amounts due in the form of a check, draft, electronic payment, or other acceptable forms of payment that have been dishonored for lack of funds or credit to pay the same.

~~(1) The department of taxes shall be entitled to \$13.00 of each such~~
Such penalty collected against a check issued to the department, which \$13.00 shall be credited to a special fund established and managed pursuant to subchapter 5 of chapter 7 of this title, or to another budgeted fund other than the General Fund, and shall be available to the agency or department of taxes to offset the costs of collecting the amount owed, and may be adjusted pursuant to subdivision 603(2) of this title.

~~(2) In the case of checks issued to the agency of transportation (including the department of motor vehicles), \$13.00 of each such penalty collected shall be deposited in the transportation fund.~~

Sec. 2. 32 V.S.A. § 3756 is amended to read:

§ 3756. QUALIFICATION FOR USE VALUE APPRAISAL

* * *

(e) Once a use value appraisal has been applied for and granted under this section, such appraisal shall remain in effect for subsequent tax years pursuant to the provisions of subsection (f) of this section, and until the property concerned is transferred to another owner or is no longer eligible under provisions of section 3752 or 3755 of this chapter, or due to a change of use or as otherwise provided in section 3757 of this chapter. If enrolled property is transferred to another owner, the new owner shall be entitled to continue to have the eligible property appraised at its use value, provided the property remains eligible and provided the new owner shall elect the continuation of use value appraisal on the property transfer tax return at the time of transfer and, within 30 days after the property transfer tax return has been received by the municipality for recording, has applied to the Director and paid the fees described in this subsection. The grant of use value appraisals of agricultural ~~forest land~~ forestland and farm buildings shall be recorded in the land records of the municipality by the clerk of the municipality. Applications shall include the fees specified in subdivision 1671(a)(6) or subsection 1671(c) of this title, and a fee of ~~\$30.00~~ \$70.00 for deposit in a special fund established and managed pursuant to subchapter 5 of chapter 7 of this title. The Fund shall be available as payment for the fees of the clerk of the municipality and ~~for the improvement of the management of~~ to offset the costs of administering the application and managing the program.

* * *

* * * Lottery Commission * * *

Sec. 3. 31 V.S.A. § 655 is amended to read:

§ 655. LICENSE FEES

A license fee shall be charged for each sales license granted to a person for the purpose of selling lottery tickets at the time the person is first granted a license. The fee shall be fixed by the ~~commission~~ Commission, but no license fee in excess of ~~\$15.00 per year~~ \$50.00 may be charged.

* * * Department of Tourism and Marketing * * *

Sec. 4. 3 V.S.A. § 2504 is amended to read:

§ 2504. MARKET VERMONT LOGO

(a) The Secretary of ~~the~~ Agriculture, Food and Markets and the Secretary of ~~the~~ Commerce and Community Development shall develop categories and standards designed to identify those Vermont goods, services, and experiences which best portray and promote Vermont's reputation for high standards of quality.

* * *

(e) ~~{Deleted.}~~ [Repealed.]

(f) The Secretary of Commerce and Community Development may require an annual fee not to exceed \$150 per product line enrolled in the program, which shall be based upon the actual costs to the agencies, to be paid by persons participating in the program, and to be applied toward administration and promotion of the program.

* * * Department of Housing and Community Development * * *

Sec. 5. 10 V.S.A. § 6254 is amended to read:

§ 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

* * *

(c) The Department may charge a mobile home park owner an annual fee of no more than ~~\$9.00~~ \$12.00 for each occupied leased lot in the park on September 1 of each year. The park owner may charge this fee to the affected mobile home park leaseholders. The fee shall be submitted to the Department with the registration form required in subsection (a) of this section. If a mobile home park owner charges the fee under this subsection, the fee shall not be deemed to be a lot rent increase and shall not be included in any calculation of a lot rent increase pursuant to section 6251 of this title. A mobile home park owner shall not be charged the fee under this subsection for any mobile home park in which all the mobile homes are owned by the mobile home park owner. The Commissioner may enforce filing of the registration form and payment of the fee under subsection 6205(a) of this title. A special fund shall be created for these fees, to be used by the Department of ~~Housing and Community Affairs~~ for its expenses in administering the laws regarding mobile home parks, and to pay any fees required in the mediation process pursuant to section 6252 of this title and for legal representation for leaseholders pursuant to section 6253 of this title. This special fund shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

Sec. 6. 22 V.S.A. § 724 is amended to read:

§ 724. HISTORIC PRESERVATION SPECIAL FUNDS

* * *

(a) ~~Historic sites operations special fund~~ Sites Operations Special Fund.

The ~~historic sites operations special fund~~ Historic Sites Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title 32~~ to be used by the ~~division for historic preservation~~ Division for Historic Preservation to carry out the provisions of subdivisions 723(a)(9) and (b)(1) of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

(1) Receipts from ticket sales at and fees for rental of ~~state-owned~~ State-owned historic sites. Notwithstanding ~~subdivision 32 V.S.A. § 603(2) of Title 32~~, fees for admission to and rentals of historic sites shall be set by the ~~state historic preservation officer~~ State Historic Preservation Officer, with the approval of the ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Development, in a manner that both maximizes revenues and promotes the tourism purposes of historic sites, but not to exceed ~~\$8.00~~ \$12.00 for a single admission. This not-to-exceed amount shall not apply to the rental of an historic site or admission to an historic site for a special event. These fees shall be reported in accordance with ~~section 605 of Title 32~~ 32 V.S.A. § 605.

(b) ~~Archeology operations special fund~~ Operations Special Fund. The ~~archeology operations special fund~~ Archeology Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title 32~~ to be used by the ~~division for historic preservation~~ Division for Historic Preservation for cost recovery related to activities undertaken by the ~~division~~ Division to carry out the provisions of sections 723, 761, and 762 of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

* * *

(2) A ~~\$400.00~~ \$500.00 one-time fee for each ~~standard banker box~~ archival box (standard banker box size) of archeological collection for the care and maintenance of such materials ~~for~~ at the Vermont Archeological Heritage Center in perpetuity paid by any person involved in a federally or State funded, licensed, ~~or~~ permitted, or approved project. This fee shall be paid on a pro rata basis for one-half and one-quarter boxes.

* * *

* * * Department of Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2015, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly has established that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.45 percent established in

2013 Acts and Resolves No. 72, Sec. 29, notwithstanding 21 V.S.A. § 711(a).

The contribution rate for self-insured workers' compensation losses and worker's compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Tramways * * *

Sec. 8. 31 VSA § 706 is amended to read:

§ 706. OPERATORS TO PAY COST OF INSPECTION

The expenses of the ~~department~~ Department in connection with making the inspections under section 705 of this title shall be paid in the first instance by the ~~department~~ Department. ~~However, each operator shall, upon notification by the department of the amount due, reimburse the department for the expense of specialized assistance which may be employed by the department in making inspections. The department shall not charge in excess of \$25.00 per hour for the services of special assistants. It may include traveling time and expenses in addition.~~ In the event that contractors are used by the Department for specialized engineering consultation, such as structural, electrical, mechanical, or failure analysis, the cost shall be reimbursed to the Department by the affected area tramway operators. The reimbursement shall be credited to the ~~revolving~~ special fund created under this chapter.

* * * Secretary of State * * *

* * * Elections * * *

Sec. 9. 2 V.S.A. § 263 is amended to read:

§ 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

* * *

(f) Every employer and every lobbyist shall pay an initial registration fee of ~~\$25.00~~ \$60.00.

(g) An employer shall pay a fee of ~~\$5.00~~ \$15.00 for each lobbyist engaged by the employer. A lobbyist shall pay a fee of ~~\$5.00~~ \$15.00 for each employer represented.

(h) A person who fails to file on time a statement required by this section shall pay a late registration fee of \$25.00 ~~plus \$10.00~~ for each day the statement is late, not to exceed ~~\$175.00~~ \$350.00.

* * *

Sec. 10. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS

* * *

(i) A lobbyist, lobbying firm, or employer who fails to file a disclosure report on time shall pay a late reporting fee of \$25.00 ~~plus \$10.00~~ for each day the disclosure report is late, not to exceed ~~\$175.00~~ \$350.00.

* * *

Sec. 11. 2 V.S.A. § 264b is amended to read:

§ 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
COMPENSATION, AND GIFTS; LOBBYING FIRMS

* * *

(a) On forms provided by the ~~secretary of state~~ Secretary of State, every lobbying firm shall file a listing of all lobbyists who are employed by, subcontracted by, members of, or affiliated with the lobbying firm within 48 hours of any such lobbyists commencing lobbying activities. The lobbying firm shall file an updated listing within 48 hours of any changes to the listing. Every lobbying firm shall pay an initial listing fee of \$150.00.

* * *

* * * Office of Professional Regulation * * *

* * * Chiropractic * * *

Sec. 12. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

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

(1) Chiropractors

(A) Application \$ 200.00

(B) Biennial renewal ~~\$ 365.00~~ \$ 265.00

(C) Initial competency endorsement under

section 525 of this title \$ 70.00

- (D) Biennial renewal of competency endorsement
under section 525 of this title \$ 70.00
- (E) Evaluation \$ 125.00
- (2) Registration of intern \$ 50.00

* * * Professional Engineering * * *

Sec. 13. 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
- (2) Application for engineer intern certificate \$ 50.00
- (3) Biennial license renewal ~~\$ 80.00~~ \$ 100.00
- (4) ~~[Deleted.]~~ [Repealed.]

* * * Funeral Directors * * *

Sec. 14. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

(a)(1) One month before renewal is required, the ~~board~~ Board or the ~~office of professional regulation~~ Office of Professional Regulation shall notify, by mail, every licensee of the date on which his or her or its license will expire.

(2) Biennially, every licensee shall renew his or her or its registration or license by paying the required fee.

(b) Upon request of the ~~board of health~~ Board of Health or a person authorized to issue burial or removal permits, a licensee shall show proof of current licensure.

(c) If a licensee fails to pay the renewal fee by the required date, the license shall lapse. Thereafter, the license may be reinstated only upon application to the ~~board~~ Board or the ~~office of professional regulation~~ Office of Professional Regulation and upon payment of the renewal fee and a reinstatement fee.

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

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	
(A) Funeral director	\$ 300.00 <u>\$ 350.00</u>
(B) Embalmer	\$ 300.00 <u>\$ 350.00</u>
(C) Funeral establishment	\$ 540.00 <u>\$ 800.00</u>
(D) Crematory establishment	\$ 540.00 <u>\$ 800.00</u>
(E) <u>Crematory personnel</u>	<u>\$ 125.00</u>
(F) <u>Removal personnel</u>	\$ 85.00 <u>\$ 125.00</u>
(G) <u>Limited services establishment license</u>	<u>\$ 800.00</u>

(e) In addition to the provisions of subsection (a) of this section, an applicant for renewal as a funeral director or embalmer shall have satisfactorily completed continuing education as required by the ~~board~~ Board. For purposes of this subsection, the ~~board~~ Board shall require, by rule, not less than six nor

more than ten hours of approved continuing education as a condition of renewal and may require up to three hours of continuing education for removal personnel in the subject area of universal precautions and infectious diseases.

* * * Nursing * * *

* * * Registered and Licensed Practical Nursing * * *

Sec. 15. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

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

- (1) Application \$ 60.00
- (2) Registered nurse application by endorsement \$ 150.00
- (3) Biennial renewal ~~\$ 95.00~~ \$ 140.00
- (4) Limited temporary license \$ 25.00
- (5) Initial endorsement of advanced practice
registered nurses \$ 75.00
- (6) Biennial renewal of advanced practice
registered nurses ~~\$ 50.00~~ \$ 75.00

* * * Nursing Assistants * * *

Sec. 16. 26 V.S.A. § 1599 is amended to read:

§ 1599. FEES

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

- | | |
|----------------------|------------------------------------|
| (1) Application | \$20.00 |
| (2) Biennial renewal | \$30.00 <u>\$ 45.00</u> |

* * * Optometry * * *

Sec. 17. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

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

- | | |
|----------------------|--------------------------------------|
| (1) Application | \$225.00 |
| (2) Biennial renewal | \$525.00 <u>\$ 425.00</u> |

* * * Real Estate Brokers and Salespersons * * *

Sec. 18. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

- | | |
|---|---------------------|
| (1) Application | |
| (A) Broker license | \$ 50.00 |
| (B) Salesperson license | \$ 50.00 |
| (C) Brokerage firm registration | |
| (i) Corporation or partnership | \$ 50.00 |
| (ii) Sole proprietor | \$ 0.00 |
| (D) Branch office registration | \$ 50.00 |

(2) Biennial renewal of broker or salesperson license	\$ 175.00 <u>\$ 200.00</u>
(3) Biennial <u>brokerage firm or branch office</u> registration renewal	<u>\$ 200.00</u>
(A) Corporation or partnership	\$ 75.00
(B) Sole proprietor	\$ 0.00
(4) Temporary permit	\$ 25.00
(5) Transfer of license	\$ 10.00
(6) Transfer to inactive status	\$ 25.00

~~(b) A sole proprietor of a brokerage firm shall only pay the sole proprietor application and renewal fees pursuant to this section, provided the brokerage firm has no other persons licensed under this chapter providing professional services within the brokerage firm. [Repealed.]~~

* * * Psychologists * * *

Sec. 18a. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

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

(1) Application for license	\$175.00
(2) Biennial renewal of license	\$150.00
(3) Psychological trainee registration	\$ 75.00
(4) Biennial renewal of trainee registration	\$ 90.00

* * * Department of Public Safety * * *

Sec. 19. 20 V.S.A. chapter 145 is redesignated to read:

CHAPTER 145. DISPOSITION AND FEE FOR STORAGE OF
UNLAWFUL FIREARMS

Sec. 20. 20 V.S.A. § 2307 is added to read:

§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM
ABUSE ORDER; STORAGE; FEES; RETURN

(a) As used in this section:

(1) “Federally licensed firearms dealer” means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).

(2) “Firearm” shall have the same meaning as in 18 U.S.C. § 921(a)(3).

(3) “Law enforcement agency” means the Vermont State Police, a municipal police department, or a sheriff’s department.

(b)(1) A person who is required to relinquish firearms, ammunition, or other weapons in the person’s possession by a court order issued under 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall, unless the Court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon service of the order immediately relinquish the firearms, ammunition, or weapons to a cooperating law enforcement agency or an approved federally licensed firearms dealer. As used in this subdivision, “person” means anyone

who meets the definition of “intimate partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or household member under 15 V.S.A. § 1101.

(2)(A) The Court may order that the person relinquish the firearms, ammunition, or other weapons to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the Court finds that relinquishment to the other person will not adequately protect the safety of the victim.

(B) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to subdivision (2)(A) of this subsection (b) shall execute an affidavit on a form approved by the Court Administrator stating that the person:

(i) acknowledges receipt of the firearms, ammunition, or other weapons;

(ii) assumes responsibility for storage of the firearms, ammunition, or other weapons until further order of the Court, and specifies the manner in which he or she will provide secure storage of such items;

(iii) is not prohibited from owning or possessing firearms under State or federal law; and

(iv) understands the obligations and requirements of the Court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (2)(C) of this subsection (b) if the person permits the firearms, ammunition, or other weapons to be possessed, accessed,

or used by the person who relinquished the item or by any other person not authorized by law to do so.

(C) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to this subdivision (2)(A) of this subsection (b) shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearms, ammunition, or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearms, ammunition, or other weapons or any other person not authorized by law to possess the relinquished items obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (1) of this subsection (b).

(c) A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm, ammunition, or other weapon pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to subdivision (i)(3) of this section. A firearm, ammunition, or other weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.

(d) Fees.

(1) A law enforcement agency that stores firearms, ammunition, or weapons pursuant to subdivision (b)(1) of this section may charge the owner a reasonable storage fee, not to exceed:

(A) \$200.00 for the first firearm or weapon, and \$50.00 for each additional firearm or weapon for up to 15 months, prorated on the number of months the items are stored; and

(B) \$50.00 per firearm or weapon per year for each year or part thereof thereafter.

(2) A federally licensed firearms dealer that stores firearms, ammunition, or weapons pursuant to subdivision (b)(1) of this section may charge the owner a storage fee that is reasonably related to the expenses it incurs in the administration of this section. Any federally licensed firearm dealer that certifies compliance under this section shall provide a copy of its fee schedule to the Court.

(3) Fees permitted by this subsection shall not begin to accrue until after the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(e) Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items.

(f) A final relief from abuse order issued pursuant to 15 V.S.A. § 1103 requiring a person to relinquish firearms, ammunition, or other weapons shall direct the law enforcement agency, approved federally licensed firearms

dealer, or other person in possession of the items under subsection (b) of this section to release them to the owner upon expiration of the order if all applicable fees have been paid.

(g)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of firearms, ammunition, or weapons stored under this section, the law enforcement agency or firearms dealer in possession of the items shall make them available to the owner within three business days of receipt of the order and in a manner consistent with federal law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.

(2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no

event shall the sale occur until after the Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall include providing notice to the owner at least 21 days prior to the date of the sale via first class mail, certified restricted delivery.

(B) Proceeds from the sale of a firearm, ammunition, or weapon pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:

(i) unpaid storage fees and associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and

(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (2)(B) shall be paid to the original owner.

(h) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to subsection (c) of this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(i) The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:

(1) Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:

(A) federally licensed firearms dealers that annually certify compliance with the Department's standards to receive firearms, ammunition, or other weapons pursuant to subdivision (b)(2) of this section; and

(B) cooperating law enforcement agencies.

(2) Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.

(3) Establish standards and guidelines to provide for the storage of firearms, ammunition, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:

(A) with the consent of the law enforcement agency taking possession of a firearm, ammunition, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;

(B) the law enforcement agency that takes possession of the firearm, ammunition, or weapon may provide a storage container for the relinquished item or items at an additional fee; and

(C) the law enforcement agency that takes possession of the firearm, ammunition, or weapon shall present the owner with a receipt at the time of relinquishment which includes the serial number and identifying characteristics of the firearm, ammunition, or weapon and record the receipt of the item or items in a log to be established by the Department.

(4) Report on January 15, 2015 and annually thereafter to the House and Senate Committees on Judiciary on the status of the program.

* * * Dispatch Fees * * *

Sec. 21. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall propose specific dispatch service fee schedules for use under 20 V.S.A. § 1871(i) and, on or before January 15, 2015, report on the same to the House Committee on Ways and Means and the Senate Committee on Finance. Based on the Commissioner's report, uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety shall be set by the General Assembly under the provisions of 32 V.S.A. § 603 on or before July 1, 2016. Fees collected by the Commissioner shall be reported in accordance with 32 V.S.A. § 605, and credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 or to another budgeted fund other than the General Fund, and shall be available to the Department to offset the costs of collecting the amount owed.

* * * Miscellaneous * * *

Sec. 22. 32 V.S.A. § 605 is amended to read:

§ 605. CONSOLIDATED EXECUTIVE BRANCH ANNUAL FEE REPORT
AND REQUEST

* * *

(b) Fee reports shall be made as follows:

(1) A report covering all fees in existence on the prior July 1 within the areas of government identified by the Department of Finance and Management accounting system as “general government,” “labor,” “general education,” “~~development~~ commerce and community affairs development” and “transportation” shall be submitted by the third Tuesday of the legislative session beginning in 2011 and every three years thereafter.

* * *

* * * Judiciary Fees * * *

Sec. 23. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

(a) Prior to the entry of any cause in the Supreme Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (2)-(5) of this subsection, prior to the entry of any cause in the Superior Court, there shall be paid to the clerk of

the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order, the fee shall be ~~\$75.00~~ \$80.00 if one or both of the parties are residents, and ~~\$150.00~~ \$160.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section. If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the Court, the fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce a final order for parental rights and responsibilities, parent-child contact, property division,

or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify a final order for parental rights and responsibilities, parent-child contact, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order, the fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$35.00~~ \$40.00 in lieu of all other fees not otherwise set forth in this section. If the motion or petition is filed with a stipulation for an order, there shall be no fee except that if the

stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be ~~\$30.00~~ \$35.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

(c)(1) Prior to the entry of a small claims action, there shall be paid to the clerk in lieu of all other fees not otherwise set forth in this section, a fee of ~~\$75.00~~ \$80.00 if the claim is for more than \$1,000.00 and ~~\$50.00~~ \$55.00 if the claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of ~~\$50.00~~ \$55.00. The fee for every counterclaim in small claims proceedings shall be ~~\$25.00~~

\$30.00, payable to the clerk, if the counterclaim is for more than \$500.00, and ~~\$15.00~~ \$20.00 if the counterclaim is for \$500.00 or less.

(2)(A) Except as provided in subdivision (B) of this subdivision (2), fees paid to the clerk pursuant to this subsection shall be divided as follows: 50 percent of the fee shall be for the benefit of the county and 50 percent of the fee shall be for the benefit of the State.

(B) In a county where court facilities are provided by the State, all fees paid to the clerk pursuant to this subsection shall be for the benefit of the State.

(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 ~~\$100.00~~ \$105.00 for every appeal, cross-claim, or third-party claim and a fee of ~~\$75.00~~ \$80.00 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 in the Superior Court shall be ~~\$100.00~~ \$105.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be ~~\$75.00~~ \$80.00, 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, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 except for small claims actions.

(f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$50.00~~ \$55.00; the State or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the Bureau for the benefit of the State.

(g) Prior to the filing of any postjudgment motion in the Judicial Bureau there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee of ~~\$35.00~~ \$40.00. Prior to the filing of any appeal from the Judicial Bureau to the Superior Court, there shall be paid to the Clerk of the Court, for the benefit of the State, a fee of ~~\$100.00~~ \$105.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the Court finds that the applicant is unable to pay it. The clerk of the Court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the Supreme Court. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a

final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

Sec. 24. 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 ~~subdivision~~ subdivisions ~~(17)~~(18) and (19) of this subsection which shall be for the benefit of the county in which the fee was collected:

- (1) Estates of \$10,000.00 or less ~~\$25.00~~ \$30.00
- (2) Estates of more than \$10,000.00 to not more than \$50,000.00 ~~\$75.00~~ \$80.00
- (3) Estates of more than \$50,000.00 to not more than \$150,000.00 ~~\$200.00~~ \$210.00
- (4) Estates of more than \$150,000.00 to not more than \$500,000.00 ~~\$375.00~~ \$395.00
- (5) Estates of more than \$500,000.00 to not more than \$1,000,000.00 ~~\$625.00~~ \$660.00
- (6) Estates of more than \$1,000,000.00 to not more than \$5,000,000.00 ~~\$1,000.00~~ \$1,050.00
- (7) Estates of more than \$5,000,000.00 to not more than \$10,000,000.00 ~~\$1,500.00~~ \$1,575.00
- (8) Estates of more than \$10,000,000.00 ~~\$1,750.00~~ \$1,840.00

(9) For all trust petitions, other than those described	\$150.00 <u>\$160.00</u>
in subdivision (11) of this subsection, where the corpus of the trust at the time the petition is filed is \$100,000.00 or less, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust	
(10) For all trust petitions, other than those described	\$250.00 <u>\$265.00</u>
in subdivision (11) of this subsection, where the corpus of the trust is more than \$100,000.00, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust	
(11) Annual accounts on trusts	\$30.00 <u>\$35.00</u>
(12) Annual accounts on decedents' estates filed for	\$25.00 <u>\$30.00</u>
any period ending more than one year following the opening of the estate	
(13) <u>Adoptions and relinquishments as part of an adoption proceeding</u>	\$75.00 <u>\$100.00</u>
(14) <u>Relinquishments, separate from adoptions</u>	<u>\$100.00</u>
(15) <u>Guardianships for minors</u>	\$85.00 <u>\$90.00</u>
(15) (16) <u>Guardianships for adults</u>	\$100.00 <u>\$105.00</u>
(16) (17) <u>Petitions for change of name</u>	\$125.00 <u>\$135.00</u>
(17) (18) <u>Filing of a will for safekeeping, except that</u>	\$20.00 <u>\$25.00</u>

~~there shall be no fee for the filing of subsequent wills in that district for the same person~~

<u>(19) Filing of subsequent will for safekeeping, same</u>	<u>\$15.00</u>
<u>probate division or transfer to another probate division</u>	
(18) <u>(20) Corrections for vital records</u>	\$25.00 <u>\$30.00</u>
(19) <u>(21) Orders of authorization pursuant to</u>	\$25.00 <u>\$30.00</u>
<u>18 V.S.A. § 5144</u>	
(20) <u>(22) Conveyances of title to real estate pursuant</u>	\$50.00 <u>\$55.00</u>
<u>to 14 V.S.A. § 1801, including petitions to clear title and</u>	
<u>release or discharge of mortgage</u>	
(21) <u>(23) Petitions concerning advance directives</u>	\$75.00 <u>\$80.00</u>
<u>pursuant to 18 V.S.A. § 9718</u>	
(22) <u>(24) Civil actions brought pursuant to</u>	\$50.00 <u>\$55.00</u>
<u>18 V.S.A. chapter 107, subchapter 3</u>	
(23) <u>(25) Petitions for partial decree</u>	\$100.00 <u>\$105.00</u>
(24) <u>(26) Petitions for license to sell real estate</u>	\$50.00 <u>\$55.00</u>
<u>(27) Petitions for minor settlement pursuant to</u>	<u>\$30.00</u>
<u>14 V.S.A. § 2643</u>	

* * *

Sec. 25. JUDICIARY; ELECTRONIC FILING FEE

It is the intent of the General Assembly that the Judiciary be authorized to fund the licensing and operating costs of an electronic casefile and electronic

filing system for all courts through, among other sources, the imposition of user fees on electronic filing or electronic access to Judiciary case records, or both. The Supreme Court is authorized to submit to the General Assembly a specific plan for such fees, including the amount of each fee, the coverage of the fee and the user action that will trigger the imposition of the fee, to take effect once funding for purchase of the electronic filing and electronic casefile system is secured.

* * * Vermont Web Portal * * *

Sec. 26. WEB PORTAL FEES; DEPARTMENT OF TAXES AND
DEPARTMENT OF MOTOR VEHICLES

In accordance with the provisions of 22 V.S.A. § 953, the General Assembly hereby approves the three percent credit card fees proposed by the Web Portal Board, which were approved by the Governor, and for which legislative action has been requested by a member of the Joint Fiscal Committee, as follows:

(1) Legislative approval is for the Vermont Web Portal to assess to the taxpayer a three percent fee on credit card payment of tax bills to the Vermont Department of Taxes;

(2) Legislative approval is for the Vermont Web Portal Board to assess to the credit card holder a three percent fee on over-the-counter credit card payment of Department of Motor Vehicle fees at Department branch offices.

Sec. 27. REVIEW OF WEB PORTAL FEE; DEPARTMENT OF TAXES

Prior to July 1, 2016, the Web Portal Board shall consider any changes to the three percent fee on credit card payment of tax bills to the Vermont Department of Taxes authorized in Sec. 26 of this act, and, consistent with the provisions of 22 V.S.A. § 953(c), shall recommend any such proposed changes to the Joint Fiscal Committee.

* * * Dispensaries * * *

Sec. 28. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the ~~department of public safety~~ Department:

* * *

(4) A registration fee of \$20,000.00 for the first year of operation, and an annual fee of ~~\$30,000.00~~ \$25,000.00 in subsequent years.

* * *

* * * Universal Service Fund; Prepaid Wireless Providers; Provider
Assessment * * *

Sec. 29. 30 V.S.A. § 7521 is amended to read:

§ 7521. CHARGE IMPOSED; WHOLESAL EXEMPTION

(a) A universal service charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the charge applies. The charge is imposed on the person purchasing the service, but shall be collected by the telecommunications provider. Each telecommunications service provider shall include in its tariffs filed at the ~~public service board~~ Public Service Board a description of its billing procedures for the universal service fund charge.

(b) The universal service charge shall not apply to wholesale transactions between telecommunications service providers where the service is a component part of a service provided to an end user. This exemption includes; ~~but is not limited to,~~ network access charges and interconnection charges paid to a local exchange carrier.

(c) In the case of mobile telecommunications service, the universal service charge is imposed when the customer's place of primary use is in Vermont. The terms "customer," "place of primary use," and "mobile telecommunications service" have the meanings given in 4 U.S.C. § 124. All

provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal service charge under this section.

(d)(1) Notwithstanding any other provision of law to the contrary, beginning on September 1, 2014, in the case of prepaid wireless telecommunications service, the universal service charge shall be imposed as follows:

(A) If the provider sells directly to a consumer in a retail transaction, the provider may collect the charge from the customer at the rate specified in section 7523 of this title; or

(B) if the provider does not sell directly to the consumer, or if the provider sells directly to the customer in a retail transaction but elects not to collect the charge from the customer, the charge shall be imposed on the provider at the rate determined in subdivision (2) of this subsection (d).

(2) The Public Service Board shall establish a formula to ensure the universal service charge rate imposed on prepaid wireless telecommunications service providers under subdivision (1)(B) of this subsection reflects two percent of retail prepaid wireless telecommunications service in Vermont.

(3) As used in this subsection, “prepaid wireless telecommunications service” means a telecommunications service as defined in subdivision 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars that decline with use.

Sec. 30. 30 V.S.A. § 7524 is amended to read:

§ 7524. PAYMENT TO FISCAL AGENT

(a) Telecommunications service providers shall pay to the fiscal agent all universal service charge receipts collected from customers. A report in a form approved by ~~the public service board~~ Public Service Board shall be included with each payment.

(b) Payments shall be made monthly, by the 15th day of the month, and shall be based upon amounts collected in the preceding month. If the amount is small, the ~~board~~ Board may allow payment to be made less frequently, and may permit payment on an accrual basis.

(c) Telecommunications service providers shall maintain records adequate to demonstrate compliance with the requirements of this chapter. The ~~board~~ Board or the fiscal agent may examine those records in a reasonable manner.

(d) When a payment is due under this section by a telecommunications service provider who has provided customer credits under the ~~lifeline~~ Lifeline program, the amount due may be reduced by the amount of credit granted.

(e) The fiscal agent shall examine the records of telecommunications service providers to determine whether their receipts reflect application of the universal service charge on all assessable telecommunications services under this chapter, including the federal subscriber line charge, directory assistance, enhanced services unless they are billed as separate line items, and toll-related services.

(f) The Public Service Board shall ensure the fiscal agent is authorized to negotiate and collect from telecommunications service providers any universal service charges not properly assessed or remitted pursuant to this chapter. For the purpose of this subsection, the fiscal agent may examine the records of telecommunications providers for the immediately preceding three years and assess the provider for underpayments, if any, as appropriate.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 31. 6 V.S.A. § 3022 is amended to read:

§ 3022. ENFORCEMENT; INSPECTION

(a) ~~The secretary~~ Secretary shall enforce the provisions of this chapter.

(b) ~~The secretary shall pay any such inspectors their salary and necessary expenses incurred in the performance of their duties from the moneys annually available to the agency~~ Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each location of hives. The fee revenue, together with any other funds appropriated to the Agency for this purpose, shall be collected by the Secretary and credited to the Weights and Measures Testing fund to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 32. 9 V.S.A. § 2632 is amended to read:

§ 2632. GENERAL POWERS AND DUTIES OF SECRETARY

* * *

(b) Fees and reimbursements of costs collected by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets under the provisions of this chapter and 6 V.S.A. § 3022 shall be credited to a weights and measures special fund and shall be available to the ~~agency~~ Agency to offset the costs of implementing this chapter.

Sec. 33. 30 V.S.A. § 7503(a) is amended to read:

(a) A fiscal agent shall be selected to receive and distribute funds under this chapter ~~for the Vermont telecommunications relay service, for the Vermont lifeline program, for enhanced 911 services, and, subject to further legislative authorization, to reduce the cost to customers of basic telecommunications service in high cost areas.~~

Sec. 34. 30 V.S.A. § 7511 is amended to read:

§ 7511. DISTRIBUTION GENERALLY

(a) As directed by the ~~public service board~~ Public Service Board, funds collected by the fiscal agent, and interest accruing thereon, shall be distributed as follows:

(1) ~~To~~ to pay costs payable to the fiscal agent under its contract with the ~~public service board.~~ Board;

(2) ~~To~~ to support the Vermont telecommunications relay service in the manner provided by section 7512 of this title-;

(3) ~~To~~ to support the Vermont ~~lifeline~~ Lifeline program in the manner provided by section 7513 of this title-;

(4) ~~To~~ to support enhanced-911 ~~Enhanced-911~~ services in the manner provided by section 7514 of this title;

(5) ~~To~~ to reduce the cost to customers of basic telecommunications service in high-cost areas, in the manner provided by section 7515 of this title; and

(6) to support the cost of Executive Branch activities as specified under section 7515a of this title.

(b) If insufficient funds exist to support all of the purposes contained in subsection (a) of this section, the ~~public service board~~ Board shall conduct an expedited proceeding to allocate the available funds, giving priority in the order listed in subsection (a).

Sec. 35. 30 V.S.A. § 7515a is added to read:

§ 7515a. ADDITIONAL PROGRAM SUPPORT

The fiscal agent may make distributions to the State Treasurer to fund Executive Branch activities related to and supportive of the programs funded under this chapter, as determined by the General Assembly.

Sec. 36. EFFECTIVE DATES

(a) This section and Sec. 28 (dispensaries) shall take effect on passage.

(b) Secs. 31 and 32 (apiaries) shall take effect on July 1, 2015.

(c) All remaining sections shall take effect on July 1, 2014.

Date Governor signed bill: June 16, 2014