

**No. 149. An act relating to Executive Branch fees.**

(H.872)

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

\* \* \* Agriculture \* \* \*

\* \* \* General Powers of Agency; Secretary of Agriculture,

Food and Markets \* \* \*

Sec. 1. 6 V.S.A. § 1 is amended to read:

§ 1. GENERAL POWERS OF AGENCY; SECRETARY OF  
AGRICULTURE, FOOD AND MARKETS

(a) The Agency of Agriculture, Food and Markets shall be administered by a Secretary of Agriculture, Food and Markets. The Secretary shall supervise and be responsible for the execution and enforcement of all laws relating to agriculture and standards of weight and measure. The Secretary may:

\* \* \*

(13) notwithstanding any law to the contrary in this title or Title 9 or 20, issue all licenses, permits, registrations, or certificates under a program administered by the Secretary for a term of up to three years; renew and issue such licenses, permits, registrations, and certificates on any calendar cycle; collect any annual fee set by law for such multiyear licensure, permit, registration, or certificate on a pro-rated basis which shall not exceed 150 percent of the annual fee for an 18-month cycle, 200 percent of the annual fee for a two-year cycle, or 300 percent of the annual fee for a three-year cycle;

and conduct inspections at regulated premises at least once every three years when inspection is required by law. The authority to mandate licenses, permits, registrations, or certificates for more than one year shall not extend to any program administered by the Secretary where the annual fee is more than \$125.00. The Secretary shall only provide refunds for overpayments of \$25.00 or more on a license, permit, registration, or certificate issued by the Secretary. The Secretary may assess a late fee of \$27.00, provided that the late fee is no greater than the fee due, in which case the late fee shall equal the fee due, for any license, registration, permit, or certification renewal that is received more than 30 days past expiration unless a higher late renewal fee is otherwise prescribed by statute;

\* \* \*

\* \* \* Certificate of Free Sale \* \* \*

Sec. 2. 6 V.S.A. § 18 is amended to read:

§ 18. CERTIFICATE OF FREE SALE

(a) The ~~secretary~~ Secretary is hereby authorized to make available certificates of free sale ~~or manufacturing~~ to applicants who manufacture or produce Vermont food ~~or personal care products~~ regulated by the Agency for the limited purpose of facilitating the shipment of such products for sale in foreign countries.

(b) The ~~agency~~ Agency may adopt rules for the issuance of such certificates.

(c) The ~~agency~~ Agency shall assess a fee of ~~\$15.00~~ \$30.00 per certificate to offset administrative costs.

\* \* \* Commercial Feeds \* \* \*

Sec. 3. 6 V.S.A. § 324(b) is amended to read:

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of ~~\$85.00~~ \$105.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

\* \* \* Fertilizer and Lime \* \* \*

Sec. 4. 6 V.S.A. § 364(d) is amended to read:

(d) Each separately identified agricultural lime product shall be registered before being distributed in this State. Registration shall be performed in the same manner as fertilizer registration except that each application shall be accompanied by a fee of ~~\$40.00~~ \$50.00 per product.

\* \* \* Tonnage Fees \* \* \*

Sec. 5. 6 V.S.A. § 366 is amended to read:

§ 366. TONNAGE FEES

(a) ~~There shall be paid annually to the Secretary for all fertilizers distributed to a nonregistrant consumer in this State an annual fee at a rate of \$0.25 cents per ton. A person distributing fertilizer to a nonregistrant consumer in the State annually shall pay the following fees to the Secretary:~~

- (1) a \$150.00 minimum tonnage fee;
- (2) \$0.50 per ton of agricultural fertilizer distributed; and
- (3) \$30.00 per ton of nonagricultural fertilizer distributed.

(b) Persons distributing fertilizer shall report annually ~~by~~ on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was distributed within this State. Each report shall be accompanied with payment and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.

(c) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.

(d) [Repealed.]

(e) Agricultural limes, including agricultural lime mixed with wood ash, are exempt from the tonnage fees required in this section.

(f) Lime and wood ash mixtures may be registered as agricultural liming materials and guaranteed for potassium or potash provided that the wood ash totals less than 50 percent of the mixture.

~~(g)(1)~~ All fees collected under ~~subsection (a)~~ subdivisions (a)(1) and (2) of this section shall be deposited in the ~~revolving~~ special fund created by subsection 364(e) of this title and used in accordance with its provisions.

(2) All fees collected under subdivision (a)(3) of this section shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title.

~~(h) There shall be paid annually to the Secretary for all nonagricultural fertilizers distributed to a nonregistrant consumer in this State an annual fee at a rate of \$30.00 per ton of nonagricultural fertilizer for the purpose of supporting agricultural water quality programs in Vermont.~~

~~(1) Persons distributing any fertilizer in the State shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was distributed within this State. Each report shall be accompanied with payment of the fees under this section and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.~~

~~(2) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.~~

~~(3) A \$150.00 minimum tonnage fee shall be assessed on all distributors who distribute nonagricultural fertilizers in this State.~~

~~(4) Agricultural limes, including agricultural lime mixed with wood ash, are exempt from the tonnage fees required under this subsection.~~

~~(5) All fees collected under this subsection shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title. [Repealed.]~~

\* \* \* Maple Products \* \* \*

Sec. 6. 6 V.S.A. § 483 is amended to read:

§ 483. LICENSE REQUIRED

(a) A dealer or processor who is doing business in this ~~state~~ State, or who wishes to do business in this ~~state~~ State shall first obtain a license to do so from the ~~secretary~~ Secretary.

(b) A dealer wishing to be licensed shall apply annually before July 1 to the ~~secretary~~ Secretary for a license on forms supplied by the ~~secretary~~ Secretary and shall pay a license fee of ~~\$20.00~~ \$30.00.

(c) A processor wishing to be licensed shall apply annually before July 1 to the ~~secretary~~ Secretary for a license on forms supplied by the ~~secretary~~ Secretary and shall pay a license fee of ~~\$100.00~~ \$150.00.

\* \* \* Seed Potatoes \* \* \*

Sec. 7. 6 V.S.A. § 616 is amended to read:

§ 616. FEES

(a) The ~~secretary~~ Secretary shall have authority to assess growers who apply for the certification privilege a fee per acre, to be paid in one or more installments.

(b) Growers shall be assessed ~~\$30.00~~ \$35.00 for the first five acres inclusive. Over five acres shall be assessed ~~\$30.00~~ \$35.00 plus ~~\$2.00~~ \$3.00 per acre over five acres.

\* \* \*

\* \* \* Seed Standards; Dealers \* \* \*

Sec. 8. 6 V.S.A. § 648(a) is amended to read:

(a) Inspection fees shall be paid to the ~~secretary~~ Secretary by a manufacturer or processor that distributes seed in the ~~state~~ State. Fees shall be established as follows:

(1) ~~thirty five cents per hundredweight~~ \$10.00 per ton for any seed sold in containers of more than ten pounds;

(2) a flat fee of ~~\$75.00~~ \$85.00 per company for any seed sold.

\* \* \* Livestock Dealers \* \* \*

Sec. 9. 6 V.S.A. § 762(a) is amended to read:

(a) A person shall not carry on the business of a livestock dealer without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of such license, such dealer shall file with the Secretary an application for such license on forms provided by the Agency. Each application shall be accompanied by a fee of ~~\$150.00~~ \$175.00 for persons who buy and sell or auction livestock, and ~~\$75.00~~ \$100.00 for persons who only transport livestock commercially.

\* \* \* Public Warehouses that Store Farm Products \* \* \*

Sec. 10. 6 V.S.A. § 893 is amended to read:

§ 893. APPLICATION FORMS; FEE

The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall furnish necessary application forms. The annual license date shall be April 1. The annual license fee shall be ~~\$100.00~~ \$125.00.

\* \* \* Insecticides, Fungicides, and Rodenticides \* \* \*

Sec. 11. 6 V.S.A. § 918(b) is amended to read:

(b) The registrant shall pay an annual fee of ~~\$125.00~~ \$175.00 for each product registered, and ~~\$110.00~~ \$160.00 of that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00



from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. The annual registration year shall be from December 1 to November 30 of the following year.

\* \* \* Pesticides \* \* \*

Sec. 12. 6 V.S.A. § 1109 is amended to read:

§ 1109. LICENSING RETAIL DEALERS

The ~~secretary~~ Secretary may adopt regulations requiring persons selling Class C pesticides at retail to be licensed under this chapter, and may establish reasonable requirements for obtaining licenses. The license fee for a retail dealer shall be ~~\$20.00~~ \$25.00 for one year or any part thereof for each store or place of business operated by the retail dealer. The license period shall be January 1 to December 31.

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

§ 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE  
COMPANIES; DEALERS

(a) The ~~secretary~~ Secretary may adopt ~~regulations~~ rules requiring persons selling Class A and B pesticides to be licensed under this chapter. In addition, the ~~secretary~~ Secretary may adopt ~~regulations~~ rules requiring companies ~~which~~ that hire applicators or conduct pesticide applications to be licensed, and

applicators who use pesticides to be certified under this chapter. The ~~secretary~~  
Secretary may establish reasonable requirements for obtaining licenses and  
certificates. The fees for dealers, licensed companies, and applicator  
certificates under this chapter shall be as follows:

- (1) Class A Dealer License—~~\$30.00~~ \$50.00;
- (2) Class B Dealer License—~~\$30.00~~ \$50.00;
- (3) Pesticide Company License—~~\$60.00~~ \$75.00;
- (4) Commercial and Noncommercial Applicator Certification fee—~~\$25.00~~  
\$30.00 per category or subcategory with a maximum of ~~\$100.00~~ \$120.00;
- (5) Second and third time examination fee for dealer licenses and  
applicator certification—\$25.00;
- (6) Private Applicator—\$25.00;
- (7) State Government, Municipal, and Public Education Institution  
Applicators—\$30.00.

(b) All license and certification fees shall be for one year or any part  
thereof for each dealer, licensed pesticide applicator company or certified  
commercial and noncommercial applicator. The license and certification  
period shall be January 1 to December 31. ~~The secretary shall exempt federal  
and state agencies and municipalities and public education institutions from  
certification and licensing fees~~

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

\* \* \* Supervision, Inspection, and Licensing of Dairy Operations \* \* \*

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

§ 2721. HANDLERS' LICENSES

\* \* \*

(b) A milk handler shall not transact business in the ~~state~~ State unless the milk handler secures and holds a handler's license from the ~~secretary~~ Secretary. The license shall terminate September 1 each year and shall be procured by August 15 of each year. The ~~secretary~~ Secretary shall furnish all forms for applications, licenses, and bonds. At the time the application is delivered to the ~~secretary~~ Secretary, the milk handler shall pay a license application fee of \$50.00 for an initial application and a license fee based on the following table. For a renewal application, only the fee in the table applies. Out-of-state firms ~~are to~~ shall use the company's highest total pounds of milk or dairy products bought, sold, packaged, assembled, transported, or processed per production day.

Pounds of milk or dairy	License handling fee
products bought, sold, packaged,	
assembled, transported, or	
processed per production day:	

500 pounds or less	<del>\$50.00</del> <u>\$60.00</u>
<del>Over 500 but less than 1,000 pounds</del>	\$100.00
<u>Over 500 but less than 10,000 pounds</u>	<u>\$200.00</u>
<del>1,000 to 10,000 pounds per day</del>	\$175.00
<u>10,000 to 50,000 pounds</u>	<u>\$350.00</u>
<del>Over 10,000 to 25,000 pounds per day</del>	\$275.00
<u>Over 50,000 but less than 100,000 pounds</u>	<u>\$750.00</u>
<del>Over 25,000 pounds</del>	\$350.00
<u>100,000 to 500,000 pounds</u>	<u>\$1,000.00</u>
<u>Over 500,000 pounds</u>	<u>\$1,500.00</u>
Processor fee per pasteurizer	<del>\$50.00</del> <u>\$75.00</u>

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

Sec. 15. 6 V.S.A § 2722 is amended to read:

§ 2722. APPLICATION

Applications shall be completely filled out and sworn to by the applicant or a partner or officer thereof and in case of renewal shall be filed with the Secretary on or before July 15 of each year. New handlers may apply for a license at any time. Renewal applications not received on or before August 1 shall be assessed a late fee of ~~\$50.00~~ \$100.00. The application for a handler's

license shall provide the following information and such other information as the Secretary by regulation shall reasonably require:

\* \* \*

Sec. 16. 6 V.S.A. § 2724(b) is amended to read:

(b) Any commercial enterprise that sells, installs, or repairs milking, milk cooling and storage, or dairy processing equipment shall register with the Secretary. The company shall apply for registration on a form made available by the Agency. The registration shall be valid for three years. Before registering a company, the Secretary shall determine that the company is qualified to sell, perform the installation, or repair milking and dairy processing equipment. The registration form shall be accompanied by a fee of ~~\$100.00~~ \$150.00. The Secretary may suspend or revoke registration for cause after giving the installer the opportunity to be heard. Registration shall terminate on December 31 of each year. Electricians or plumbers licensed pursuant to Title 26 doing only electrical or plumbing work within a farm or plant shall be exempt from this registration provided any work directly related to the processing of dairy products or milking of animals is performed under the supervision of a person that is registered.

\* \* \* Frozen Desserts \* \* \*

Sec. 17. 6 V.S.A. § 2855 is amended to read:

§ 2855. LICENSES

No person shall manufacture for sale frozen desserts unless that person first secures a license from the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets. Applications shall be made on forms furnished by the ~~secretary~~ Secretary and be accompanied by a fee of ~~\$70.00~~ \$75.00. All licenses shall terminate on December ~~31st~~ 31 of each year. Frozen dessert licenses may be revoked or suspended for cause following due notice and hearing.

\* \* \* Dairy Promotion Council \* \* \*

Sec. 18. 6 V.S.A. § 2981 is amended to read:

§ 2981. RATE AND COLLECTION OF ASSESSMENT

\* \* \*

(b) ~~Each handler shall pay the council each month two cents per hundredweight on all fluid milk sold for consumption within the state of Vermont. Each handler shall file a report and pay the handler's hundredweight fee to the council on forms provided for that purpose, except that handlers who sell less than 100 quarts of fluid milk per day may file reports and pay the prescribed hundredweight fees at the end of each three-month period. In case the same fluid milk is handled by more than one handler, the first handler~~

~~within the state dealing in or handling the fluid milk shall be the handler within the meaning of this chapter. [Repealed.]~~

\* \* \* Retail Sale of Meat or Poultry Products \* \* \*

Sec. 19. 6 V.S.A. § 3306(d) is amended to read:

(d) The annual fee for a license for a retail vendor is \$15.00 for vendors without meat cutting operations, ~~\$30.00~~ \$50.00 for vendors with meat cutting space of less than 300 square feet or meat display space of less than 20 linear feet, and ~~\$60.00~~ \$100.00 for vendors with 300 or more square feet of meat cutting space and 20 or more linear feet of meat display space. Fees collected under this section shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the cost of administering chapter 204 of this title. For all other plants, establishments, and related businesses listed under subsection (a) of this section, except for a public warehouse licensed under chapter 67 of this title, the annual license fee shall be ~~\$50.00~~ \$150.00.

\* \* \* Nursery Inspection \* \* \*

Sec. 20. 6 V.S.A. § 4024 is amended to read:

§ 4024. NURSERY LICENSE

(a) No person shall operate as a nursery grower or nursery dealer in the ~~state~~ State without first obtaining a nursery license from the ~~secretary~~ Secretary. A nursery grower or nursery dealer shall apply annually for a nursery license on a form provided by the ~~secretary~~ Secretary. The ~~secretary~~

Secretary shall establish by rule the conditions for the issuance, suspension, or revocation of a nursery license, and may place any restrictions or requirements upon the license which he or she deems necessary.

(b) A nursery dealer licensed under this section ~~4024 of this title~~ shall pay the following fee for a license:

(1) ~~\$50.00~~ \$60.00, if the nursery owns or controls:

(A) a nursery of one-half acre or more;

(B) greenhouse space of 25,000 square feet or more; or

(C) retail space of 25,000 square feet or more.

(2) ~~\$20.00~~ \$30.00 for all other nursery dealers.

\* \* \*

\* \* \* Plants Taken from the Wild; Ginseng \* \* \*

Sec. 21. 6 V.S.A. § 4031(d) is amended to read:

(d) The Secretary may collect a fee of ~~\$60.00~~ \$75.00 for a three-year permit to engage in commerce with plants described in subsection (a) of this section. The fee shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of implementing this section.

\* \* \* Small Farm Certification \* \* \*

Sec. 22. SMALL FARM CERTIFICATION FEE; REPORT

On or before November 15, 2016, the Secretary of Agriculture, Food and Markets shall submit to the House Committee on Ways and Means, the Senate



Committee on Finance, the House Committee on Agriculture and Forest Products, and the Senate Committee on Agriculture a proposed fee for small farms required to certify compliance with water quality requirements under the required agriculture practices. The recommended small farm certification fee shall be included in the Executive Branch Fee Report submitted to the General Assembly in 2017 under 32 V.S.A. § 605.

\* \* \* Certification of Custom Applicators of Manure or Nutrients \* \* \*

Sec. 23. 6 V.S.A. § 4987 is amended to read:

§ 4987. DEFINITIONS

As used in this subchapter, “custom applicator” means a person who is engaged in the business of applying manure or nutrients to land and who charges or collects other consideration for the service. Custom applicator shall include full-time employees of a person engaged in the business of applying manure or nutrients to land, when the employees apply manure or nutrients to land. A certification fee of \$30.00 will be charged annually to all persons meeting this definition.

\* \* \* Weights and Measures \* \* \*

Sec. 24. 9 V.S.A. § 2643 is amended to read:

§ 2643. LICENSES; INSPECTIONS; PENALTIES

(a) No person shall operate a retail point-of-sale laser scanning check-out system with more than ~~three~~ two point-of-sale scanning points without first obtaining a license from the Secretary.

\* \* \*

(2) The annual license fee shall be \$10.00 per individual point-of-sale scanning point within a store. All single retail units that have ~~three~~ two or fewer scanning points shall be exempt from this fee.

\* \* \*

Sec. 25. 9 V.S.A. Sec. 2721 is amended to read:

§ 2721. LICENSED PUBLIC WEIGHMASTER-LICENSE

Any person, who is 18 years of age or older, wishing to be a licensed public weighmaster shall apply to the Secretary upon forms provided by the Agency, and remit a fee of ~~\$15.00~~ \$25.00. Upon approval, the Secretary shall issue to the applicant a license certificate which shall expire on June 30 unless sooner suspended or revoked under section 2723 of this title. Renewal applications shall be in such form as the Secretary shall prescribe.

Sec. 26. 9 V.S.A. § 2725(a) is amended to read:

(a) Any person wishing to be registered as a dealer or service person shall apply to the Secretary upon forms provided by the Agency and each application shall be accompanied by a fee of ~~\$50.00~~ \$60.00. Upon approval, the Secretary shall issue to the applicant a registration certificate which shall expire on June 30 unless sooner suspended or revoked under section 2726 of this title. Any service person who applies for a registration certificate must have obtained a hand seal which has a number registered with the Secretary. Any service person who has been granted a registration certificate shall, with

the hand seal, seal all meters with a lead and wire seal at the time as he or she installs, repairs, or adjusts the meters.

Sec. 27. 9 V.S.A. § 2730(f)(1) is amended to read:

(f)(1) The Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: ~~\$15.00~~ \$25.00.

(B) Vehicle tank meter: ~~\$100.00~~ \$125.00.

(C) Scales: \$10.00.

(D) Vehicle and heavy duty scales: ~~\$150.00~~ \$175.00.

(E) ~~Taxi meter: \$10.00.~~ [Repealed.]

(F) Meter: ~~\$15.00~~ \$25.00.

(G) ~~Bulk plant meter: \$100.00.~~ [Repealed.]

(H) Truck mounted propane meter: ~~\$150.00~~ \$175.00.

(I) Hopper scales: ~~\$100.00~~ \$125.00.

(J) Propane fill station: ~~\$50.00~~ \$60.00.

(K) Medium duty scales:

portable platform scales: ~~\$30.00~~ \$35.00.

~~all others: \$30.00.~~

\* \* \* Welfare of Animals \* \* \*

Sec. 28. 20 V.S.A § 3903 is amended to read:

§ 3903. ~~REGISTRATION OF ANIMAL SHELTERS AND RESCUE~~  
ORGANIZATIONS

(a) ~~No person may operate an animal shelter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been granted by the Secretary. Application for the certificate shall be made in the manner provided by the Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked and may be renewed for like periods upon application in the manner provided.~~ [Repealed.]

(b) An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the person transferring the animal to the shelter provides the following information: the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

(c) A rescue organization registered under this chapter shall be recognized and approved as a nonprofit organization under ~~Section 501(c)(3) of the Internal Revenue Code~~ 26 U.S.C. § 501(c)(3).

Sec. 29. 20 V.S.A. § 3906 is amended to read:

§ 3906. LICENSING OF PET SHOPS

(a) No person may transact business as a pet shop, as defined in this chapter, unless a license for that purpose has been granted by the Secretary to that person. Application for the license shall be made in the manner provided by the Secretary. The license period shall be April 1 to March 31 and the license fee shall be ~~\$150.00~~ \$175.00 for each license period or part thereof.

(b) [Repealed.]

\* \* \* Financial Regulations \* \* \*

\* \* \* License Requirements \* \* \*

Sec. 30. 8 V.S.A. § 4791 is amended to read:

§ 4791. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(9) “Business entity limited lines producer” means a business entity, as defined in subdivision (8) of this section, that is also a limited lines producer, as defined in subdivision (7) of this section.

Sec. 31. 8 V.S.A. § 4800 is amended to read:

§ 4800. LICENSE REQUIREMENTS

The Commissioner shall not issue, continue, or permit to continue any license of an insurance producer, surplus lines insurance broker, managing general agent, reinsurance intermediary, insurance consultant, limited lines producer, business entity limited lines producer, insurance adjuster, public adjuster, and appraiser except in compliance with the following:

(1) Application shall be made to the Commissioner by the applicant on a form prescribed by the Commissioner.

(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, \$60.00:

(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.

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

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

~~(v)~~(vi) The initial 24-month license fee and biennial renewal fee for surplus lines brokers, \$400.00.

~~(vi)~~(vii) The initial 24-month license fee and biennial renewal fee for consultants, \$200.00.

~~(vii)~~(viii) The initial 24-month license fee and biennial renewal fee for reinsurance intermediaries, \$200.00.

~~(viii)~~(ix) The initial 24-month license fee and biennial renewal fee for managing general agents, \$300.00.

\* \* \*

Sec. 32. 8 V.S.A. § 4813a is amended to read:

§ 4813a. DEFINITIONS

As used in this subchapter:

(1) “Business entity” ~~means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity~~ shall have the same meaning as in subdivision 4791(8) of this title.

\* \* \*

Sec. 33. 9 V.S.A. § 5302 is amended to read:

§ 5302. NOTICE FILING

(a) With respect to a federal covered security, as defined in 15 U.S.C. § 77r(b)(2), that is not otherwise exempt under sections 5201 through 5203 of this title, a rule adopted or an order issued under this chapter may require the filing of any or all of the following records:

(1) before the initial offer of a federal covered security in this State, all records that are part of a federal registration statement filed with the Securities and Exchange Commission under 15 U.S.C. § 77a et seq. and a consent to service of process complying with section 5611 of this chapter signed by the issuer and the payment of a registration fee as set forth in subsection (e) or (f) of this section;

(2) after the initial offer of the federal covered security in this State, all records that are part of an amendment to a federal registration statement filed with the Securities and Exchange Commission under 15 U.S.C. § 77a et seq.; and

(3) to the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this State in such form and at such time as the Commissioner may prescribe if the State-specific sales data are not included and available in records filed with the Securities and Exchange Commission.



(b) A notice filing under subsection (a) of this section is effective for one year from the date the notice filing is accepted as complete by the Office of the Commissioner. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under this chapter to be filed and by paying an annual renewal fee as set forth in subsection (e) or (f) of this section. A previously filed consent to service of process complying with section 5611 of this title may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) With respect to a security that is a federal covered security under 15 U.S.C. § 77r(b)(4)~~(D)~~(E), a rule under this chapter may require a notice filing by or on behalf of an issuer to include a copy of Form D, including the Appendix, as promulgated by the Securities and Exchange Commission, and a consent to service of process complying with section 5611 of this chapter signed by the issuer not later than 15 days after the first sale of the federal covered security in this State and the payment of a fee as set forth in subsection (e) of this section. The notice filing shall be effective for one year from the date the notice filing is accepted as complete by the Office of the Commissioner. On or before expiration, the issuer may annually renew a notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under

this chapter to be filed and by paying an annual renewal fee as set forth in subsection (e) of this section.

(d) Subject to the provisions of 15 U.S.C. § 77r(c)(2) and any rules adopted thereunder, with respect to any security that is a federal covered security under 15 U.S.C. § 77r(b)(3) or (4)(A)-(C) and that is not otherwise exempt under sections 5201 through 5203 of this title, a rule adopted or order issued under this chapter may require any or all of the following with respect to such federal covered securities, at such time as the Commissioner may deem appropriate:

(1) The filing of documents as deemed appropriate by the Commissioner.

(2) The filing of a consent to service of process complying with section 5611 of this chapter.

(3) The payment of fees as set forth in subsection (e) of this section, including fees for renewal of a notice filing, as appropriate. The notice filing shall be effective for one year from the date the notice filing is accepted as complete by the office of the Commissioner.

(e) At the time of the filing of the information prescribed in subsections (a), (b), (c), or (d) of this section, except investment companies subject to 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of \$600.00. If the notice filing is withdrawn or otherwise terminated, the Commissioner shall retain the fee paid. ~~Open end investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay an initial notice filing fee and~~

~~annual renewal fee for each portfolio or class of investment company securities for which a notice filing is submitted.~~

(f) Investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay to the Commissioner an initial notice filing fee of \$2,000.00 and an annual renewal fee of \$1,500.00 for each portfolio or class of investment company securities for which a notice filing is submitted.

(g) Nothing in this section shall be construed to require the notice filing or payment of notice filing fees with respect to variable annuities or variable life insurance products.

~~(g)~~(h) Except with respect to a federal covered security under 15 U.S.C. § 77r(b)(1), if the Commissioner finds that there is a failure to comply with a notice or fee requirement of this section, the Commissioner may issue a stop order suspending the offer and sale of a federal covered security in this State. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the Commissioner.

Sec. 33a. 9 V.S.A. § 5410 is amended to read:

§ 5410. FILING FEES

(a) A person shall pay a fee of ~~\$250.00~~ \$300.00 when initially filing an application for registration as a broker-dealer and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as a broker-dealer. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the

Commissioner in such form as the Commissioner may prescribe by any broker-dealer who transacts business in this State from any place of business located within this State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(b) The fee for an individual is ~~\$60.00~~ \$90.00 when filing an application for registration as an agent, ~~\$60.00~~ \$90.00 when filing a renewal of registration as an agent, and ~~\$60.00~~ \$90.00 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.

(c) A person shall pay a fee of ~~\$250.00~~ \$300.00 when filing an application for registration as an investment adviser and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as an investment adviser. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any investment adviser who transacts business in this State from any place of business located within the State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(d) The fee for an individual is ~~\$55.00~~ \$80.00 when filing an application for registration as an investment adviser representative, ~~\$55.00~~ \$80.00 when filing a renewal of registration as an investment adviser representative, and ~~\$55.00~~ \$80.00 when filing a change of registration as an investment adviser

representative. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of ~~\$250.00~~ \$300.00 and an annual notice fee of ~~\$250.00~~ \$300.00. To the extent required to be included in documents filed with the Securities and Exchange Commission, such notice filing shall include information on the branch offices of a federal covered investment adviser who transacts business in this State from any place of business located within this State, accompanied by a notice filing fee of ~~\$100.00~~ \$120.00 per branch office in Vermont. A notice filing may be terminated by filing notice of such termination with the Commissioner. If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee.

\* \* \*

\* \* \* Charging Fees for Regulatory Costs; Exemption \* \* \*

Sec. 34. 32 V.S.A. § 602 is amended to read:

§ 602. DEFINITIONS

As used in this subchapter:

\* \* \*

(2) "Fee":

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

(B) The following charges are exempt from the provisions of this subchapter:

(i) A charge established under the jurisdiction of the Public Service Board as provided by 30 V.S.A. §§ 20, 21, and 218.

(ii) A charge established by the Liquor Control Board as provided by Title 7.

(iii) A duly adopted charge concerning only inmates of a correctional or detention facility, students enrolled in an educational institution, or patients admitted to a hospital or rehabilitation facility.

(iv) Monies paid into an enterprise or internal service fund.

(v) A transfer between agencies of State government or between State government and a political subdivision, as compensation for a service, to support a regulatory activity, or to account for surplus property.

(vi) Monies from interest and premium payments, rent or lease payments, proceeds of fair market or negotiated sales, or sales of commercially available items.

(vii) Except for the purposes of section 605 of this title, motor vehicle and other highway user fees authorized by the General Assembly for the support of the Transportation Fund.

(viii) A charge established by the Department of Financial Regulation as authorized by law.

(ix) Any other charge exempt by law.

Sec. 34a. [Deleted.]

\* \* \* EB-5; Regulation; Oversight; Fees \* \* \*

Sec. 34b. 10 V.S.A. § 20 is added to read:

§ 20. EB-5 PROGRAM; REGULATION; OVERSIGHT

(a) The U.S. Department of Homeland Security's U.S. Citizenship and Immigrations Services (USCIS) administers the EB-5 Program, a federal program designed to stimulate the U.S. economy through job creation and capital investment by foreign investors. The Vermont EB-5 Regional Center is a USCIS-designated regional center. The Center is managed by the Agency of Commerce and Community Development in partnership with the Department of Financial Regulation.

(b) The Agency of Commerce and Community Development has the personnel and resources to market and promote economic opportunities in Vermont, whereas the Department of Financial Regulation has the personnel and resources to supervise financial services and products offered in Vermont in a manner that advances fair business practices and protects the investing

public. It is imperative that management of the EB-5 Program reflect the existing expertise of both these State entities.

(c) The Secretary of Commerce and Community Development and the Commissioner of Financial Regulation shall separately adopt rules pertaining to the administration and oversight of the EB-5 Program. The rules shall be consistent with federal regulations and requirements as well as with the statutory expertise of the Department and Agency.

(d) The rules adopted under this section shall be modeled after the Memorandum of Understanding between the Agency of Commerce and Community Development and the Department of Financial Regulation, dated December 22, 2014, which pertains to the duties and responsibilities of the Agency and the Department with respect to the EB-5 Program. As such, the rules shall include provisions related to:

(1) communication with and reporting to the USCIS;

(2) marketing activities;

(3) required provisions pertaining to private placement memoranda;

(4) securities analysis and standards for project approval;

(5) ongoing oversight and compliance of approved projects, including annual audits;

(6) the establishment of escrow accounts for capital investments and third-party oversight of requisitions, if deemed appropriate by the Commissioner and Secretary;



- (7) investor relations and a formal complaint protocol;
- (8) standards for revoking approval of a project;
- (9) penalties for failure to comply with rules adopted under this section;
- (10) communication between the Agency and the Department, as well as with media outlets and with other regulatory or law enforcement entities;
- (11) fees and costs of the Regional Center, consistent with subsection 21(c) of this title; and
- (12) any other matter the Commissioner and the Secretary determine will strengthen the oversight and management of the EB-5 Program and prevent fraudulent activities.

(e) The rules adopted under this section shall explicitly state that any interest obtained through a capital investment in the EB-5 Program is a “security” as defined in 9 V.S.A. § 5102(28) and as such is subject to regulation by the Commissioner of Financial Regulation under the Vermont Uniform Securities Act, 9 V.S.A. chapter 150.

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

§ 21. EB-5 SPECIAL FUND

(a) An EB-5 Special Fund is created ~~for the operation of the State of~~ to support the operating costs of the Vermont Regional Center for Immigrant Investment under the federal EB-5 Program. The Fund shall consist of revenues derived from administrative charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section, any

interest earned by the Fund, and all sums ~~which~~ that are from time to time appropriated for the support of the Regional Center and its operations. It is the intent of the General Assembly that the collection of charges authorized by this section will reduce or eliminate the need for legislative appropriations to support Regional Center expenses.

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

(2) The Secretary of Commerce and Community Development shall maintain accurate and complete records of all receipts and expenditures by and from the Fund, and shall make an annual report on the condition of the Fund to the Secretary of Administration, the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.

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

Administration determines, in his or her discretion, exceeds the funds necessary to administer the Program.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose ~~an administrative charge for the costs of administering the Regional Center and providing specialized services in support of participating economic development projects~~ charges on project developers to achieve the Fund's purpose. The charges shall be sufficient to fully fund the personnel and operating expenses of the Regional Center and shall include a one-time application fee as well as an annual assessment apportioned among approved projects in a fair and equitable manner as specified in rules adopted under section 20 of this title. In addition, the rules shall require that an applicant or approved project developer, as applicable, is liable for any additional expenses incurred with respect to the retention of outside legal, financial, examination or other services or studies deemed necessary by the Secretary or the Commissioner to assist with application or project review. The collection of some or all charges authorized under this section may be suspended for a period of time as deemed appropriate by the Secretary for good cause shown. Any charges imposed under this section shall be included in the consolidated Executive Branch fee report required under 32 V.S.A. § 605.

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

Sec. 34d. EB-5 PROJECT DEVELOPER; COLLECTION OF PAST-DUE  
FEES

On or before July 1, 2016, the Secretary of Commerce and Community Development shall make every reasonable effort to proceed with the invoicing and collection of charges authorized under 10 V.S.A. § 21, including any invoicing and collection of charges previously suspended by the Secretary. The charges shall be collected in a manner that does not diminish the value of a foreign investor's interest acquired through a capital investment in an EB-5 project.

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

(d) The Commissioner shall bill costs incurred by the Department in connection with any examination, review, or investigation conducted or caused to be conducted by the Department to the EB-5 projects subject to regulatory oversight under 10 V.S.A. chapter 3. It is the intent of the General Assembly that the costs of regulation of EB-5 projects be borne by project developers and not by the State General Fund or special funds.

\* \* \* Vermont Center for Crime Victim Services \* \* \*

\* \* \* Marriage License Fee \* \* \*

Sec. 35. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees in the matter of vital registration:

(1) For issuing and recording a civil marriage or civil union license, ~~\$45.00~~ \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, ~~\$20.00~~ \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

\* \* \*

\* \* \* Public Safety \* \* \*

\* \* \* Emergency Management \* \* \*

Sec. 36. 20 V.S.A. § 39(a) is amended to read:

(a) Every person required to report the use or storage of hazardous chemicals or substances pursuant to EPCRA shall pay the following annual fees for each hazardous chemical or substance, as defined by the ~~state~~

~~emergency response commission~~ State Emergency Response Commission, that

is present at the facility:

- (1) ~~\$35.00~~ \$40.00 for quantities between 100 and 999 pounds.
- (2) ~~\$55.00~~ \$60.00 for quantities between 1,000 and 9,999 pounds.
- (3) ~~\$90.00~~ \$100.00 for quantities between 10,000 and 99,999 pounds.
- (4) ~~\$265.00~~ \$290.00 for quantities between 100,000 and 999,999

pounds.

- (5) ~~\$800.00~~ \$880.00 for quantities exceeding 999,999 pounds.

(6) An additional fee of ~~\$175.00~~ \$250.00 will be assessed for each extremely hazardous chemical or substance as defined in 42 U.S.C. § 11002.

\* \* \* Fire Prevention; Building Inspection \* \* \*

Sec. 37. 20 V.S.A. § 2731(c) is amended to read:

(c) The following fire prevention and building code fees are established:

(1) The permit application fee for a construction plan approval shall be based on ~~\$5.50~~ \$8.00 per each \$1,000.00 of the total valuation of the construction work proposed to be done for all buildings, but in no event shall the permit application fee exceed \$185,000.00 nor be less than \$50.00.

\* \* \*

\* \* \* Liquor Control \* \* \*

\* \* \* Licensing \* \* \*

Sec. 38. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid:

(1) For a manufacturer's or rectifier's license to manufacture or rectify malt beverages and vinous beverages or to manufacture or rectify spirits and fortified wines, \$285.00 for either license.

(2) For a bottler's license, ~~\$1,705.00~~ \$1,865.00.

(3) For a wholesale dealer's license, ~~\$1,140.00~~ \$1,245.00 for each location.

(4) For a first-class license, \$230.00.

(5) For a second-class license, \$140.00.

(6) For a third-class license, ~~\$1,000.00~~ \$1,095.00 for an annual license and ~~\$500.00~~ \$550.00 for a six-month license.

(7) For a shipping license for vinous beverages:

(A) In-state consumer shipping license, initial and renewal, ~~\$300.00~~ \$330.00.

(B) Out-of-state consumer shipping license, initial and renewal, ~~\$300.00~~ \$330.00.

(C) Retail shipping license, ~~\$230.00~~ \$250.00.

(8)(A) For a caterer's license, ~~\$230.00~~ \$250.00.

- (B) For a commercial catering license, ~~\$200.00~~ \$220.00.
- (C) For a request to cater permit, \$20.00.
- (9) [Repealed.]
- (10) [Repealed.]
- (11) For up to ten fourth-class vinous licenses, ~~\$65.00~~ \$70.00.
- (12) For an industrial alcohol distributors license, ~~\$200.00~~ \$220.00.
- (13) For a special events permit, \$35.00.
- (14) For a festival permit, ~~\$115.00~~ \$125.00.
- (15) For a wine tasting permit, \$25.00.
- (16) For an educational sampling event permit, ~~\$230.00~~ \$250.00.
- (17) For an outside consumption permit, \$20.00.
- (18) For a certificate of approval:
  - (A) For malt beverages, ~~\$2,275.00~~ \$2,485.00.
  - (B) For vinous beverages, ~~\$900.00~~ \$985.00.
- (19) For a solicitor's license, ~~\$65.00~~ \$70.00.
- (20) For a vinous beverages storage license, ~~\$215.00~~ \$235.00.
- (21) For a promotional tasting permit for a railroad, \$20.00.
- (22) For an art gallery or bookstore permit, \$20.00.
- (23) For a fortified wine permit, \$100.00.
- (24) For a public library or museum permit, \$20.00.

\* \* \*



\* \* \* Liquor License \* \* \*

Sec. 39. 7 V.S.A. § 239 is amended to read:

§ 239. LICENSEE EDUCATION

(a) A new first-class, second-class, third-class, fourth-class, or farmers' market license, or manufacturer's or rectifier's license shall not be granted until the applicant has ~~met with a liquor control investigator or training specialist~~ attended a Department of Liquor Control in-person seminar or completed the appropriate Department of Liquor Control online training program for the purpose of being informed of the Vermont liquor laws, rules, and regulations pertaining to the purchase, storage, and sale of alcohol beverages. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection.

(b) Every first-class, second-class, third-class, fourth-class, or farmers' market licensee, and every holder of a manufacturer's or rectifier's license shall complete the Department of Liquor Control in-person licensee training seminar or the appropriate Department of Liquor Control online training program at least once every two years. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection. A first-class, second-class, third-class, fourth-class, or farmers' market license, or manufacturer's or rectifier's license

shall not be renewed unless the records of the Department of Liquor Control show that the licensee has complied with the terms of this subsection.

(c) Each licensee shall ensure that every employee who is involved in the sale or serving of alcohol beverages completes a training program approved by the Department of Liquor Control before the employee begins serving or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished or approved by the Department of Liquor Control. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title.

(d) The following fees for Department of Liquor Control in-person or online seminars will be paid:

(1) For a first-class or first- and third-class licensee seminar either in person or online, \$25.00 per person.

(2) For a second-class licensee seminar either in person or online, \$25.00 per person.

(3) For a combination first-class, first- and third-class, and second-class licensee seminar either in person or online, \$25.00 per person.

(4) For a manufacturer's or rectifier's, fourth-class, or farmers' market licensee seminar either in person or online, \$10.00 per person.

(5) For common carrier seminars either in person or online, \$10.00 per person.

(6) For all special event, festival, educational sampling, art gallery, bookstore, museum and library permit holders for either in-person or online seminar, \$10.00 per person.

(e) Fees for all seminars listed in this section and under other sections of this title with regards to in-person or online training shall be deposited directly in the Liquor Control Enterprise Fund.

Sec. 40. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a) No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia, or provide a vending machine for their sale in his or her place of business without a tobacco license obtained from the Department of Liquor Control; provided, however, that no person shall engage in the retail sale of tobacco substitutes without also obtaining a tobacco substitute endorsement from the Department of Liquor Control. Tobacco licenses and tobacco substitute endorsements shall expire at midnight, April 30, of each year.

(b) The Board shall prepare and issue tobacco license and tobacco substitute endorsement forms and applications. These shall be incorporated

into the liquor license forms and applications prepared and issued under this title. The licenses issued under this section shall be entitled “LIQUOR LICENSE,” “LIQUOR—TOBACCO LICENSE” or “TOBACCO LICENSE,” as applicable. The endorsements issued under this section shall be entitled “TOBACCO SUBSTITUTE ENDORSEMENT.” The Board shall also provide simple instructions for licensees designed to assist them in complying with the provisions of this chapter.

(c) Each tobacco license and tobacco substitute endorsement shall be prominently displayed on the premises identified in the license.

~~(d)(1) A person applying simultaneously for a tobacco license and a liquor license.~~ For a license or endorsement required under this section, a person shall apply to the legislative body of the municipality and shall pay to the Department only the fee required to obtain the liquor license the following fees:

(A) to the Department of Liquor Control, the applicable liquor license fee, as set forth in chapter 9 of this title, for a liquor license and a tobacco license;

(B) A person applying for a tobacco license shall submit a fee of \$100.00 to the legislative body of the municipality for each tobacco license or renewal to the legislative body of the municipality, a fee of \$110.00 for a tobacco license or renewal; and

(C) to the legislative body of the municipality, a fee of \$50.00 for a tobacco substitute endorsement as provided in subsection (a) of this section.

(2) The municipal clerk shall forward the application to the Department, and the Department shall issue the tobacco license. The tobacco license fee shall be forwarded and the tobacco substitute endorsement, as applicable, and shall forward all fees to the Commissioner for deposit in the Liquor Control Enterprise Fund.

(e) A person who sells tobacco products, tobacco substitutes, or tobacco paraphernalia without obtaining a tobacco license and a tobacco substitute endorsement, as applicable, in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

(f) No individual under ~~the age of~~ 16 years of age may sell tobacco products, tobacco substitutes, or tobacco paraphernalia.

\* \* \*

Sec. 41. [Deleted.]

Sec. 42. 7 V.S.A. § 1002a is amended to read:

§ 1002a. LICENSEE EDUCATION

(a) An applicant for a tobacco license that does not hold a liquor license issued under this title shall be granted a tobacco license pursuant to section 1002 of this title only after the applicant has ~~met with a liquor control investigator~~ attended a Department of Liquor Control in-person seminar or

completed the appropriate Department of Liquor Control online training program for the purpose of being informed about the Vermont tobacco laws pertaining to the purchase, storage, and sale of tobacco products. A corporation, partnership or association shall designate a director, partner, or manager to comply with the requirements of this subsection.

(b) The holder of a tobacco license that does not also hold a liquor license issued pursuant to this title for the same premises shall:

(1) Complete the ~~department's~~ Department's in-person or online enforcement seminar at least once every ~~three~~ two years. A corporation, partnership, or association shall designate a director, partner, or manager to comply with this subdivision.

(2) Ensure that every employee involved in the sale of tobacco products completes a Department of Liquor Control in-person or online training program or other training programs approved by the ~~department of liquor control~~ Department before the employee begins selling or providing tobacco products, and at least once every 24 months thereafter. A licensee may comply with this subdivision by conducting its own training program on its premises using information and materials furnished by the ~~department of liquor control~~ Department of Liquor Control. A licensee who fails to comply with the requirements of this subsection shall be subject to suspension of the tobacco license for no less than one day.

(3) Fees for Department of Liquor Control in-person and online

seminars for tobacco only will be \$10.00 per person.

\* \* \* Alcoholic Beverages \* \* \*

\* \* \* Prohibited Acts; Common Carriers \* \* \*

Sec. 43. 7 V.S.A. § 66(f) is amended to read:

(f) A common carrier shall not deliver vinous beverages or malt beverages until it has complied with the training provisions in subsections 239(a) and (b) and subdivision 239(d)(5) of this title and been certified by the Department of Liquor Control. No employee of a certified common carrier may deliver vinous beverages or malt beverages until that employee completes the training provisions in subsection 239(c) of this title. A common carrier shall deliver only vinous beverages or malt beverages that have been shipped by the holder of a license issued under this section or a vinous beverage storage license issued under section 68 of this title.

\* \* \* Natural Resources \* \* \*

\* \* \* Fish and Wildlife \* \* \*

Sec. 44. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

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

- |                     |         |
|---------------------|---------|
| (1) Fishing license | \$26.00 |
| (2) Hunting license | \$26.00 |

(3) Combination hunting and fishing license	<del>\$41.00</del> <u>\$42.00</u>
(4) Big game licenses (all require a hunting license)	
(A) archery license	\$23.00
(B) muzzle loader license	\$23.00
(C) turkey license	\$23.00
(D) <del>second muzzle loader license</del>	<del>\$17.00</del>
<u>[Repealed.]</u>	
(E) <del>second archery license</del>	<del>\$17.00</del>
<u>[Repealed.]</u>	
(F) moose license	\$100.00
(G) <del>season</del> bear tag	\$5.00
(H) additional deer archery tag	\$23.00
(5) Trapping license	\$23.00
(6) Hunting license for persons 17 years of age or under	\$8.00
(7) Trapping license for persons 17 years of age or under	\$10.00
(8) Fishing license for persons 15 through 17 years of age	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	\$11.00
(11) Combination hunting and fishing license for persons 17 years of age or under	\$12.00
(12) Mentored hunting license	\$10.00



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

(1) Fishing license	<del>\$51.00</del> <u>\$52.00</u>
(2) One-day fishing license	\$21.00
(3) [Repealed.]	
(4) Hunting license	\$100.00
(5) Combination hunting and fishing license	<del>\$135.00</del> <u>\$138.00</u>
(6) Big game licenses (all require a hunting license)	
(A) archery license	\$38.00
(B) muzzle loader license	\$40.00
(C) turkey license	\$38.00
(D) [Repealed.]	
(E) [Repealed.]	
(F) moose license	\$350.00
(G) <del>early season</del> bear tag	\$15.00
(H) additional deer archery tag	\$38.00
(7) Small game licenses	
(A) all season	\$50.00
(B) [Repealed.]	
(8) Trapping license	\$305.00
(9) Hunting licenses for persons 17 years of age or under	\$25.00
(10) Three-day fishing license	\$23.00

(11) Seven-day fishing license	\$31.00
(12) Archery-only license (does not require hunting license)	\$75.00
(13) Fishing license for persons <del>aged</del> 15 through 17 <u>years</u> <u>of age</u>	\$15.00
(14) Super sport license	\$250.00
(15) Combination hunting and fishing license for persons <del>aged</del> 17 <u>years of age</u> or under	\$30.00
(16) Mentored hunting license	\$10.00

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

(1) ~~For \$50.00, a~~ A Vermont resident ~~65~~ 70 years of age or older may ~~purchase~~ receive one or all of the following licenses at no cost:

(A) a permanent fishing license;

(B) if the person qualifies for a hunting license, a combination fishing and hunting license, which shall include all big game licenses, except for a moose license;

(C) if the person qualifies for a trapping license, a trapping license; and

(D) if the person qualifies for an archery license, an archery license.

\* \* \*

\* \* \* Environmental Conservation; Stormwater Discharge Permits;

Concentrated Animal Feeding Operations \* \* \*

Sec. 45. 3 V.S.A. § 2822(j) is amended to read:

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

\* \* \*

(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of \$240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

(A) Application review fee.

\* \* \*

(iv) Indirect discharge or  
underground injection control,  
excluding stormwater discharges.

(I) Indirect discharge, sewage.

(aa) Individual permit:	\$1,755.00 plus \$0.08 per
original application; amendment	
gallon of design capacity	
for increased flows;	above 6,500 gpd.

amendment for  
modification or replacement  
of system.

(II) Indirect discharge, nonsewage.

(aa) Individual permit: \$0.06 per gallon  
original application; of design capacity;  
amendment for increased flows; minimum \$400.00.  
amendment for modification  
or replacement of system.

(III) Underground injection; ~~original~~ individual permit;  
amendment for increased flows; amendment for modification  
or replacement of system.

(aa) For applications \$500.00 and \$0.10 for  
where the discharge meets each gallon per day  
groundwater enforcement over 2,000 gallons  
standards at the point of per day.  
discharge:

(bb) For applications where \$1,500.00 and \$0.20 for  
the discharge meets groundwater each gallon per day  
enforcement standards at the over 2,000 gallons  
point of compliance: per day.

(B) Annual operating fee.

\* \* \*

(iv) Stormwater.

\* \* \*

(VIII) Individual permit or approval under a general permit for a discharge from a medium concentrated animal feeding operation: \$1,500.00 per facility.

(IX) Individual permit or approval under a general permit for a discharge from a large concentrated animal feeding operation: \$2,500.00 per facility.

\* \* \*

\* \* \* Labor \* \* \*

\* \* \* Workers' Compensation Fund \* \* \*

Sec. 46. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2017, 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 be set at the rate of 1.45 percent established in 2015 Acts and Resolves No. 57, Sec. 25, notwithstanding 21 V.S.A. § 711(a). 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.

\* \* \* Education \* \* \*

\* \* \* Results Oriented Program Approval \* \* \*

Sec. 47. 16 V.S.A. § 1694 is amended to read:

§ 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR  
PROFESSIONAL EDUCATORS

In addition to any other powers and duties prescribed by law or incidental or necessary to the exercise of such lawful powers and duties, the Standards Board shall:

\* \* \*

(2) Establish standards for educator preparation programs in Vermont and approve those that meet the standards so that a person graduating from an approved program shall be eligible for a license to engage in teaching or school administration in accordance with Standards Board rules. The Standards Board may accept accreditation of an educator preparation program in Vermont or another state from a national accreditation entity as sufficient for approval.

(A) Each Vermont educator preparation program seeking Results Oriented Program Approval (ROPA) shall be subject to the following fees.

(i) Authority to recommend licensure. Colleges, universities, and other educator preparation programs that have the authority to recommend applicants for licensure shall pay an annual fee of \$1,000.00.

(ii) New program initiation. Colleges, universities, and other educator preparation programs that do not have existing approved ROPA programs, or that wish to add an additional program approved by ROPA shall pay a fee of \$2,000.00 for the initial program application.

(iii) Program review. Colleges, universities, and other educator preparation programs with approved ROPA programs shall pay an annual fee of \$25.00 for each applicant who completes a program.

(iv) Two-year report. Colleges, universities, and other educator preparation programs shall pay a fee of \$500.00 for the review of the two-year report that they are required to submit following their program review. Programs reviewed to be exemplary by the Vermont Standards Board for Professional Educators may have the requirement of the two-year report waived; in these cases, programs shall not be subject to the two-year report fee.

(v) Visit. Colleges, universities, and other educator preparation programs shall pay a fee of \$1,500.00 for the travel, lodging, and meal expenses of the review team. If a program chooses to have a review team chair travel from outside the State under Vermont State Board of Professional Educators (VSBPE) Policy N2, the program is responsible for all additional expenses in excess of \$1,500.00.

(B) Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of providing those services.

\* \* \* Effective Dates \* \* \*

Sec. 48. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. 5 (fertilizer tonnage fee) shall take effect retroactively on January 1, 2016.

(b) Notwithstanding 1 V.S.A. § 214, in Sec. 45 (stormwater discharge permits), in 3 V.S.A. § 2822(j), subdivision (2)(A) shall take effect retroactively on July 1, 2015.

(c) This section shall take effect on passage.

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

Date Governor signed bill: May 31, 2016