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H.35

Senator Lyons moves that the Senate propose to the House that the bill be amended as follows:

First: By striking out Secs. 37–41 in their entirety, including all reader assistance preceding the sections, and inserting in lieu thereof the following:

* * * Water Quality Funding; Clean Water Legacy Fund;
Clean Water Assessment * * *

Sec. 37. 10 V.S.A. chapter 47, subchapter 7 is added to read:

Subchapter 7. Vermont Clean Water Legacy Fund

§ 1387. PURPOSE

The General Assembly establishes in this subchapter a Vermont Clean Water Legacy Fund as a mechanism for financing the improvement of water quality in the State. The Clean Water Legacy Fund shall be used to:

(1) assist the State in complying with water quality requirements and construction or implementation of water quality projects or programs, including implementation of total maximum daily load cleanup plans for Lake Champlain, the Connecticut River, Lake Memphremagog, and over 200 other water segments across the State;

(2) fund staff positions at the Agency of Natural Resources, Agency of Agriculture, Food and Markets, or Agency of Transportation when the positions are necessary to achieve or maintain compliance with water quality

1 requirements and existing revenue sources are inadequate to fund the necessary
2 positions;

3 (3) provide funding to nonprofit organizations, regional associations,
4 and other entities for implementation and administration of community-based
5 water quality programs or projects; and

6 (4) provide transparency in the collection and administration of funding
7 the improvement of water quality in the State.

8 § 1388. CLEAN WATER LEGACY FUND

9 (a) There is created a special fund in the State treasury to be known as the
10 “Clean Water Legacy Fund.” Notwithstanding any contrary provisions of
11 32 V.S.A. chapter 7, subchapter 5, the Fund shall be administered by the Clean
12 Water Legacy Fund Board established under section 1389 of this title;

13 (b) The Clean Water Legacy Fund shall consist of:

14 (1) revenues dedicated for deposit into the Fund by the General
15 Assembly, including the Clean Water Assessment and the Stormwater Fee
16 established under 32 V.S.A. chapter 245.

17 (2) other gifts, donations, and impact fees received from any source,
18 public or private, dedicated for deposit into the Fund and approved by the
19 Board.

20 (c) Unexpended balances and any earnings shall remain in the Fund from
21 year to year.

1 § 1389. CLEAN WATER LEGACY FUND BOARD

2 (a) Creation. There is created a Clean Water Legacy Fund Board which
3 shall be attached to the Agency of Administration for administrative purposes.

4 (b) Organization of the Board. The Clean Water Legacy Fund Board shall
5 be composed of:

6 (1) the Secretary of Administration or designee;

7 (2) the Secretary of Natural Resources or designee;

8 (3) the Secretary of Agriculture, Food and Markets or designee;

9 (4) the Secretary of Commerce and Community Development or
10 designee;

11 (5) the Secretary of Transportation or designee;

12 (6) a representative of the Lake Champlain Basin Program, to be
13 appointed by the Governor;

14 (7) a representative of a regional or community-based watershed or
15 water quality organization to be appointed by the Committee on Committees;

16 (8) a farmer or representative of an organization that represents farmers,
17 to be appointed by the Speaker of the House;

18 (9) a person with expertise in financial lending or investment, to be
19 appointed by the Committee on Committees; and

20 (10) a representative of a municipality or organization representing
21 municipalities, to be appointed by the Speaker of the House.

1 (c) Officers; committees; rules. The Secretary of Administration or
2 designee shall serve as Chair of the Clean Water Legacy Fund Board. The
3 Clean Water Legacy Fund Board may elect additional officers from its
4 members, establish committees or subcommittees, and adopt procedural rules
5 as necessary and appropriate to perform its work.

6 (d) Member terms. The members of the Clean Water Legacy Fund Board
7 appointed by the Governor, Committee on Committees, or Speaker of the
8 House shall serve staggered terms. The member appointed by the Governor
9 shall serve an initial term of three years. Members appointed by the
10 Committee on Committees shall serve initial terms of two years. The members
11 appointed by the Speaker of the House shall serve initial terms of one year.
12 Thereafter, each of the appointed members shall serve a term of three years. A
13 vacancy shall be filled by the appointing authority for the remainder of the
14 unexpired term. An appointed member shall not serve more than three
15 consecutive three-year terms.

16 (e) Compensation. Members of the Clean Water Legacy Fund Board who
17 are not employees of the State of Vermont and who are not otherwise
18 compensated or reimbursed for their attendance shall be entitled to per diem
19 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to
20 be paid from the budget of the Agency of Administration.

1 (f) Powers and duties of the Clean Water Legacy Fund Board.

2 (1) The Clean Water Legacy Fund Board shall:

3 (A) Receive proposals from the Secretaries of Agriculture, Food and
4 Markets, of Commerce and Community Development, of Natural Resources,
5 and of Transportation regarding expenditures of the Fund.

6 (B) Make recommendations to the Secretary of Administration
7 regarding the appropriate allocation of funds from the Clean Water Legacy
8 Fund for the purposes of developing the State budget. The Board shall
9 structure its recommendations to achieve the greatest water quality gain for the
10 investment.

11 (C) Pursue and accept grants, gifts, donations, or other funding from
12 any public or private source and administer such grants, gifts, donations, or
13 funding consistent with the terms of the grant, gift, or donation.

14 (D) Beginning on July 15, 2016, and every five years thereafter,
15 develop a five-year plan for the disbursement of monies from the Clean Water
16 Legacy Fund, including the type of projects to be funded, the management
17 strategies to prioritize, and the methods or measurements to ensure
18 accountability of funded projects or programs. The initial priority for
19 disbursements under the Fund shall be for management within the Lake
20 Champlain watershed.

1 (E) Develop an annual revenue estimate and proposed budget for the
2 Clean Water Legacy Fund.

3 (F) Issue the annual clean water investment report required under
4 section 1389a of this title.

5 (G) Solicit public comment and consult with organizations interested
6 in improving water quality in Vermont regarding recommendations under this
7 subsection for the allocation of funds from the Clean Water Legacy Fund.

8 (H) Submit to the General Assembly recommended amendments or
9 changes to requirements or administration of the Clean Water Legacy Fund,
10 including the assessment and collection of the Clean Water Legacy Fund
11 Assessment and the Stormwater Fee under 32 V.S.A. chapter 245.

12 (I) After consultation with the State Treasurer, submit to the General
13 Assembly on or before January 15, 2020, a recommendation as to whether
14 revenue deposited into the Clean Water Legacy Fund could be used to support
15 the issuance of bonded indebtedness for the purposes of financing water
16 quality programs and projects in the State.

17 (2) The Clean Water Legacy Fund Board may pursue and accept grants
18 or other funding from any public or private source in order to administer loans
19 or grants under this section.

1 (g) Priorities.

2 (1) In making awards under subsection (f) of this section regarding the
3 appropriate allocation of funds from the Clean Water Legacy Fund, the Board
4 shall prioritize:

5 (A) funding to programs and projects that address sources of water
6 pollution in waters listed as impaired on the list of waters established by
7 33 U.S.C. § 1313(d);

8 (B) funding to projects that address areas identified as a significant
9 source of water quality pollution, including financial assistance to grant
10 recipients at the initiation of a funded project;

11 (C) funding to programs or projects that address or repair riparian
12 conditions that increase the risk of flooding or pose a threat to life or property;

13 (D) assistance required for State and municipal compliance with
14 stormwater requirements for highways and roads;

15 (E) funding for education, outreach, demonstration, and access to
16 tools for the implementation of the Acceptable Management Practices for
17 Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the
18 Commissioner of Forests, Parks and Recreation; and

19 (F) funding for innovative nutrient removal technologies and
20 community-based methane digesters that utilize manure, wastewater, and food
21 residuals to produce energy.

1 (2) In making awards under subsection (f) of this section from the Clean
2 Water Legacy Fund, the Clean Water Legacy Fund Board shall, during the first
3 three years of its existence and within the priorities established under
4 subdivision (1) of this subsection, prioritize awards or assistance to
5 municipalities for municipal compliance with water quality requirements.

6 (3) In making awards under subsection (f) of this section from the Clean
7 Water Legacy Fund, the Board shall, after satisfaction of the priorities
8 established under subdivision (1) of this subsection, attempt to provide for
9 equitable apportionment of awards from the Fund to all regions of the State
10 and for control of all sources of point and nonpoint sources of pollution in the
11 State.

12 (h) Staff support. The Clean Water Legacy Fund Board shall have the
13 administrative, technical, and legal assistance of the Agency of Administration,
14 the Agency of Natural Resources, the Agency of Agriculture, Food and
15 Markets, the Agency of Transportation, and the Agency of Commerce and
16 Community Development for those issues or services within the jurisdiction of
17 the respective agency. The cost of the services provided by agency staff shall
18 be paid from the budget of the agency providing the staff services.

19 § 1389a. CLEAN WATER INVESTMENT REPORT

20 (a) Beginning on January 15, 2017, and annually thereafter, the Clean
21 Water Legacy Fund Board shall publish a clean water investment report. The

1 report shall summarize all investments, including their cost-effectiveness,
2 made by the Clean Water Legacy Fund Board and other State agencies for
3 clean water restoration over the past calendar year. The report shall include
4 expenditures from the Clean Water Legacy Fund, the General Fund, the
5 Transportation Fund, and any other State expenditures for clean water
6 restoration, regardless of funding source. The report shall document progress
7 or shortcomings in meeting established indicators for clean water restoration.
8 The report shall include a summary of additional funding sources pursued by
9 the Board, including: whether those funding sources were attained; if funding
10 was not attained, why it was not attained; and how additional sources of money
11 were allocated from the Fund. The report may also provide an overview of
12 additional funding necessary to meet objectives established for clean water
13 restoration and recommendations for additional revenue to meet those
14 restoration objectives. The provisions of 2 V.S.A. § 20(d) (expiration of
15 required reports) shall not apply to the report required by this section.

16 (b) The Clean Water Legacy Fund Board shall develop and use a
17 results-based accountability process in publishing the annual report required by
18 subsection (a) of this section

19 § 1389b. CLEAN WATER LEGACY FUND AUDIT

20 (a) On or before January 15, 2021, the Secretary of Administration shall
21 submit to the Senate Committee on Finance, the House Committee on Ways

1 and Means, the House and Senate Committees on Appropriations, the Senate
2 Committee on Agriculture, the House Committee on Agriculture and Forest
3 Products, the Senate Committee on Natural Resources and Energy, and the
4 House Committee on Fish, Wildlife and Water Resources a program audit of
5 the Clean Water Legacy Fund. The report shall include:

6 (1) a summary of the expenditures from the Clean Water Legacy Fund,
7 including the water quality projects and programs that received funding;

8 (2) an analysis and summary of the efficacy of the water quality projects
9 and programs funded from the Clean Water Legacy Fund or implemented by
10 the State;

11 (3) an evaluation of whether water quality projects and programs funded
12 or implemented by the State are achieving the intended water quality benefits;

13 (4) an assessment of the capacity of the Agency of Agriculture, Food
14 and Markets to effectively administer and enforce agricultural water quality
15 requirements on farms in the State; and

16 (5) a recommendation of whether the General Assembly should
17 authorize the continuation of the Clean Water Legacy Fund and, if so, at what
18 funding level.

19 (b) The audit required by this section shall be conducted by a qualified,
20 independent environmental consultant or organization with knowledge of the
21 federal Clean Water Act, State water quality requirements and programs, the

1 Lake Champlain Total Maximum Daily Load plan, and the program elements
2 of the State clean water initiative.

3 (c) Notwithstanding provisions of section 1389 of this title to the contrary,
4 the Secretary of Administration shall pay for the costs of the audit required
5 under this section from the Clean Water Legacy Fund, established under
6 section 1388 of this title.

7 Sec. 38. 32 V.S.A. chapter 245 is added to read:

8 CHAPTER 245. WATER QUALITY

9 § 10501. DEFINITIONS

10 As used in this chapter:

11 (1) “Commercial apartment” means an apartment building with more
12 than four apartments.

13 (2) “Commercial parcel” means a nonindustrial, nonresidential, nonfarm
14 parcel used or held for use by a business or commercial enterprise for the
15 provision of sales, services, or lodging, including a: retail sales establishment;
16 retail establishment with accessory living quarters; wholesale establishment;
17 commercial apartment; commercial office building; hotel, motel, or inn;
18 gasoline service station; commercial garage; parking lot; warehouse for retail
19 or wholesale goods; theater; bank; health care clinic; nursing home; proprietary
20 school; or similar use identified by the Commissioner.

21 (3) “Commissioner” means the Commissioner of Taxes.

1 (4) “Industrial parcel” means a parcel used or held for one or more of
2 the following uses or components or phases of the following uses:

3 (A) the manufacturing of goods;

4 (B) milling, converting, producing, processing, extracting, or
5 fabricating materials unserviceable in their natural state to create a commercial
6 product or marketable material;

7 (C) warehousing by a manufacturer of finished goods or raw
8 materials; or

9 (D) similar uses identified by the Commissioner.

10 (5) “Lake Champlain watershed” means all property within Addison,
11 Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange,
12 Orleans, Rutland, and Washington Counties from which stormwater drains to
13 Lake Champlain.

14 (6) “Parcel” shall have the same meaning as used in section 4152 of this
15 title.

16 (7) “Stormwater” shall have the same meaning as used in 10 V.S.A.
17 § 1264.

18 § 10502. CLEAN WATER ASSESSMENT; PAYMENT

19 (a) Assessment; administration. There is imposed an annual Clean Water
20 Assessment on all commercial parcels and industrial parcels in the State. The

1 Commissioner shall administer and enforce the collection of the Clean Water
2 Assessment and the requirements of this section.

3 (b) Assessment amount. The amount of the Clean Water Assessment
4 shall be:

5 (1) \$200.00 for parcels five acres or less;

6 (2) \$500.00 for parcels greater than five acres and 10 acres or less; and

7 (3) \$800.00 for parcels greater than 10 acres.

8 (c) Initiation of collection. The Commissioner shall initiate collection of
9 the Clean Water Assessment on:

10 (1) July 1, 2016 for commercial parcels and industrial parcels within the
11 Lake Champlain watershed; and

12 (2) July 1, 2018 for commercial parcels and industrial parcels within all
13 other watersheds in the State.

14 (d) Exemption. The Commissioner shall not collect the Clean Water
15 Assessment from the owner of a parcel that:

16 (1) is exempt from taxation under section 3802 of this title;

17 (2) is composed entirely of a railroad track right-of-way, provided that
18 the Commissioner shall collect the Clean Water Assessment for parcels on
19 which railroad stations, maintenance buildings, or other developed land used
20 for railroad purposes is located; or

1 (3) the State lacks authority under State or federal law to impose the fee
2 established by this section.

3 (e) Collection.

4 (1) The owner of a commercial parcel or industrial parcel shall submit
5 payment of the Clean Water Assessment by no later than April 15 of each year.

6 (2) In calculating the Clean Water Assessment, the Commissioner shall
7 round the acreage of a parcel down to the nearest whole acre.

8 (3) The authority of the Commissioner under chapters 103 and 151 of
9 this title for assessment and collection of taxes, including authority regarding
10 payment, deficiency assessments, appeal, interest and penalty, enforcement,
11 and collection shall apply to the assessment and collection of the Clean Water
12 Assessment under this chapter.

13 (f) Disposition. The Commissioner shall deposit all monies collected under
14 this section in the Clean Water Legacy Fund established under 10 V.S.A.
15 § 1388.

16 (g) Rulemaking. The Commissioner may adopt rules to implement the
17 requirements of this chapter, including administration, collection, and
18 enforcement of the Clean Water Assessment.

19 (h) Report. Beginning on January 15, 2017, annually thereafter, the
20 Commissioner shall report to Senate Committee on Finance, the House
21 Committee on Ways and Means, the House Committee on Fish, Wildlife and

1 Water Resources, and the Senate Committee on Natural Resources and Energy
2 regarding the revenue collected under this section, the number of parcel
3 owners from which the assessment was collected, the number of parcel owners
4 who failed to pay the assessment, and a summary of any enforcement action
5 taken by the Commissioner for nonpayment of the assessment.

6 § 10503. CLEAN WATER LEGACY FUND STORMWATER FEE

7 (a) Stormwater Fee; creation. There is imposed an annual Clean Water
8 Legacy Fund Stormwater Fee (Stormwater Fee) on all parcels in the State that
9 are not subject to the Clean Water Assessment under section 10502 of this title.

10 The Commissioner shall administer and enforce the collection of the
11 Stormwater Fee and the requirements of this section.

12 (b) Stormwater fee; amount. The amount of the Stormwater Fee shall be:

13 (1) \$25.00 for a parcel of 25 acres or less in size;

14 (2) \$50.00 for a parcel of more than 25 acres but not more than 50 acres;

15 (3) \$100.00 for a parcel of more than 50 acres but not more than 100

16 acres; and

17 (4) \$200.00 for parcels of more than 100 acres.

18 (c) Initiation of collection. The Commissioner shall initiate collection of
19 the Stormwater Fee on:

20 (1) July 1, 2017 for parcels within the Lake Champlain watershed; and

21 (2) July 1, 2018 for parcels within all other watersheds in the State.

1 (d) Exemption. The Commissioner shall not collect the Stormwater Fee
2 from the owner of a parcel that:

3 (1) is exempt from taxation under section 3802 of this title; or

4 (2) the State lacks authority under State or federal law to impose the fee
5 established by this section.

6 (e) Collection.

7 (1) The Commissioner shall seek payment of the Stormwater Fee from
8 the owner of a parcel on April 1 of each year. The parcel owner shall submit
9 payment of the Stormwater Fee by no later than April 15 of the following year.

10 (2) In calculating the Stormwater Fee, the Commissioner shall round the
11 acreage of a parcel down to the nearest whole acre.

12 (3) The authority of the Commissioner under chapters 103 and 151 of
13 this title for assessment and collection of taxes, including authority regarding
14 payment, deficiency assessments, appeal, interest and penalty, enforcement,
15 and collection shall apply to the assessment and collection of the Stormwater
16 Fee under this chapter.

17 (f) Disposition. The Commissioner shall deposit all monies collected under
18 this section in the Clean Water Legacy Fund established under 10 V.S.A.
19 § 1388.

1 (g) Rulemaking. The Commissioner may adopt rules to implement the
2 requirements of this chapter, including administration, collection, and
3 enforcement of the Stormwater Fee.

4 Sec. 39. [Deleted.]

5 Sec. 40. REPEAL

6 10 V.S.A. chapter 47, subchapter 7 (Clean Water Legacy Fund) and
7 32 V.S.A. chapter 245 (Clean Water Assessment; Stormwater Fee) shall be
8 repealed on July 1, 2036.

9 Sec. 41. APPROPRIATIONS FOR AGENCY OF AGRICULTURE, FOOD

10 AND MARKETS STAFF

11 In addition to any other funds appropriated to the Agency of Agriculture,
12 Food and Markets in fiscal year 2016, there is appropriated from the
13 Agricultural Water Quality Special Fund created under 6 V.S.A § 4803 to the
14 Agency \$786,000.00 in fiscal year 2016 for the purpose of hiring eight
15 positions for implementation and administration of agricultural water quality
16 programs in the State.

17 Second: By striking out Sec. 43 (report on impervious surface fee),
18 including the reader assistance preceding the section, in its entirety and
19 inserting in lieu thereof the following:

20 * * * Commissioner of Taxes; Stormwater Fee Report* * *

21 Sec. 43. COMMISSIONER OF TAXES REPORT ON IMPLEMENTATION

1 OF THE CLEAN WATER LEGACY FUND STORMWATER FEE

2 On or before January 15, 2016, the Commissioner of Taxes shall submit to

3 the Senate Committee on Finance and the House Committee on Ways an

4 Means a report regarding implementation of the Clean Water Legacy Fund

5 Stormwater Fee under 32 V.S.A. § 10503. The report shall include:

6 (1) a summary of how the Commissioner of Taxes shall implement the

7 Stormwater Fee;

8 (2) the billing method and proposed schedule for collection of the

9 Stormwater Fee;

10 (3) a description of how the Commissioner of Taxes will enforce the

11 nonpayment of the Stormwater Fee;

12 (4) after consultation with the Secretary of Natural Resources:

13 (A) proposed alternatives for reducing the amount of the Stormwater

14 Fee to be paid by owners of parcels who: provide treatment that exceeds the

15 minimum regulatory requirement; utilize innovative approaches to the

16 management of stormwater; or pay a similar fee assessed at the municipal

17 level; and

18 (B) a recommendation of whether the amount of the Clean Water

19 Assessment or Stormwater Fee established under 32 V.S.A. chapter 245

20 should be adjusted for individual parcels or parcel types due to the water

21 quality impacts of the parcel;

1 (5) a recommendation as to whether and how the Commissioner Taxes
2 should collect the Stormwater Fee from appropriate parcels that are exempt
3 from taxation under 32 V.S.A. § 3802 but that are contributing to adverse
4 impacts on water quality in the State;

5 (6) proposed legislation necessary to implement any of the
6 recommendations submitted by the Commissioner of Taxes in the report
7 required by this section; and

8 (7) any other information that the Commissioner of Taxes determines is
9 relevant to the implementation of the Clean Water Legacy Fund Stormwater
10 Fee.

11 Third: In Sec. 3, 6 V.S.A. § 4871, by striking out subsection (h) in its
12 entirety

13 Fourth: By adding a new section to be Sec. 5a after the reader assistance
14 * * * Agricultural Water Quality; Permit Fees * * * and before Sec. 6 to read:
15 Sec. 5a. 6 V.S.A. § 4803 is added to read:

16 § 4803. AGRICULTURAL WATER QUALITY SPECIAL FUND

17 (a) There is created an Agricultural Water Quality Special Fund to be
18 administered by the Secretary of Agriculture, Food and Markets. Fees
19 collected under this chapter, including fees for permits or certifications issued
20 under the chapter, shall be deposited in the Fund.

1 (b) The Secretary may use monies deposited in the Fund for the Secretary's
2 implementation and administration of agricultural water quality programs or
3 requirements established by this chapter, including to pay salaries of Agency
4 staff necessary to implement the programs and requirements of this chapter.

5 (c) Notwithstanding the requirements of 32 V.S.A. § 588(3), interest earned
6 by the Fund shall be retained in the Fund from year to year.

7 Fifth: In Sec. 6, 6 V.S.A. § 4851 (large farm fee), by striking out subsection
8 (i) in its entirety and inserting in lieu thereof the following:

9 (i) A person required to obtain a permit under this section shall submit an
10 annual operating fee of \$2,500.00 to the Secretary. The fees collected under
11 this section shall be deposited in the Agricultural Water Quality Special Fund
12 under section 4803 of this title.

13 Sixth: In Sec. 7, 6 V.S.A. § 4858 (medium farm fee), by striking out
14 subsection (e) in its entirety and inserting in lieu thereof the following:

15 (e) A person required to obtain a permit or coverage under this section shall
16 submit an annual operating fee of \$1,500.00 to the Secretary. The fees
17 collected under this section shall be deposited in the Agricultural Water
18 Quality Special Fund under section 4803 of this title.

19 Seventh: In Sec. 8, 6 V.S.A. § 324 (commercial feed fee), by striking out
20 subsection (b) in its entirety and inserting in lieu thereof the following:

1 (b) A person shall not distribute in this State a commercial feed that has not
2 been registered pursuant to the provisions of this chapter. Application shall be
3 in a form and manner to be prescribed by rule of the Secretary. The
4 application for registration of a commercial feed shall be accompanied by a
5 registration fee of ~~\$85.00~~ \$100.00 per product. ~~The~~ Of the registration fees
6 collected, \$85.00 of each collected fee, along with any surcharges collected
7 under subsection (c) of this section, shall be deposited in the special fund
8 created by subsection 364(e) of this title. Funds deposited in this account shall
9 be restricted to implementing and administering the provisions of this title and
10 any other provisions of the law relating to fertilizer, lime, or seeds. Of the
11 registration fees collected, \$15.00 of each collected fee shall be deposited in
12 the Agricultural Water Quality Special Fund under section 4803 of this title. If
13 the Secretary so requests, the application for registration shall be accompanied
14 by a label or other printed matter describing the product.

15 Eighth: By striking out Sec. 10 (fertilizer fee) in its entirety and inserting in
16 lieu thereof the following:

17 Sec. 10. 6 V.S.A. § 366 is amended to read:

18 § 366. TONNAGE FEES

19 (a) There shall be paid annually to the ~~secretary~~ Secretary for all fertilizers
20 distributed to a nonregistrant consumer in this ~~state~~ State an annual ~~inspection~~
21 fee at a rate of \$0.25 cents per ton.

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

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

11 (d) ~~A \$50.00 minimum tonnage fee shall be assessed on all distributors~~
12 ~~who distribute fertilizers in this state.~~ [Repealed.]

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

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

18 (g) All fees collected under subsection (a) of this section shall be deposited
19 in the revolving fund created by section 364(e) of this title and used in
20 accordance with its provisions.

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

5 (1) Persons distributing either agricultural or nonagricultural fertilizer
6 shall report to the Secretary annually on or before January 15 for the previous
7 year ending December 31 to the Secretary regarding the amount of each grade
8 of fertilizer distributed in the State and the form in which the fertilizer was
9 distributed within this State. Each report shall be accompanied with payment
10 of the fees under this section and written permission allowing the Secretary to
11 examine the person's books for the purpose of verifying tonnage reports.

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

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

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

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

4 Ninth: In Sec. 11, 6 V.S.A. § 918 (economic poisons fee), by striking out
5 subsection (b) in its entirety and inserting in lieu thereof the following:

6 (b) The registrant shall pay an annual fee of ~~\$110.00~~ \$125.00 for each
7 product registered, and \$110.00 of that amount shall be deposited in the special
8 fund created in section 929 of this title, of which \$5.00 from each product
9 registration shall be used for an educational program related to the proper
10 purchase, application, and disposal of household pesticides, and \$5.00 from
11 each product registration shall be used to collect and dispose of obsolete and
12 unwanted pesticides. Of the registration fees collected under this subsection,
13 \$15.00 of the amount collected shall be deposited in the Agricultural Water
14 Quality Special Fund under section 4803 of this title. The annual registration
15 year shall be from December 1 to November 30 of the following year.

16 Tenth: By striking out Sec. 54 (effective dates) in its entirety and inserting
17 in lieu thereof the following:

18 Sec. 54. EFFECTIVE DATES

19 This act shall take effect on July 1, 2015, except that:

20 (1) Sec. 4 (small farm certification) shall take effect on July 1, 2017;

1 (2) 6 V.S.A. § 4988(b) of Sec. 19 shall take effect 45 days after the
2 effective date of rules adopted under 6 V.S.A. § 4988(a).

3 (3) In Sec. 33, the permit requirements under 10 V.S.A. § 1264(h)(2)
4 for discharges of regulated stormwater to Lake Champlain or to a water
5 that contributes to the impairment of Lake Champlain shall take effect on
6 October 1, 2015.