

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2015**

Bill Number: H.217 now included in H.489 as passed by the House and Senate

Name of Bill: H.217: An act related to potable water or wastewater system permits for a change in use of a building; this language is now included in H.489: An Act relating to revenue

Agency/ Dept: DEC Author of Bill Review: Christine Thompson/Anne Whiteley

Date of Bill Review: 3/27/15 Related Bills and Key Players: \_\_\_\_\_

Status of Bill: (check one):  Upon Introduction  As passed by 1<sup>st</sup> body  As passed by both

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**Recommended Position:**

Support  Oppose  Remain Neutral  Support with modifications

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**Analysis of Bill**

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- 1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* The bill specifically authorizes delegation of the state's wastewater system and potable water supply permit program to municipalities to allow them to issue wastewater system and potable water supply permits for subdivided lots, buildings or structures and campgrounds when:

  - the lot, building or structure, or campground is connected to a water main and sewer main;
  - the municipality owns both the water and sewer main; and
  - the owner of the public water supply source or the wastewater treatment plant or indirect discharge system has sufficient capacity to allocate to the permitted project.
  
- 2. Is there a need for this bill?** *Please explain why or why not.* Some municipalities would like to have partial delegation in order to permit those projects that connect to their municipal water and sewer.
  
- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

Partial delegation may cause some confusion as some of the required wastewater system and potable water supply permits needed in a Town would be issued by the Town and others would be issued by the state. This potential issue can be addressed by assuring that both the Town and the State provide educational materials regarding who is issuing the permit. Some staff time will be needed to prepare the outreach documents and to answer questions from the public. Some fee revenue will be lost if some municipalities obtain partial delegation but it is impossible to quantify the amount as the number of municipalities that would apply for partial delegation is unknown.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** There may be some effect on the Department of Health as it currently coordinates its Food and Lodging licenses solely with the state. There will be an effect when a state agency needs a permit for a building or structure and has to go to the Town instead of the state as certain state permit exemptions may not apply and the fee exemption for permits issued by the state would not apply.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (for example, public, municipalities, organizations, business, regulated entities, etc)

Some municipalities want this bill and some property owners would support just working with the municipality as opposed to the state. Municipalities that obtain partial delegation will be collecting permit fees that they don't currently collect.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?** VLCT – on behalf of some communities who believe that the current delegation process is too difficult.

6.2 **Who else is likely to oppose the proposal and why?** Potentially attorneys, realtors and banks if they believe partial delegation will lead to more title defects in the future (failure to obtain the required permit creates a title defect).

7. **Rationale for recommendation:** *Justify recommendation stated above.* The Agency has been working on a Wastewater System & Potable Water Supply Rule revision that would allow partial delegation under certain circumstances and with certain safeguards in order to minimize or eliminate any potential confusion.

8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

Although the wording could be changed slightly in order to make it clearer that the partial delegation covers subdivision permits and permits for connections to the municipality's sewer and water systems, the version passed by the House and Senate is supportable.

9. **Gubernatorial appointments to board or commission?**

Commissioner has reviewed this document:

 Date: 5/20/15

Commissioner has reviewed this document:

 Date: 5-20-15