

CONFIDENTIAL LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.518 Name of Bill: An act relating to the membership of the Clean Water Fund Board

Agency of Natural Resources / Dept: Environmental Conservation Author of Bill Review: Borg/Dolan

Date of Bill Review: 5/10/2016 Related Bills and Key Players: Rep. Krebs (sponsor)

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

Recommended Position: Oppose

VETO - I am happy to discuss I believe this is appropriate
for more detail why
DMS

Analysis of Bill

1. Summary of bill and issue it addresses. Describe what the bill is intended to accomplish and why.

The bill requires four new appointments to the Clean Water Fund Board (the original bill required six new appointments). The bill directs the Speaker of the House of Representatives to appoint two members of the public or House. The members are to be from separate large watersheds, and at least one of which must be a municipal official. Similarly, the bill directs the Senate Committee on Committees to appoint two members of the public or Senate. These members must also be from separate major watersheds, and at least one of which must be a municipal official.

2. Is there a need for this bill? Please explain why or why not.

There is no need for this bill. Under existing law, the members of the Clean Water Fund Board are the five secretaries of the state agencies of Administration, Natural Resources, Agriculture, Food and Markets and Commerce and Community Development. Agency staff lead a planning process that promotes public input and strategic funding of clean-water projects based on science and greatest need. This planning process will continue under a new administration. The addition of political appointees may result in decisions based on political considerations, diluting the integrity of the Board and its process.

Furthermore, the bill attempts to address a problem – lack of transparency - that doesn't exist. There is ample opportunity for municipalities, the public and even the General Assembly to be involved, through two public comment periods and an annual investment report.

Finally, the bill is premature. The Clean Water Board convened for the first time in the Fall of 2016. To date no funds have been spent (operations funds to the Agency of Agriculture notwithstanding). It would make more sense to gain experience with the existing process and determine its effectiveness before making changes to the Board's composition.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The bill will increase the workload of the Department beyond current staffing capacity. Act 64 did not provide additional resources to aid in the administration of the Clean Water Fund Board. It directs the five state agencies represented on the Clean Water Fund Board to use their own budgets to cover agency staff time associated with providing the Board administrative, technical and legal assistance. The

bill calls for nearly doubling the size of the Board. DEC, responsible for coordinating Board assistance, does not have the resources in its current budget to administratively support four additional board members.

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?

Other state agencies represented on the Board, particularly the Agency of Agriculture, Food and Markets and the Agency of Transportation, will also likely experience additional administrative costs to support the four additional board members and maintain the focus on using technical data and planning process to address priority water quality problems through targeted, strategic funding decisions.

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)

Municipalities, businesses and regulated entities would likely support the bill. It will provide them a greater voice in making recommendations for Clean Water Fund allocations, shifting the process away from a science-based approach.

6. Other Stakeholders:

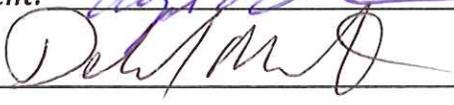
6.1 Who else is likely to support the proposal and why? As mentioned above, interested parties --such as the League of Cities and Towns, business groups and environmental advocacy organizations -- would likely support this bill. The bill broadens representation in the Board, but will also shift the process away from a science-based approach (see above).

6.2 Who else is likely to oppose the proposal and why? This change may undermine the strong public interest in ensuring that the Clean Water Fund investments are targeting priority pollution sources. Adding these new members, particularly legislators, heightens the risk of Board decision-making on Clean Water Fund priorities based on considerations other than science.

7. Rationale for recommendation: *Justify recommendation stated above.* This bill will heighten the risk that politics and other factors other than science will influence Board decisions on the use of the Clean Water Fund.

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.*
Not applicable

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? Yes (see #1 above).

Commissioner has reviewed this document:  Date: 5/11/16
Secretary has reviewed this document:  Date: 5-12/16