

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H.26 Name of Bill: An Act Related to Technical Corrections

Agency/ Dept: ANR/DEC Author of Bill Review: Rob Evans Ernie Kelley

Date of Bill Review: 01.17.2013 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

Floodplains: This bill proposes to make statutory technical definitional corrections without substantively changing the law.

Wastewater: The proposed language deletes the Agency's authority to collect fees for temporary pollution permits.

2. Is there a need for this bill?

*Floodplains: Regarding the flood hazard changes, the proposed text ensures consistent definition of **flood hazard area** in accordance with the National Flood Insurance Program (44 CFR, 59.1.) and clarity with respect to what freestanding flood or other hazard area bylaws may include in terms of purpose, content, and effect.*

Wastewater: Temporary pollution permits have not been issued by the Wastewater program in more than 20 years. The elimination of the associated fee is immaterial.

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

Floodplains: None – these are minor technical corrections

Wastewater: None – no such fees have been collected in more than 20 years.

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?

Floodplains: None – these are minor technical corrections

Wastewater: None – no such fees have been collected in more than 20 years.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

Fiscal implications— there are no fiscal implications relating to the floodplain definitional changes. There is a chance of a minimal fiscal impact if someone applies for a temporary pollution permit, but as discussed above, this has not happened in 20 years.

Programmatic implications – this bill will provide clarity on meaning of flood hazard area definition and what a freestanding bylaw may include, thereby benefiting the Rivers program and municipalities. There will be no real programmatic impact as a result of the elimination of the temporary pollution permit fees.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Floodplains: N/A— these are minor technical corrections and any interested party would be in support of the change.

Wastewater: N/A— these are minor technical corrections and any interested person would support the elimination of the fee.

6.2 Who else is likely to oppose the proposal and why?

Floodplains: N/A – these are minor technical corrections and no opposition is expected.

Wastewater: N/A— this a minor change and no opposition is expected.

7. Rationale for recommendation:

Floodplains: There is no reason not to support a minor technical correction that will provide consistency and clarity.

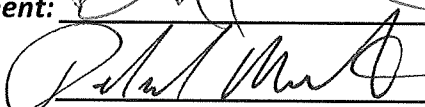
Wastewater: There are no fiscal, programmatic or other reasons to support or not support the proposed changes.

8. Specific modifications that would be needed to recommend support of this bill:

Floodplains: N/A

Wastewater: N/A

Commissioner has reviewed this document:  **Date:** 1/17/13

Secretary has reviewed this document:  **Date:** 1-24-13