

Vermont Legislative Joint Fiscal Office

One Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • Fax: (802) 828-2483

FISCAL NOTE

Date: February 27, 2020
Prepared by: Daniel Dickerson

H.926 An act relating to changes to Act 250 – Ways and Means Amendment

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Ways%20and%20Means/Bills/H.926/H.926~Ellen%20Czajkowski~%20Draft%201.1,%202-21-2020~2-21-2020.pdf>

Amendment Summary

The underlying bill, as introduced, proposes numerous changes to the Act 250 review process. The Ways and Means amendment would strike three provisions of the underlying bill that impact the revenues of the State. The three provisions are as follows:

1. In H.926, as introduced, the fee for construction projects subject to Act 250 permitting would be increased from \$6.65 to \$9.65. This fee is applied to each \$1,000 of construction costs up to \$15 million. Revenues from this fee are deposited in the Act 250 Permit Fund. The Ways and Means amendment would leave the fee at \$6.65.
2. In H.926, as introduced, the fee for projects involving earth resource removal would be increased from \$0.02 to \$0.03. This fee is applied to each cubic ton of earth resource removal up to one million cubic tons over the life of a permit. Revenues from this fee are deposited in the Act 250 Permit Fund. The Ways and Means amendment would leave the fee at \$0.02.
3. In H.926, as introduced, new language would be added to statute that would authorize certain State government agencies (ANR and its Departments, AAFM, ACCD, AOT)¹ to bill Act 250 permit applicants for the cost of agency staff participating in hearings for major permits. Costs for outside consultants could also be billed to Act 250 applicants, however, this would be subject to the review and approval of the Natural Resources Board. The Ways and Means amendment would remove the added “bill back” authorization language from the bill in its entirety.

Fiscal Impact of the Amendment

Fee Changes

In H.926, as introduced, the proposed fee increases would have cumulatively raised approximately \$650,000 to \$750,000 per year, starting in State FY2021. This revenue was

¹ ANR – Agency of Natural Resources; AAFM – Agency of Agriculture, Food and Markets; ACCD – Agency of Commerce and Community Development; AOT – Agency of Transportation

intended to support the proposed restructuring of the Natural Resources Board. **With the Ways and Means amendment, no new revenue would be raised.**

Bill Back Language

Although the proposed bill back language applied to ANR and its Departments, AAFM, ACCD and AOT, the Administration limited its revenue estimate to the Dept. of Fish & Wildlife at a level of bill back of approximately \$100,000 per year. **With the Ways and Means amendment, all new bill back authorization language would be removed.**