

1 H.32

2 Introduced by Representatives LaClair of Barre Town, Gannon of
3 Wilmington, Harrison of Chittenden, Higley of Lowell,
4 Kitzmiller of Montpelier, and Savage of Swanton

5 Referred to Committee on

6 Date:

7 Subject: Government operations; regulatory requirements; permitting; office of
8 regulatory assistance

9 Statement of purpose of bill as introduced: This bill proposes to require the
10 Agency of Natural Resources, the Agency of Agriculture, Food and Markets,
11 the Department of Motor Vehicles, the Department of Health, and the Natural
12 Resources Board to establish and operate an office of regulatory assistance to
13 assist businesses and citizens with understanding and complying with State
14 regulatory requirements. The bill also proposes that if, after consultation with
15 a regulatory assistance office, a person or business applying for a permit,
16 license, certificate, other approval, or renewal is informed that a new or
17 additional permit, license, certificate, approval, or renewal is required, the
18 relevant State agency shall waive or otherwise not charge the applicant a fee
19 for the new or additional permit, license, certificate, other approval, or
20 renewal.

1 An act relating to State agency offices of regulatory assistance

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 * * * State Agency Regulatory Assistance Offices * * *

4 Sec. 1. 3 V.S.A. chapter 69 is added to read:

5 CHAPTER 69. AGENCY OFFICE OF REGULATORY ASSISTANCE

6 § 5031. ESTABLISHMENT, DUTIES, AND STAFFING

7 (a) Establishment. The following State agencies shall establish and operate
8 an office of regulatory assistance to assist businesses and citizens with
9 understanding and complying with State regulatory requirements:

10 (1) the Agency of Natural Resources;

11 (2) the Agency of Agriculture, Food and Markets;

12 (3) the Department of Motor Vehicles;

13 (4) the Department of Health; and

14 (5) the Natural Resources Board.

15 (b) Duties. A regulatory assistance office in a State agency shall:

16 (1) issue and maintain visual, step-by-step charts on the application,
17 review, and appeal processes for each specific permit, license, certificate, other
18 approval, or renewal issued or required by the State agency;

19 (2) answer questions from the public and other State agencies regarding
20 regulatory requirements applicable to a business, development, or activity;

1 (3) develop a detailed regulatory handbook that provides the following
2 information about each permit, license, certificate, other approval, or renewal
3 required by the agency:

4 (A) information regarding why or when each permit, license,
5 certificate, other approval, or renewal is required by the agency;

6 (B) a copy of or Internet link to each State or federal statute requiring
7 each permit, license, certificate, other approval, or renewal; and

8 (C) a summary of the basis for the fee assessed by the agency for
9 each permit, license, certificate, other approval, or renewal issued by the
10 agency; and

11 (4) inform a business or person, upon request, of all permits, licenses,
12 certificates, other approvals, or renewals required from the agency in order for
13 that business or person to comply with the regulatory requirements of the
14 agency.

15 (c) Staffing. Each State agency required to establish a regulatory assistance
16 office under this section shall dedicate staff or resources necessary to operate
17 the assistance office in order to fulfill the duties of the office set forth in
18 subsection (b) of this section.

1 § 5032. FEE WAIVER; CONSULTATION WITH REGULATORY

2 ASSISTANCE OFFICE

3 Notwithstanding statute or rule requiring the payment of a fee for a permit,
4 license, certificate, other approval, or renewal, if after consultation with a
5 regulatory assistance office established under section 4031 of this title, a
6 person or business applying for a permit, license, certificate, other approval, or
7 renewal is informed that a new or additional permit, license, certificate, other
8 approval, or renewal is required, the agency shall waive or otherwise not
9 charge the applicant a fee for the new or additional permit, license, certificate,
10 other approval, or renewal, provided that subsequent to consultation with the
11 regulatory assistance office:

12 (1) the applicant takes no action for which the new or additional permit,
13 license, certificate, approval, or renewal is required; and

14 (2) there is no material change to the facts provided by the applicant to
15 the regulatory assistance office at the time of consultation.

16 Sec. 2. TRANSITION

17 (a) A regulatory assistance office required at a State agency under 3 V.S.A.
18 chapter 69 shall be operational and capable of complying with all duties of the
19 office on or before July 1, 2020.

1 (b) The Governor's budget proposal for fiscal year 2020 shall include
2 recommended appropriations for the funding and staffing of regulatory
3 assistance offices required under 3 V.S.A. chapter 69.

4 * * * Agency of Natural Resources Permit Fees; Waiver * * *

5 Sec. 3. 3 V.S.A. § 2822(i) is amended to read:

6 (i)(1) The Secretary shall not process an application for which the
7 applicable fee has not been paid unless the Secretary specifies that the fee may
8 be paid at a different time or unless the person applying for the permit is
9 exempt from the permit fee requirements pursuant to 32 V.S.A. § 710.

10 Municipalities shall be exempt from the payment of fees under this section
11 except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of
12 this section for which a municipality may recover its costs by charging a user
13 fee to those who use the permitted services. Municipalities shall pay fees
14 prescribed in subdivisions (j)(2), (10), (11), (12), and (26), except that a
15 municipality shall also be exempt from those fees for stormwater systems
16 prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II),
17 or (V) of this section for which a municipality has assumed full legal
18 responsibility under 10 V.S.A. § 1264.

19 (2) Except when prohibited by federal law, the Secretary may waive
20 payment of a fee under this section if:

1 (A) the proposed activity was previously reviewed or permitted by
2 the Secretary and is not significantly altered from the previously reviewed
3 activity; or

4 (B) an application was denied or withdrawn within the preceding 12
5 months.

6 (3) The Secretary shall waive a payment of a fee under this section when
7 required under section 5032 of this title.

8 * * * Agency of Agriculture, Food and Markets Permit Fees; Waiver * * *

9 Sec. 4. 6 V.S.A. § 1(13) is amended to read:

10 (13) Notwithstanding any law to the contrary in this title or Title 9 or 20,
11 issue all licenses, permits, registrations, or certificates under a program
12 administered by the Secretary for a term of up to three years; renew and issue
13 such licenses, permits, registrations, and certificates on any calendar cycle;
14 collect any annual fee set by law for the multiyear licensure, permit,
15 registration, or certificate on a ~~pro-rated~~ prorated basis, which shall not exceed
16 150 percent of the annual fee for an 18-month cycle, 200 percent of the annual
17 fee for a two-year cycle, or 300 percent of the annual fee for a three-year cycle;
18 and conduct inspections at regulated premises at least once every three years
19 when inspection is required by law. The authority to mandate licenses,
20 permits, registrations, or certificates for more than one year shall not extend to
21 any program administered by the Secretary for which the annual fee is more

1 than \$175.00. The Secretary shall only provide refunds for overpayments of
2 \$25.00 or more on a license, permit, registration, or certificate issued by the
3 Secretary. The Secretary may assess a late fee of \$27.00, provided that the late
4 fee is no greater than the fee due, in which case the late fee shall equal the fee
5 due, for any license, registration, permit, or certification renewal that is
6 received more than 30 days past expiration, unless a higher late renewal fee is
7 otherwise prescribed by statute. The Secretary shall waive a payment of a fee
8 for license, registration, permit, or certificate under a program administered by
9 the Secretary when required under 3 V.S.A. § 5032.

10 * * * Natural Resources Board Fees; Waiver * * *

11 Sec. 5. 10 V.S.A. § 6083a(f) is amended to read:

12 (f) In the event that an application involves a project or project impacts that
13 previously have been reviewed, the applicant may petition the Chair of the
14 District Commission to waive all or part of the application fee. If an
15 application fee was paid previously in accordance with subdivisions (a)(1)
16 through (4) of this section, the Chair may waive all or part of the fee for a new
17 or revised project if the Chair finds that the impacts of the project have been
18 reviewed in an applicable master permit application, or that the project is not
19 significantly altered from a project previously reviewed, or that there will be
20 substantial savings in the review process due to the scope of review of the

1 previous applications. The Chair of a District Commission shall waive an
2 application fee when required under 3 V.S.A. § 5032.

3 * * * Department of Health Fees; Waiver * * *

4 Sec. 6. 18 V.S.A. § 104 is amended to read:

5 § 104. COMMISSIONER OF HEALTH; DUTIES

6 * * *

7 (j) Waive a payment of a fee for license, permit, registration, certificate,
8 other approval, or renewal under a program administered by the Commissioner
9 when required under 3 V.S.A. § 5032.

10 * * * Department of Motor Vehicle Fees; Waiver * * *

11 Sec. 7. 23 V.S.A. § 102(a) is amended to read:

12 (a) The Commissioner shall:

13 * * *

14 (9) issue nondriver identification cards; ~~and~~

15 (10) maintain commercial driver records and driver identification data in
16 accordance with the provisions of 49 C.F.R § 384.231(d); and

17 (11) waive a payment of a fee for license, permit, registration,
18 certificate, other approval, or renewal under a program administered by the
19 Commissioner when required under 3 V.S.A. § 5032.

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* * * Effective Date * * *

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Sec. 8. EFFECTIVE DATE

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This act shall take effect on July 1, 2019.