

SEN. MARK A. MACDONALD, VICE CHAIR
SEN. CHRISTOPHER BRAY
SEN. VIRGINIA "GINNY" LYONS
SEN. DAVID WEEKS



REP. TREVOR SQUIRRELL, CHAIR
REP. SETH BONGARTZ
REP. MARK HIGLEY
REP. CAROL ODE

STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

December 14, 2023

The Joint Legislative Committee on Administrative Rules met on Thursday, December 14, 2023, beginning at 10:00 A.M. in Room 11 of the State House in Montpelier, Vermont.

The following members were present:

Sen. Mark A. MacDonald, Vice Chair
Sen. Christopher Bray
Sen. Virginia "Ginny" Lyons

Rep. Trevor Squirrel, Chair
Rep. Seth Bongartz
Rep. Mark Higley

Staff present:

Anthea Dexter-Cooper
Charlene Dindo
Lindsey Schreier

Committee Counsel
Committee Assistant
Administrative Assistant

Approval of prior minutes

On motion of Sen, Bray, the Committee approved the minutes of November 30, 2023.

Review of rules

The Committee reviewed the following rules:

23-P18 – Public Utility Commission/Rule 5.400: Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. § 248

John Cotter, Staff Attorney, Public Utility Commission, testified on the rule and answered questions from the committee.

The amendments to this rule provide increased clarity on the information that must be filed for a Section 248 petition to be considered complete; update the means by which parties can

exchange and collect information in response to technology advances; provide clarity on the processes that must be followed when petitioners seek to amend projects that are under review; and simplify the process for certain persons and entities to intervene as parties in Section 248 cases.

On motion of Sen. Bray, the Committee approved the rule.

23-P19 – Public Utility Commission/5.100: Rule Pertaining to Construction and Operation of Net-Metering Systems (the “Net-Metering Rule”)

Jake Marren, Staff Attorney, Public Utility Commission, explained the rule and answered questions from the Committee. Jonathan Dowds, Deputy Director, Renewable Energy Vermont; Stephen Crowley, Director, Vermont Community Solar Energy Association; Billy Coster, Director of Policy and Planning, Agency of Natural Resources; Stephen Bushman, Citizen; Michelle Paya, Citizen; Marya Merriam, Citizen; Harris Roen, Licensed Forester, Long Meadow Resource Management LLC; and James Antal, Citizen also testified on the rule and answered questions from the committee.

The proposed amendments change the definition of “preferred site”; limit the amount of forest clearing associated with projects on “preferred sites”; update the registration and application processes for net-metering systems; change project amendment processes and requirements; make clarifications regarding the rates applicable to expanded net-metering systems; update the transfer and extension requirements for net-metering system certificates of public good; add language authorizing utilities to propose tariffs assessing locational adjuster fees for constrained areas of the grid; and update the rule consistent with State statute and other Commission rules.

On motion of Sen. Bray, the Committee postponed action until the Committee’s next meeting.

23-P15 – Fish and Wildlife Board/10 V.S.A. Appendix § 44, Furbearing Species

Catherine Gjessing, General Counsel, Department of Fish and Wildlife answered questions from the Committee.

Rep. Bongartz moved to file the objection to Sec. 3.20, the definition of trapping, on the ground that it is contrary to the intent of the General Assembly to add the word hunt to the definition in certified form with the Secretary of State.

Rep. Higley moved to substitute a motion to withdraw all four prior objections, which failed on a vote of 1-5-2.

On motion of Rep. Bongartz, the Committee voted to file the objection to Sec. 3.20, the definition of trapping, on the ground that it is contrary to the intent of the General Assembly to add the word hunt to the definition in certified form with the Secretary of State on a vote of 5-1-2.

On motion of Sen. Bray, the Committee voted to file the objection to Sec. 3.14(b), a portion of the definition of public trail, on the ground that is contrary to the intent of the General Assembly not to include all trails where persons may reasonably be expected to recreate in certified form with the Secretary of State on a vote of 5-1-2.

On motion of Sen. Bray, the Committee voted to file the objection to the portion of Sec. 4.15, trapping setbacks, that excepts from the setback requirements traps set in the water or under ice on the ground that it is contrary to the intent of the General Assembly to exempt traps set in the water or under ice from setback requirements in certified form with the Secretary of State on a vote of 5-1-2.

On motion of Sen. Bray, the Committee voted to file the objection to Secs. 3.6, definition of control of dog(s), and 4.20, taking coyote with the aid of dogs, on the ground that it is contrary to the intent of the General Assembly to allow the taking of coyote with aid of dogs unless there is a required means of controlling dogs that sufficiently minimizes the risk that dogs pursuing coyote will enter onto land that is posted against hunting; enter onto land where pursuit of coyote with dogs is not authorized; harass or harm people or domestic animals; and cause other unintentional damages to people or property in certified form with the Secretary of State on a vote of 5-1-2.

Adjournment and next meeting

The Committee adjourned at 11:50 A.M.

The next meeting of the Committee is scheduled for January 4, 2024, beginning at 8:00 A.M. in Montpelier, Vermont.

Respectfully submitted,

Anthea Dexter-Cooper

Anthea Dexter-Cooper
Committee Counsel

cc: APA Clerk, Secretary of State
ICAR, Agency of Administration