

ADMINISTRATIVE RULES

MINUTES

January 16, 2014

The Joint Legislative Committee on Administrative Rules met on Thursday, January 16, 2014, beginning at 8:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

The following members were present:

Rep. Richard Marek, Vice Chair
Rep. Patsy French
Rep. Robert Krebs
Rep. Linda Myers

Sen. Mark Macdonald, Chair
Sen. Margaret Flory
Sen. Robert Hartwell
Sen. Diane Snelling

Staff present:

Aaron Adler
Katie Pickens

Committee Counsel
Committee Assistant

The committee reviewed the following rules:

13-P38 – Agency of Natural Resources, Department of Environmental Conservation/Unsafe Dam Revolving Loan Fund Rules. Ann Whitely, Legal Counsel, and Steve Bushman, Dam Safety Engineer, for the Department of Environmental Conservation, jointly presented the rule to the committee. The rule establishes procedures for a loan fund to provide loans and grants to qualified municipalities, nonprofits, and individuals for the reconstruction, repair, removal, breaching, draining, or other action necessary to decrease the threat of a dam or a portion of a dam that has been determined to be unsafe under 10 V.S.A. § 1095. Ms. Whiteley and Mr. Bushman responded to questions from the committee.

On a motion by Rep. Marek, the committee approved the rule with the following changes agreed to by the agency during the meeting:

§ 28-103(a) (definitions; engineer) – change “registered” to “licensed”

§ 28-301(b) (financing; eligible costs; limit) – in the first sentence, after “increased” and before

the first comma, insert “for all projects”

On motion of Sen. Flory, the committee unanimously vote to send a letter to the committees of jurisdiction bringing to their attention that 10 V.S.A. chapter 43 (dams) uses the term “registered” in describing engineers while 26 V.S.A. chapter 20 (professional engineering) uses the nomenclature “licensed” or “licensure.”

13-P20 – Vermont Fish & Wildlife Board/10 V.S.A. § 2b, Wildlife Management

Units. Catherine Gjessing, Counsel for the Fish & Wildlife Board and the Department of Fish & Wildlife, presented the request for reconsideration of the rule which was approved by the committee at its October 3, 2013 meeting. Ms. Gjessing explained there was an error on one of the boundary lines in the Bennington County wildlife management unit. Ms. Gjessing responded to questions from the committee.

On a motion by Sen. Snelling, the committee unanimously voted to re-consider its previous action on the rule. On another motion by Sen. Snelling, the committee unanimously approved the rule with the boundary correction requested by the Fish & Wildlife Board.

The next meeting of the committee is scheduled for January 23, 2014, beginning at 8:00 a.m. in Room 11 of the State House in Montpelier, Vermont.

Respectfully submitted,

Aaron Adler
Committee Counsel