

ADMINISTRATIVE RULES

MINUTES

May 29, 2014

The Joint Legislative Committee on Administrative Rules met on Thursday, May 29, 2014, beginning at 10:00 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

Staff present:

Aaron Adler
Katie Pickens

Committee Counsel
Committee Assistant

The minutes of the meeting of May 1, 2014 were approved.

The committee reviewed the following rules:

14-P06 – Department of Financial Regulation/Vermont Small Business Offering Exemption. Michael Pieciak, Deputy Commissioner of the Department of Financial Regulation, presented the rule to the committee by first giving a brief overview of the history of the rule and a response to the questions the committee posed at its May 1 meeting. Daniel Raddock, Assistant Attorney General, also testified with Mr. Pieciak.

The Department submitted a draft guidance document for investors and small businesses looking for funding entitled “Securities Division Bulletin 2” that it believes is responsive to the committee’s concerns. The Department will issue this bulletin on adoption of the rule. Mr. Pieciak answered further questions from the committee. On behalf of the Department, he agreed to change the word “should” in the first sentence of the bulletin’s Sec. III to the word “shall” and to change, as appropriate, other occurrences of “should” in the bulletin to “shall.”

On a motion by Sen. Flory, the committee unanimously approved the rule as submitted.

14-P12 – Department of Public Safety for the Elevator Safety Review

Board/Vermont Elevator Safety Rules – 2014. Robert Patterson, Deputy Director of the Fire Safety Division of the Department of Public Safety, presented the rule to the committee, with assistance from Bill Henry, member of the Elevator Safety Review Board. The rule, which was last updated in 2008, is revised to include more recent editions of the relevant national standards. The rules also provide additional exemptions and clarifications. Mr. Patterson and Mr. Henry responded to questions from the committee.

Christopher Duke, representing the National Elevator Industry (NEI), asked the committee to object to those portions of the rules concerning Machine Room Less Elevators, the elimination of ASME standard A17.7, and the frequency of firefighter recall inspections.

Mr. Patterson and Mr. Henry responded to Mr. Duke's remarks and to further questions from the committee.

On a motion by Sen. Flory, the committee unanimously approved the rule as submitted.

14-P13 – Department of Public Safety for the Electrical Safety Review

Board/Vermont Electrical Safety Rules – 2014. Mr. Patterson presented the rule to the committee. John Black of the Electrical Safety Review Board joined Mr. Patterson. The changes update the rules with respect to applicable federal technical codes and standards, coordinate the license examination with the state apprenticeship program, establish an expiration date for a permit, and create a process for refunding permit fees. Mr. Patterson responded to questions from the committee.

On a motion from Rep. Marek, the committee unanimously approved the rule as submitted.

14-P15 – Agency of Natural Resources, Department of Forests, Parks & Recreation/Rules and Regulations: Visitor Conduct and Fees and Charges for State Park Services and Commercial Activities on Department Lands. Craig Whipple, State Parks Director, presented the rules to the committee. The rules include changes to various fees for camping and other services in state parks and other administrative changes. Mr. Whipple responded to questions from the committee.

On a motion by Rep. Krebs, the committee unanimously approved the rule as submitted.

13-P48 – Agency of Natural Resources, Department of Environmental Conservation/Vermont Materials Management Plan: Moving from Solid Waste towards Sustainable Management. Cathy Jamieson, Solid Waste Program Manager, and Bryn Oakleaf, Environmental Analyst for the Solid Waste Management Division of the Department of Environmental Conservation, jointly presented the rule to the committee. The plan comprehensively revises the approach to management of discarded materials and provides oversight of municipal solid waste management entities that manage those materials. Ms. Jamieson gave an overview of the history and process of rulemaking, and Ms. Oakleaf gave further detail on the Materials Management plan. Ms. Jamieson and Ms. Oakleaf responded to questions from the committee.

Ms. Jamieson also distributed a memorandum dated May 28, 2014 to the committee proposing a language change to the plan to resolve an issue raised by legislative counsel. The issue concerned differences between the “priorities” section of the plan and the priorities for solid waste management as set out in statute.

On a motion by Rep. Marek, the committee unanimously approved the rule with the language changes proposed by the department in the memo dated May 28, 2014.

The next meeting of the committee is scheduled for June 12, 2014, beginning at 10:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

Respectfully submitted,

Aaron Adler
Committee Counsel