

ADMINISTRATIVE RULES

MINUTES

December 19, 2013

The Joint Legislative Committee on Administrative Rules met on Thursday, December 19, 2013, 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
Sen. Diane Snelling

Staff present:

Aaron Adler
Katie Pickens

Committee Counsel
Committee Assistant

The minutes of the meeting of December 5, 2013 were approved.

The committee reviewed the following rules:

13-P22 – Agency of Natural Resources, Department of Environmental Conservation/Aboveground Storage Tank Rules. Chuck Schwer, Section Chief of the Waste Management Division of the Department of Environmental Conservation, presented the rule to the committee. The rule is revised based on experience with recent major flood events. Mr. Schwer distributed a memo to the committee dated December 19, 2013 stating further changes to the rule. Sen. MacDonald disclosed that he is a member of the Petroleum Cleanup Fund Advisory Committee. Mr. Schwer and Matt Chapman, Counsel, for the Department of Environmental Conservation, responded to questions from the committee.

On a motion by Sen. Snelling, the committee unanimously approved the rule with the changes appearing in the memo dated December 19, 2013, except that as agreed at the meeting,

the agency will: (a) instead of the first bulleted modification on page one of the memorandum, replace each reference to the Investigation and Remediation of Contaminated Properties Procedure dated April 2012 with the phrase “the requirements of 10 V.S.A. chapter 159” and (b) retain the definition of “aboveground storage tanks” set out in the final proposed rule.

13-P39 – Vermont Lottery Commission/Powerball Rules – (Effective January 22, 2014). Greg Smith, Executive Director of the Vermont Lottery Commission, presented the rule to the committee. Changes to the rule involve the return of a multiplier feature, the operation of lotteries by third parties, ticketless transactions, and other matters. Mr. Smith responded to questions from the committee.

On a motion by Rep. French, the committee unanimously approved the rule.

13-P36 – Secretary of State, Office of Professional Regulation, Vermont Board of Real Estate Appraisers/Administrative rules of the Vermont Board of Real Estate Appraisers. Larry Novins, Counsel for the Office of Professional Regulations, Secretary of State’s Office, presented the rule to the committee in the absence of Colin Benjamin. The rule is an update to meet minimum federal standards and results from recommendations by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. Mr. Novins responded to questions from the committee.

On a motion by Sen. Snelling, the committee unanimously approved the rule with changes as agreed to in the meeting.

13-P28 – Public Service Board/Regulations Pertaining to the Construction and Operation of Net Metering Systems. This rule was held over from the committee’s December 5, 2013 meeting. Gregg Faber, Utility Policy Analyst for the Public Service Board, presented to the committee further changes to the rule. Mr. Faber distributed a revised page 11 of the rule showing changes to Section 5.108. These changes are in addition to the changes distributed in a memorandum from Mr. Faber to the committee dated December 5, 2013.

Matt Levin, Outreach and Development Director for Vermonters for a Clean Environment supported the rule changes.

On a motion by Rep. French, the committee approved the modifications in the memorandum of December 5, 2013, and the revised page 11. Sen. MacDonald abstained from voting.

Committee Discussion – 2014 Meeting Schedule Finalized. During the upcoming Legislative Session, the committee voted to meet on Thursday mornings, from 8:00 – 9:00 a.m., starting January 16, 2014, with the exception of Town Meeting Week, i.e. the first week in March.

Committee Discussion – Use of Digital Technology and Information. Aaron Adler, Committee Counsel, explained new electronic technology options that are now available for the committee's use, including iPads and committee information pages. After discussion, the committee requested that the Information Technology staff set up a demonstration committee information page and deferred considering the use of iPads until after the upcoming legislative session.

The next meeting of the committee is scheduled for January 16, 2014, beginning at 8:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

Respectfully submitted,

Aaron Adler
Committee Counsel