

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

January 4, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, January 4, 2024, beginning at 8:05 A.M. in Room 270 of the Pavilion Office Building in Montpelier, Vermont.

The following members were present:

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

Rep. Trevor Squirrel, Chair  
Rep. Seth Bongartz  
Rep. Mark Higley  
Rep. Carol Ode (arrives at 8:12 A.M.)

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 December 14, 2023. Rep. Ode was not present for the vote.

#### **Review of rules**

The Committee reviewed the following rules:

#### **23-P19 – Public Utility Commission/Rule 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule")**

Annette Smith, Executive Director, Vermonters for a Clean Environment, testified on the rule. Jake Marren, Staff Attorney, Public Utility Commission, was present and available to answer 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 unanimously approved the rule.

### **23-P34 – Department of Financial Regulation/Suitability in Annuity Transactions (Reg. I-2023-01)**

Stan Macel, Assistant General Counsel, Department of Financial Regulation, testified on the rule and answered questions from the Committee. Hillary Borcharding, Assistant General Counsel, Department of Financial Regulation, and Mary Block, Director of Insurance Regulation, Department of Financial Regulation, were present and available to answer questions from the Committee.

This rule requires producers, as defined in the rule, to act in the best interests of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed.

On motion of Sen. Bray, the Committee approved the rule with the following four modifications agreed to by the Department:

- in Sec. 3, substituting the word “adopted” for the word “issued”;
- in Sec. 9B, substituting the word “rule” for “regulation”;
- in Sec. 10, substituting “This rule shall take effect” for “The amendments to this rule shall take effect”; and
- deleting “but not limited to” throughout to be consistent with 1 V.S.A. § 145.

### **23-P33 – Department of Corrections/Reporting of Offender Information**

Christopher Antoine, Staff Attorney, Department of Corrections, testified on the rule and answered questions from the Committee.

This rulemaking proposes to repeal the Reporting of Offender Information Rule, APA #96-18/CVR #13-130-017 because it is no longer the guiding document for this subject matter given the adoption of a new rule in 2019 and related policy and guidance documents.

On motion of Rep. Higley, the Committee approved the rule. Sen. Lyons was not present for the vote.

**Review of 2024 In-Session Meeting Schedule**

The Committee reviewed the 2024 In-Session Meeting Schedule.

**Adjournment and next meeting**

The Committee adjourned at 8:30 A.M.

The next meeting of the Committee is scheduled for January 18, 2024, beginning at 8:00 A.M. in Room 267 of the Pavilion Office Building in Montpelier, Vermont.

Respectfully submitted,

*Anthea Dexter-Cooper*

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Committee Counsel

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