



STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

February 15, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, February 15, 2024, beginning at 8:00 A.M. in Room 267 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 Squirrell, Chair
Rep. Seth Bongartz
Rep. Mark Higley
Rep. Carol Ode

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 unanimously approved the minutes of February 8, 2024.

Review of rules

The Committee reviewed the following rules:

23-P21 – Agency of Human Services/Medicaid Coverage of Exception Requests.

Ashley Berliner, Director of Medicaid Policy, Department of Vermont Health Access, Agency of Human Services explained the rule and answered questions from the Committee. Linda McLemore, Staff Attorney, Medicaid Policy, Agency of Human Services was also available to answer questions from the Committee.

The amendments to this rule include: (1) stating that the process only applies to beneficiaries age 21 years old or older; (2) stating that certain criteria are mandatory; (3) clarifying eligibility criteria; (4) changing the frequency that certain approved exception requests are published on the website of the Department of Vermont Health Access; and (5) removing references to the Interpretive Memo process and incorporating related processes into the rule.

On motion of Sen. Lyons, the Committee unanimously approved the rule modifications proposed by the Department of Vermont Health Access, Agency of Human Services, in correspondence dated February 14, 2024, which deletes Sec. 4.105.5(B) and redesignates accordingly.

23-P17 – Agency of Natural Resources/Vermont Use of Public Waters Rules.

Laura Dlugolecki, Lake and Shoreland Permitting Analyst, Agency of Natural Resources; Katelyn Ellermann, Associate General Counsel, Department of Environmental Conservation, Agency of Natural Resources; and Jason Batchelder, Commissioner, Department of Environmental Conservation, Agency of Natural Resources answered questions from the Committee.

The amendments to this rule add regulations for wakesports involving a wakeboat on certain inland public waters in Vermont. Specifically, the amendments prohibit wakesports involving a wakeboat on lakes, ponds, and reservoirs that do not have a minimum of 50 contiguous acres that are both 500 feet from shore on all sides and a minimum of 20 feet deep. The amendments also limit such wakesports to defined areas that are 500 feet from shore, 20 feet deep, and 200 feet wide and require wakeboats to only be used in one lake per summer unless the wakeboat is decontaminated at a certified Department of Environmental Conservation service provider.

On motion of Sen. Bray, the Committee approved the rule with modifications proposed by the Agency of Natural Resources in correspondence dated January 29, 2024, and February 5, 2024, on a vote of 7-1-0.

23-P42 – Agency of Natural Resources/Investigation and Remediation of Contaminated Properties Rule (IRule). Committee Discussion: Memorandum to Committees of Jurisdiction.

On motion of Sen. Bray, the Committee unanimously approved that the memorandum be sent to the committees of jurisdiction.

23-P22 – Board of Education/Education Quality Standards (Rule Series 2000). Request for Extension of Adoption Deadline to June 5, 2024.

On motion of Rep. Bongartz, the Committee unanimously approved the extension to the eight-month adoption deadline until June 5, 2024.

Adjournment and next meeting

The Committee adjourned at 8:37 A.M.

The next meeting of the Committee is scheduled for February 22, 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