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SEN. DAVID WEEKS



REP. TREVOR SQUIRRELL, CHAIR
REP. SETH BONGARTZ
REP. MARK HIGLEY
REP. CAROL ODE
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STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

October 31, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, October 31, 2024, beginning at 10:00 a.m. in room 10 of the State House in Montpelier, Vermont.

The following members were present:

Sen. Mark A. MacDonald, Vice Chair
Sen. Christopher Bray (Zoom)
Sen. David Weeks

Rep. Trevor Squirrel, Chair
Rep. Seth Bongartz
Rep. Mark Higley
Rep. Carol Ode

Staff present:

Damien Leonard
Michael Ferrant

Committee Counsel
Committee Assistant

Approval of prior minutes

On motion of Rep. Bongartz, the Committee approved the minutes.

Review of rules

The Committee reviewed the following rules:

24-P29 - Office of the State Treasurer/Vermont Saves Program Rule. Rebecca Wasserman, Director of Economic Empowerment, Office of the State Treasurer, explained the rule and answered questions from the Committee.

This rule implements the Vermont Saves Program, which was enacted pursuant to 2023 Act No. 43 to provide access to an IRA for Vermont employees of companies that do not currently offer a retirement savings program.

On motion of Sen. Bray, the Committee approved the rule with changes.

24-P27 - Agency of Agriculture, Food and Markets/Technical Service Provider

Certification Rule. Laura DiPietro, Water Quality Division Director, Agency of Agriculture, Food and Markets and Steve Collier, General Counsel, Agency of Agriculture, Food and Markets explained the rule and answered questions from the Committee. Nate Sands, WQ Section Chief, Agency of Agriculture, Food and Markets and Nina Gage, Assistant Director, Water Quality Division, Agency of Agriculture, Food and Markets were also present.

This rule establishes standards for technical service providers and enables enforcement when a provider fails to comply with those standards. Technical service providers provide nutrient management and water quality permit consulting services to farmers.

On motion of Sen. Bray, the Committee approved the rule as submitted.

24-P28 - Agency of Agriculture, Food and Markets/Best Management Practices Rule.

Laura DiPietro, Water Quality Division Director, Agency of Agriculture, Food and Markets and Steve Collier, General Counsel, Agency of Agriculture, Food and Markets explained the rule and answered questions from the Committee. Nate Sands, WQ Section Chief, Agency of Agriculture, Food and Markets and Nina Gage, Assistant Director, Water Quality Division, Agency of Agriculture, Food and Markets were also present.

This rule amendment updates the best management practices rules to address instances where the current rule does not align with current statute and practice, which were identified in a 2018 audit. The best management practices rules govern measures employed by farmers to limit water pollution from agricultural operations.

On motion of Rep. Higley, the Committee approved the rule with changes.

24-P19 - Agency of Natural Resources/2024 Materials Management Plan.

Alyssa Eiklor, Environmental Analyst, Solid Waste Program, Department of Environmental Conservation, Agency of Natural Resources and Josh Kelly, Solid Waste Program Manager, Waste Management and Prevention Division, Department of Environmental Conservation, Agency of Natural Resources explained the rule and answered questions from the Committee. Anne Bijur, Materials Management Section Supervisor, Solid Waste Management Program, Department of Environmental Conservation, Agency of Natural Resources was also present.

This rule amendment updates the previous State Materials Management Plan, which was adopted in 2019. The plan is required pursuant to 10 V.S.A. § 6604 and establishes requirements and goals for solid waste management in Vermont.

On motion of Sen. Bray, the Committee approve the rule as submitted.

24-P22 - Department of Labor/Vermont Workers' Compensation and Occupational Disease Rules 1-27. Dirk Anderson, Director of Workers' Compensation and Safety, Department of Labor, explained the rule and answered questions from the Committee. Beth DeBernardi, Administrative Law Judge, Department of Labor, and Stephen Brown, Staff Attorney/ Administrative Law Judge, Department of Labor, were also present.

This rule amendment makes various changes to the procedures for handling workers' compensation claims.

On motion of Sen. Bray, the Committee approved the rule with changes.

Committee Discussion: Review of Committee of Jurisdiction Memos for: 24-E06 General Assistance Emergency Housing Assistance Emergency Rules and 24-E07 Emergency Administrative Rules for Notaries Public and Electronic and Remote Notarization.

On motion of Sen. Bray, the Committee approved the 24-E06 memo with changes.

On motion of Sen. Bray, the Committee approved the 24-E07 memo.

Adjournment and next meeting

The Committee adjourned at 11:35 a.m.

The next meeting of the Committee is scheduled for December 5, 2024, beginning at 10:00 a.m. in room 10 of the State House in Montpelier, Vermont.

Respectfully submitted,

Damien Leonard
Committee Counsel

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