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Office of the Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: July 8, 2019, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Ashley Berliner, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson and Clare O'Shaughnessy

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the May 13, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-5 to follow.
 1. Rules for the Allocation and Distribution of Regional Planning Funds, Agency of Commerce and Community Development, page 2
 2. Visitor Conduct and Fees and Charges for State Park Services and Commercial Activities on Department Lands, Agency of Natural Resources Department of Forest, Parks and Recreation, page 3
 3. VOSHA Rule: Section 29 CFR 1926, Subpart CC; Changes to Crane Operator Training and Certification in the Construction Industry, Department of Labor, page 4
 4. Rules Governing Inspection of Motor Vehicles, Department of Motor Vehicles, page 5
- Next scheduled meeting is August 9, 2019 at 2:00 p.m.
- 3:22 p.m. meeting adjourned.

Proposed Rule: Rules for the Allocation and Distribution of Regional Planning Funds, Agency of Commerce and Community Development

Presented by Jacob Hemmerick, Chris Cochran and Dale Azaria

Motion made to accept the rule by Diane Bothfeld, seconded by Matt Langham, and passed unanimously except for John Kessler who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 4, #13 and #14: Recommend at least one public hearing be held.
2. Environmental Impact Analysis, page 1, #3, 10th line and throughout the entire proposed rule package: Add the word 'of' between 'responsibilities' and 'regional'.
3. Public Input, page 2, #5: Consider notifying the Vermont League of Cities and Towns to advise of proposed rule and public hearing.
4. Scientific Information: Not required – may remove.
5. Incorporation by Reference, page 2, #5: Potentially strike #2 and #3 as they are not necessary to reference. Include information to obtain hard copies.

Proposed Rule: Visitor Conduct and Fees and Charges for State Park Services and Commercial Activities on Department Lands, Agency of Natural Resources Department of Forest, Parks and Recreation.

Presented by Craig Whipple

Motion made to accept the rule by Dirk Anderson, seconded by Diane Bothfeld, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #8: Include a range of fees as stated in the text of the rule.
2. Proposed Rule Coversheet, page 3, #9: Reference the exact statute that recently changed as mentioned in the last sentence.
3. Proposed Rule Coversheet, page 3, #11: Explain why Burton Island marina is mentioned.
4. Proposed Rule Coversheet, page 4, #16: Include words related to the tapping of trees for maple sugaring on State owned lands, and Burton Island marina if applicable.
5. Adopting Page, page 1, #4: Include information.
6. Economic Impact Analysis, page 1, #3: Include maple sugar makers that use State owned lands.
7. Economic Impact Analysis, page 2, #6: Include the maple sugar market rates for sap.
8. Economic Impact Analysis, page 2, #8: Provide detail for the \$318,000, such as range of fees and increase costs.
9. Environmental Impact Analysis, page 1, #5: Change to reflect tree tapping rates which could affect maple sugar producers.
10. Public Input, page 1, #3 and #4: Complete.
11. Public Input, page 1, #5: Include the word 'be' between 'will' and 'posted' in the first line. Reach out to the Vermont Farm Bureau and the maple sugar society.
12. Scientific Information: Not required – may remove.
13. Incorporation by Reference: Not required – may remove.
14. Text, page 9, #3: Change the word 'including' to clarify whether the price includes the tax or if the tax is in addition to the price quoted. Remove the last line in the 'Prime Lean-to Site' section as it's duplicative.
15. Text, pages 21 and 22: Reference statute.

Proposed Rule: VOSHA Rule: Section 29 CFR 1926, Subpart CC; Changes to Crane Operator Training and Certification in the Construction Industry, Department of Labor

Presented by Dan Whipple

Motion made to accept the rule by John Kessler, seconded by Jen Mojo, and passed unanimously except for Dirk Anderson who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #7: Change 'charge' to 'charged' in the second line. Add a period to the end of the sentence.
2. Proposed Rule Coversheet, page 4, #12: Clarify whether the \$1,752,000 is an annual or immediate amount.
3. Proposed Rule Coversheet, page 4, #13 and #14: Recommend at least one public hearing be held.
4. Environmental Impact Analysis, page 2, #9: Clarify.

Proposed Rule: Rules Governing Inspection of Motor Vehicles, Department of Motor Vehicles

Presented by Scott Davidson and Michael Charter

No motion was made as the proposed rule was incomplete.

The following recommendations were made:

1. Complete the proposed rule and resubmit for the August ICAR meeting.
2. Proposed Rule Coversheet, page 3, #12: Add language around the statute.
3. Proposed Rule Coversheet, page 4, #15: Add words such as the statute number and title, 'OBD', 'Onboarding Diagnostic Testing' and 'Wheels and Tire Trailers'.
4. Economic Impact Analysis, page 2, #5, #7, #8 and #9: Complete.
5. Economic Impact Analysis, page 2, #6: Change 'period' to 'periodic' in the third to last line.
6. Environmental Impact Analysis, pages 1-2, #4-9: Complete.
7. Public Input, page 1, #3-5: Complete.
8. Annotated text, page 53, Applicability: Change 'must be inspected for OBD.' to 'are subject to the OBD test.'. Change 'need to be inspected for OBD.' To 'be subject to the OBD test.'.