



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: September 9, 2019, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson, Clare O'Shaughnessy, and Ashley Berliner (via phone)

Members Absent: Dirk Anderson and Diane Bothfeld

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the August 9, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. 2019 Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council, page 2
 2. Substance Use Disorder Treatment Certification Rule, Agency of Human Services, Department of Health, page 3
 3. Insurance Regulatory Sandbox; Innovation Waiver Regulation; Department of Financial Regulation, page 4
 4. Rule 3.700 Pole Attachments, Vermont Public Utility Commission, page 5
 5. Vital Records Rule, Agency of Human Services, Department of Health, page 6
 6. Water Supply Rule, Agency of Natural Resources, page 7
- Next scheduled meeting is October 14, 2019 at 2:00 p.m.
- 3:42 p.m. meeting adjourned.

Proposed Rule: 2019 Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council

Presented by Christopher Corbin, Joseph Benard and Peter Lynch

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, page 3, #7: Add a period after the A in 3 V.S.A., and remove the extra spaces between ...(and Administrative Procedures Act)...
2. Proposed Rule Coversheet, pages 3-4, #13-15: Complete.
3. Public Input, page 1, #4: Include a dominate theme of comments if appropriate. Post all explanations publicly. Change the incorrectly spelled word 'rejectd' to 'rejected'.
4. Explanation of Changes to 2019 Proposed Rule:
 - a. Section 4.1: Remove the 's' from 'eliminates' in the first sentence. Change 'broader' to 'broad' in the second sentence. Change ; to , after 'programs' in the last sentence.
 - b. Section 5.5: Add 'put in' between ...'Council to' and 'place recertification'... in the first sentence.
 - c. Section 5.6: Change 'to' to 'the' between ...'who has not met' and 'minimum rectification'... in the first sentence.
5. Replace the January 1, 2007 rule to clean text of the new proposed rule.

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**Proposed Rule: Substance Use Disorder Treatment Certification Rule, Agency of Human Services,
Department of Health
Presented by David Englander**

Motion made to accept the rule by Steve Knudson, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #7: Add a period after the 'A' in 18 V.S.A. Change 'provides that' to 'directs' in the second paragraph.
2. Proposed Rule Coversheet, page 3, #9 and #10: Add 'disorder' between 'substance use' and 'treatment'.
3. Proposed Rule Coversheet, page 4, #16: Define ADAP and add 'Substance Abuse'.
4. Adopting Page, page 1, #4: Add a period at the end of the sentence.
5. Economic Impact, page 2, #8: Either strike the last sentence or expand upon the reasoning.

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**Proposed Rule: Insurance Regulatory Sandbox; Innovation Waiver Regulation; Department of
Financial Regulation**

Presented by Sebastian Arduengo and Jill Rickard

Motion made to accept the rule by Jen Mojo, seconded by Matt Langham, and passed unanimously except for Steve Knudson who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #6 and #7: Remove the second §.
2. Proposed Rule Coversheet, page 5, #14 and #15: Update to correct dates.
3. Economic Impact Analysis, page 2, #6: Include a statement about the intent of creating an opportunity for potential savings in the future by having more efficient products and services.
4. Incorporation by Reference, page 1, #5: Include a phone number as well.
5. Clean text: Include dates when known.

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**Proposed Rule: Rule 3.700 Pole Attachments, Vermont Public Utility Commission
Presented by Micah Howe and John Gerhard**

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, pages 2-3, #6: Remove the second §.
2. Proposed Rule Coversheet, pages 4-5, #14 and #15: Complete.
3. Proposed Rule Coversheet, page 5, #16: Add 'Pole Attachments'.
4. Environmental Impact Analysis, pages 1-2, #3-8: Include positive impacts – examples may include: increased broadband leads to increased remote worker opportunities; reduces vehicle miles driven per capita; preserves highway infrastructure; and reduces carbon emissions.
5. Public Input, page 1, #3: Complete.
6. Public Input, page 1, #2: Include scheduled hearings and post on website.

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Proposed Rule: Vital Records Rule, Agency of Human Services
Presented by Brendan Atwood

Motion made to accept the rule by Steve Knudson, seconded by Jen Mojo, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Proposed Rule Coversheet, pages 2-3, #6 and #7: Remove the second §.
2. Proposed Rule Coversheet, page 2, #6: Change first reference to '18 V.S.A. § 5000 (e) and (f), and ...
3. Proposed Rule Coversheet, page 3, #9: In the first sentence after the last comma, change to ...' and pursue other activities essential to being a' Change 'Vermont State employees' to 'State of Vermont employees'. Change the capital 'D' to a lowercase 'd' in the word 'delayed'.
4. Proposed Rule Coversheet, page 3, #10: In the first sentence, change the word 'those' to 'individuals'. Change 'State employees' to 'State of Vermont employees'.
5. Proposed Rule Coversheet, page 3, #11: Change 'Vermont State employees' to 'State of Vermont employees'.
6. Economic Impact Analysis, page 1, #3: Include how this will favorably affect State of Vermont employees and anything else that it will have a positive impact on.

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**Proposed Rule: Water Supply Rule, Agency of Natural Resources
Presented by Ellen ParrDoering**

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

1. Proposed Rule Coversheet, page 3, #6: Change 'Act 21 of 2019, § 3 (a)' to 'Sec. 3 (a) of Act 21 of 2019'.
2. Proposed Rule Coversheet, page 4, #11: Add 'of those who provide' between ...' and ultimately are paying customers' and 'for the resource'.
3. Proposed Rule Coversheet, page 6, #16: Add 'drinking water' and 'water supply'.
4. Adopting Page, page 1, #4: Add a period at the end of the sentence.
5. Economic Impact Analysis, page 2, #3: Include a statement about due to the fact that this is very early in the approach, there is minimal experience thus far to estimate costs for ongoing maintenance.
6. Environmental Impact Analysis, page 2, #9: Given the last 3.5 years, it may make sense to state more on this issue. As monitoring under this amended rule is done, more environmental damage will possibly be uncovered and therefore should be stated.
7. Public Input, page 2, #4: Include website address and phone number.

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