State of Vermont
Agency of Administration
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322

Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: Monday, March 13, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Brendan Atwood, Jared Adler, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque
Members Absent: Jennifer Mojo
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the February 22, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: An emergency rule titled 'Emergency Administrative Rules for Notaries Public Remote Notarization', by the Office of Professional Regulation was supported by ICAR Chair Brown on 03/09/23
    - These Emergency Rules allow an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing before a notary public through a secure communication link using specific protocols and standards.
    - If these Emergency Rules expire before rules are adopted to implement Act 171, Vermont notaries public will no longer be permitted to perform remote notarial acts, thus hampering the performance of crucial transactions.
- No public comments made.
- Presentation of Proposed Rules on pages 2-4 to follow.
    1. 10 V.S.A. App. § 141 Baitfish Regulation, Vermont Fish and Wildlife Board, page 2
    2. Manufactured Food Rule, Vermont Department of Health, page 3
    3. Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies, Vermont Enhanced 911 Board, page 4
- Next scheduled meeting is Monday, April 10, 2023 at 2:00 p.m.
- 2:50 p.m. meeting adjourned

DRAFT

Proposed Rule: 10 V.S.A. App. § 141 Baitfish Regulation, Vermont Fish and Wildlife Board
Presented By: Catherine Gjessing and Margaret Murphy

Motion made to accept the rule by Brendan Atwood, seconded by Mike Obuchowski, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet
    a. #8: Begin with a statement as to what the rule does overall. Include some language from #9 as to how the list was being amended and why protect the trout fisheries.
    b. #9: Change 'amendment' to 'amendments'. Clarify 'housekeeping change' and state that it's not a substance change. Add language to the last sentence to clarify that there is no longer a sustainable trout fishery there.
2. Adopting Page, #4: Remove last parenthetical.
3. Economic Impact Analysis
    a. Clarify that fishing will still be allowed, however they won't be using bait in those waters.
    b. #3: Include the list in #11 of the Proposed Filing – Coversheet.
    c. #8: Add a period at the end of the sentence.
    d. #9: Add based upon information for biological protections.
4. Environmental Impact Analysis
    a. #3: Change 'not' to 'no'.
    b. #4: Include language that this is part of a water quality analysis and the impact pertaining to that.
5. Public Input Maximization Plan, #4: Define and broaden 'other interested individuals' to be more specific and include bait fish dealers and others as appropriate.

DRAFT

Proposed Rule: Manufactured Food Rule, Vermont Department of Health
Presented By: Natalie Weill

Motion made to accept the rule by Diane Sherman, seconded by Jared Adler, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed Rule – Coversheet
    a. #8: Include a statement as to what the rule does overall. Consider adding a hyphen between 'license' and 'exempt' in (4).
    b. #8 and #9: State the reasoning for the rule.
    c. #12: Check in with the Agency of Agriculture, Food & Markets and the Attorney General's Office, as they were involved with the Vermont Origins Rule adopted, as small businesses might be affected by this with labeling. Reference that 1, 2, 3, and 5 in #8 doesn't have any economic impact.
    d. #16: Add Food Label
2. Economic Impact Analysis
    a. Clarify what the economic impacts are other than the label changes per the four other categories listed in #8 of the Proposed Coversheet.
3. Public Input Maximization Plan
4. #4: Define 'will work' by including a timeline and action steps. Consider groups that work with individuals selling food that should be informed.

DRAFT

Proposed Rule: Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies, Vermont Enhanced 911 Board
Presented By: Barbara Neal

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

1. Proposed Filing – Coversheet
    a. #5: Review for clarity on what is exempt, what isn't, the actual section number reference, and personal information vs. trade secrets.
    b. #10: Move the last sentence to a separate paragraph for clarity as regulated telephone companies are separate from wireless service providers.
    c. #12: Define 'any significant', perhaps by changing it to 'little' or 'no' per the small business impact on the economic impact statement.
2. Public Input Maximization Plan, #4: Specific the 'Members of the Public', and include others involved and stakeholder lists.

DRAFT