



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: September 11, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Brendan Atwood, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Nicole Dubuque, and Jared Adler (exited meeting at 4:00 PM)

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the August 14 and August 30, 2023 meetings.
- No additions/deletions to agenda. Agenda approved as drafted.
- Public comment made by Jay Greene of the Office of Racial Equity regarding the 'Amyotrophic Lateral Sclerosis (ALS) Registry Rule' proposed rule by the Vermont Department of Health:
 - Suggests that the reporting mechanism also incorporate options for non-binary people to be correctly reported in their gender identity on their legal documentation to the national data set as well.
- Presentation of Proposed Rules on pages 2-6 to follow:
 1. Judicial Nominating Board Rule Amendments, Judicial Nominating Board, page 2
 2. Suitability in Annuity Transactions (Reg. I-2023-01), Department of Financial Regulation, page 3
 3. Amyotrophic Lateral Sclerosis (ALS) Registry Rule, Vermont Department of Health, page 4
 4. Reporting of Offender Information, Agency of Human Services, Department of Corrections page 5
 5. Child Support Guidelines, Agency of Human Services, Department for Children and Families, Office of Child Support, page 6
- Due to the meeting running past the scheduled time and therefore lack of quorum, the following rules were moved to the October ICAR meeting:
 6. Residential Care Home and Assisted Living Residence Licensing Regulations, Agency of Human Services, Department of Disabilities, Aging, and Independent Living
 7. Independent School Program Approval Rules, State Board of Education
 8. Vermont Low Emission Vehicle and Zero Emission Vehicle Rules, Agency of Natural Resources
 9. Investigation and Remediation of Contaminated Properties Rule (IRule), Agency of Natural Resources
- Next scheduled meeting is October 9, 2023 at 2:00 p.m.
- 4:10 p.m. meeting adjourned.

**Proposed Rule: Judicial Nominating Board Rule Amendments, Judicial Nominating Board
Presented By: Eleanor Spottswood and Erik Fitzpatrick**

In light of written communication between the Governor's counsel and Judicial Nomination Board, motion made to accept the rule by John Kessler, seconded by Mike Obuchowski, and passed unanimously, with the following recommendations and minus section 10A3 that has an automatic two-year moratorium on the candidates who are deemed not well qualified:

1. Proposed Filing – Coversheet
 - a. #8: Include statement as to what the rule is and what it covers.
 - b. #9: Use complete sentences.
 - c. #10: Identify how the rule meets the definition of arbitrary rather than stating definition of arbitrary.
 - d. #12: Correct 'Nominatig' spelling.
 - e. #15: Include date.
 - f. #16: Include at least three keywords or phrases.
2. Adopting Page, #4: Include title.
3. Economic Impact Analysis, #3: Include information as requested or explain why there isn't any impact anticipated.
4. Public Input Maximization Plan, #3 and #4: List all who participated to date or will be involved, including those you plan to reach out to and who participated in the meetings to date, to inform them that the proposed rule was available for comment.

Proposed Rule: Suitability in Annuity Transactions (Reg. I-2023-01), Department of Financial Regulation

Presented By: Stan Macel and Mary Block

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

1. Proposed Filing – Coversheet, #9: Confirm date of year for the Dodd-Frank Wall Street Reform and Consumer Protection Act.
2. Remove the Incorporation of Reference if not applicable.
3. Proposed Rule, Section 6(B): Correct formatting.

**Proposed Rule: Amyotrophic Lateral Sclerosis (ALS) Registry Rule, Vermont Department of Health
Presented By: Brendan Atwood**

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

1. Proposed Filing – Coversheet, #8: Include what the registry will enable the Department to do.
2. Economic Impact Analysis, #3: Be as broad and thoughtful about that outreach as possible and include that information.
3. Public Input Maximization Plan, #4: Include others that have been or will be involved in the development of the proposed rule, such as the Board of Medical Practice, Dartmouth, Hitchcock and Eva Medical Center, etc.

Proposed Rule: Reporting of Offender Information, Agency of Human Services, Department of Corrections

Presented By: Chris Antoine and Ana Burke

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

1. Remove Administrative Rule Review coversheet.
2. Proposed Rule Coversheet:
 - a. #10: Complete.
 - b. #11 (2): If 'IT division' should be the 'Agency of Digital Services', include them as a separate entity.
 - c. #12 and Economic Impact Analysis: Consider including language stating the old rules are superseded and replaced, and the reasoning it doesn't affect those listed in #11. Also include that information in the Economic Impact Analysis.
3. Public Input Maximization Plan, #4: Complete.

Proposed Rule: Child Support Guidelines, Agency of Human Services, Department for Children and Families, Office of Child Support

Presented By: Kyle Hatt and Jessica Seman

Motion made to accept the rule and change the piece in the language in the rule (as noted in #1 below) that relates to the quadrennial versus the annual time frame within which to do that work by John Kessler, seconded by Nicole Dubuque, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed rule: Change language from “The Intact Family Expenditures Table and the tax tables will be reviewed annually and adjusted to reflect changes in tax rates and in the cost of living as indicated by the consumer price index for the preceding year.” to new language: “The Intact Family Expenditures Table and the tax tables will be reviewed at least quadrennially and adjusted to reflect changes in tax rates and in the cost of living as indicated by the consumer price index.”
2. Proposed Filing – Coversheet, #8: Include what exactly the change in the rule is. Indicate that the tax conversion and intact family expenditures tables were updated.
3. Economic Impact Analysis, #3: Use some of the details provided in the Proposed Filing Coversheet, #12 pertaining to how it effects individuals, including parents, for when the tables changed, and the estimated cost and benefits anticipated.
4. Public Input Maximization Plan, #3: Include the list of impacted parties if already identified.