

1 S.293

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Administrative procedure; rulemaking; emergency rules

6 Statement of purpose of bill as introduced: This bill proposes to authorize
7 agencies to adopt emergency rule amendments in specific circumstances that
8 may not meet the current standard for adopting emergency rules.

9 An act relating to emergency rule amendments

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 3 V.S.A. § 844 is amended to read:

12 § 844. EMERGENCY RULES

13 (a) Where an agency believes that there exists an imminent peril to public
14 health, safety, or welfare, it may adopt an emergency rule. The rule may be
15 adopted without having been prefiled or filed in proposed or final proposed
16 form, and may be adopted after whatever notice and hearing that the agency
17 finds to be practicable under the circumstances. The agency shall make
18 reasonable efforts to ensure that emergency rules are known to persons who
19 may be affected by them.

20 * * *

1 (f) In the alternative to the grounds specified in subsection (a) of this
2 section, an agency may adopt emergency amendments to existing rules using
3 the process set forth in this section if each of the following subdivisions (1)–(5)
4 applies. On a majority vote of the entire Committee, the Legislative
5 Committee on Administrative Rules may object to the emergency amendments
6 on the basis that one or more of these subdivisions do not apply or under
7 subdivision (e)(1)(A), (B), or (C) of this section, or both.

8 (1) The existing rules implement a program controlled by federal statute
9 or rule or a multistate entity.

10 (2) The controlling federal statute or rule has been amended to require a
11 change in the program or the multistate entity has made a change in the
12 program that is to be implemented in all of the participating states.

13 (3) The controlling federal statute or rule or the multistate entity requires
14 implementation of the change within 120 days or less.

15 (4) The adopting authority finds each of the following in writing:

16 (A) The agency cannot by the date required for implementation
17 complete the final adoption of amended rules using the process set forth in
18 sections 837 through 843 of this title.

19 (B) Failure to amend the rules by the date required for
20 implementation would cause significant harm to the public health, safety, or
21 welfare or significant financial loss to the State.

1 (5) On the date the emergency rule amendments are adopted pursuant to
2 this subsection, the adopting authority prefiles a corresponding permanent rule
3 pursuant to section 837 of this title.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2018.