

S.118

An act relating to the time frame for the adoption of administrative rules

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

Sec. 1. 3 V.S.A. chapter 25 (Administrative Procedure), subchapter 3 is amended to read:

Subchapter 3. Rulemaking; Procedures; Guidance Documents

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§ 842. REVIEW BY LEGISLATIVE COMMITTEE

(a) Objection; time frame; process.

(1) Within 45 days after the filing of a final proposal unless the agency consents to an extension of this review period, the Legislative Committee on Administrative Rules, by majority vote of the entire Committee, may object under subsection (b) of this section and recommend that the agency amend or withdraw the proposal. The agency shall be notified promptly of the objections. Failure to give timely notice shall be deemed approval.

(2) The agency shall within 14 days after receiving notice respond in writing to the Committee and send a copy to the Secretary of State. In its response, the agency may include revisions to the proposed rule or filing documents that seek to cure defects noted by the Committee.

(3) After receipt of this response, the Committee may withdraw or modify its objections.

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§ 843. FILING OF ADOPTED RULES

(a) An adopting authority may adopt a properly filed final proposed rule after:

(1) The passage of ~~30 days from the date a rule is first placed on the committee's agenda or~~ 45 days after filing of a final proposal under section 841 of this title, ~~whichever occurs first~~, provided the agency has not received notice of objection from the Legislative Committee on Administrative Rules;
~~or~~

(2) Receiving notice of approval from the Legislative Committee on Administrative Rules; or

(3) Responding to an objection of the Legislative Committee on Administrative Rules under section 842 of this title. After responding to such an objection, an agency may adopt the rule without change or may make a germane change in accordance with subsection (b) of this section.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.