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S.118

Introduced by Senators Lyons, Benning, Bray and MacDonald

Referred to Committee on Government Operations

Date: February 21, 2019

Subject: Executive Branch; Vermont Administrative Procedure Act;
rulemaking; time frame for adoption

Statement of purpose of bill as introduced: This bill proposes to clarify the
time frame in which an Executive Branch agency may adopt a rule.

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

* * *

§ 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

1 under subsection (b) of this section and recommend that the agency amend or
2 withdraw the proposal. The agency shall be notified promptly of the
3 objections. Failure to give timely notice shall be deemed approval.

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

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

10 * * *

11 § 843. FILING OF ADOPTED RULES

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

14 (1) ~~The passage of 30 days from the date a rule is first placed on the~~
15 ~~committee's agenda or 45 days after filing of a final proposal under section~~
16 ~~841 of this title, whichever occurs first,~~ provided the agency has not received
17 notice of objection from the Legislative Committee on Administrative Rules;
18 or

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

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

5 * * *

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.