

H.688

Comparison of timeframes to adopt rules, and under H.688

Minimum timeframe to adopt rules pursuant to Vermont's Administrative Procedure Act (not including the time necessary to develop a rule)

Step	Action	<u>Minimum</u> Time Counter in Days
1	Profile with ICAR, which must be 15 days before filing with the Sec. of State in the next step. 3 V.S.A. § 837.	0
2	Initial filing with Sec. of State. 3 V.S.A. § 838.	15
3	Publishing notice by Sec. of State within two weeks after receiving the initial filing. 3 V.S.A. § 839.	29
4	Public hearing by agency. An agency has the discretion to hold a public hearing, <i>except</i> that the agency shall hold a public hearing if requested by 25 people, the gov't, ICAR, or an association with at least 25 members. "The first hearing shall not be held sooner than 30 days following" the preceding notice step. 3 V.S.A. § 840(a).	59
5	Public comment is required "at least through the seventh day following the last public hearing." 3 V.S.A. § 840(b).	66
6	Final proposal filing with Sec. of State and LCAR, after considering the preceding public comment step. 3 V.S.A. § 841. <ul style="list-style-type: none">• In this filing, the agency must address how the rule has changed since its initial filing and describe why the agency did not incorporate any suggested revisions.• While it is likely time consuming to put this info together, the statute does not provide a specific time in which it must submit this final proposal, except that it must be after the agency considered the public comment required in the preceding step.	--
7	LCAR action within 45 days of receiving the final proposal. 3 V.S.A. § 842(a). Agency may adopt after these 45 days, 3 V.S.A. § 843(a)(1) and (2), unless LCAR objects, as described in the next step.	111
8	If LCAR objects , agency must respond within 14 days after receiving notice of objection, 3 V.S.A. § 842(a)(2), but may adopt the rule thereafter, 3 V.S.A. § 843(a)(3).	125

H.688, as amended by the House Committee on Energy and Technology:

- Bill is effective on passage
- Climate Council appointed w/in 60 days of bill becoming law and 1st meeting within 30 days.
- Council adopt Action Plan by December 1, 2021
- ANR develop rules and must submit proposed rules to Council at least 45 days before filed with ICAR (mid-May 2022) and to House & Senate Committees at least 30 days before filed with ICAR (by June 1, 2022)
- Rules filed with ICAR by July 1, 2022
- Rules adopted by December 1, 2022 (to meet 2025 GHG reduction goals).