

1 S.118

2 Introduced by Senators Lyons, Benning, Bray and MacDonald

3 Referred to Committee on

4 Date:

5 Subject: Executive Branch; Vermont Administrative Procedure Act;

6 rulemaking; time frame for adoption

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

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

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

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

13 Subchapter 3. Rulemaking; Procedures; Guidance Documents

14 * * *

15 § 842. REVIEW BY LEGISLATIVE COMMITTEE

16 (a) Objection; time frame; process.

17 (1) Within 45 days after the filing of a final proposal unless the agency
18 consents to an extension of this review period, the Legislative Committee on
19 Administrative Rules, by majority vote of the entire Committee, may object
20 under subsection (b) of this section and recommend that the agency amend or

1 withdraw the proposal. The agency shall be notified promptly of the
2 objections. Failure to give timely notice shall be deemed approval.

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

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

9 * * *

10 § 843. FILING OF ADOPTED RULES

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

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

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

20 (3) Responding to an objection of the Legislative Committee on
21 Administrative Rules under section 842 of this title. After responding to such

1 an objection, an agency may adopt the rule without change or may make a
2 germane change in accordance with subsection (b) of this section.

3 * * *

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.