

Administrative Procedures – Final Proposed Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule on Rulemaking

_____/s/ James C. Condos_____, on 7/29/21
(signature) (date)

Printed Name and Title:

James C. Condos
Secretary of State

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

21P-017

3. ADOPTING AGENCY:

Office of the Secretary of State

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Chris Winters, Deputy Secretary of State

Agency: Office of the Secretary of State

Mailing Address: 128 State Street, Montpelier VT 05633-1101

Telephone: 802 828 - 2636 Fax: 802 828 - 2496

E-Mail: sos.statutoryfilings@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://sos.vermont.gov/secretary-of-state-services/apa-rules/>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Louise Corliss

Agency: Office of the Secretary of State, VSARA

Mailing Address: 1078 US. Rte 2 Middlesex, Montpelier VT 05633-7701

Telephone: 802 828 - 2863 Fax: 802 828 - 3710

E-Mail: sos.statutoryfilings@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

3 V.S.A. § 847(c)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Title 3 V.S.A. § 847(c) tasks the Secretary of State with adopting rules for the effective administration of the Administrative Procedures Act including uniform procedural requirements, style, appropriate forms, and a system of compiling and indexing rules. This administrative rule governs procedural requirements for filing administrative rules.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

In 2020, the Secretary of State (SOS) adopted emergency rules allowing administrative rules to be submitted electronically with a "conformed signature" to reduce the risk of exposure to COVID-19 associated with in-person contact. This filing will make the change permanent. The SOS will continue to accept administrative rule submissions electronically with a conformed signature as long as the agency maintains a version bearing the original signed version to ensure authenticity. This amendment will also remove a requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms. The need to

react quickly during the pandemic demonstrated the need to remove barriers to updating filing forms. Other instances have also occurred where legislative changes took longer to implement due to this requirement to notify ICAR and LCAR 30 days before making changes to the forms. Minor formatting changes were also made for consistency.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

While the admendments in the emergency rules were initially adopted to reduce the risk of exposure to COVID-19 by providing a method of delivery without person to person contact, it has become clear that electronic submission is both possible and desirable by the many state agencies that file administrative rules. Once the pandemic subsides the Secretary of State believes that keeping the benefits of electronic submission in place makes sense and will continue to be beneficial to all parties involved. By removing the 30 day notice period for changes to the forms the Secretary of State can be as flexible as possible in the presentation of current filing forms reflective of public input and statutory changes for filing agencies.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule provides an outline of the rulemaking process and enforces use of forms and protocols provided by the SOS to ensure statutory compliance and consistency between agency filings. Changes implemented during the pandemic to facilitate electronic submission of filings have proved beneficial not only to the SOS but to agencies filing rules. Continued acceptance of filings with conformed signatures allows the SOS to continue to accept electronic filings while still maintaining the ability to append related materials (memos, invoices, correspondence, comments etc.) to the electronic files. Specifying the allowance of conformed signatures makes clear to filers that other digital signature methods are not acceptable. Other digital and e-signature formats lock the file and prevent the SOS from adding addendum or appendix materials as needed. These changes to the rule will promote efficiency and ease of filing.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES
AFFECTED BY THIS RULE:

All agencies as defined in 3 V.S.A. § 801(b)(1) that file administrative rules.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Economic impacts are difficult to quantify in monetary values, however the Secretary of State anticipates a minimal positive impact expected in the reduction of gasoline usage and mileage reimbursements associated with travel to the Middlesex Facility to file rules, agencies may incur a negligible increase in staff time required to digitize files for electronic submission, which may be offset by the reduction of paper consumption where filings were previously printed.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 7/9/2021

Time: 02:00 PM

Street Address: Virtual Hearing via Zoom

Zip Code: See Attached for specifics.

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

7/16/2021

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Rule on Rulemaking

Electronic Filing

Administrative Rules

APA

Conformed Signature

Administrative Procedures – Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. ADOPTING AGENCY:

Office of the Secretary of State

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

SOS Log# 10-035 Rule on Rulemaking effective 10/15/2010

Emergency Rule 20-E05 Rule on Rulemaking effective 04/06/2020 expired 10/03/2020.

Adopting Page

Emergency Rule 20-E19 Rule on Rulemaking effective
10/02/2020 expired 03/31/2021.

Emergency Rule 21-E04 Rule on Rulemaking effective
04/01/2021 expires 09/28/2021.



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: May 10, 2021, Microsoft Teams Virtual Meeting
Members Present: Chair Kristin Clouser, Dirk Anderson, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Diane Sherman and Clare O'Shaughnessy
Members Absent: Ashley Berliner
Minutes By: Melissa Mazza-Paquette

-
- 2:00 p.m. meeting called to order, welcome and introductions.
 - Review and approval of minutes from the [April 12, 2021](#) meeting.
 - Note: The following Emergency Rules were supported by ICAR Chair Clouser:
 1. 'PUC Emergency Rule 2.500 COVID-19 Emergency Procedures' by the Public Utility Commission on 4/13/21.
 2. 'Reportable and Communicable Diseases Emergency Rule' by the Agency of Human Services, Department of Health on 4/19/21.
 - No additions/deletions to agenda. Agenda approved as drafted.
 - No public comments made.
 - Presentation of Proposed Rules on pages 2-4 to follow.
 1. VOSHA Rule: 29 CFR 1910.1024, Updates and Revisions of the Beryllium Standard for General Industry, Department of Labor, page 2
 2. Biomass Renewable Energy Standard, Agency of Natural Resources, Department of Forests, Parks and Recreation, page 3
 3. Rule on Rulemaking, Office of the Secretary of State, page 4
 - a. Note: The Office of the Secretary of State will be invited to a future ICAR meeting to discuss potential changes to the ICAR forms, including a potential pre-filing with ICAR sheet.
 - Equity Impact on ICAR Rules: Executive Director of Racial Equity Xusana Davis
 - Director Davis plans to attend future ICAR meetings to provide her perspective on equity when needed.
 - There would be value in those proposing rules to do an equity analysis prior to filing and expand their outreach process to be all inclusive.
 - Next scheduled meeting is June 14, 2021 at 2:00 p.m.
 - 3:24 p.m. meeting adjourned.

3) **Proposed Rule:** Rule on Rulemaking, Office of the Secretary of State

Presented By: Chris Winters, Louise Corliss and Angela Valentinetti

Motion made to accept the rule by Diane Bothfeld, seconded by Diane Sherman, and passed unanimously except for John Kessler who left the meeting early therefore did not vote, with the following recommendations:

1. Proposed Rule Coversheet, #8: Include a statement regarding the reliability of authentication, as well as how the notice of public participation is not hindered. Correct spelling of 'formatting' in the last sentence. Include an explanation as to why the removal of the requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms would be helpful outside of the pandemic.
2. Proposed Rule Coversheet, #14 and #15: Include dates or TBD.
3. Public Input, #3: Include public engagement, the plan for outreach, what's been done to date, etc.

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. ADOPTING AGENCY:

Office of the Secretary of State

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

All agencies as defined in 3 V.S.A. § 801(b)(1) that file administrative rules.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

This rule does not affect schools or taxpayers.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No alternatives are currently being considered as this rule does not affect local school districts.

6. **IMPACT ON SMALL BUSINESSES:**

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

This rule does not affect small businesses.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

This rule does not affect small businesses.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Though difficult to quantify, the impacts of discontinuing electronic delivery of APA filings could still be substantial as the COVID-19 pandemic persists. Without knowing when the pandemic will subside, making electronic submission a permanent change to the rulemaking will continue to protect state agencies' personnel from unnecessary risk of exposure that could result in a significant loss of staff time if the virus should spread through multiple state offices due to the person to person contact. Agencies will also continue benefiting from electronic submission in the reduction of travel, paper consumption and the added convenience of submitting filings via email.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

Economic impact analysis for the transition to permanently accepting electronic submission of administrative rules continues to be speculative as very little in the way of quantifiable data is available. The number of rule filings varies greatly year to to year and the SOS can only speculate on how the costs associated with rules filed electronically

Economic Impact Analysis

would compare to the same rules being filed in paper format. The Secretary of State believes the rule will have minimal impacts economically and any impacts will be offset by the benefits shared by state agencies filing rules electronically. No complaints about the ability to file documents electronically have been received related to an economic impact or otherwise. Removal of the need for ICAR and LCAR approval of SOS form changes will provide a positive economic impact by reducing staff time and costs associated with such review.

Administrative Procedures – Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. ADOPTING AGENCY:

Office of the Secretary of State

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

A negligible reduction in greenhouse gas could be expected by the reduction of vehicular travel to and from the Middlesex Facility to file rules, and in reduction of printing paper copies of filings.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

Negligible impact expected from reduced vehicular travel.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

A minimal positive impact is expected from the reduction

Environmental Impact Analysis

of paper consumption by eliminating the need for printed copies.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*
No impact expected.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
Negligible impact expected from reduced vehicular travel, and/or reduction of paper consumption.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
Negligible impact expected.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*
Environmental impacts from the changes within the Rule on Rulemaking are minimal and cannot be quantified at this time.

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. ADOPTING AGENCY:

Office of the Secretary of State

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Secretary of State has received positive feedback from filing agencies since implementing the emergency rules allowing electronic submission of rule filings with conformed signatures. To further elicit feedback, the Secretary of State will hold a hearing and gather comments from rulemaking agencies regarding electronic submission of rules and the removal of the 30 day notice period for updates to filing forms.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Office of the Secretary of State will send a memorandum to the head of all state agencies notifying them of the changes to the Rule on Rulemaking requesting they disseminate the information throughout their staff who prepare administrative rules. Notice will also be posted on the Secretary of State's website.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Not applicable



State of Vermont
Office of the Secretary of State

128 State Street
Montpelier, VT 05633-1101

[phone] 802-828-2363
[fax] 802-828-2496

<https://sos.vermont.gov>

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary

Responsiveness Summary

A single submission of comments from David Englander of the Vermont Dept. of Health was received via email July 16, 2021. The following table represents the comments received and the changes made in response by the Secretary of State.

Comment/Recommendation	Location	Changed	Reasoning
Change to citation of APA Act to 3 V.S.A. Chapter 25.	Introduction (paragraph 1)	Yes	For consistency and clarity, the citation of the Administrative Procedures Act has been changed as recommended (also changed in other places where the entire act is cited).
Change the range of sections cited to 3 V.S.A. §§ 817-849	Introduction (paragraph 1)	No	3 V.S.A. §§ 801 - 816 includes definitions and procedures that are relevant to or related to rulemaking and are important for understanding the rulemaking process.
Asked where to obtain Rules of Procedure of the Legislative Committee on Administrative Rules (LCAR)	Introduction (paragraph 1)	No change needed	LCAR has their own procedural requirements adopted by the committee, it is unknown if the committee distributes these requirements or otherwise posts them online.
Change the style of Section 2 and add subheadings	Section 2	Yes	The changes are stylistic and do not change the content providing a neater appearance and is more in alignment with the stylistic approach of other agencies' rules.
Strike the word statute and remove bracketing around citation that follows information relating to Adopted Rule Filing.	New Section 2.4	Yes	This change is also stylistic in nature and doesn't affect the meaning.
Addition of Section 3 relating to Forms.	New Section 3	Yes	By breaking out Section 2 into a dedicated section relative to filings, it

			makes sense to create a new section dedicated to the forms.
Strike the first sentence in new section 3 on Forms.	New Section 3	No	The sentence was not struck, but instead was moved to the introductory paragraph. The sentence explains that for the purposes of the Rule on Rulemaking a filing may be referred to as a rule.
Change “provided” to “published” and delete “for that purpose”	Section 3 paragraph 1	Yes	Grammatical corrections were accepted and another made to help keep consistency within the sentences of paragraph 1.
Capitalization of Office and State in the designation of the “Office of the Secretary of State”	Section 3, paragraph 2	Yes	Typographic errors were corrected to properly reference the adopting authority.
Change “use the forms” to “the forms must be submitted ...”	Section 3 paragraph 3	No	This would change the intent of the sentence. This language is specifically intended to prevent conversion of MS Word files to other word processing software as conversion causes errors and sometimes corruption of the file. The only acceptable formats for filing are printed materials bearing an original signature or direct saved PDF files with conformed signatures. Testing was performed to ensure that direct saved PDF files do not change the appearance of the forms and are compatible with internal systems at the SOS.
The names of the forms listed are inconsistent with those on the actual forms used for filing. Plus 1 form was not listed.	Section 3 paragraph 3 – list of forms.	Yes	In the interest of consistency, the names of the forms have been changed, and reordered in the list to mimic the presentation of the forms within the form packets. The Emergency Rule Filing is a separate packet so it was moved to the bottom of the list.

Wordsmithing changes that make the sentence flow better.	Section 3 paragraphs 4 and 5	Yes	The paragraphs were changed to flow better without losing meaning and citations were updated to remain consistent.
Move information relative to Incorporation by Reference to the Forms list under the form.	Section 3 paragraphs 5 and 6	Yes	The paragraph regarding Incorporation by Reference was actually struck as it was superseded by statute and was actually no longer valid. The previous paragraph on the Scientific Information was edited for brevity and moved the under the listing for the Scientific Information form. Redundant information was removed.
Suggestion to change the deadline for filing.	Section 3 paragraph	No	While the deadline was moved to the Filing section (Section 2) it remains intact as it ensures that SOS staff have adequate time to review filings without incurring overtime due to last minute submissions.
Suggestion to change 3 paragraphs in what is now Section 4.	Section 4 (previously Section 3).	Yes	While the paragraphs have changed, they are not changed in the way suggested as the meaning would have changed. Rather the paragraphs have been edited to provide a bit more clarity in that any change to a hearing scheduled or not needs to be reported to the SOS so that information posted online can be updated. Redundant verbiage was removed making the section a bit more concise.

Zoom meeting: Friday, July 9, 2021 2:00 PM EST

Topic: Rule on Rulemaking

Join Zoom Meeting:

<https://us02web.zoom.us/j/89458970862?>

[pwd=cWZPeCtTeG5BRTdTUUnJWQ0U1TUdCZz09](https://us02web.zoom.us/j/89458970862?pwd=cWZPeCtTeG5BRTdTUUnJWQ0U1TUdCZz09)

Meeting ID: 894 5897 0862

Passcode: 143365

One tap mobile:

+13017158592,,89458970862#,,,,*143365# US (Washington DC)

+13126266799,,89458970862#,,,,*143365# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 894 5897 0862

Passcode: 143365

Find your local number: <https://us02web.zoom.us/j/kjEaaYhnS>

From: [Englander, David](#)
To: [SOS - VSARA Statutory Filings](#)
Subject: Proposed Rule on Rulemaking - 21P017
Date: Friday, July 16, 2021 3:56:37 PM
Attachments: [RULE ON RULEMAKING Proposed Rule Comments VDH 7.16.2021.docx](#)
[Outlook-https__ve.png](#)

Attached please find comments submitted on behalf of the Vermont Department of Health on Proposed Rule on Rulemaking - 21P017.

Best,
David

David C. Englander ([he/him](#))
Senior Policy and Legal Advisor – Department of Health
Office of the Commissioner
108 Cherry Street, Suite 301, Burlington, VT 05402
Direct: 802.863.7282



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RULE ON RULEMAKING OFFICE OF THE SECRETARY OF STATE

2021

This rule is required by 3 V.S.A. § 847(e) for the effective administration of ~~Chapter 25 of Title 33, V.S.A. Chapter 25~~. It applies to every agency of state government adopting rules under the Vermont Administrative Procedures Act (APA). For a fuller understanding of the rulemaking process, consult 3 V.S.A. §§ ~~801-817~~ - 849 and the rules of procedure of the Legislative Committee on Administrative Rules (LCAR).

Commented [ED1]: Where are these found?

Section 2. Filings.

The APA requires agencies to make filings of every new, amended, or repealed rule at least four times during the rule making process.

2.1 Prefiling

The first filing is the Prefiling with the Interagency Committee on Administrative Rules (ICAR). This begins the rulemaking process.

2.2 Proposed

The second filing is the Proposed Rule with the Office of the Secretary of State. This begins the notice and public comment period.

2.3 Final Proposed

The third filing is the Final Proposed Rule, which is filed with the Office of the Secretary of State and LCAR.

This signals the end of the notice and public comment period.

2.4 Adopted Rule

After LCAR review, the fourth and last filing is the Adopted Rule (filed with both the Office of the Secretary of State and LCAR), which marks the beginning of the minimum 15-day period required by ~~statute~~ 3 V.S.A. § 845(d) for the effective date of the rule.

Section 3. Forms

~~For the purpose of the Rule on Rulemaking, the filing of any new rule, amendment, or repeal of an existing rule shall be described as a rule.~~ Agencies must use the forms provided published by the Office of the Secretary of State ~~for that purpose~~; altered forms will not be accepted.

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Commented [ED2]: It is unclear what this sentence means or what use it serves.

All forms requiring the signature of the adopting authority to be filed with the Office of the Secretary of State shall be an original signature or, if the form is filed electronically with the Office of the Secretary of State, a conformed signature.

“Conformed signature” means a typed signature on a form provided by the Office of the Secretary of State that is submitted electronically to the ~~office~~ Office of the Secretary of ~~state~~ State for filing. The Secretary of State will accept forms electronically submitted for filing if all of the following conditions have been met:

1. Full name of person who signed the original form is typed in this format: /s/ Name of Person;
2. Form is submitted electronically in the file format and in the manner prescribed on the form; and
3. Form with the original signature of the adopting authority is retained by the adopting authority as required by statute [3 V.S.A. § 843(e)].

The forms are available for download from the Office of the Secretary of State’s website. Due to compatibility issues, the forms must be submitted ~~use the forms~~ in the formats in which they are provided. The forms include:

1. Proposed Rule Cover Sheet provides information about the proposed rule for the required notice.
2. Final Proposal Cover Sheet delineates any changes from the proposed rule.
3. Adopted Rule Cover Sheet, lists the procedural history of the rule and indicates that the rule has been reviewed by LCAR, has been adopted by the agency, and assigned an effective date.
4. Economic Impact Statement explains the expected economic impact of the rule and the impact the rule will have on greenhouse gases if it is adopted.
5. Scientific Information Statement identifies the scientific information upon which the rule has been based and explains the procedure for obtaining such studies and underlying research data from the agency.
6. Public Input Statement outlines the agency’s plan to maximize public input.
7. Incorporation by Reference Statement explains the material to be incorporated, and where it can be obtained and at what cost.
8. Emergency Rule: Cover Sheet replaces the Proposed Rule Coversheet for Emergency Rules.
9. Adopting Page provides information about the type of filing submitted and whether it is a new rule, an amendment, or a repeal of an existing rule and if so, what those existing rules are.

Commented [ED3]: This list does not reflect the order in which the forms appear, uses different names of the forms, and omits the Environmental Impact Analysis.

If the Office of the Secretary of State finds that the filings meet the ~~statutory~~ requirements found in ~~chapter 25 of title 3 of the Vermont Statutes~~ 3. V.S.A. Chapter 25, the rule ~~is stamped with the date and will be~~ filed. The Office of the Secretary of State will notify an agency of any defects in a filing within 3 ~~working-business~~ days from receipt.

In addition to the appropriate forms, an agency must file the text of the proposed or adopted rule and an annotated text showing changes from any existing rules. Filing a paragraph or page of a larger rule is not sufficient and a complete annotation is required. A new proposed rule need not be accompanied by an annotated text.

To the extent that a rule depends on scientific information for its validity, it shall include a brief summary of that information including reference to any scientific studies upon which the proposed rule is based and shall explain the procedure for obtaining such studies and underlying research data from the agency.

Whenever an agency intends to adopt a rule through incorporation by reference, a copy of all incorporated materials must be filed with an Incorporation by Reference Statement form.

All filings with the Office of the Secretary of State shall arrive no later than 3:30 p.m. on the last day of the scheduled workweek.

Section 3. Public Notice.

Notices of completed filings of proposed rules received by 3:30 p.m. on the last day of the scheduled workweek will be posted online the following week. Links to the notices will be available on the Secretary of State's APA web pages and the notices will appear in the newspapers of record the week following the posting of the online notice. Notices of proposed rules will remain posted online until two weeks after adoption of the proposed rule is complete.

When an agency ~~learns of~~ determines the need for a new hearing date or for an extension of the public comment period, based on a request as provided pursuant to 3 V.S.A. § 840(a), including a petition by 25 or more persons, or on its own initiative, the agency must notify the office of the Office of the Secretary of State and must notify by mail all individuals who have contacted the agency about the rule. The Office of the Secretary of State shall amend the notices to reflect the changes in hearing and deadline for public comment.

When a public hearing has been scheduled, an agency shall set a deadline for public comment not less than seven days following the hearing.

When a public hearing has not been scheduled, an agency shall set a deadline for public comment not less than ~~two full weeks~~ fourteen days following the publication in the newspapers of record. ~~If an agency then receives a petition for a public hearing or decides to hold a hearing on its own initiative, the agency must notify the Office of the Secretary of State so the notices may be amended to reflect the new hearing information and the deadline for public comment shall be reestablished to a date not less than seven days following the last public hearing.~~

Commented [ED4]: Perhaps it would makes sense to ha this information in the previous section, so all the information on each form is in one place.

Commented [ED5]: The office is open until the end of business. Should this include the statement in order to be posted online the following week? And, if so, this is redundant with the next sentence.

Commented [ED6]: First Class mail? Is electronic mail allowed if the agency has the address?

**RULE ON RULEMAKING
OFFICE OF THE SECRETARY OF STATE**

20192021

Section 1. Introduction.

This rule is required by 3 V.S.A. § 847(e) for the effective administration of ~~3 V.S.A. Chapter 25 of Title 3.~~ It applies to every agency of state government adopting rules under the Vermont Administrative Procedures Act (APA). For a fuller understanding of the rulemaking process, consult 3 V.S.A. § 801 - 849 and the rules of procedure of the Legislative Committee on Administrative Rules (LCAR). ~~For the purpose of the Rule on Rulemaking, the filing of any new rule, amendment, or repeal of an existing rule shall be described as a rule.~~

Commented [CL1]: Accepted comment regarding citation of APA Statute in all instances

Commented [CL2]: Rejected comment to change citation Section 801 includes definitions that are relevant to rulemaking

Commented [CL3]: David Englander asked where they are LCAR has them, I have an old copy but as far as I can tell they are not posted anywhere online or otherwise available except from LCAR.

Commented [CL4]: Clarification – this sentence was moved to the introduction (Section 1) and serves to explain that in the context of the “Rule on Rulemaking” a filing of a new rule, an amendment to an existing rule, or a repeal of an existing rule may be referred to as “a rule”.

Section 2. Filings.

The APA requires agencies to make filings of every new, amended, or repealed rule at least four times during the rule making process.

2.1 Prefiling

The first filing is the Prefiling with the Interagency Committee on Administrative Rules (ICAR). This begins the rulemaking process.

2.2 Proposed

The second filing is the Proposed Rule with the Office of the Secretary of State. This begins the notice and public comment period.

2.3 Final Proposed

The third filing is the Final Proposed Rule, which is filed with the Office of the Secretary of State and LCAR. This signals the end of the notice and public comment period.

2.4 Adopted Rule

After LCAR review, the fourth and last filing is the Adopted Rule (filed with both the Office of the Secretary of State and LCAR), which marks the beginning of the minimum ~~15 day~~ 15-day period required by ~~statute~~ 3 V.S.A. § 845(d) for the effective date of the rule.

~~All filings with the Office of the Secretary of State shall arrive no later than 3:30 p.m. on the last day of the scheduled workweek.~~

Commented [CL5]: Moved up to remain in Section 2 - Deadline for comment ensures that SOS staff has adequate time to review filings without incurring overtime

Section 3. Forms

~~For the purpose of the Rule on Rulemaking, the filing of any new rule, amendment, or repeal of an existing rule shall be described as a rule.~~ Agencies must use the forms ~~provided~~ published by the Office of the Secretary of State ~~for that purpose~~; altered forms will not be accepted. All forms requiring the signature of the adopting authority to be filed with the Office of the Secretary of State shall be an original signature; ~~or, if the form is filed electronically with the Office of the Secretary of State, a conformed signature.~~

Commented [CL6]: Clarification – this sentence serves to define “rule” in the context of rulemaking such that the word “rule” may refer to a new rule, an amendment to an existing rule, or a repeal of an existing rule. Moved to Section 1.

“Conformed signature” means a typed signature on a form provided by the Office of the Secretary of State that is submitted electronically to the ~~office~~ Office of the Secretary of State for filing. The Secretary of State will accept forms electronically submitted for filing if all of the following conditions have been met:

Commented [CL7]: Accepted comment to change the adjective, and remove fragment

1. Full name of person who signed the original form is typed in this format: /s/ Name of Person;
2. Form is submitted electronically in the file format and in the manner prescribed on the form; and

3. Form with the original signature of the adopting authority is retained by the adopting authority as required by statute [3 V.S.A. § 843(e)].

The forms are available for download from the Office of the Secretary of State's website. Due to compatibility issues use the forms in the formats in which they are provided. The forms include:

- 1. Proposed Rule Cover Sheet Filing provides information about the proposed rule for the required notice.
- 2. Final Proposal Cover Sheet Filing delineates any changes from the proposed rule.
- 3. Adopted Rule Cover Sheet Filing, lists the procedural history of the rule and indicates that the rule has been reviewed by LCAR, has been adopted by the agency, and assigned an effective date.
- 4. Adopting Page provides information about the type of filing submitted and whether it is a new rule, an amendment, or a repeal of an existing rule and if so, what those existing rules are.
- 5. Economic Impact Statement Analysis explains the expected economic impact of the rule.
- 4-6. Environmental Impact Analysis explains the expected and the impact the rule will have on greenhouse gases if it is adopted.
- 5-7. Scientific Information Statement form identifies the scientific information upon which the rule has been based and explains the procedure for obtaining such studies and underlying research data from the agency- if the rule depends on scientific information for its validity.
- 6-8. Public Input Statement form outlines the agency's plan to maximize public input.
- 7-9. Incorporation by Reference Statement form -explains the material to be incorporated, and where it can be obtained and at what cost.
- 8-10. Emergency Rule: Cover Sheet Filing replaces the Proposed Rule Coversheet Filing for Emergency Rules.

Commented [CL8]: Recommended changes were rejected. This language is specifically intended to prevent conversion of MS Word files to other word processing software as conversion causes errors and sometimes corruption of the file. The only acceptable formats for filing are printed materials bearing an original signature or direct saved PDF files with conformed signatures. Testing was performed to ensure that direct saved PDF files do not change the appearance of the forms and are compatible with internal systems at the SOS.

Adopting Page provides information about the type of filing submitted and whether it is a new rule, an amendment or a repeal of an existing rule and if so, what those existing rules are.

Any change(s) to the Rule on Rulemaking forms shall not occur without 30 days notice of such change(s) to ICAR and LCAR [3 VSA see 834(b) and see 847(e)].

If the Office of the Secretary of State finds that ~~the a~~ filings meets ~~the~~ statutory ~~and~~ regulatory requirements ~~found in chapter 25 of title 3 of the Vermont Statutes,~~ the rule is stamped with the date and filed will be accepted for filing. The Office of the Secretary of State will notify an agency of any defects in a filing within 3 ~~working-business~~ days from receipt.

In addition to the appropriate forms, an agency must ~~file also~~ submit the text of the proposed or adopted rule and an annotated text showing changes from any existing rules. ~~Filing Submitting~~ a paragraph or page of a larger rule is not sufficient and a complete annotation is required. A new proposed rule need not be accompanied by an annotated text.

~~To the extent that a rule depends on scientific information for its validity, it shall include a brief summary of that information including reference to any scientific studies upon which the proposed rule is based, and shall explain the procedure for obtaining such studies and underlying research data from the agency.~~

~~Whenever an agency intends to adopt a rule through incorporation by reference, a copy of all incorporated materials must be filed with an Incorporation by Reference Statement form.~~

~~All filings with the Office of the Secretary of State shall arrive no later than 2:30 p.m. on the last day of the scheduled workweek.~~

Commented [CL9]: Item 9 moved up in the list to reorder the list to mimic the orientation of the forms within the forms packet. Also one of the forms was inadvertently omitted and has been added.

Because the Emergency Rule Coversheet is located in a separate packet to avoid confusion, it has been moved to the bottom of the list.

Commented [CL10]: This paragraph has been pared down and added under the forms list.

Commented [CL11]: Statutory changes to incorporation by reference superseded this paragraph, and it should have been removed during the proposal as it is outdated.

Commented [CL12]: Deadline for comment ensures that SOS staff has adequate time to review filings without incurring overtime.

Section 34. Public Notice.

Notices of completed filings of proposed rules received by 3:30 p.m. on the last day of the scheduled workweek will be posted online the following week. Links to the notices will be available on the Secretary of State's APA web pages and the notices will appear in the newspapers of record the week following the posting of the online notice. Notices of proposed rules will remain ~~posted-visible~~ online until two weeks after adoption of the proposed rule is complete.

When an agency ~~needs to hold a new hearing, reschedule a hearing, or extend the public comment period, learns of the need for a new hearing date or for an extension of the public comment period,~~ the agency must notify the ~~office of the~~ Office of the Secretary of State and must notify by mail all individuals who ~~have contacted the agency about the rule.~~ The Office of the Secretary of State shall amend the notices to reflect the changes in hearing and deadline for public comment.

When a public hearing has not been scheduled, an agency shall set a deadline for public comment not less than ~~two full weeks~~ fourteen days following the publication in the newspapers of record. ~~If an agency then receives a petition for a public hearing, or decides to hold a hearing on its own initiative, the agency must notify the Office of the Secretary of State so the notices may be amended to reflect the new hearing information and the deadline for public comment shall be reestablished to a date not less than seven days following the last public hearing.~~

Clean
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**RULE ON RULEMAKING
OFFICE OF THE SECRETARY OF STATE**

2021

Section 1. Introduction.

This rule is required by 3 V.S.A. § 847(e) for the effective administration of 3 V.S.A. Chapter 25. It applies to every agency of state government adopting rules under the Vermont Administrative Procedures Act (APA). For a fuller understanding of the rulemaking process, consult 3 V.S.A. § 801 - 849 and the rules of procedure of the Legislative Committee on Administrative Rules (LCAR). For the purpose of the Rule on Rulemaking, the filing of any new rule, amendment, or repeal of an existing rule shall be described as a rule.

Section 2. Filings.

The APA requires agencies to make filings of every new, amended, or repealed rule at least four times during the rule making process.

2.1 Prefiling

The first filing is the Prefiling with the Interagency Committee on Administrative Rules (ICAR). This begins the rulemaking process.

2.2 Proposed

The second filing is the Proposed Rule with the Office of the Secretary of State. This begins the notice and public comment period.

2.3 Final Proposed

The third filing is the Final Proposed Rule, which is filed with the Office of the Secretary of State and LCAR. This signals the end of the notice and public comment period.

2.4 Adopted Rule

After LCAR review, the fourth and last filing is the Adopted Rule (filed with both the Office of the Secretary of State and LCAR), which marks the beginning of the minimum 15-day period required by 3 V.S.A. § 845(d) for the effective date of the rule.

All filings with the Office of the Secretary of State shall arrive no later than 3:30 p.m. on the last day of the scheduled workweek.

Section 3. Forms

Agencies must use the forms published by the Office of the Secretary of State; altered forms will not be accepted. All forms requiring the signature of the adopting authority to be filed with the Office of the Secretary of State shall be an original signature or, if ~~the form is~~ filed electronically with the Office of the Secretary of State, a conformed signature.

“Conformed signature” means a typed signature on a form provided by the Office of the Secretary of State that is submitted electronically to the Office of the Secretary of State for filing. The Secretary of State will accept forms electronically submitted for filing if all of the following conditions have been met:

1. Full name of person who signed the original form is typed in this format: /s/ Name of Person;
2. Form is submitted electronically in the file format and in the manner prescribed on the form; and

3. Form with the original signature of the adopting authority is retained by the adopting authority as required by statute [3 V.S.A. § 843(e)].

The forms are available for download from the Office of the Secretary of State's website. Due to compatibility issues use the forms in the formats in which they are provided. The forms include:

1. Proposed Rule Filing provides information about the proposed rule for the required notice.
2. Final Proposal Filing delineates any changes from the proposed rule.
3. Adopted Rule Filing, lists the procedural history of the rule and indicates that the rule has been reviewed by LCAR, has been adopted by the agency, and assigned an effective date.
4. Adopting Page provides information about the type of filing submitted and whether it is a new rule, an amendment, or a repeal of an existing rule and if so, what those existing rules are.
5. Economic Impact Analysis explains the expected economic impact of the rule.
6. Environmental Impact Analysis explains the expected impact the rule will have on greenhouse gases if it is adopted.
7. Scientific Information form identifies the scientific information upon which the rule has been based and explains the procedure for obtaining such studies and underlying research data from the agency if the rule depends on scientific information for its validity.
8. Public Input form outlines the agency's plan to maximize public input.
9. Incorporation by Reference form explains the material to be incorporated, and where it can be obtained and at what cost.
10. Emergency Rule Filing replaces the Proposed Rule Filing for Emergency Rules.

If the Office of the Secretary of State finds that a filing meets statutory and regulatory requirements the rule will be accepted for filing. The Office of the Secretary of State will notify an agency of any defects in a filing within 3 business days from receipt.

In addition to the appropriate forms, an agency must also submit the text of the proposed or adopted rule and an annotated text showing changes from any existing rules. Submitting a paragraph or page of a larger rule is not sufficient and a complete annotation is required. A new proposed rule need not be accompanied by an annotated text.

Section 4. Public Notice.

Notices of completed filings of proposed rules received by 3:30 p.m. on the last day of the scheduled workweek will be posted online the following week. Links to the notices will be available on the Secretary of State's APA web pages and the notices will appear in the newspapers of record the week following the posting of the online notice. Notices of proposed rules will remain visible online until two weeks after adoption of the proposed rule is complete.

When an agency needs to hold a new hearing, reschedule a hearing, or extend the public comment period, the agency must notify the Office of the Secretary of State and must notify by mail all individuals who have contacted the agency about the rule. The Office of the Secretary of State shall amend the notices to reflect the changes in hearing and deadline for public comment.

When a public hearing has not been scheduled, an agency shall set a deadline for public comment not less than fourteen days following the publication in the newspapers of record.

The Vermont Statutes Online

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 003 : Rulemaking; Procedures; Guidance Documents

(Cite as: 3 V.S.A. § 847)

§ 847. Availability of adopted rules; rules by Secretary of State

(a) Availability from agency. An agency shall make each rule it has finally adopted available to the public online and for physical inspection and copying. Online, the agency shall post its adopted rules on a separate web page that is readily accessible from a prominent link on its main web page, that lists adopted rules by title and topic, and that is searchable.

(b) Register; code.

(1) The Secretary of State (Secretary) shall keep open to public inspection a permanent register of rules. The Secretary may satisfy this requirement by incorporating the register into the centralized rule system created pursuant to section 818 of this title.

(2) The Secretary shall publish a code of administrative rules that contains the rules adopted under this chapter. The requirement to publish a code shall be considered satisfied if a commercial publisher offers such a code in print at a competitive price and at no charge online. However, if the Secretary establishes the centralized rule system under section 818 of this title as a digital system, then the system shall include the online publication of this code.

(c) Rules for administration. The Secretary of State shall adopt rules for the effective administration of this chapter. These rules shall be applicable to every agency and shall include uniform procedural requirements, style, appropriate forms, and a system for compiling and indexing rules. (Added 1981, No. 82, § 6; amended 1995, No. 61, § 5; 2013, No. 142 (Adj. Sess.), § 10; 2015, No. 131 (Adj. Sess.), § 19; 2015, No. 169 (Adj. Sess.), § 11; 2017, No. 156 (Adj. Sess.), § 2.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Jul 16, 2021

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	21P017
Title:	Rule on Rulemaking
Type:	Standard
Status:	Proposed
Agency:	Office of the Secretary of State
Legal Authority:	3 V.S.A. § 847(c)

Summary: In 2020, the Secretary of State (SOS) adopted emergency rules allowing administrative rules to be submitted electronically with a "conformed signature" to reduce the risk of exposure to COVID-19 associated with in-person contact. This filing will make the change permanent. The SOS will continue to accept administrative rule submissions

electronically with a conformed signature as long as the agency maintains a version bearing the original signed version to ensure authenticity. This amendment will also remove a requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms. The need to react quickly during the pandemic demonstrated the need to remove barriers to updating filing forms. Other instances have also occurred where legislative changes took longer to implement due to this requirement to notify ICAR and LCAR 30 days before making changes to the forms. Minor formatting changes were also made for consistency.


Persons Affected: All agencies as defined in 3 V.S.A. § 801(b)(1) that file administrative rules.

Economic Impact: Economic impacts are difficult to quantify in monetary values, however the Secretary of State anticipates a minimal positive impact expected in the reduction of gasoline usage and mileage reimbursements associated with travel to the Middlesex Facility to file rules, agencies may incur a negligible increase in staff time required to digitize files for electronic submission, which may be offset by the reduction of paper consumption where filings were previously printed.

Posting date: Jun 02,2021

Hearing Information

Information for Hearing # 1

Hearing date: 07-09-2021 2:00 PM 

Location: Zoom Meeting: ID 894 5897 0862

Address: Passcode: 143365

City: For audio only call +1 646 558 8656, 89458970862#,,,,*143365#

State: VT

Zip: n/a

Hearing Notes: Link to join online: <https://us02web.zoom.us/j/89458970862?pwdcWZPeCtTeG5BRTdTUkJWQ0U1TUdCZz09>

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary
Name: Chris Winters, Deputy Secretary of State
Agency: Office of the Secretary of State
Address: VSARA
City: Montpelier
State: VT
Zip: 05633-7701
Telephone: 8028282863
Fax:
Email: louise.corliss@vermont.gov

Website: <https://sos.vermont.gov/secretary-of-state-services/apa-rules/>
Address: [REDACTED]

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
Name: Louise Corliss
Agency: Office of the Secretary of State
Address: VSARA, 1078 US Rte. 2 Middlesex
City: Montpelier
State: VT
Zip: 05633-7701
Telephone: 802-828-2863
Fax:
Email: sos.statutoryfilings@vermont.gov

Keyword Information

Keywords:

- Rule on Rulemaking
- Electronic Filing
- Administrative Rules
- APA

Conformed Signature



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OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
(802) 828-2863

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	News & Citizen (Bryan@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
	St. Albans Messenger Ben Letourneau (ben.letourneau@samessenger.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Ben Letourneau
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: June 7, 2021

RE: The "Proposed State Rules " ad copy to run on

June 17, 2021

PAGES INCLUDING THIS COVER MEMO:

2

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

=====

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Rule on Rulemaking

Vermont Proposed Rule: 21P017

AGENCY: Office of the Secretary of State

CONCISE SUMMARY: In 2020, the Secretary of State (SOS) adopted emergency rules allowing administrative rules to be submitted electronically with a "conformed signature" to reduce the risk of exposure to COVID-19 associated with in-person contact. This filing will make the change permanent. The SOS will continue to accept administrative rule submissions electronically with a conformed signature as long as the agency maintains a version bearing the original signed version to ensure authenticity. This amendment will also remove a requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms. The need to react quickly during the pandemic demonstrated the need to remove barriers to updating filing forms. Other instances have also occurred where legislative changes took longer to implement due to this requirement to notify ICAR and LCAR 30 days before making changes to the forms. Minor formatting changes were also made for consistency.

FOR FURTHER INFORMATION, CONTACT: Chris Winters, Deputy Secretary of State, Office of the Secretary of State, 128 State Street, Montpelier VT 05633-1101 Tel: 802-828-2363 Fax: 802-828-2496 Email: sos.statutoryfilings@vermont.gov URL: <http://sos.vermont.gov/secretary-of-state-services/apa-rules/> .

FOR COPIES: Louise Corliss, Office of the Secretary of State, VSARA 1078 U.S. Rte. 2 Middlesex, Montpelier VT 05633-7701, Tel: 802-828-2863 Fax: 802-828-3710 Email: sos.statutoryfilings@vermont.gov.

Biomass Renewable Energy Standard.

Vermont Proposed Rule: 21P018

AGENCY: Agency of Natural Resources; Forests, Parks & Recreation.

CONCISE SUMMARY: Act 56 amended Chapter 87 of Title 10 of the Vermont Statutes Annotated to add a new section 2751, which requires the Commissioner of the Department of Forests, Parks and Recreation to adopt rules that establish renewable energy standards for forest products used to generate energy by distributed renewable generation and energy transformation projects within the Renewable Energy Standard. 10 V.S.A.

§2751. This rule establishes biomass renewability standards by setting minimum efficiency standards for Tier III Energy Transformation projects, and sets forester certified standards based on the forest land category of the Use Value Appraisal (UVA) program for material used in Tier II Distributed Renewable Energy projects.

FOR FURTHER INFORMATION, CONTACT: Emma Hanson, Agency of Natural Resources; Department of Forests, Parks and Recreation, 1 National Life Drive, Davis 2 Montpelier, VT 05620-3801 Tel: 802-622-4187 Email: Emma.Hanson@vermont.gov URL: <http://anr.vermont.gov/forests-parks-rec> .

FOR COPIES: Meghan Purvee, Agency of Natural Resources; Department of Forests, Parks and Recreation, 1 National Life Drive, Davis 2 Montpelier, VT 05620-3801 Tel: 802-279-7870 Email: Meghan.Purvee@vermont.gov.
