

**Legislative Committee on Administrative Rules (LCAR):**

In general, LCAR has the statutory authority under the Administrative Procedure Act (APA) to:

- object to final proposed, emergency, and existing rules on limited grounds, 3 V.S.A. §§ [817\(d\)](#), [842](#) and [844\(e\)](#);
- hold hearings on proposed and previously adopted rules, 3 V.S.A. § 817(c);
- request that standing committees of the General Assembly review certain matters within the standing committees’ jurisdiction, 3 V.S.A. § 817(e);
- request that an agency initiate rulemaking to adopt an existing practice<sup>1</sup> or procedure,<sup>2</sup> which is not the same as requiring the adoption of a rule,<sup>3</sup> 3 V.S.A. §§ [831\(c\) and \(f\)](#) and [832\(d\)](#); and
- request the periodic review of certain existing rules, 3 V.S.A. § [834\(a\)](#).

While an agency is required to “initiate rulemaking and adopt rules” when directed to by law, 3 V.S.A. § 831(a), LCAR does **not** have the statutory authority under the APA to require that a rule be adopted, even if a law (session or codified) directs an agency to adopt a rule; to compel an agency to adopt a rule; to penalize an agency for failing to adopt a rule; or to object to a final proposed rule on the grounds that it was not timely filed in accordance with a law mandating the adoption of a rule by a particular date.

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**Public:**

Any person (including a member of the public) “may submit a written request to an agency asking the agency to adopt, amend, or repeal a procedure or rule” or “to adopt a guidance document<sup>4</sup> as a rule[.]” “Within 30 days after receiving the request, the agency shall initiate rulemaking proceedings; shall adopt, amend, or repeal the procedure; or shall deny the request, giving its reasons in writing.” 3 V.S.A. § [806](#).

An agency is required to initiate rulemaking (statute silent on actually adopting the rule) to adopt an existing practice or procedure when requested by 25 or more persons. 3 V.S.A. § 831(c).

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<sup>1</sup> Defined in 3 V.S.A. § [801\(7\)](#).

<sup>2</sup> Defined in 3 V.S.A. § 801(8).

<sup>3</sup> Defined in 3 V.S.A. § 801(9).

<sup>4</sup> Defined in 3 V.S.A. § 801(14).