

1 S.117

2 An act relating to rulemaking on safety and health standards and technical  
3 corrections on employment practices and unemployment compensation

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

5 \* \* \* Safety and Health Rulemaking \* \* \*

6 Sec. 1. 21 V.S.A. § 204 is amended to read:

7 § 204. RULES AND PROCEDURE

8 (a)(1)(A) Except as otherwise provided pursuant to subdivision (2) of this  
9 subsection (a), the provisions of 3 V.S.A. chapter 25, subchapter 3 shall not  
10 apply to the Commissioner's adoption in its entirety of any rule or standard  
11 adopted by the U.S. Department of Labor's Occupational Safety and Health  
12 Administration pursuant to the act for which the State is required to adopt a  
13 rule or standard that is at least as effective as the federal rule or standard in  
14 order to maintain the approval of the State's Occupational Safety and Health  
15 Plan.

16 (B) For every rule or standard proposed to be adopted pursuant to the  
17 provisions of this subdivision (1), the Commissioner shall:

18 (i) provide notice of the proposed rule to interested parties,  
19 including affected employers and trade organizations that are known to the  
20 Commissioner;

1                   (ii) post the proposed rule or standard to the Department's website  
2                   for at least 30 days; and

3                   (iii) provide at least 30 days for members of the public to submit  
4                   comments regarding the proposed rule.

5                   (C)(i) After compliance with the procedures set forth in subdivision  
6                   (B) of this subdivision (a)(1), adoption of the rule or standard shall be  
7                   complete upon filing with the Secretary of State and the rule or standard shall  
8                   take effect on the later of 15 days after it is filed with the Secretary of State or  
9                   a later effective date as determined by the Commissioner.

10                  (ii) The filing with the Secretary of State shall include:

11                   (I) a cover sheet on a form prepared by the Secretary of State  
12                   that contains at least the following information:

13                               (aa) the title or subject of the rule or standard;

14                               (bb) a summary of the dates on which the Department  
15                   complied with the requirements of this subdivision (a)(1); and

16                               (cc) a signed and dated statement by the Commissioner that  
17                   the procedural requirements of this subdivision (a)(1) have been met and that  
18                   the Commissioner approves the contents of the filing; and

19                   (II) the text of the rule or standard.

20                   (D) After adopting a rule or standard pursuant to the provisions of  
21                   this subdivision (a)(1), the Department shall create a file containing all papers

1 and records used or created during the adoption of the rule or standard. The  
2 file shall be maintained for at least one year after the date on which the rule or  
3 standard is adopted.

4 (2)(A) For any rule or standard proposed that is more protective of  
5 health and safety than the federal standard or any rule or standard for which  
6 there is no corresponding federal rule or standard, the Commissioner shall  
7 adopt the proposed rule or standard pursuant to the rulemaking procedures set  
8 forth in 3 V.S.A. chapter 25, relating to administrative procedure, shall apply  
9 to this chapter and the VOSHA Code.

10 (B) Upon request of 25 or more persons made in relation to a rule or  
11 standard proposed for adoption pursuant to subdivision (1) of this subsection  
12 (a), the Commissioner shall be required to adopt the proposed rule or standard  
13 pursuant to the rulemaking procedures set forth in 3 V.S.A. chapter 25,  
14 subchapter 3.

15 \* \* \*

16 Sec. 2. 21 V.S.A. § 204 is amended to read:

17 ~~(a)(1)(A) Except as otherwise provided pursuant to subdivision (2) of this~~  
18 ~~subsection (a), the provisions of 3 V.S.A. chapter 25, subchapter 3 shall not~~  
19 ~~apply to the Commissioner's adoption in its entirety of any rule or standard~~  
20 ~~adopted by the U.S. Department of Labor's Occupational Safety and Health~~  
21 ~~Administration pursuant to the act for which the State is required to adopt a~~

1 ~~rule or standard that is at least as effective as the federal rule or standard in~~  
2 ~~order to maintain the approval of the State's Occupational Safety and Health~~  
3 ~~Plan.~~

4 ~~(B) For every rule or standard proposed to be adopted pursuant to the~~  
5 ~~provisions of this subdivision (1), the Commissioner shall:~~

6 ~~(i) provide notice of the proposed rule to interested parties,~~  
7 ~~including affected employers and trade organizations that are known to the~~  
8 ~~Commissioner;~~

9 ~~(ii) post the proposed rule or standard to the Department's website~~  
10 ~~for at least 30 days; and~~

11 ~~(iii) provide at least 30 days for members of the public to submit~~  
12 ~~comments regarding the proposed rule.~~

13 ~~(C)(i) After compliance with the procedures set forth in subdivision~~  
14 ~~(B) of this subdivision (a)(1), adoption of the rule or standard shall be~~  
15 ~~complete upon filing with the Secretary of State and the rule or standard shall~~  
16 ~~take effect on the later of 15 days after it is filed with the Secretary of State or~~  
17 ~~a later effective date as determined by the Commissioner.~~

18 ~~(ii) The filing with the Secretary of State shall include:~~

19 ~~(I) a cover sheet on a form prepared by the Secretary of State~~  
20 ~~that contains at least the following information:~~

21 ~~(aa) the title or subject of the rule or standard;~~

1                   ~~(bb) a summary of the dates on which the Department~~  
2                   ~~complied with the requirements of this subdivision (a)(1); and~~

3                   ~~(cc) a signed and dated statement by the Commissioner that~~  
4                   ~~the procedural requirements of this subdivision (a)(1) have been met and that~~  
5                   ~~the Commissioner approves the contents of the filing; and~~

6                   ~~(II) the text of the rule or standard.~~

7                   ~~(D) After adopting a rule or standard pursuant to the provisions of~~  
8                   ~~this subdivision (a)(1), the Department shall create a file containing all papers~~  
9                   ~~and records used or created during the adoption of the rule or standard. The~~  
10                  ~~file shall be maintained for at least one year after the date on which the rule or~~  
11                  ~~standard is adopted.~~

12                  ~~(2)(A) For any rule or standard proposed that is more protective of~~  
13                  ~~health and safety than the federal standard or any rule or standard for which~~  
14                  ~~there is no corresponding federal rule or standard, the Commissioner shall~~  
15                  ~~adopt the proposed rule or standard pursuant to the rulemaking procedures set~~  
16                  ~~forth in 3 V.S.A. chapter 25, relating to administrative procedure, shall apply~~  
17                  ~~to this chapter and the VOSHA Code.~~

18                  ~~(B) Upon request of 25 or more persons made in relation to a rule or~~  
19                  ~~standard proposed for adoption pursuant to subdivision (1) of this subsection~~  
20                  ~~(a), the Commissioner shall be required to adopt the proposed rule or standard~~

1 ~~pursuant to the rulemaking procedures set forth in 3 V.S.A. chapter 25,~~  
2 ~~subchapter 3.~~

3 \* \* \*

4 Sec. 3. 21 V.S.A. § 224 is amended to read:

5 § 224. RULES AND STANDARDS

6 (a) ~~The~~ Subject to the procedures set forth in section 204 of this chapter,  
7 the Commissioner shall adopt rules and standards necessary to implement the  
8 purposes and duties set forth in this subchapter insofar as they relate to safety  
9 and to enforcement of the VOSHA Code.

10 (b) ~~The~~ Subject to the procedures set forth in section 204 of this chapter,  
11 the Commissioner, in consultation with the Secretary of Human Services, shall  
12 adopt rules and standards necessary to implement the purposes of the VOSHA  
13 Code and duties imposed by the Code, insofar as they relate to health.

14 \* \* \*

15 Sec. 4. 21 V.S.A. § 224 is amended to read:

16 § 224. RULES AND STANDARDS

17 (a) ~~Subject to the procedures set forth in section 204 of this chapter, the~~  
18 The Commissioner shall adopt rules and standards necessary to implement the  
19 purposes and duties set forth in this subchapter insofar as they relate to safety  
20 and to enforcement of the VOSHA Code.

\* \* \*

\* \* \*

\* \* \*

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1 unemployment insurance program so that the modernized system is ready and  
2 able to implement on or before July 1, ~~2025~~ 2026 the changes to the  
3 unemployment insurance weekly benefit amount set forth in Secs. 52d and 52e  
4 of this act.

5 \* \* \*

6 \* \* \* Effective Dates \* \* \*

7 Sec. 22. EFFECTIVE DATES

8 (a) Secs. 1, 3, 5–21, and this section shall take effect on July 1, 2025.

9 (b) Secs. 2 and 4 shall take effect on July 1, 2028.