

# Administrative Procedures – Final Proposed Rule Coversheet

### 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 final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- 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)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

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

**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 Title: Rule on Rulemaking**

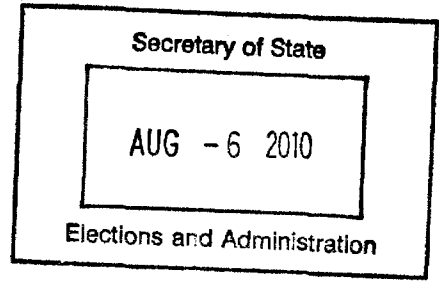
Deborah L. Markowitz, on 8/6/2010  
(signature) (date)

Printed Name and Title:

Deborah L. Markowitz  
Secretary Of State

RECEIVED BY: BTC

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- 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 Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary



1. **TITLE OF RULE FILING:**  
Rule on Rulemaking
2. **PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE**  
10P-025
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: Louise Corliss  
Agency: Vermont State Archives & Records  
Administration  
Mailing Address: 1078 Us Rte 2 Middlesex, Montpelier Vt  
05633-7701  
Telephone: 802 828 - 2863 ext. Fax: 802 828 - 3710  
E-Mail: lcorliss@sec.state.vt.us  
Web URL(*WHERE THE RULE WILL BE POSTED*): vermont-  
archives.org/aparules/
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:  
Agency:  
Mailing Address:  
Telephone: - ext. Fax: -  
E-Mail:
6. **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(e)
7. **THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.**
8. **THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.**

9. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
10. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
11. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

12. **CONCISE SUMMARY (150 WORDS OR LESS):**

These amendments to the Rule on Rulemaking will bring the rule into compliance with the Challenges for Change legislation (Act 146 [H.792] of 2010) relating to publication of notice of rulemaking.

13. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The legislature has amended Title 3 V.S.A. § 839 relating to the publication of notice of rulemaking. The existing rule needs to be amended to bring it into compliance with the legislative changes.

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

All rulemaking entities, and the general public affected by administrative rules adopted under 3 V.S.A. Chapter 25, and the newspapers of record.

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

The economic impact includes reduced publication costs to all rulemaking entities, and a reduction of revenue for the newspapers of record due to smaller and less frequent notices. At this time it is difficult to quantify the savings that will be realized or the impact on newspapers through the loss of revenue resulting from the changes in legislation and these amendments to the rule on rulemaking as the number of rules published annually varies year to year. By reducing the size and number of publications as detailed in Act 146 of 2010 (H.792) a savings of near 50% is anticipated.

16. **A HEARING WAS HELD.**

17. **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: 7/28/2010

Time: 10:00 AM

Location: VSARA Conference Room, 1078 US Rte 2 Middlesex Vermont.

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

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

8/4/2010

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

APA

Rule

Rulemaking

Administrative Rule

Run Spell Check

# Administrative Procedures – Adopting Page

## Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

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. AGENCY REFERENCE NUMBER, IF ANY:
4. 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** .

5. LAST ADOPTED (*PLEASE PROVIDE THE TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

The Rule on Rulemaking was last adopted February 10, 2010 SOS Log #10-004.

**Run Spell Check**

# Administrative Procedures – Economic Impact Statement

## Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

---

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

**Rule Title:** Rule on Rulemaking

 \_\_\_\_\_, on 8/6/2010  
(signature) (date)

Printed Name and Title:  
Deborah L. Markotwitz  
Secretary Of State

*BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS 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 rulemaking entities, and the general public affected by administrative rules adopted under 3 V.S.A. Chapter 25, and the newspapers of record. The impact economically includes reduced publication costs to all rulemaking entities, and a reduction of revenue for the newspapers of record due to smaller and less frequent notices. The general public affected by administrative rules will benefit from additional notice of rulemaking from an online portal. At this time it is difficult to quantify the savings that will be realized or the exact impact on newspapers. However it is expected that the newspapers will see a loss of revenue resulting from the changes in legislation and these amendments to the rule on rulemaking, and publication costs to be reduced by nearly 50%.

4. IMPACT ON SCHOOLS:

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

None

5. COMPARISON:

*COMPARE THE ECONOMIC 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:*

N/A

6. FLEXIBILITY STATEMENT:

*COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:*

N/A

7. GREENHOUSE GAS IMPACT: *EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:*

A. TRANSPORTATION —

*IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., “THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS” OR “LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE.”):*

No impact expected.

B. LAND USE AND DEVELOPMENT —

*IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., “THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND/OR AGRICULTURAL LAND.”):*

No impact expected.

C. BUILDING INFRASTRUCTURE —

*IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”):*

No impact expected.

D. WASTE GENERATION / REDUCTION —

*IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., “THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS.” OR “AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A ‘METHANE TO ENERGY PROJECT’.”):*

No impact expected.

E. OTHER —

*IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:*

N/A

Run Spell Check

# Administrative Procedures – Public Input Statement

## Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

### 1. TITLE OF RULE FILING:

Rule on Rulemaking

### 2. ADOPTING AGENCY:

Office of the Secretary of State

### 3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Office of the Secretary of State will send an email including a draft version of the rule and a request for input to 116 known rulemaking entities. Drafts will also be delivered to the two legislative committees on Government Operations as well as the Legislative Committee on Administrative Rules. The drafts will also be posted on the Secretary of State's website.

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

The Office of the Secretary of State, House Government Operations, Senate Government Operations, ICAR and LCAR.

**Run Spell Check**

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

*2010*

Section 1. Introduction.

This rule is required by 3 V.S.A. § 847(e) for the effective administration of 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).

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. The first filing is the Prefiling with the Interagency Committee on Administrative Rules (ICAR). This begins the rulemaking process. The second filing is the Proposed Rule with the Office of the Secretary of State. This begins the notice and public comment period. 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. 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.

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 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. 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 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.

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 sec 834(b) and sec 847(e)].

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, the rule is stamped with the date and filed. The Office of the Secretary of State will notify an agency of any defects in a filing within 3 working 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.

When an agency 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 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.

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

2010

Section 1. Introduction.

This rule is required by 3 V.S.A. § 847(e) for the effective administration of 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).

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. The first filing is the Prefiling with the Interagency Committee on Administrative Rules (ICAR). This begins the rulemaking process. The second filing is the Proposed Rule with the Office of the Secretary of State. This begins the notice and public comment period. 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. 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.

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 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. 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 provides information about the proposed rule for the required ~~advertisements in the newspapers of record~~ 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.

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 sec 834(b) and sec 847(e)].

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, the rule is stamped with the date and filed. The Office of the Secretary of State will notify an agency of any defects in a filing within 3 working 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. ~~Publication and~~ 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 published-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 13 and 20 days after that date in the various daily and weekly newspapers of record.

~~Public notices include information about the proposed rule, the date, time and place of any hearings and the deadline for receiving comments.~~ When an agency 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 arrange for publication of notice of this new information and must notify by mailing all individuals notice to each person who has have contacted the agency about the rule and to the newspapers of record. 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 following the publication in the newspapers of record of the second advertisement. 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 ~~on~~ to a date not less than seven days following the last public hearing.

**Louise Corliss**

---

**From:** Johnson, Harriet [Harriet.Johnson@state.vt.us]  
**Sent:** Wednesday, June 16, 2010 1:44 PM  
**To:** Louise Corliss  
**Cc:** Bill Dalton; Katie Pickens; Cosgrove, Brendan; Johnson, Harriet; Kessler, John; LaBarge, John; Loftus, Kelly; McLeod, Robert; Oettinger, Mark; Pelham, Tom; Knudson, Steven; Susan R. Harritt (E-mail)  
**Subject:** ICAR Notification: Rule on Rulemaking

Louise:

The following official action was taken at the June 14, 2010 meeting of ICAR.

ICAR members participating were Chair Tom Pelham, Bob McLeod, Steve Knudson, John LaBarge, Kelly Loftus, Brendan Cosgrove and John Kessler

Absent: Mark Oettinger  
Susan Harritt, but voted electronically

Rule on Rule Making  
(Office of the Secretary of State)

APPROVED, subject to the following recommendations:

1. Cover Sheet #9: Provide additional information to indicate the 50% savings on reduction of newspaper use.
2. Provide detail in the rule regarding the posting of the online notice. Does the posting occur on the adopting authority's site? If the rule relates to a particular department, does the posting occur on a department's site or the agency's site or is the posting on the SOS site?
3. On rule itself, last page, section 3, 1<sup>st</sup> paragraph: Identify where rule will be posted, e.g., agency and department websites; Secretary of State's website; as well as others.

**Harriet Johnson** | Agency of Administration  
109 State Street | Montpelier, VT 05609-0201  
ph: 802.828.3322 | fax: 802.828.3320

## Summary of Comments and Responses

Received: 5/17/2010  
From: Denise Natale  
Via Email: [d1c5n6@comcast.net](mailto:d1c5n6@comcast.net)

I have read the proposed changes and do not have any comments to make.

No Response necessary.

Received: 5/18/2010  
From: Robert McLeod  
Via Email: [Robert.McLeod@state.vt.us](mailto:Robert.McLeod@state.vt.us)  
Also contains comments from:  
Steve Monahan, Director of Worker's Compensation and Safety.

The SOS should set up a system like the Dept. of Labor listserv so that people can subscribe to the rulemaking notices and get the information automatically. If they want to get sophisticated they could allow subscribers to select the agencies that they want to get information from.

The following comments came from Steve Monahan, the Director of Workers' Compensation and Safety:

- 1.They should accept all filings electronically (as pdf files perhaps). This would probably aid in their website notice posting, and that posting could include a link to the actual filing, which would assist all those interested in the rule.
- 2.The Sec. of State should accept an electronic signature from the adopting authority.

Response:

Listserv, RSS feeds, Twitter, and Enhanced Search Capabilities etc. are included in the new rules portal. These bonus features however, are not aspects that will be written into the Rule on Rulemaking as internet technologies are subject to frequent change.

Electronic filings are a goal for the APA process however; appropriate hardware, software, standards, support and funding are not available at this time.

“. . . posting could include a link to the actual filing . . .” when an agency provides us with a URL for the filing it currently is and will continue to be posted.

To accept electronic signatures the State must adopt standards for acquiring the public and private keys that an electronic signature is comprised of, and may require additional validation software and/or contracts with vendors for the authentication of the public/private keys. The necessary standards and funding are not available for such an endeavor at this time.

Received: 5/18/2010  
From: David Englander  
Via Email: [David.Englander@state.vt.us](mailto:David.Englander@state.vt.us)

What is the deadline for comments on the draft rule?

Response:

The formal deadline for public comment is based upon when the rule is filed in proposed form, at the time this question was received that filing had not taken place yet and the deadline for comment unknown. The agency was urged to submit feedback as soon as possible as all comments received prior to the end of the formal comment period (August 4, 2010) would be considered.

Received: 5/25/2010  
From: Diane Ford  
Via Email: [dford@atg.state.vt.us](mailto:dford@atg.state.vt.us)

We are in the process of reviewing the Draft Changes to Rule on Rulemaking. You are listed as the contact for comments, but I'm hoping you can also answer a couple of questions for me.

Section 3 – Public Notice (annotated text) states that “Notices will appear in the newspapers of record the week following the posting of the online notice”.

- 1) Will the notices published in the newspapers of record be full formal ads or abbreviated format?
- 2) Will the notices will be published in all 15 newspapers of record?

Thank you for your help.

Response:

Notices will continue to be published in the newspapers of record designated by the Secretary of State annually. The notices will be abbreviated notices running for a single week.

Received: 5/26/2010  
From: Mark Oettinger  
Via Email: [Mark.Oettinger@state.vt.us](mailto:Mark.Oettinger@state.vt.us)

Thanks for forwarding the draft forms for the anticipated changes to the Rule on Rulemaking. I have the following preliminary comments:

With 116 known rulemaking entities, and with a large number of affected parties generally, I am surprised that you do not plan to have a public hearing.; and  
The mailing address in Paragraph #3 of the Proposed Cover Sheet needs a capital “S” in “US.”

I will hold a couple of general questions for the actual ICAR presentation, and I am pleased that these changes made it into the Challenges for Change legislation.

Response:

The decision to hold a hearing was reconsidered and one was held on July 28, 2010. The typographic error was corrected.

Received: 6/1/2010  
From: Kristin Haas  
Via Email: [Kristin.Haas@state.vt.us](mailto:Kristin.Haas@state.vt.us)

What is the deadline for submitting public comment on the Rule for Rulemaking?

Response:

It was explained that because the formal deadline for public comment is based upon when the rule is filed in proposed form, at the time this question was received that filing had not taken place yet and the deadline for comment unknown. Once the rule was proposed with the Office of the Secretary of State the deadline was set for August 4, 2010.

Received: 6/24/2010  
From: J.B. McKinley, editor of the News & Citizen and the Transcript in Morrisville.  
Via Email: [edit@newsandcitizen.com](mailto:edit@newsandcitizen.com)

Hello Ms Corliss,

I called you earlier and commented briefly on my newspaper's response to the online notices law change. Thank you for listening; you were very polite. I am not obtuse and know where the problem originated, but I also know the bureaucracy really runs the government, that is why I am sending this to your office and can only hope someone, or more, will read it.

Yes, newspapers have had it good for two centuries in VT publishing legal ads like the state's, but what have we done for FREE, GRATIS, BUPKIS?

Within minutes of opening your office's letter, I received by email a notice, disguised as a press release, that Fish & Game was announcing Antlerless Deer Permits were available - for \$10. Wait a minute! Is this an advertisement? Then I opened the email from Forest and Parks proposing to tell my 3,000 News & Citizen readers (plus The Transcript, where I usually run the state press releases too 15,500 HOUSEHOLDS) about the new charge at Green River Reservoir SP for day visitors \$3 a visit. This type of email arrives on my desk so many times a week it would be hard to keep a log. Any state agency or department that has been clever enough or who has news interesting enough has received free advertising by the bushel for many, many years. Apparently the balance of gratis and paid advertising was acceptable on the newspapers' part, but now the state is changing the rules...

Please tell your deputy secretary of state, or even the secretary of state, that starving the goose that lays the golden egg of free publicity to save a pullet's egg of dollars in legal advertisements is false economy if it makes print media re-examine their definition of what is an advertisement not a press release. This is not a warning or a threat, but an

observation. Maybe online notice is quite sufficient, maybe newspapers are in fact obsolete. Maybe they will all keep printing the ad/releases because our readers' interest is enough. Time will tell.

Sincerely, J.B. McKinley, editor News & Citizen, The Transcript Morrisville

Response:

The final version of the Challenges for Change legislation (Act No. 146 of 2010) included a provision that the Secretary of State continue to publish a single abbreviated notice in the newspapers of records for each rule promulgated.

While some papers (6 of them) will see a loss of revenue as a result of these changes, the majority of the papers will not; and state agencies promulgating rules will see a near 50% reduction in the costs of rulemaking and the public will continue to benefit from the notices being available in their local papers.

Received: 7/02/2010  
From: Dirk Anderson  
Dept. of Labor  
5 Green Mountain Drive  
PO Box 488  
Montpelier, VT 05601-0188

The Department of Labor was one of the agencies from which comment was solicited on proposed changes to the Rule on rulemaking. We have the following comments:

- 1) Overall, the reduction in the newspaper publication requirement from two weeks to one is appreciated, as it reduces the cost to the agency of filing a rule.
- 2) We encourage the Secretary to go even further in moving toward electronic publication, by allowing rules to be submitted by email (perhaps as .pdf files), with electronic signatures. The Secretary's online notification could then link directly to the agency's electronic filing, eliminating the need to scan or copy paper documents.

Response:

Electronic filings are a goal for the APA process. However, appropriate hardware, software, standards, support and funding are not available at this time, and email is too unstable a vehicle to be relied upon for timely delivery of such materials. If an agency supplies the URL link to where their rule filing is posted it will be posted online as a live link and published in the papers.

Hearing: 7/28/2010

1 person attended the hearing in which he received a copy of the rule and reviewed it before declining to make formal comment.

## Louise Corliss

---

**From:** Dr. Denise Natale [d1c5n6@comcast.net]  
**Sent:** Monday, May 17, 2010 8:55 PM  
**To:** Louise Corliss  
**Subject:** Re: Draft Changes to Rule on Rulemaking.

Dear Louise Corliss:

I have read the proposed changes and do not have any comments to make.  
Denise Natale, DC  
Vice Chair, VT Board of Chiropractic.

----- Original Message -----

**From:** Louise Corliss  
**To:** Deb Markowitz  
**Cc:** Bill Dalton ; Greg Sanford ; Carolyn Antone  
**Sent:** Monday, May 17, 2010 1:28 PM  
**Subject:** Draft Changes to Rule on Rulemaking.

Please find attached a cover letter from the Deputy Secretary of State and a draft version of the proposed changes to the Rule on Rulemaking. The Office of the Secretary of State will be proposing amendments in the coming month, your comments and input are welcome, please submit comments in writing to:

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701  
Phone: 802-828-2863 Fax: 802-828-3710  
[lcorniss@sec.state.vt.us](mailto:lcorniss@sec.state.vt.us)

**Louise Corliss**

---

**From:** McLeod, Robert [Robert.McLeod@state.vt.us]  
**Sent:** Tuesday, May 18, 2010 11:21 AM  
**To:** Johnson, Harriet; Cosgrove, Brendan; Kessler, John; LaBarge, John; Loftus, Kelly; Oettinger, Mark; Pelham, Tom; Knudson, Steven; Susan R. Harritt (E-mail)  
**Cc:** Louise Corliss; Bill Dalton  
**Subject:** RE: Draft changes to Rule on Rulemaking  
**Categories:** APA Comments

The SOS should set up a system like the Dept. of Labor listserv so that people can subscribe to the rulemaking notices and get the information automatically. If they want to get sophisticated they could allow subscribers to select the agencies that they want to get information from.

The following comments came from Steve Monahan, the Director of Workers' Compensation and Safety:

- 1.They should accept all filings electronically (as pdf files perhaps). This would probably aid in their website notice posting, and that posting could include a link to the actual filing, which would assist all those interested in the rule.
- 2.The Sec. of State should accept an electronic signature from the adopting authority.

---

**From:** Johnson, Harriet  
**Sent:** Monday, May 17, 2010 1:58 PM  
**To:** Cosgrove, Brendan; Johnson, Harriet; Kessler, John; LaBarge, John; Loftus, Kelly; McLeod, Robert; Oettinger, Mark; Pelham, Tom; Knudson, Steven; Susan R. Harritt (E-mail)  
**Cc:** 'Louise Corliss'; Bill Dalton  
**Subject:** Draft changes to Rule on Rulemaking

To: ICAR members:

Attached is a proposed change to the Rule on Rulemaking for your consideration and input.

Please send any comments to Louise Corliss at the address listed below.

Thanks, Harriet

Harriet Johnson | Agency of Administration  
 109 State Street | Montpelier, VT 05609-0201  
 ph: 802.828.3322 | fax: 802.828.3320

---

**From:** Louise Corliss [mailto:lorliss@sec.state.vt.us]  
**Sent:** Monday, May 17, 2010 1:23 PM  
**To:** Johnson, Harriet  
**Subject:** Draft changes to Rule on Rulemaking

Please find attached a cover letter from the Deputy Secretary of State and a draft version of the proposed changes to the Rule on Rulemaking. The Office of the Secretary of State will be proposing amendments in the coming month, your comments and input are welcome, please submit comments to:

7/23/2010

Louise Corliss

Administrative Assistant

VT State Archives & Records Administration

1078 U.S. Rte 2, Middlesex

Montpelier, VT 05633-7701

Phone: 802-828-2863 Fax: 802-828-3710

[lcorniss@sec.state.vt.us](mailto:lcorniss@sec.state.vt.us)

**Louise Corliss**

---

**From:** Louise Corliss  
**Sent:** Tuesday, May 18, 2010 12:35 PM  
**To:** 'Englander, David'  
**Subject:** RE: Draft Changes to Rule on Rulemaking.

The earliest we get feedback the better; we will compile all of the comments in this process. The summary of comments and our response to them will be sent to those who submitted comments once the "formal" comment period is closed.

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701  
Phone: 802-828-2863 Fax: 802-828-3710  
[lorliss@sec.state.vt.us](mailto:lorliss@sec.state.vt.us)

---

**From:** Englander, David [mailto:David.Englander@state.vt.us]  
**Sent:** Tuesday, May 18, 2010 12:23 PM  
**To:** Louise Corliss  
**Subject:** RE: Draft Changes to Rule on Rulemaking.

I understand. The email requested comments in writing. I presumed that that meant on the draft rule. If you would prefer that we comment during the regular comment period, that's fine.

Thanks.

Best,  
David

---

David Englander  
General Counsel  
Vermont Department of Fish and Wildlife  
103 South Main Street, Building 10 South  
Waterbury, VT 05671-0301  
Phone: (802) 241-3817  
Fax: (802) 241-3796  
[david.englander@state.vt.us](mailto:david.englander@state.vt.us)

---

**From:** Louise Corliss [mailto:lorliss@sec.state.vt.us]  
**Sent:** Tuesday, May 18, 2010 12:19 PM  
**To:** Englander, David  
**Subject:** RE: Draft Changes to Rule on Rulemaking.

You have received a preliminary draft for maximizing public input and to notify stakeholders of our intent to amend the Rule on Rulemaking. The extra notice should allow for all interested parties to gather their thoughts and comments and we will accept them right through our pre-filing with ICAR which I hope to deliver in time for the June 14, 2010 meeting. Of course the "formal" notice and comment period will run as it does for all rules based upon when the rule is filed in proposed form.

7/23/2010

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701  
Phone: 802-828-2863 Fax: 802-828-3710  
[lcorliss@sec.state.vt.us](mailto:lcorliss@sec.state.vt.us)

---

**From:** Englander, David [mailto:David.Englander@state.vt.us]  
**Sent:** Tuesday, May 18, 2010 11:22 AM  
**To:** Louise Corliss  
**Subject:** RE: Draft Changes to Rule on Rulemaking.

---

Good Morning Louise:

What is the deadline for comments on the draft rule?

Thanks. And you will be seeing a rule on the Antlerless season very soon.

Hope all is well.

Best,  
David

**From:** Louise Corliss [mailto:lcorliss@sec.state.vt.us]  
**Sent:** Monday, May 17, 2010 1:28 PM  
**To:** Markowitz, Deborah  
**Cc:** Bill Dalton; Greg Sanford; Antone, Carolyn  
**Subject:** Draft Changes to Rule on Rulemaking.

Please find attached a cover letter from the Deputy Secretary of State and a draft version of the proposed changes to the Rule on Rulemaking. The Office of the Secretary of State will be proposing amendments in the coming month, your comments and input are welcome, please submit comments in writing to:

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701  
Phone: 802-828-2863 Fax: 802-828-3710  
[lcorliss@sec.state.vt.us](mailto:lcorliss@sec.state.vt.us)

**Louise Corliss**

---

**From:** Diane Ford [dford@atg.state.vt.us]  
**Sent:** Tuesday, May 25, 2010 1:05 PM  
**To:** Louise Corliss  
**Subject:** RE: Draft Changes to Rule on Rulemaking

Hi Louise

Thanks so much for your quick response and for providing the section re: the Rulemaking changes. This information helps to answer other questions that we had.

Diane

---

**From:** Louise Corliss [mailto:lorliss@sec.state.vt.us]  
**Sent:** Tuesday, May 25, 2010 12:34 PM  
**To:** Diane Ford  
**Subject:** RE: Draft Changes to Rule on Rulemaking

It is my understanding that the notices will continue in the existing Newspapers of Record designated by the Secretary annually. They will however be abbreviated notices running for a single week. Specifics are detailed in the statutory changes expected from Sec. F4 of H.792 Challenges for Change legislation (<http://www.leg.state.vt.us/docs/2010/bills/Passed/H-792.pdf>).

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701  
Phone: 802-828-2863 Fax: 802-828-3710  
[lorliss@sec.state.vt.us](mailto:lorliss@sec.state.vt.us)

---

**From:** Diane Ford [mailto:dford@atg.state.vt.us]  
**Sent:** Tuesday, May 25, 2010 11:45 AM  
**To:** Louise Corliss  
**Subject:** Draft Changes to Rule on Rulemaking

Hello Louise

We are in the process of reviewing the Draft Changes to Rule on Rulemaking. You are listed as the contact for comments, but I'm hoping you can also answer a couple of questions for me.

Section 3 – Public Notice (annotated text) states that “Notices will appear in the newspapers of record the week following the posting of the online notice”.

- 1) Will the notices published in the newspapers of record be full formal ads or abbreviated format?
- 2) Will the notices will be published in all 15 newspapers of record?

Thank you for your help.

**Diane Ford, Financial Administrator**  
Office of the Attorney General  
109 State St., Floor 3  
Montpelier, VT 05609-1001  
Phone: (802) 828-2503  
[dford@atg.state.vt.us](mailto:dford@atg.state.vt.us)

7/23/2010

**Louise Corliss**

---

**From:** Oettinger, Mark [Mark.Oettinger@state.vt.us]  
**Sent:** Wednesday, May 26, 2010 3:20 PM  
**To:** Louise Corliss  
**Cc:** Johnson, Harriet  
**Subject:** RE: Draft changes to Rule on Rulemaking

Louise:

Great, thanks. I will unfortunately be out of the country during the June ICAR meeting (the first one I will have missed in ages).

Best regards,

Mark

Mark Oettinger, General Counsel  
 Vermont Department of Education  
 120 State Street, 4th Floor  
 Montpelier, Vermont 05620-2501  
 (802) 828-3135 (tel)  
 (802) 828-3140 (fax)  
 mark.oettinger@state.vt.us

---

**From:** Louise Corliss [mailto:lcorniss@sec.state.vt.us]  
**Sent:** Wednesday, May 26, 2010 11:18 AM  
**To:** Oettinger, Mark  
**Subject:** RE: Draft changes to Rule on Rulemaking

Thank you for your preliminary comments. The decision to hold a hearing has already been reconsidered and we are trying to work out the scheduling on that. Also the typo in the address was noted a day too late to get it into the preliminary draft you received, it should be corrected in the Prefiling version.

Louise Corliss

*Administrative Assistant*

*VT State Archives & Records Administration*

**1078 U.S. Rte 2, Middlesex**

Montpelier, VT 05633-7701

Phone: 802-828-2863 Fax: 802-828-3710

[lcorniss@sec.state.vt.us](mailto:lcorniss@sec.state.vt.us)

---

**From:** Oettinger, Mark [mailto:Mark.Oettinger@state.vt.us]  
**Sent:** Wednesday, May 26, 2010 11:13 AM  
**To:** Johnson, Harriet; Cosgrove, Brendan; Kessler, John; LaBarge, John; Loftus, Kelly; McLeod, Robert; Pelham, Tom; Knudson, Steven; Susan R. Harritt (E-mail)  
**Cc:** Louise Corliss; Bill Dalton  
**Subject:** RE: Draft changes to Rule on Rulemaking

Hi Louise:

Thanks for forwarding the draft forms for the anticipated changes to the Rule on Rulemaking. I have the following preliminary comments:

7/23/2010

1. With 116 known rulemaking entities, and with a large number of affected parties generally, I am surprised that you do not plan to have a public hearing.; and
2. The mailing address in Paragraph #3 of the Proposed Cover Sheet needs a *capital* "S" in "US."

I will hold a couple of general questions for the actual ICAR presentation, and I am pleased that these changes made it into the Challenges for Change legislation.

Best regards,

Mark

Mark Oettinger, General Counsel  
Vermont Department of Education  
120 State Street, 4th Floor  
Montpelier, Vermont 05620-2501  
(802) 828-3135 (tel)  
(802) 828-3140 (fax)  
mark.oettinger@state.vt.us

---

**From:** Johnson, Harriet  
**Sent:** Monday, May 17, 2010 1:58 PM  
**To:** Cosgrove, Brendan; Johnson, Harriet; Kessler, John; LaBarge, John; Loftus, Kelly; McLeod, Robert; Oettinger, Mark; Pelham, Tom; Knudson, Steven; Susan R. Harritt (E-mail)  
**Cc:** 'Louise Corliss'; Bill Dalton  
**Subject:** Draft changes to Rule on Rulemaking

To: ICAR members:

Attached is a proposed change to the Rule on Rulemaking for your consideration and input.

Please send any comments to Louise Corliss at the address listed below.

Thanks, Harriet

Harriet Johnson | Agency of Administration  
109 State Street | Montpelier, VT 05609-0201  
ph: 802.828.3322 | fax: 802.828.3320

---

**From:** Louise Corliss [mailto:lcorniss@sec.state.vt.us]  
**Sent:** Monday, May 17, 2010 1:23 PM  
**To:** Johnson, Harriet  
**Subject:** Draft changes to Rule on Rulemaking

Please find attached a cover letter from the Deputy Secretary of State and a draft version of the proposed changes to the Rule on Rulemaking. The Office of the Secretary of State will be proposing amendments in the coming month, your comments and input are welcome, please submit comments to:

Louise Corliss  
Administrative Assistant  
VT State Archives & Records Administration  
1078 U.S. Rte 2, Middlesex  
Montpelier, VT 05633-7701

7/23/2010

Phone: 802-828-2863 Fax: 802-828-3710  
[icorliss@sec.state.vt.us](mailto:icorliss@sec.state.vt.us)

**Louise Corliss**

---

**From:** Haas, Kristin [Kristin.Haas@state.vt.us]  
**Sent:** Tuesday, June 01, 2010 8:35 AM  
**To:** Louise Corliss  
**Subject:** RE: comment period

Gotcha. Thank you.

*Kristin M. Haas, D.V.M.*  
*State Veterinarian*  
*Vermont Agency of Agriculture, Food & Markets*  
*116 State Street*  
*Montpelier, Vermont 05620-2901*  
*(802) 828 - 2426*  
*kristin.haas@state.vt.us*

---

**From:** Louise Corliss [mailto:lcorniss@sec.state.vt.us]  
**Sent:** Tuesday, June 01, 2010 8:30 AM  
**To:** Haas, Kristin  
**Subject:** RE: comment period

The Rule on Rulemaking has not been formally filed yet, and as such does not have an established deadline yet. We sent out a preliminary draft to known stakeholders to help gather thoughts together for when we go to ICAR (June 14th).

Once we get through ICAR we will propose the rule formally with a hearing and formal deadline for public comment.

Louise Corliss  
*Administrative Assistant*  
*VT State Archives & Records Administration*  
*1078 U.S. Rte 2, Middlesex*  
*Montpelier, VT 05633-7701*  
*Phone: 802-828-2863 Fax: 802-828-3710*  
[lcorniss@sec.state.vt.us](mailto:lcorniss@sec.state.vt.us)

---

**From:** Haas, Kristin [mailto:Kristin.Haas@state.vt.us]  
**Sent:** Tuesday, June 01, 2010 8:11 AM  
**To:** Louise Corliss  
**Subject:** comment period

Hi Louise,

What is the deadline for submitting public comment on the Rule for Rulemaking?

Thank you,  
Kristin

*Kristin M. Haas, D.V.M.*

7/23/2010

State Veterinarian  
Vermont Agency of Agriculture, Food & Markets  
116 State Street  
Montpelier, Vermont 05620-2901  
(802) 828 - 2426  
kristin.haas@state.vt.us

## Louise Corliss

---

**From:** J. B. McKinley [edit@newsandcitizen.com]  
**Sent:** Thursday, June 24, 2010 2:40 PM  
**To:** Louise Corliss  
**Cc:** Donoghue, Michael  
**Subject:** RE: Letter on Challenges for Change Notices

Hello Ms Corliss,

I called you earlier and commented briefly on my newspaper's response to the online notices law change. Thank you for listening; you were very polite. I am not obtuse and know where the problem originated, but I also know the bureaucracy really runs the government, that is why I am sending this to your office and can only hope someone, or more, will read it.

Yes, newspapers have had it good for two centuries in VT publishing legal ads like the state's, but what have we done for FREE, GRATIS, BUPKIS?

Within minutes of opening your office's letter, I received by email a notice, disguised as a press release, that Fish & Game was announcing Antlerless Deer Permits were available - for \$10. Wait a minute! Is this an advertisement? Then I opened the email from Forest and Parks proposing to tell my 3,000 News & Citizen readers (plus The Transcript, where I usually run the state press releases too 15,500 HOUSEHOLDS) about the new charge at Green River Reservoir SP for day visitors \$3 a visit. This type of email arrives on my desk so many times a week it would be hard to keep a log. Any state agency or department that has been clever enough or who has news interesting enough has received free advertising by the bushel for many, many years. Apparently the balance of gratis and paid advertising was acceptable on the newspapers' part, but now the state is changing the rules...

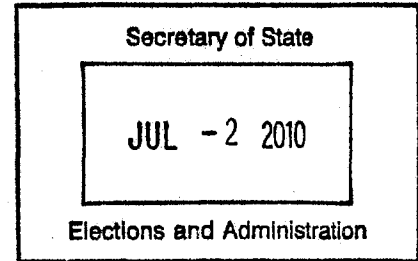
Please tell your deputy secretary of state, or even the secretary of state, that starving the goose that lays the golden egg of free publicity to save a pullet's egg of dollars in legal advertisements is false economy if it makes print media re-examine their definition of what is an advertisement not a press release. This is not a warning or a threat, but an observation. Maybe online notice is quite sufficient, maybe newspapers are in fact obsolete.

Maybe they will all keep printing the ad/releases because our readers' interest is enough. Time will tell.

Sincerely, J.B. McKinley, editor News & Citizen, The Transcript Morrisville

**State of Vermont**  
**Department of Labor**  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0188  
[www.labor.vermont.gov](http://www.labor.vermont.gov)

[phone] 802-828-4000  
[fax] 802-828-4022



June 30, 2010

Louise Corliss  
Vermont State Archives and Records  
1078 U.S. Rte. 2 Middlesex  
Montpelier, VT 05633-7701

Re: Comment on Proposed Rule

Dear Louise,

The Department of Labor was one of the agencies from which comment was solicited on proposed changes to the Rule on Rulemaking. We have the following comments:

- 1) Overall, the reduction in the newspaper publication requirement from two weeks to one is appreciated, as it reduces the cost to the agency of filing a rule.
- 2) We encourage the Secretary to go even further in moving toward electronic publication, by allowing rules to be submitted by email (perhaps as .pdf files), with electronic signatures. The Secretary's online notification could then link directly to the agency's electronic filing, eliminating the need to scan or copy paper documents.

Sincerely,



Dirk Anderson  
General Counsel

Cc: Lori Camp, Administrative Assistant to the Commissioner

