

Administrative Procedures – Proposed 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 proposed filing will be considered complete upon the submission and acceptance of the following components:

- 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)

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 the proposed coversheet form will be used to generate a notice of rulemaking in the newspapers of record. Publication of notices will be charged back to the promulgating agency based on the word count of the notices.

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:

Title: Rule on Rulemaking

_____, on _____.

(signature) (date)

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

RECEIVED BY: _____

- 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.

1. TITLE OF RULE FILING:

Rule on Rulemaking

2. ADOPTING AGENCY:

Office of the Secretary of State

3. 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 Extension: Fax: 802 828 - 3710

E-Mail: lcorliss@sec.state.vt.us

Web URL: vermont-archives.org/aparules/

4. 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: - Extension: Fax: -

E-Mail:

5. 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)

6. CONCISE SUMMARY (150 WORDS OR LESS):

These amendments to the Rule on Rulemaking will bring the rule into compliance with the expected changes from the Challenge for Change legislation (H.792) relating to publication of notice of rulemaking.

7. EXPLANATION OF WHY THE RULE IS NECESSARY:

The legislature is expected to amend Title 3 V.S.A. § 839 relating to the publication of notice of rulemaking. The existing rule will need to be amended

to bring it into compliance with the expected legislative changes.

8. 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.

9. 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 impossible 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.

10. A HEARING IS NOT SCHEDULED .

11. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 10 DAYS FOLLOWING THE SECOND PUBLICATION OF NOTICES IN THE NEWSPAPERS OF RECORD).

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

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

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

Run Spell Check

Draft

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).

Title: Rule on Rulemaking

_____, on _____.
(signature) (date)

Printed Name and Title:

Deborah L. Markowitz
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 impossible 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.

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.

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. 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

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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.

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. 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.