

1 H. ____

2 Representative Jewett of Ripton moves that the bill be amended by inserting
3 Secs. X and Y to read:

4 *Sec. X.* 3 V.S.A. § 847 is amended to read:

5 § 847. AVAILABILITY OF ADOPTED RULES; RULES BY SECRETARY
6 OF STATE

7 (a) The Secretary of State shall keep open to public inspection a permanent
8 register of rules. The Secretary also shall publish a code of administrative
9 rules that contains the rules adopted under this chapter. The requirement to
10 publish a code shall be considered satisfied if a commercial publisher offers
11 such a code in print at a competitive price and at no charge online.

12 (b) The Secretary of State shall publish not less than quarterly a bulletin
13 setting forth the text of all rules filed since the immediately preceding
14 publication and any objections filed under subsection 842(b) or 844(e) of this
15 title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall
16 not apply to the report to be made under this subsection.

17 (c) The bulletin may omit any rule if either:

18 (1) a commercial publisher offers a comparable publication at a
19 competitive price; or

20 (2) all three of the following apply:

21 (A) its publication would be unduly cumbersome or expensive; and

1 (B) the rule is made available on application to the adopting
2 agency; and

3 (C) the bulletin contains a notice stating the general subject matter of
4 the omitted rule and stating how a copy of the rule and any objection filed
5 under subsection 842(b) or 844(e) of this title may be obtained.

6 (d) Bulletins shall be made available upon request to agencies and officials
7 of this State free of charge and to other persons at prices fixed by the Secretary
8 of State to cover mailing and publication costs.

9 (e) The Secretary of State shall adopt rules for the effective administration
10 of this chapter. These rules shall be applicable to every agency and shall
11 include ~~but not be limited to~~ uniform procedural requirements, style,
12 appropriate forms, and a system for compiling and indexing rules.

13 *Sec. Y. 3 V.S.A. § 848 is amended to read:*

14 § 848. RULES REPEAL; OPERATION OF LAW

15 (a) A rule shall be repealed without formal proceedings under this
16 chapter if:

17 (1) the agency ~~which~~ that adopted the rule is abolished and its authority,
18 specifically including its authority to implement its existing rules, has not been
19 transferred to another agency; or

20 (2) a court of competent jurisdiction has declared the rule to be
21 invalid; or

1 (3) the statutory authority for the rule, as stated by the agency under
2 subdivision 838(b)(4) of this title, is repealed by the General Assembly or
3 declared invalid by a court of competent jurisdiction.

4 (b) When a rule is repealed by operation of law under this section, the
5 Secretary of State shall delete the rule from the published code of
6 administrative rules.

7 (c) A rule shall be repealed without formal proceedings under this chapter
8 if, as of July 1, 2016, the rule was in effect but not published in the code of
9 administrative rules and the rule is not published in such code on or before
10 July 1, 2018. An agency seeking to publish such a rule may submit a digital
11 copy of the rule to the Secretary of State with proof acceptable to the Secretary
12 that as of July 1, 2016 the rule was adopted and in effect under this chapter and
13 the digital copy consists of the text of such rule without change.

14 (d) If the statutory authority for a rule, as stated by the agency under
15 subdivision 838(b)(4), is amended by the General Assembly, the agency shall
16 review the rule and make a determination whether such statutory amendment
17 repeals the authority upon which the rule is based, and shall, within 60 days of
18 the effective date of the statutory amendment, inform in writing the Secretary
19 of State and the Legislative Committee on Administrative Rules whether
20 repeal or revision of the rule is required by the statutory amendment.