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State of Vermont
Office of the Secretary of State

Deborah L. Markowitz
Secretary of State

William A. Dalton
Deputy Secretary

January 25, 2010

Legislative Committee on Administrative Rules
c/o Katie Pickens
115 State Street
Drawer 33
Montpelier, VT 05633-5301

Dear Committee Members:

Please find enclosed the adopted filing for the Rule on Rulemaking. Changes to the rule since the filing of the final proposed rule include alteration of the revision date appearing in the footer on each page. The footer now reflects the effective date of the rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Markowitz".

Deborah L. Markowitz
Vermont Secretary of State

ADOPTED RULE: COVER SHEET

SOS# 10-004
(Do Not Complete)

Note: File this form with the Secretary of State and the Legislative Committee on Administrative Rules. You must file an adopting page and the text of the adopted rule with this cover sheet.

Please complete the following.

1. Title or subject of adopted rule:
Rule on Rulemaking
2. Proposed Rule # previously assigned by the Secretary of State 09 P-045.
3. Agency:
Office of the Secretary of State
4. Statutory authority for this rule:
3 V.S.A. § 847(e)
5. This filing has has not changed since the filing of the final proposal. If it has changed, please attach a letter to this filing explaining in detail what changes were made, citing chapter and section of those changes where applicable, including changes in economic impact.
6. The Legislative Committee on Administrative Rules did not object objected to the final proposal.
7. Procedural history of adoption:

The rule was filed with ICAR on the following date: :10/13/09.

This rule was filed in proposed form with the secretary of state on the following date: 10/16/09.

This rule was published in newspapers of record on 10/29/09 and 11/05/09.

This rule was the subject of public hearings held as follows (give date, time, and place):

November 16, 2009 10 a.m. Redstone Building 26 Terrace Street
Montpelier VT

The deadline for public comment for this rule was 11/23/09.

This rule was filed in its final proposed form with the secretary of state and with the Legislative Committee on Administrative Rules on 12/17/09.

This rule was considered by the Legislative Committee on Administrative Rules on 01/21/10.

This rule is filed in its adopted form on 01/25/10.

ADOPTING PAGE

Note: This form must be filed three times during the rulemaking process, viz., with the Proposed Rule Cover Sheet, Final Proposal Cover Sheet, and Adopted Rule Cover Sheet.

Please complete the following:

1. Title of rule:
Rule on Rulemaking
2. Agency:
Office of the Secretary of State
3. Agency's reference number, if any:

4. This is a(n)

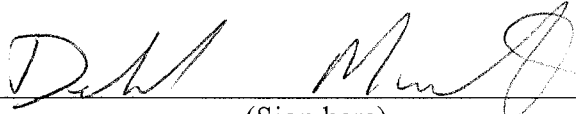
- Amendment- changes to an already existing rule.
- New rule- adopts a rule that did not previously exist.
- Repeal-repeals a rule that previously existed.

Except for new rules, please give the name of the existing rule and the date on which it was last amended or adopted: Rule on Rulemaking (sos log #03-023) last amended July 21, 2003.

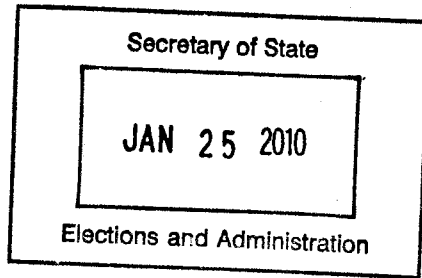
Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with the filings of proposed rules and final proposals. Filing a paragraph or page of a larger rule is not sufficient. Similarly, if the rules of the agency have been published as part of the Code of Vermont Rules, the agency shall file the annotated text, if possible, using the appropriate page or pages of the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

The effective date of this rule will be 02/10/10 (must be no sooner than 15 days following the filing of the adopted rule).

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I HEREBY CERTIFY THAT THE PROCEDURAL REQUIREMENTS OF TITLE 3, CHAPTER 25 HAVE BEEN MET. I ALSO APPROVE THE CONTENTS OF THIS FILING.


(Sign here)

Date: 01/25/10



Deborah L. Markowitz
Vermont Secretary of State

(Type name here please)

An adopting page and a text of the rule were filed with this coversheet

APA Clerk's Initials



**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.
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 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 arrange for publication of notice of this new information by mailing individual notice to each person who has contacted the agency about the rule and to the newspapers of record.

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 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 deadline for public comment shall be reestablished on a date not less than seven days following the last public hearing.

(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

To: Louise Corliss c/o VSARA 1078 US Rte. 2 Middlesex,
Montpelier, VT 05633-7701 Phone: 802-828-2863 Fax:
802-828-1135 Email: lcorliss@sec.state.vt.us

From: Louise Corliss, APA Clerk

Re: Rule on Rulemaking

Date: 01/25/2010

We received Proposed Rule on 10/16/2009
Final Proposed on 12/17/2009
Adopted Rule on 01/25/2010

We have assigned the following rule number(s):

Proposed Rule Number: 09P045

Adopted Rule Number: 10004

(Final Proposals are not assigned a new number; they retain
the Proposed Rule Number.)

The following problems were taken care of by phone/should be
taken care of immediately:

We cannot accept this filing until the following problems are
taken care of:

The ad for this proposed rule appeared/will appear in
newspapers of record on 10/29/2009 & 11/05/2009 .

This rule takes effect on 02/10/2010

Please note:

If you have any questions, please call me at 828-2863.
OR E-Mail me at: lcorliss@sec.state.vt.us

cc:Katie Pickens