

PROPOSED RULE: COVER SHEET

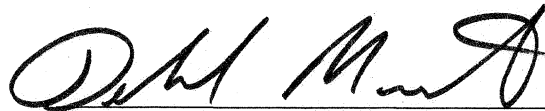
SOS# 09P045
(Do not complete)

Note: File this form and its attachments with the secretary of state. You must file an adopting page, an economic impact statement, a public input statement, text of the rule, and an annotated text showing changes from existing rules with this cover sheet. You must also file a scientific information statement and/or incorporation by reference statement if applicable.

Please complete the following.

1. Title of proposed rule:
Rule on Rulemaking
2. Agency:
Office of the Secretary of State
3. Contact Person (Name, Address, & Phone)
Louise Corliss, c/o Vermont State Archives and Records Administration, 1078
US Rte 2 Middlesex, Montpelier, VT 05633-7701 Phone: 802-828-2863 Fax: 802-
828-1135 Email: lcorliss@sec.state.vt.us
4. Statutory authority for this rule:
3 V.S.A. § 847(e)
5. Concise summary explaining the effect of the rule. This summary will be used to provide published notice of the proposed rule. **(150 words or less):**
The proposed amendments to the Rule on Rulemaking include removal of the filing forms from the rule to facilitate responses to statutory changes in the APA process. The amendments also include several housekeeping changes to clarify the process.
6. Explanation of why this rule is necessary: This rule is necessary to keep the Rule on Rulemaking in compliance with the current statutory requirements and to clarify the process for agencies filing rules.
7. List of people, enterprises and government entities affected by this rule: This rule will affect all state agencies, boards and commissions that adopt rules through the Administrative Procedures Act, and the general public.
8. Brief summary of economic impact of this rule **(150 words or less):** This rule will have a minimal economic impact.
9. Date, time and place of scheduled hearing, if any (no sooner than 10 days following second publication):
November 16, 2009 10:00 AM - 12:00 PM, Redstone Conference Room, 26 Terrace Street Montpelier, VT.
10. Deadline for public comments (no earlier than 7 days after scheduled hearing): 11/23/09

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I APPROVE THE CONTENTS OF THIS FILING.



(Sign here)

Date 10/15/09

Deborah L. Markowitz
Vermont Secretary of State

(Type name here please)

Please Check off the following components that are enclosed with this rule **(Please check only those that apply to this proposed rule)**.

- Proposed Cover sheet
- Adopting Page
- Economic Impact Statement
- Scientific Information
- Public Input Statement
- Incorporation by Reference
- Text of the Rule
- Annotated Text


This box for Secretary of State use only

- Proposed Cover Sheet
- Adopting Page
- Economic Impact Statement
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- Incorporation by Reference
- Text of the Rule
- Annotated Text
- ICAR Approval received.

Secretary of State

OCT 16 2009

Elections and Administration

These components were filed with this rule. APA Clerk's Initials 

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.

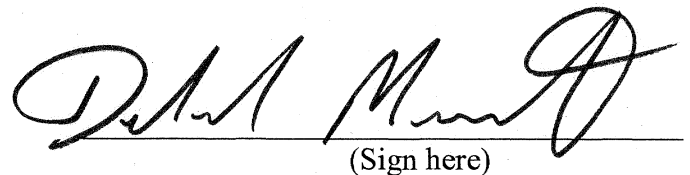
ECONOMIC IMPACT STATEMENT

Note: In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. 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). Where this form is insufficient for your purposes, please use additional sheets.

Please complete the following.

1. Title or subject of rule:
Rule on Rulemaking
2. Agency:
Office of the Secretary of State
3. Please list categories of people, enterprises and government entities potentially affected by this rule and estimate for each the costs and benefits anticipated. If applicable, include small businesses, and complete items 4 and 5 of this sheet as well. Please be as specific as possible, giving full information on your assumptions, data base, 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.
All state agencies, boards, and commissions that file rules under the Administrative Procedures Act will be affected by this rule. There is no expected economic impact from this rule. The amendment to this rule should have little or no impact on greenhouse gas emissions as it does not affect transportation, land use or development, building infrastructure or waste generation and reduction.
4. Please 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.
The rule is required by law. The Rule on Rulemaking does not affect small businesses. The rule has minimal economic impact on state agencies.
5. Flexibility statement: Please 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.
Small businesses are not directly affected by the Rule on Rulemaking.

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, 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 and § 832b


(Sign here)

Date:10/15/09

Deborah L. Markowitz
Vermont Secretary of State

PUBLIC INPUT STATEMENT

In completing this public input statement, an agency shall describe what it did or will do to maximize the involvement of the public in the development of the rule. Where this form is insufficient for your purposes, please use additional sheets.

Please complete the following:

1. Title or subject of rule:

Rule on Rulemaking

2: 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:

A draft version of the rule containing an annotation, a narrative and a request for input was emailed to 116 rulemaking entities. Once the rule is proposed a hearing may be held to collect additional comments for consideration. The rule will be published on the APA website.

Beyond general advertisements, please list the people and organizations that have been or will be involved in the development of the proposed rule.

State agency heads, commissioners and board chair persons having rulemaking authority pursuant to Chapter 25 of Title 3 of the Vermont Statutes Annotated were contacted by email with a draft version of the rule and a letter requesting input from their respective organizations.

In addition the Interagency Committee on Administrative Rules and the Legislative Committee on Administrative Rules have received drafts of the proposed rule.