

1 S.199

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Executive; administrative procedure; rules; agency actions; definition
6 of arbitrary

7 Statement of purpose of bill as introduced: This bill proposes to define the
8 term “arbitrary” under the Vermont Administrative Procedure Act in
9 accordance with Vermont case law on the term.

10 An act relating to a statutory definition of the term arbitrary

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 3 V.S.A. § 801(b)(13) is added to read:

13 (13) “Arbitrary,” when applied to an agency rule or action, means that
14 one or more of the following apply:

15 (A) There is no factual basis for the decision made by the agency.

16 (B) The decision made by the agency is not rationally connected to
17 the factual basis asserted for the decision.

18 (C) The decision made by the agency would not make sense to a
19 reasonable person.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2018.