



Who's Who and What's New?

NASS ACR 2024 SUMMER CONFERENCE
SAN JUAN, PUERTO RICO



New Hampshire – Christina Muñiz

- I am the Senior Committee Attorney for the Joint Legislative Committee on Administrative Rules for the General Court of the State of New Hampshire.
- We will not be joining physically in Puerto Rico but some of our team will be joining for select portions virtually. I will attend the entire conference virtually.
- New for New Hampshire, we have moved offices. Thankfully, we had already gone completely electronically and archived all of our paper files, so the move was actually quite easy. I will point out that we just moved down the hall, but it was still a move. We had little down time and are back up and running.
- We have attempted to pass some legislation to streamline our certification process. It has passed the House and Senate so we just await the Governor's signature. This will allow for an automatic certification after the deadline. This way we can get all of the rules published online in a timely manner without having to wait for the agencies to get back to us.
- We are almost finished with our inhouse IT updating project. Our database is very old and on its last leg. We have scraped and moved all of our data to a new database. We are also creating an online filing portal so agencies can file directly in the portal, and it will populate our database on its own. This will streamline our process and create a system that eliminates lost or neglected emails. The public will also have easier access to all of our data. When a rule is pulled up it will indicate if it is effective or expired. It will give the history and source notes as well as whether the rule is currently going through rulemaking. There will be a place for public testimony and the ability to track rulemaking for specific rules.



Federal Government

Liza Davis

Miriam Vincent

John Hyrum Martinez

- New Director of Legal Affairs and Policy – Liza Davis
- Working with Standards Development Organizations and Federal Agencies on IBR
- Electoral College
- Executive Orders on [FederalRegister.gov](https://www.federalregister.gov) back through 1937
- Increased Federal Register Volume in 2024



New York – Christopher DeMarco

- Introduction
- Overview of Our Division
- Looking Forward



Rhode Island – Rachel Strashnick

- Streamlined the regulatory formatting review for both agencies and the Administrative Records Office;
- Updated our website to include an agency dedicated page to access filing resources;
- Improved issue reporting, and support to agencies, through a successful partnership with the Department of State IT Division, addressing weaknesses and bugs to improve the online filing system; and
- A new and improved formatting and filing manual for agencies is in its final stages of development.



Rhode Island – Joe LoBianco

- Hello!



Kentucky – Emily Caudill

Since KY last attended (virtually) in 2020

- Data Migration into KARMA (Kentucky Administrative Regulation Management Application)
- Online Updates
- APA & Other Statutory Changes
- Staff-related News
- Moving & Capitol (Re)construction



Louisiana – Catherine Brindley

- 2024 Update (What we are “up to” in the Deep South)
- I. Adjusting and Accommodating (2024 Legislative Changes)
 - Office of State Register (OSR) hosting a web portal for all public comments
 - New regulatory monitoring/review mandates
 - Legislation that did not pass J
- II. Finalizing a Study on the Accessibility of Regulatory Language
 - Debunking regulatory analyses concerning restrictive language
 - Debunking regulatory analyses concerning amount of regulations
 - Creating a new analysis that is attentive to variables not before considered (because they never ask us!)
- III. Creating a Regulatory Writing Handbook as a companion to our Style Handbook and Procedural Guide



Indiana – Heather Jarrett

- Introductions
 - Staci Yockey - Register Senior Editor
 - Pam Walters - Legal Advisor for the Register Indiana Projects
- Converting administrative code
- Updating our website
- Creating a submission portal



Maine – Chris Parr

- Started in position mid-April 2024
- Caught up on posting a substantial backlog of adopted rules to the online State of Maine agencies' rule websites that my office maintains;
- Begun discussing how our office's rule governing electronic rulemaking filing can be updated, including to leverage technological advancements to allow State agencies to only need to file rulemaking proposal and adoption documents electronically; and
- Begun discussing the development and implementation of an online rulemaking system/portal through which State agencies would file proposed and adopted rules and related documentation.



Arkansas – Isaac Linam

- In the last year of creating the Code of Arkansas Rules
- Expect to launch by January 1, 2025
- Simultaneously developing an electronic rule filing system for our new code
- Because the conference falls in the middle of crunch time, I may be working a good bit the week of the conference
- I plan to ask everyone lots of questions that week, particularly about how far you go in making after-the-fact revisions
 - Do you revise to match every aspect of your style guide? If not, where do you draw the line?
 - How to you get agencies to draft in the style of your administrative code?



Texas – Jill Ledbetter

- Agency-wide legacy modernization project. Completely new filing and production system for Texas Register, part of a larger project that touches all aspects of doing business with Texas SOS.
- Fully staffed! Added a new FTE in May, now a team of 10.
- Scanning project for legacy paper files. Covers Texas Register submissions from 1976 – 2013.



Iowa – Jack Ewing

- Major statutory reorganization of Executive Branch, entailing reorganization of much of the Iowa Administrative Code (IAC)
- 5-year sunset process established for most rules
- Entire IAC to be republished this year to account for sunset schedule as well as transition of two Legislative Branch software systems used for rules
- Date certain requirement enacted for adoptions by reference
- Most of Executive Branch began using Esper for rule drafting



Wisconsin – Mike Duchek

- Transitioning to new publishing software – Here in the Legislative Reference Bureau, the powers that be at our sister agency which does IT for the legislature, including our agency, has decided to move on from the word processing/publishing software that we have been using for almost 30 years (we use it for drafting and publication of our legislation, acts, statutes, and admin. code, among other things). Instead of finding a new off the shelf solution or from a vendor, they opted to write their own software, which is both exciting and scary. Anyway, this means either archiving (saving as PDF) or converting all our documents to the new format. So we have been reviewing how the program has done with converting documents to the new format and also preparing for the change, which will result in the pagination changing and a lot of work ahead to “update” documents to the new format. So this has been a major focus of what would otherwise be a sleepy time between legislative sessions this summer.
- Court case on legislature’s role vs. executive – Our governor, Tony Evers, a democrat, has sued the republican leadership of our legislature, as well as the chairs of several joint committees over various matters in which the legislature and those committees have been given the power to block (veto or pocket veto) certain executive branch actions. The action was filed as an original action with our supreme court and the court accepted the case but only with respect to some of the matters – matters relating to the legislature’s Joint Committee for Review of Administrative Rules were not accepted for review as part of the action. Nonetheless, the court is expected to speak on some major separation of powers questions and what powers joint committees can be given with respect to executive actions, and the case is expected to potentially have major implications for the rulemaking process and what role the legislature can have when it comes to rulemaking.



Oregon – Jaci Davis

- My name is Jaci Davis and I am Oregon's Senior Rule Administrator. I am one of three members of a mighty Rules Publication Unit that lives within the Archives Division of the Secretary of State's office. It is my privilege to provide an update on Oregon's highlights from the past year. First and foremost, I am thrilled to be a member the dynamic new Rules Publication Unit. With fresh perspectives and innovative ideas, our talented team is revolutionizing the way we approach rulemaking support and coordination in Oregon. We have a new manager over the unit, Kris Stenson, with Anne Friend and myself supporting Oregon's monthly Bulletin deadlines. Our new team has prioritized updating the statewide training curriculum, furthering the electronic records management and recordkeeping efforts from our antiquated paper files still in existence and build on the momentum being created within our rule coordinators peer networking spaces.
- In addition to the exciting developments within the Rules Publication Unit, Oregon has made significant strides in refining our public meeting law. By transitioning oversight from the Department of Justice to the Oregon Government Ethics Commission (OGEC), we are reinforcing our commitment to transparency and accountability in governance. This transition represents a proactive step towards ensuring that the public's voice is heard and respected in all decision-making processes. The OGEC is currently developing their administrative rules and trainings and the entire rulemaking network is very excited about this upcoming resource as so many of our rulemaking events are public meetings.
- Our state remains steadfast in its commitment to fostering meaningful relationships with Indigenous communities. Through intentional efforts to develop robust tribal consultation policies, we are laying the foundation for collaborative partnerships based on mutual respect and understanding. This work is essential as we strive to honor tribal sovereignty and incorporate traditional knowledge into our decision-making processes and engagement strategies. Lastly, I am proud to report updates in our state statutes aimed at removing historically harmful definitions have been rightfully amended, reflecting our ongoing commitment to inclusivity and equality for all Oregonians. Terminology pointing to one gender has been replaced with general neutral pronouns, alien has been replaced with non-citizen and inmate with adult in custody, to name a few examples.
- These administrative rule highlights underscore Oregon's unwavering dedication to progress, equity, and justice. As we continue to navigate the complexities of governance, let us all remain steadfast in our pursuit of a healthy and more united society for us all.



Kansas – Lara Murphy

- Changes to the Regulation Process
 - 3-Agency Approval System (Soon to be 4): Mary Greb-Hall’s retirement from Dept. of Administration; All new AG staff; Lost one staff member here
 - We are now 2 years into the new 5-year regulation review requirement and regulation filings have increased significantly.
 - The legislature just passed a bill changing our regulation approval process again.
- Record-breaking Session Laws Publication
 - One-day special session held June 18, Higher page count than any previous Session Law Set
 - 2,614 pages, 111 bills in the regular session, 2 bills in the special session
 - Highest number of Governor vetoes and messages from the Governor (in at least the last 30 years)
 - 57 pages of messages, 21 bills vetoed in their entirety, 14 vetoes were sustained, 7 vetoes were overridden by the legislature, 3 bills with a total of 57 line-item vetoes, 49 sustained, 8 overridden, 3 bills allowed to pass without the Governor’s signature
- Modernization and Electronic Regulation Filing Pushed to the Backburner
- We are very interested in using ESPER or a similar company to roll out a state-wide electronic regulation filing system
- We are working on an RFP in the hopes that we can get state funding next year



West Virginia – Maureen Lewis

- The Legislature divided our DHHR into 3 separate agencies in 2023, then made further changes in 2024. As a result, we have had to develop a procedure for moving rules to the correct new Agency.
- The Legislature added a requirement for County health fee rules to be published in the Register.
- We will be facing an Administration change. Our Secretary did not run for re-election as Secretary of State.



Colorado – Deanna Maiolo

- Accessibility
 - House Bill 21-1110 effective July 1, 2024
 - Requires state or local government entities to meet accessibility standards in providing full and equal access to information stored electronically.
 - Standards established using the most recent web content accessibility guidelines of the World Wide Web Consortium Web Accessibility Initiative.
 - House Bill 24-1454 extends the current deadline for full digital accessibility compliance for state agencies and public entities from July 1, 2024, to July 1, 2025. Requires agencies to demonstrate a good faith effort toward compliance.
- Rulemaking stats and new rules of interest
 - Over 800 permanent, emergency and repealed rules and corrections filed in the past year.
 - Publication of the Code and Register handled by a staff of two.
 - Funeral directors to be licensed per Senate Bill 24-173, effective January 1, 2027.
 - New rules for Natural Medicine aka psilocybin or ‘magic mushrooms’.



Idaho – Frank Powell

- Sadly, I will not be attending the summer conference in Puerto Rico (either in-person or virtually). As you may have heard from Trinette, the Rules Unit for the Idaho Department of Health & Welfare has been eliminated by the new Department Director. So it goes in state service, I guess. Nevertheless, we are sorry to see it go – it has been a good run since our founding in 2002. We have done some good work over the past 20+ years which hopefully will continue to benefit the citizens of Idaho for many years to come.
- I also wanted to announce that after 27 years I am retiring from state service. Hard to believe that back in July of 1997 I started as a state temp. It has been a long, sometimes bumpy, but often interesting ride. Today, actually, is my last day in the office – though my first official day of retirement will not be until August 1st.
- I have greatly enjoyed my association with ACR and have made some good friends over the years. My only regret is that I wasn't able to come to more conferences, but each one I was able to attend was memorable. Thank you for your friendship and good counsel over the years.



Utah

Michael Broschinsky
Sunnie Burningham
Kylie Cone

- The office welcomed a new employee, Holly Langton. She comes to us from the Governor's Office of Planning and Budget. Holly is a senior research consultant. One of her current projects is updating the Rulewriting Manual for Utah.
- The Utah State Legislature amended the Utah Administrative Rulemaking Act to exempt the Wildlife Board from being required to hold a public hearing when petitioned to do so.
- The Utah State Bulletin was published in paper for the very last time on December 15, 2023. The Bulletin continues as a PDF publication, with some significant formatting changes.



New Mexico – Matthew Ortiz

- We just published our largest single issue on June 25th. We went from p.712 at end of issue 11 to p.1501 at end of issue 12. We filed stamped over 1,000 pages for approx. 390 rule (amendments, repeals, repeals and replacements) on our submittal deadline. We had to process approx. 385 rules for repeal, amendment, and repeal and replacement. The reason for our mammoth issue is one of our largest departments, human services (HSD), is going to become an even amorphous agency, health care agency (HCA) on July 1, 2024. All of those rules, and some rules from department of health, had to be outfitted with new issuing agency and statutory authority language. As our former (retired) editor use to say, “these filings outta keep the lights on for awhile.”
- Last fall, the head of our agency: the state records administrator (SRA) and myself were asked to give a rulemaking presentation before one of our legislative interim committees. Our legislators were benevolent in their comments about our operations. We did have to field questions from a couple legislators about how they can ensure that agencies do not overstep/overreach/ignore enabling legislation when it comes to rulemaking?!? the back channel is that the legislature passed a bill that required more school attendance days. Our public education dept. conducted a rule hearing proposing, adopting, a 180-day school calendar. That rule hearing generated hundreds of comments from rural schools, teachers, parents, etc... who opposed the rule and who then turned their ire on legislators, who then mimicked that opposition and turn that heat onto the department... I could comfortably answer that those questions re: legislative intent in rulemaking was way above my pay grade and that our operations were largely ministerial.
 - In our legislative session (we are a part-time legislature that has 30- and 60-day sessions), there was a bill introduced that would have had formal legislative oversight prior to any rule adoption. That bill was heard in its first committee and did not survive past that hearing (on a partisan vote of committee).
- As a potential action item for us this year, we are working on general clean-up amendments to our three rules that contain all of our authority. Substantially, we are considering adding language that will allow agencies to pay their publishing costs via electronic transfer (no more purchase orders) and also allow us to file stamp electronically (via adobe?). Since we haven't increased our publishing fees since 2018, we may also shoot for a rate increase, b/c why not...



Arizona – Scott Cancelosi

- Arizona Rulemaking Manual
- Rulemaking and Legal Notice Templates updated, each are now an individual template, and each certificate and receipt match the template.
- We are also updating our rules on rulemaking. The changes make requirements very clear and concise with the processes put in order like the posted notice templates.
- We are still a division of two and still use Framemaker to publish the Register and Code. Both are authenticated when posted.
- Rhonda has been with the office for more than 10 years and works on the preparing and publishing the weekly Register.
- Scott codifies the rules in the Administrative Code. Other projects include helping office Counsel write policy on creating internal policy; repealing antiquated Election Division rules; and creating signage for cubicles. 😊



Arizona – Lucinda Feeley

- Health Care Institution Rulemakings
 - Fee increases
 - Working on implementing 2022 legislation including allowing Naloxone to be available at facilities
 - Limiting the definition of a "behavioral health professional"
 - Home Health Agency fraud
- Child Care Rulemaking
 - On-going for over a year to implement School-aged Programs and Child Care Block Grant requirements
- Manufactured Foods Rulemaking
 - On-going since 2018 to implement FDA requirements
- Cottage Foods Rulemaking
 - "Tamale Bill" - loosen rules for food vendors, allows home cooks who sell food to the public to expand their offerings to include items that require refrigeration



Guam – Geri Cepeda

- Late 2023, our office began using customized Word templates developed by an employee. The transition to using the template for existing Word documents has been incredibly labor intensive and time consuming. But we have but caught errors in numbering, and new margins has reduced the page count.
- I continue to meet with legislative staff and rulemaking entities (boards, commissions, etc.) to discuss the status of their rules/regs.
- Our office continues to review and update rules/regs as they are submitted and/or enacted.



Virginia

Holly Trice

Anne Bloomsburg

Nikki Clemons

Erin Comerford

- Legislature restored executive branch APA exemptions via the budget bill:
 - F. The Governor shall ensure that Executive Branch rulemakings that are exempt from Article 2 of the Administrative Process Act shall not be subject to the Executive Branch Review process. Furthermore, the Governor shall ensure that any agencies and regulations with a full or partial exemption from either Article 1 or Article 2 of the Administrative Process Act not be required to comply with any requirements other than those specifically required by the Code of Virginia pertaining to other regulatory activity, including petitions for rulemaking, meeting notices, agendas and minutes, the periodic review of existing regulations, and guidance documents.
- 2 Long time employees in administrative positions retired and the office took the opportunity to do a reorganization--we now have 4 full time employees rather than 5, but the 4th position is another editor. The section is now three editors and one attorney.
 - Reorganization has allowed for time to perform special projects
 - Audit all our regulations in VAC
 - Updating our style manual
 - Producing a users manual for RIS 2.0