

Who's Who, What's New?

ACR 2011 Winter Meeting
February 10, 2011



~ Focus – Administrative Code supplements ~

- Laws 2010, Ch. 287 Moratorium
- Election Publicity Pamphlet
- Laws 2010, Ch. 287 (H.B. 2260) ~ Crossed the bridge...

~ What's in the Future? ~

S.B. 1339 Amending the Administrative Procedure Act

Agency rule that has an impact on private sector is repealed after December 31, 2012.

Agencies shall not adopt a rule that has an impact on the private sector.

Private sector definition includes

“a private business, private entity or private property owner.”

PUBLIC SERVICES DIVISION - Scott Cancelosi, Director ~ Kim Crawford, Register Editor

Jon Davidson - Arkansas

- Everything's new
 - New Secretary, New Director, New Supervision, New, New, New
 - New people are familiar with Administrative Rules
- Arkansas Game & Fish Commission
 - Subpoenaed twice for rules
 - Commission tried to change way rules were adopted & remove itself from FOI

Karen Schneider - BNA

- Who we are (what does BNA do?)
- Why state regulatory information is important to BNA
- New ways that BNA is using state full-text regulatory information in their products:
- New in 2010 --
 - BNA Auditor
 - EHS Decision Support Network
- In development for 2011 --
 - Change-tracking

Deanna Maiolo - Colorado

- New CO Secretary of State Scott Gessler
- CO SOS Website Changes
- Changes to CO APA in 2010, Upcoming 2001 Legislation
- CO Administrative Rules Program System Upgrade
- Administrative Rules Program Staff Update

Cliff Li – CommerNet, Inc.

Recent developments:

- DCRegs.org: codification and eRule development
- FLRules: Repository for Reference Materials is added. Uploading of RM is now mandated in Florida.

Jeff Hague - Delaware

1. Regulatory Flexibility Act
2. Official regulations
3. Incorporation by reference
4. eBooks

Jerry Balan – DSCS

- DataStream Content Solutions (DSCS) is now owned by The Dolan Company (aka Dolan Media). The acquisition took place in December of 2010. The DSCS management team and supporting staff will continue in their roles and the name of our company will remain unchanged.
- Dolan owns and operates 27 legal newspapers and a number of legal services companies including LISA, (see paragraph below).
- Among the key drivers in Dolan's purchase of DSCS is our information technology and expertise in XML based information management and publishing services. This will ultimately become the backbone of Dolan's information services and technology offerings to their subscribers and to State Governments.
- LISA, Legislative Information Services of America, www.lisausa.net, provides tools and services to build and provide real-time updating and compilation of state legislative information.

Michael White – Federal Register

- Federal Register 75th Anniversary lectures and celebration related to the launch of Federal Register 2.0
- Federal Register 2.0 launched on schedule July 26, 2010 (the 75th anniversary of the Federal Register Act). The site was developed in about four months of planning, development, and testing.
- The official edition of the Federal Register now resides on GPO's Federal Digital System (FDsys) as of the end of December 2010. The GPO Access system will cease updating in March and go dark later this year.
- The First Obama Public Papers of the Presidents book was completed using XML markup and Framemaker. It will be posted on FDsys late this month.
- The United States Government Manual has been redesigned as a currently updated online edition using Adobe InDesign software. Soft launch occurred in late January; official launch TBA.

Federal Register

- As of the beginning of 2011, the eDOCS document management system can accept digitally signed submissions from any agency in the Government as long as they are cross-certified with the Federal Bridge Certificate Authority. As far as we know, OFR is the only agency in the federal Government actively using a completely interoperable Public Key Infrastructure program.
- In December, OFR submitted a project plan to GPO to jointly build CFR 2.0, using a "clean sheet" approach for a completely new editorial/publishing database. The new CFR/e-CFR would include Web 2.0 tools and offer point-in-time access to units of CFR text as they appeared on any given day.
- In December, OFR submitted a proposal to GPO to integrate eDOCS document management functions with the FDsys content management application. The joint system would also encompass other Federal Register publications, such as the Public Laws.
- Telework program is expanding: 45 OFR staff are teleworking on a regular basis. Recent snow and ice storms have had almost no effect on OFR operations.
- OFR is helping to implement the President's E.O. 13563 and related memos on regulatory reform and retrospective review in terms of plain writing and harmonization of regulatory data.
- GPO Leadership Change: President Obama appointed William Boarman as Public Printer of the U.S. in late December, using the recess appointment process. Mary Alice Baish, formerly with the AALL, has been appointed Superintendent of Documents. GPO CIO Mike Wash left GPO for the Department of Transportation in late December.

Idaho Participants

- Dennis Stevenson – Administrative Rules Coordinator (Dept of Administration)
- Ed Hawley – Administrative Rules Specialist (Dept of Administration)
- Brad Hunt – Desk-top Publishing/Data Analyst Specialist (Dept of Administration)
- Bev Barr – Administrative Rules Specialist (Dept of Health & Welfare)
- Frank Powell – Administrative Rules Specialist (Dept of Health & Welfare)
- Jan Hanke – Administrative Procedure Coordinator (Dept of Health & Welfare)
- Tamara Prisock – Program Manager for Business Support and Strategic Planning (Health & Welfare)

Frank Powell – Idaho

Rules Coordinator's Office

- Legislation passed during the 2010 legislative session affecting Idaho's APA :
 - Eliminated requirement to print and bind the Admin Bulletin and Code making our Code and Bulletin electronic only publications - approximate annual cost savings for printing, binding and mailing: \$22,000.
 - Changed format requirement for public legal notice – anticipated cost savings are \$100,000 annually.
- On line editions of the Bulletin and legislative review books are now published showing legislative format (strike and underscore) in color.

Frank Powell – Idaho

Department of Health and Welfare

- Eliminated the “printed, hard copy” books produced by the department for the legislative committees that review the Health and Welfare rules.
- The department will continue to refine this process going forward and make the paperless review the standard practice for the legislative review and approval of rules.
- A secure server was set up for filing large rulemaking documents with the Office of the Rules Coordinator. This eliminates the use of e-mail for rulemaking filings.
- Due to budget cuts, the Rules Unit lost one full-time employee (Ken Mordan).
- The department continues to struggle to maintain services while facing enormous budget cuts.

Emily Caudill – Kentucky

- Research electronic formats for the Register and Code
- Plan to consult with a group on possibility of using SharePoint
- Staff and ARRS member changes
- Memo sent to all Ky regulatory agencies about filing emergency regulations
- Proposed legislation changes to Ky’s APA

John Martinez – New Mexico

- Vickie Ortiz retired after almost 30 years in her position
- Still in hiring freeze
- Executive Order 2011-001
- 32 rules in limbo
- 3 Petitions for Mandamus
- Supreme Court Decision
- Motion to Dismiss

Deb Ritzko – New York

- NYS accepting e-certifications: In 2007 NYSDOS initiated e-filing for rule makings; however, agencies still had to deliver hard copy certifications to the DOS. In fall 2010 NYDOS began accepting e-certifications. An amendment to the NYCRR (10-20-2010 issue of the Register) was promulgated stating that scanned images of certifications prepared on agency letterhead containing signatures are acceptable.
- Weekly e-mail notification of availability of on-Register: During 2010 NYS DOS initiated an e-mail subscription service for the public to be notified when each weekly issue of the Register is available online (online Register is free to the public). During 2010 hard copy subscription were reduced from 650 to 350. Total subscribers equals 967. Goal was paper reduction and making the Register readily available to the public.

Joe Deluca – North Carolina

- Bobby and I have just finished reading the Energy Conservation Code and the Residential Building Code
- Former governor and his aid both pleaded guilty to election related offenses
- Election of 2010 and transition from democrat controlled legislature to republican controlled
- Budget problems in the state
- Governor's EO 70 implementing a "Rules Modification and Improvement Program"
 - nice description of rulemaking function and importance
 - imposes additional limitations on agency rulemaking
 - and additional budgetary review
 - (authority? effect on rules review and RRC decision to approve?)
 - invites public comment on existing rules and asks for public to identify rules that should be repealed
 - orders agencies to review existing rules
- Governor also implemented a state rule mirroring the federal EPA regulation of carbon dioxide (only second time)

Julie Yamaka - Oregon

- What's going on in Oregon?
- Updated On-line Notice filing system ready to go live
- Budget
- Legislative session

Dan Procter - Texas

- Database rewrite introduces improvements for public, state agencies, staff
 - download of chapters and subchapters
 - tables and graphics included in database
 - agencies will submit files in Word files instead of tagged text files
 - consolidates many internal steps
- No hardware available from which to launch the new database.
 - Existing hardware 12 years old and inadequate
 - Can no longer purchase server due to data center consolidation
 - Investigating a Cloud solution
- Proposed budget for next two years does not support current services.

Denise Kipfstuhl – Thomson Reuters

- Hello to everyone at ACR!

Ken Hansen - Utah

1. The Division of Administrative Rules is still intact. We've experienced a 13% budget reduction since the beginning of FY 2009. We are currently staffed at 3.75 FTE.
2. In July of 2009, eRules version 2 went live. eRules v. 2 is a major revision of our rule filing and publication application that initially went online back in 2001.
3. We have issued an eRules users manual using the DocBook markup language. This has allowed the Division to issue the manual in several different versions including HTML, PDF, and EPUB.
4. The Division is using DokuWiki to document its internal procedures.
5. The Division has partnered with the Division of State Libraries to create a catalog of materials incorporated by reference.
6. In his State of the State address on January 26, 2011, Utah's governor initiated a cabinet level review of all regulation (statute and administrative rules).

Jane Chaffin - Virginia

- 2011 APA amendments (proposed)
 - HB1969 - Effort to signal agencies of the need to review and update regulations to conform to changes in law
 - HB2006 & SB1070 - Clarify agencies responsibilities in reviewing regulations for adverse impact on small businesses
- Virginia Administrative Code / Regulation Information System Enhancements
 - FORMS - adding hyperlinks to forms used in administering a regulation
 - Example: Forms associated with Pharmacy regulations
 - DOCUMENTS INCORPORATED BY REFERENCE - adding hyperlinks to documents incorporated by reference
 - Example: EPA documents incorporated in Water Quality Standards

Kerry Radcliff - Washington

- ACR Secretary/Treasurer
 - Thank you for electing me secretary/treasurer.
 - My hope is to assist John and Scott in keeping ACR as interesting and enlightening during these tough economic times.
- Washington State Register:
 - Governor Gregoire 's executive order suspending non-critical rule making.
 - Electronic filings.
 - Official copy on internet.
 - Paper copies for archival purposes.
- Washington Administrative Code
 - Past years archival copies now on the internet.
 - Paper copy dilemma – looking for new ways to publish.

Judy Cooper – West Virginia

- Senior Senator Robert Byrd died
- Special election
- Who's on first????
- Supreme Court Decision
- Special election -- current & former boss running
- Executive Journal rewritten
- Erules
- See you July 10 at Glade Springs, WV

Susan Volotta - Wolters Kluwer

- Acquisition and distribution of state legislative and regulatory information for Wolters Kluwer (WK) print publications and online legal compliance news and software programs
- WK media product types includes: tax and accounting (CCH), insurance (NILS INsource), health care (Mediregs), banking (Best Case Solutions) and others
- Overview of WK products and services on <http://www.wolterskluwer.com/Pages/Home.aspx>
- Future goals and objectives at WK include expanded web and online media for legal news reporting and business specific legal compliance software systems and tools for customers

Sue Rogers - Wolters Kluwer

- Let me say how much I appreciate all of you and the “education” you have given me in promulgating your state’s Administrative Rules / Regulations for the past few years. I am so glad to be associated with all of you and hope to see all of you at the Summer Conference in WV!