

State Regulatory Openness Scorecard

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Introduction

One of the most fundamental principles of American government outlined by our founding fathers is that the people hold the right to “petition the Government for redress of grievances.” Citizens might choose to call their legislator, or write a letter to the governor’s office, but when it comes to bureaucratic agencies, public engagement can be difficult. Notice and comment for federal agencies has long been unified under the Office of Management and Budget and the Federal Register, but, at the state level, the openness of administrative processes varies greatly. This paper attempts to consolidate and compare these varied state systems in an effort to better inform administrative process reform.

Practically every state has passed some kind of legislation outlining administrative procedure. One of the most common systems enacted in some manner by more than a dozen states is the Model State Administrative Procedure Act from the National Conference of Commissioners on Uniform State Laws (NCCUSL). Other states have implemented their own frameworks, often based on the federal Administrative Procedure Act of 1946. Unfortunately, as is often the case, there can be great discrepancies between the spirit of the law and its implementation. States that have the exact same statutory language often manage their systems in very different ways.

Methodology

States are graded on four different sets of criteria.

Ease of Submitting Comments: This measures how simple it is to submit comments. This includes the relative ease with which activists can find comment submission forms or contact information. It also looks at how straightforward the process is and how it is presented.

Transparency/Accessibility: Can activists access up-to-date regulatory information both past and present? This looks at how easy to find the existing regulatory code is and how easy it is to find information on upcoming rulemakings. This also takes into account whether these documents are searchable and how dense they are to navigate.

Uniformity: States have a variety of different agencies promulgating regulations, just like the federal government. The question is whether or not activists hoping to engage have to navigate dozens of different frameworks or if there is some unity in the process. Can all the state's information be gathered in one place if need be?

Regulatory Restrictiveness: Very succinctly, this plank measures how restrictive the code of regulation is in each state. How many restrictions are on the books and how does it impact residents?

In order to quantify regulatory restrictiveness, we rely on the metrics provided by the Mercatus Center at George Mason University State RegData project. This project “used text analysis and machine learning algorithms to quantify how many words and regulatory restrictions each state's regulations contain as well as to estimate which sectors and industries of the economy those regulations are likely to affect. As in all RegData datasets, regulatory restrictions are a metric designed to act as a proxy for the number of prohibitions and obligations contained in regulatory text, as indicated by the number of occurrences of the words and phrases ‘shall,’ ‘must,’ ‘may not,’ ‘required,’ and ‘prohibited’ in each state's regulations.”

Each of the four planks is weighted equally. So, states that regulate a lot could receive higher marks than a state that regulates very little if their system is easier and more accessible for residents. This is, after all, a regulatory process scorecard.

Grades

Number grades translate to the following analysis:

24-25 - As good as you can get. Very simple, imposing the least amount of burden on activists as possible.

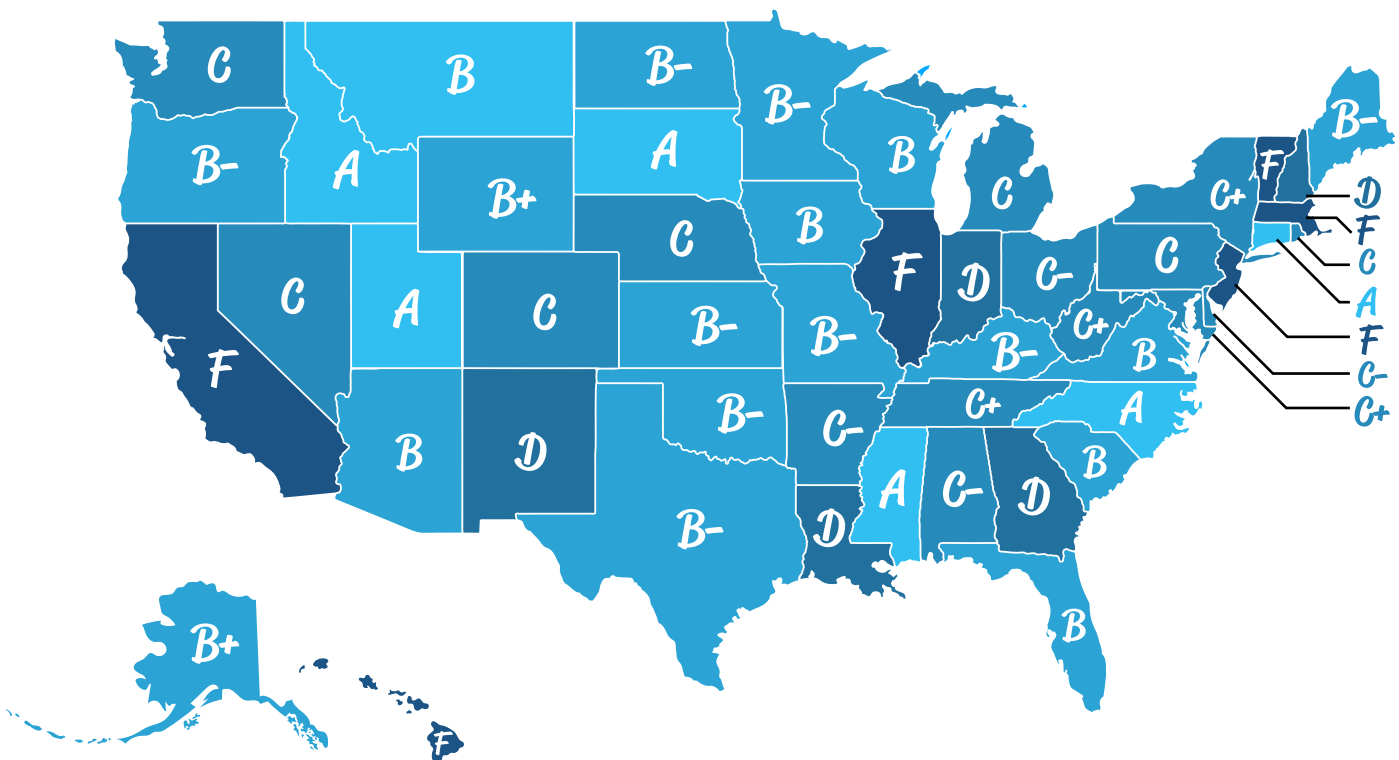
21-23 - Very simple, but with minor flaws or encumbrances that, while miniscule, are noticeable.

18-20 - Noticeable flaws that could hinder activist participation or weigh down the process, but not significantly.

13-17 - Hovering at, or just below, average. At this point, the process becomes needlessly complicated.

10-12 - The system has perhaps a few redeeming qualities, but is severely flawed.

Below 10 - The system is in need of a complete overhaul and any positive aspects are overshadowed by the immense flaws.



Best of the Best

Ease of Submitting Comments:

Iowa's unified online portal for administrative notice and comment makes submitting comments incredibly easy. Their intuitive user interface and simplified comment system mean that even citizens with minimal experience with regulatory matters can conveniently weigh in on items important to them. If they so choose, Iowans can also submit regulatory comments through the mail or in person, when circumstances permit. Furthermore, Iowa's website for regulations houses tools to thoroughly educate members of the public that wish to learn more about the state's regulatory process and how to get involved.

Transparency/Accessibility:

Missouri's centralized website, maintained by the Secretary of State, provides citizens with a one-stop shop for information about regulations. Here, citizens can easily peruse or search through the full Code of State Regulations and the bimonthly Missouri Register (similar to the Federal Register). What makes Missouri's system particularly accessible is the addition of an automatic e-notification system for rules and rulemakings, along with a rulemaking timeline calendar to help citizens understand rule filing

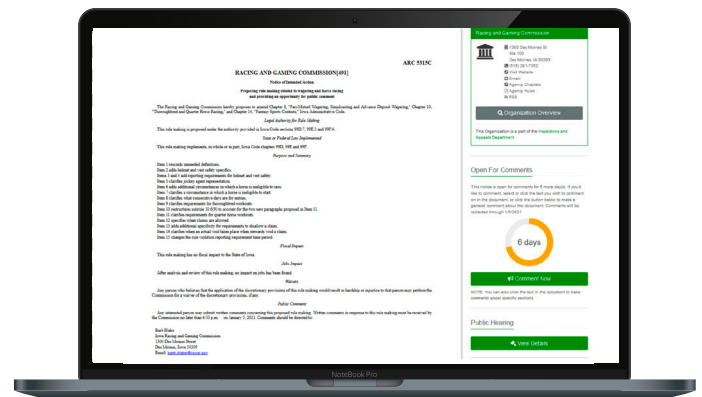
dates. Essentially, citizens can find everything they could possibly need about the regulatory process via the Secretary of State's website.

Uniformity: Governed by the Idaho Administrative Procedures Act, Idaho's administrative procedure is as uniform as it gets. The Office of the Administrative Rules Coordinator (OARC) serves the sole purpose of unifying regulatory notice under one roof. They function much like the Office of Management and Budget does at the federal level, providing a funnel for all regulatory changes before being finalized. OARC also maintains a singular online portal for all information regarding regulations, making it quick and easy for citizens to find what they are looking for.

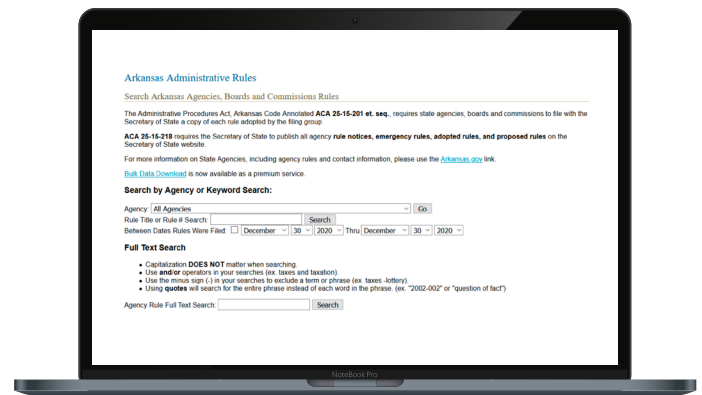
Regulatory Restrictiveness: South Dakota has one of, if not the least, restrictive regulatory code of any state. According to data compiled by the Mercatus Center at George Mason University, through its State RegData project, South Dakota has 44,000 regulatory restrictions on its books. The next highest state is Alaska, with 53,000 regulatory restrictions. By contrast, California is by far the most strictly regulated with 396,000 regulatory restrictions.

The Best and Worst of State Notice and Comment

Iowa: To the right, we have an example taken from Iowa's excellent online regulatory notice and comment portal. Of particular note, Iowa includes all relevant information about the related agency, has a simplified summary of the proposal, and provides an easy-to-use link for submitting comments online.

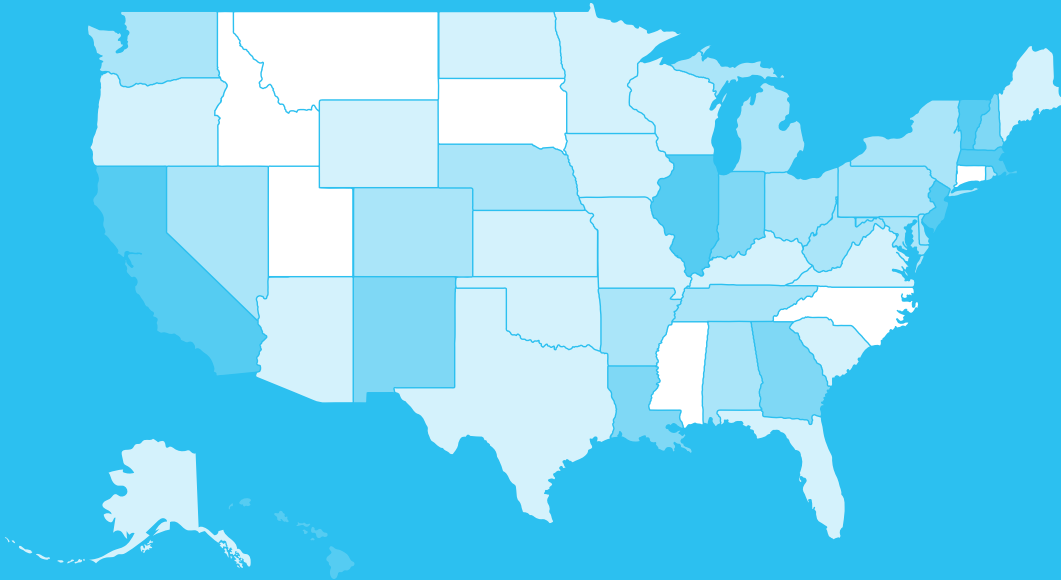


Arkansas: On the other side of the coin, Arkansas' online system for regulatory notice is overly complicated, requiring citizens to know exactly what they are looking for to find anything. What's more, this system merely provides regulatory notices, requiring all public comments to be submitted in person or through the mail.



While these are examples of some of the best and worst online systems currently being used by the states, it is worth noting that even a minimal online portal such as Arkansas' is preferable to some other disparate systems. Hawaii and Massachusetts, for example, are practically stuck in the 20th century when it comes to regulatory notice and comment. Hawaii does not appear to allow online comments, and online regulatory notice is still split amongst the numerous agencies' webpages. Massachusetts also lacks an online comment system, and the Massachusetts Register is given only in a non-searchable format.

The States





ALABAMA C-

EASE OF SUBMITTING COMMENTS:

18/25

According to the Alabama Administrative Procedure Act found in Title 41, Chapter 22 of the Code of Alabama, agencies are required to “afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing.” However, agencies don’t always make this easy, often only accepting comments only via mail or in person at public meetings. Citizens would have to be highly informed and engaged to influence the regulatory process.

TRANSPARENCY / ACCESSIBILITY:

20/25

As mandated by statute, the Legislative Services Agency publishes the Alabama Administrative Monthly on the last day of every month. Similar to the Federal Register, this document, available online since 2007, contains all of the “notices by state agencies of the intent to adopt, amend, or repeal rules,” and any rules that had been finalized that month. Unfortunately, the Administrative Monthly neither includes the text of proposals, nor directs interested parties to such information.

UNIFORMITY:

13/25

Aside from broad prescriptions made by the legislature decades ago, there seems to be little focus on regulatory accessibility in Alabama. Although the Administrative Monthly standardizes public notice of regulatory changes, there is little opportunity for public input. Furthermore, the lack of uniformity makes public engagement more difficult for interested individuals.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Alabama contains an estimated 107,000 regulatory restrictions. This indicates a rather loose regulatory approach.

71/100



EASE OF SUBMITTING COMMENTS:

17/25

In Alaska, all regulatory agencies are required to provide the public notice of changes, but only some agencies regularly accept public comments. The Regulatory Commission of Alaska, for example, maintains a website that serves as a unified portal for notice and comment on all regulatory issues related to public utilities. On the contrary, the Alaska Department of Health and Social Services merely provides notice of intended changes.

TRANSPARENCY / ACCESSIBILITY:

24/25

In order to comply with legislative directives, the Office of the Lieutenant Governor of Alaska maintains an online register of administrative public notices. Similarly, the Alaska Administrative Code, available online through the state legislature, is updated continually to reflect regulatory changes.

UNIFORMITY:

21/25

Providing the public notice of regulatory changes and presenting the regulatory code are quite uniform in Alaska. Though not mandated universally by statute, the vast majority of agencies also accept some sort of public comments through the online public notice system.

REGULATORY RESTRICTIVENESS:

25/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Alaska contains an estimated 53,000 regulatory restrictions, one of the lowest in America. A state known for its independent spirit, Alaska has managed to keep a hands-off regulatory approach.

87/100



EASE OF SUBMITTING COMMENTS:

18/25

Although Arizona makes it relatively easy to find out about regulatory changes, their comment process is stuck in the 20th century. Every proposed rule published in the Administrative Register contains the basic agency contact information. Unfortunately, the only ways citizens can engage with these agencies is through writing or attending a public hearing in person.

TRANSPARENCY / ACCESSIBILITY:

23/25

Published weekly by the Arizona Administrative Rules Division, the Administrative Register functions as a "cumulative index" which allows "users to track a rule from the beginning to the end of the rulemaking process." This unified publication is nearly identical to the physical publication of the Federal Register.

UNIFORMITY:

19/25

The notice and comment system for Arizona is quite uniform, but is in critical need of an update. The fact that the Register includes the physical address of every relevant agency, but provides no direction to agency websites or other places where individuals might engage agencies, typifies the outdatedness of this system.

REGULATORY RESTRICTIVENESS:

24/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Arizona contains an estimated 64,000 regulatory restrictions. Similar to many other western states, Arizona's government has traditionally respected the free market.

84/100



EASE OF SUBMITTING COMMENTS:

17/25

All major regulatory changes require a 30-day comment period, though only the closest of industry observers could reasonably be expected to impact regulatory decision making. Unless the appropriate agency holds public hearings, the only way to comment on proposed rules is through the mail.

TRANSPARENCY / ACCESSIBILITY:

18/25

The Arkansas Administrative Procedures Act requires state agencies to file notice with the Secretary of State who, in turn, is required to publish these notices online. However, the system currently in use is quite clunky, requiring citizens to know specifically what they are looking for, rather than presenting the information in a way that is conducive to the public. The so-called "Arkansas Register" is in need of a facelift.

UNIFORMITY:

16/25

The Secretary of State does maintain a unified online portal through which individuals can access the full text of all major regulatory proposals. Unfortunately, this system extends only to public notice and does not provide a uniform system for public comment.

REGULATORY RESTRICTIVENESS:

20/25

According to the Cato Institute, Arkansas is slightly lower than average when it comes to restrictiveness. It ranks on their scorecard as the 31st least restrictive state in the nation.

71/100



CALIFORNIA *F*

EASE OF SUBMITTING COMMENTS:

15/25

Agencies are not required to involve the public in preliminary rulemaking activities, but must allow at least 45 days for “public comment to the agency in writing.” Yet, the fact that the state makes it difficult to find the proper contact information to submit comments, and still requires comments in writing, demonstrates that California’s administrative agencies are, in reality, not very responsive.

TRANSPARENCY / ACCESSIBILITY:

23/25

Every week, the California Office of Administrative Law (OAL) publishes the California Regulatory Notice Register on their website which contains notices for all proposed regulatory actions. Individuals can even request a weekly hard copy of the report.

UNIFORMITY:

15/25

Like many other states, California has a singular place for regulatory notice, but the OAL very specifically directs individuals to submit their comments through the individual agencies. To make matters worse, there is little to no uniformity amongst how different agencies solicit public comments.

REGULATORY RESTRICTIVENESS:

5/25

California has the strictest regulatory code in the country, and as the most populous state, how California regulates reverberates across the country. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of California contains an estimated 396,000 regulatory restrictions, the highest number of any state surveyed.

58/100

EASE OF SUBMITTING COMMENTS:

18/25

Though agencies are nominally required to either hold a public hearing or allow time for public comment, they don't always make it easy. Public hearings seem to be the only time citizens can meaningfully interact with agencies besides going out of their way to locate a contact for a written comment.

TRANSPARENCY / ACCESSIBILITY:

24/25

The Colorado Secretary of State maintains the Colorado Register which they publish bimonthly to notify the public of all proposed and finalized rules. Furthermore, they maintain the Code of Colorado Regulations which is available online and in a searchable format.

UNIFORMITY:

18/25

There is some uniformity in the way citizens can engage meaningfully with their regulatory agencies in Colorado. While the public notice of changes is fairly standard, the complexity of the whole process makes it difficult for individuals to have their voices heard.

REGULATORY RESTRICTIVENESS:

14/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Colorado contains an estimated 152,000 regulatory restrictions. This indicates an above average level of restriction.

74/100



EASE OF SUBMITTING COMMENTS:

24/25

Connecticut's eRegulation system, managed by the Office of the Secretary of the State, makes commenting on regulatory changes relatively easy. This online portal allows citizens to find open comment periods and submit their views in a matter of clicks.

TRANSPARENCY / ACCESSIBILITY:

22/25

The eRegulation portal makes it simple to both browse or enter a specified search of Connecticut's regulatory code. Though it is questionable how often rule changes are opened to comment, the information is generally both freely available and easily accessible.

UNIFORMITY:

24/25

Having all notices and proposals in a singular online portal, as Connecticut does, makes it simple for citizens to engage with all state agencies from one centralized location.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Connecticut contains an estimated 96,000 regulatory restrictions, which is better than average.

90/100



DELAWARE



EASE OF SUBMITTING COMMENTS:

15/25

Included in their mandatory notice to the public, every Delaware agency seeking to “adopt, amend, or repeal a regulation” is required to tell the public how they might engage with the agency on the topic. However, the process to give these comments is entirely analog, most often requiring letter writing or attendance at a public hearing. With a unified online portal for notices, it would be simple for Delaware to centralize its comment process as well.

TRANSPARENCY / ACCESSIBILITY:

22/25

Delaware’s Administrative Code is available online through a searchable database. Also available online in addition to in print is the Monthly Register of Regulations, a compilation of all active proposed regulations, final regulations, and other general regulatory notices. These two sites make getting regulatory information straightforward.

UNIFORMITY:

15/25

Between the print and online version of both the Administrative Code and Monthly Register, Delaware has pretty well unified the process of notifying the public of regulatory actions. Unfortunately, beyond requiring agencies to notify concerned citizens of how to contact them, the methods by which agencies have individuals express their concern are quite disparate.

REGULATORY RESTRICTIVENESS:

19/25

Delaware has a moderately loose regulatory code. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Delaware contains an estimated 105,000 regulatory restrictions.

71/100



EASE OF SUBMITTING COMMENTS:

24/25

Florida is one of only a handful of states that has a unified regulatory notice and comment system. This website hosts an active list of every regulatory action currently available for public comment and provides a link where citizens can easily submit their comments in a few clicks. Although the website is a bit clunky, it is far superior to the outdated systems of most other states.

TRANSPARENCY / ACCESSIBILITY:

23/25

Florida's public notice system for proposed rules that are available for public comment adequately serves its function, but appears quite outdated. In order to view the full text of a regulatory proposal, one must download files rather than being able to view them in the browser. Even so, the combination of public comment requests and Administrative Code in one location makes accessibility incredibly easy.

UNIFORMITY:

24/25

As noted above, all regulatory notice and comment for the State of Florida is unified into a single webpage. From this page, citizens can access everything they could need to stay informed and have their voices heard.

REGULATORY RESTRICTIVENESS:

12/25

Unfortunately, although Florida's regulatory code is easily accessible, it is also quite extensive. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Florida contains an estimated 174,000 regulatory restrictions.

83/100



EASE OF SUBMITTING COMMENTS:

13/25

Submitting comments on regulatory action in Georgia can be quite difficult. Most agencies accept comments only through the mail or at in-person hearings, with a few exceptions utilizing email. Citizens must be highly engaged and motivated in order to have their voices heard by Georgia's regulatory agencies.

TRANSPARENCY / ACCESSIBILITY:

18/25

Technically, all agencies require online notice of any regulatory changes. However, the dispersion of such notices amongst various agency websites makes engagement difficult. What's more, although the state regulatory code is available online, the state is secretive with its data and provides no search functionality.

UNIFORMITY:

13/25

There is practically no uniformity to the way in which citizens should engage with state agencies in Georgia. Though agencies are required to accept public comments on major actions, the menagerie of websites that must be navigated in order to do so presents severe impediments to engagement. Furthermore, there seems to be little uniformity in the method by which agencies accept comments.

REGULATORY RESTRICTIVENESS:

19/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Georgia contains an estimated 109,000 regulatory restrictions.

63/100



EASE OF SUBMITTING COMMENTS:

20/25

Hawaii does not maintain any sort of online portal through which citizens can interact with regulatory authorities. Citizens can interact with agencies through public hearings, written letters, or their individual websites, and some agencies accept comments through email for all major actions.

TRANSPARENCY / ACCESSIBILITY:

18/25

Rather than unify the notification process, Hawaii's Lt. Governor hosts a website that simply links to the various notification webpages for each of the state's titled departments. So, in a sense, this information is made available to the public, but it could be an arduous task to wade through the various links to find what you are looking for. This system also makes browsing proposed changes nearly impossible.

UNIFORMITY:

12/25

The state Administrative Procedures code requires agencies to implement their own rules and methods to provide notice and obtain comments from the public. There being no real unified website to house regulatory information and proposals adds to the complexity of Hawaii's system.

REGULATORY RESTRICTIVENESS:

9/25

According to the Cato Institute, Hawaii has one of the top five most restrictive regulatory codes in America. This features extensive land use regulations.

59/100



EASE OF SUBMITTING COMMENTS:

20/25

Unfortunately, Idaho maintains no sort of online system by which citizens can contact regulatory authorities. Yet, their Administrative Bulletin contains the relevant contact information for citizens to contact in writing through either email or regular mail. The vast majority of agencies also hold public hearings on proposed changes and provide notice for these hearings online through the Administrative Bulletin.

TRANSPARENCY / ACCESSIBILITY:

23/25

Idaho makes their administrative process fairly accessible to the public. The Idaho Office of the Administrative Rules Coordinator (OARC) hosts a well built website that provides access to a searchable database of past and current rulemakings, as well as the Idaho Administrative Code and the monthly Administrative Bulletin. This website makes it simple for citizens to find what they are looking for, or browse through current notices.

UNIFORMITY:

25/25

Idaho's system for regulatory notice and comment is, by law, quite unified. The Idaho Administrative Procedures Act established the Office of the Administrative Rules Coordinator (OARC) specifically to unify regulatory notice. This system where OARC acts as a funnel for regulatory changes, and maintains a single online portal for everything regarding regulations, makes it simple for citizens to engage their government.

REGULATORY RESTRICTIVENESS:

24/25

As a result of a recent major state program to simplify and consolidate rules and regulations, Idaho is one of the least regulated states in the country. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Idaho contains an estimated 62,000 regulatory restrictions.

92/100



EASE OF SUBMITTING COMMENTS:

14/25

The appropriate contact information for any proposed action is included in the Illinois Register notice of that action. However, these contacts allow citizens only to physically mail comments to the appropriate contact. Interestingly, while several city agencies for Chicago have online comment portals, state agencies seem to primarily accept only analog comments.

TRANSPARENCY / ACCESSIBILITY:

20/25

Although Illinois does have a unified publication for regulatory notice, it can be difficult to find and navigate. The Illinois Register, published every week by the Secretary of State, is the primary notification system for proposed and adopted rules. The Administrative Code for Illinois is also online.

UNIFORMITY:

13/25

There is little uniformity to Illinois' regulatory notice and comment system beyond the publication of the Illinois Register. Citizens can sometimes engage with major agencies through comments on their websites, but this function is not readily advertised. Furthermore, the various functions of notifying the public and maintaining the record are split up amongst various branches of the state government.

REGULATORY RESTRICTIVENESS:

8/25

Illinois maintains a fairly extensive and strict regulatory code. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Illinois contains an estimated 260,000 regulatory restrictions.

55/100



EASE OF SUBMITTING COMMENTS:

17/25

Indiana makes it quite difficult for citizens to engage with most regulatory agencies. Though agencies do accept public comments on proposed changes, with some even accepting comments online, the disparate system makes it difficult to stay informed.

TRANSPARENCY / ACCESSIBILITY:

15/25

In Indiana, the Administrative Code is available through an excellent online database. Unfortunately, that appears to be where accessibility ends. Indiana does not maintain an online register of regulatory notices. Agencies do post notices of regulatory changes online, as required by law, but these are mostly hidden deep within agency webpages and are difficult to access.

UNIFORMITY:

13/25

There is quite little uniformity in the way Indiana handles regulatory notice and comment. Although agencies are all required to notify the public and solicit their views, in practice, the system discourages engagement. The lack of any unified register of regulatory notices, much less an online portal for public comments, demonstrates the fact that Indiana's system desperately needs an update.

REGULATORY RESTRICTIVENESS:

21/25

Although their notice and comment system needs work, Indiana's regulatory structure is relatively relaxed. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Indiana contains an estimated 92,000 regulatory restrictions.

66/100



EASE OF SUBMITTING COMMENTS:

25/25

Iowa maintains a searchable website of all open notices available for public comment. This website makes it quick and easy for citizens to browse and submit comments on regulatory changes and proposals online. Individuals can also choose to submit comments in writing, and many agencies continue to host public hearings.

TRANSPARENCY / ACCESSIBILITY:

24/25

The Iowa Administrative Rules online portal makes accessing all state regulatory information quick and easy. This searchable database contains the notices for all divisions and departments for the State of Iowa. It also contains detailed information about each agency, and links to the Iowa Legislature's homepage for the official state Administrative Code.

UNIFORMITY:

24/25

The fact that all of Iowa's regulatory information is available online through the Administrative Rules webpage creates a wholly unified system for regulatory notice and comment. This single landing page makes it simple for individuals to get regulatory information and submit their views on proposals with only a few clicks. More states should consider moving toward a more unified system as Iowa has.

REGULATORY RESTRICTIVENESS:

13/25

Although they have a wonderful online system for regulatory notice and comment, Iowa maintains a relatively strict regulatory code. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Iowa contains an estimated 160,000 regulatory restrictions.

86/100

KANSAS *B-*

EASE OF SUBMITTING COMMENTS:

19/25

By law, agencies are required to inform the public of any proposed changes and provide a 60-day comment period. Although the statute requires only acceptance of written comments or public hearings, some of the larger state agencies, like the Kansas Department of Agriculture, allow citizens to submit comments online. Yet, there is no unified online comment system beyond the inclusion of physical addresses in the state Register.

TRANSPARENCY / ACCESSIBILITY:

22/25

Serving as “the official state newspaper,” the weekly Kansas Register contains not only administrative notices, but also legislative and executive updates, and even summary notices of municipal bond sales. The Secretary of State also maintains a separate website that compiles the proposed regulations currently available for public comment.

UNIFORMITY:

15/25

Rather than unify their online system, Kansas divides regulatory notice and comment amongst several separate websites maintained by separate offices. Although all the information is at your fingertips, because the information is split into several sections, it can be difficult to navigate.

REGULATORY RESTRICTIVENESS:

24/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Kansas contains an estimated 71,000 regulatory restrictions. On the lower end of the spectrum, Kansas has a rather hands-off approach to regulation.

80/100



EASE OF SUBMITTING COMMENTS:

20/25

While most agencies do not have an online portal through which individuals can submit comments, the required notification in the Administrative Register of Kentucky contains both the physical address and email address of the appropriate agency contact. Unfortunately, since the Register is published monthly and there is no other online source, people need to know what they are looking for to engage with the state government.

TRANSPARENCY / ACCESSIBILITY:

23/25

Kentucky has a unique system called RegWatch that allows citizens to sign up to “receive notice of administrative regulation changes in the Commonwealth,” either through email or standard mail. Whenever an agency files a notice that fits “your profile of interests,” you are automatically sent a notice. Beyond RegWatch, the Kentucky General Assembly publishes a register containing notices for all proposed and final rules for that month.

UNIFORMITY:

22/25

The RegWatch system combined with the monthly register makes regulatory notice in Kentucky relatively uniform. Regulatory comments, on the other hand, are split amongst all the separate agencies. Although the monthly register contains the contact information for the relevant agency, there remains a lack of uniformity in the ways different agencies choose to solicit comments from the public.

REGULATORY RESTRICTIVENESS:

16/25

Kentucky has a somewhat strict regulatory code. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Kentucky contains an estimated 130,000 regulatory restrictions.

81/100



EASE OF SUBMITTING COMMENTS:

16/25

Like most other states, Louisiana law requires agencies to offer any interested parties a reasonable opportunity to submit their views. Unfortunately, the state doesn't always make this process easy. Few agencies, if any, accept comments online through their websites. Even worse, the standard regulatory notice does not include any sort of contact information for citizens to submit their views besides those for public hearings.

TRANSPARENCY / ACCESSIBILITY:

18/25

The way in which Louisiana has chosen to provide online access to regulatory information can be quite confusing. Published monthly, the Louisiana Register contains the full text of proposed regulatory changes, but lacks any other important information, such as the length of comment periods. Searching the Louisiana Administrative Code also proves cumbersome.

UNIFORMITY:

20/25

There is some uniformity to Louisiana's regulatory notice and comment system. Agencies communicate with the public and accept comments in various ways with the only unifying link being the Louisiana Register. It would be quite difficult for even an engaged citizen to stay consistently up to date with the latest regulatory changes.

REGULATORY RESTRICTIVENESS:

13/25

Louisiana's regulatory code is moderately strict. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Louisiana contains an estimated 163,000 regulatory restrictions.

67/100



EASE OF SUBMITTING COMMENTS:

23/25

Maine lacks a unified regulatory comment portal, but does provide excellent information every week in rulemaking notices. Depending on the agency, the rulemaking notices include everything from physical addresses and phone numbers to email addresses and links to agency landing pages.

TRANSPARENCY / ACCESSIBILITY:

23/25

Maine is fairly transparent in the way it manages its regulatory code. Through a webpage managed by the Bureau of Corporations, Elections, & Commissions anyone can access and search through a full list of state rules broken down by department. That same Bureau also manages the online publication of the Weekly Notices of State Rulemaking.

UNIFORMITY:

17/25

Like many other states, Maine has effectively unified the process of notifying the public of regulatory actions, but they have neglected to improve the engagement of their citizens. While individuals can easily find all the necessary information related to regulatory changes in one place, engagement with state agencies is entirely decentralized. Furthermore, there is little uniformity in the ways different agencies choose to accept public comments.

REGULATORY RESTRICTIVENESS:

19/25

The strictness of Maine's regulatory code is slightly below average. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Maine contains an estimated 114,000 regulatory restrictions.

82/100



EASE OF SUBMITTING COMMENTS:

20/25

Maryland makes submitting comments to regulatory agencies relatively simple, if you know what you're doing. Every proposed regulatory change included in the Maryland Register includes the associated physical address, phone number, fax number, and email address where individuals can submit their comments. Unfortunately, this register is rather dense, discouraging engagement for the average citizen.

TRANSPARENCY / ACCESSIBILITY:

22/25

The Maryland Division of State Documents manages the online versions of both the Maryland Register and the Code of Maryland Regulations (COMAR). Through this website, individuals can simply and quickly access practically all of the important information about current and proposed regulations in Maryland. Individuals can also subscribe to receive either digital or physical copies of each issue of the COMAR and the Maryland Register delivered to them periodically.

UNIFORMITY:

18/25

The Division of State Documents brings much needed unity and clarity to the commission of Maryland's regulatory code. Having a unified agency dedicated totally to maintaining the regulatory records streamlines citizen engagement. However, the simplicity of submitting regulatory comments seems to be an afterthought in Maryland. Though the notice for public comment is included in the Maryland Register, each agency manages its own system.

REGULATORY RESTRICTIVENESS:

18/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Maryland contains an estimated 122,000 regulatory restrictions. This is indicative of a moderately hands-off approach to regulation.

78/100

MASSACHUSETTS

EASE OF SUBMITTING COMMENTS:

15/25

The Secretary of the Commonwealth provides ample notice of public hearings online, but that is where public consideration ends. Massachusetts provides no form of online comment portal, nor do they provide any other direct route through which individuals can obtain information about and comment on regulatory proposals. Massachusetts certainly doesn't make it straightforward for a citizen to have their voice heard.

TRANSPARENCY / ACCESSIBILITY:

7/25

The Code of Massachusetts Regulations is also available online, but the web design is not conducive to either searching or browsing through the code. Even worse, the Massachusetts Register, "the bi-weekly publication mandated by the Administrative Procedures Act," which contains notice of proposed regulatory changes comes only through a paid subscription service of \$300 annually. Luckily, Massachusetts is kind enough to reduce the price to \$225 for their purely online subscription service. Placing any public documents behind a paywall, let alone supposedly public notices, should never be allowed.

UNIFORMITY:

19/25

Between the Code of Massachusetts Regulations and the Massachusetts Register, regulatory notice and comment is fairly unified. Unfortunately, that unity is the byproduct of a lack of any real effort by Massachusetts agencies to meaningfully engage in notice and comment.

REGULATORY RESTRICTIVENESS:

13/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Massachusetts contains an estimated 160,000 regulatory restrictions. This demonstrates that the Massachusetts regulatory code is moderately rigid compared to other states.

54/100



EASE OF SUBMITTING COMMENTS:

15/25

Providing public comments to regulatory agencies in Michigan can be difficult. If an agency determines to allow written public comments on a major action, they will include the relevant contact information in the bimonthly Register. Otherwise, agencies will simply hold an in-person hearing and consider their statutory obligations met.

TRANSPARENCY / ACCESSIBILITY:

17/25

Michigan's Department of Licensing and Regulatory Affairs (LARA) is the home for all things regulation and ensures transparency in the administrative process. It maintains both the Michigan Register and oversees the Administrative Rules Division that manages the state administrative code. The Register, published twice per month, contains the text of all proposed regulatory changes.

UNIFORMITY:

21/25

With LARA managing practically all aspects of regulatory affairs, notice and comment in Michigan is relatively uniform. Though agencies sometimes circumvent public comment periods through in-person hearings, standard notice and comment is centralized in LARA's website. Michigan should consider granting LARA the responsibility of optimizing its online register and establishing a unified portal for regulatory comments.

REGULATORY RESTRICTIVENESS:

22/25

According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Michigan contains an estimated 83,000 regulatory restrictions.

75/100



MINNESOTA *B-*

EASE OF SUBMITTING COMMENTS:

20/25

In Minnesota, major rules must either be submitted to a public hearing or to a period of public comment unless specifically exempted like emergency orders. Those rules that do go through a comment period are published in the state register along with other administrative documents from the executive. From there, citizens can send their comments through the mail, fax, telephone, or email through the contacts provided.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Office of the Revisor of Statutes (ORS), a subdivision of the Minnesota Legislature, provides citizens with direct access to all the rules in the administrative code in a searchable database. The Minnesota State Register, on the other hand, is a dense weekly publication. Through these two sources, citizens can stay moderately informed of the actions their state regulatory agencies are taking.

UNIFORMITY:

17/25

Minnesota's regulatory notice and comment system is, unfortunately, split amongst the various agencies. Even the management of the State Register and the Administrative Code are split between the executive Department of Administration and the legislative ORS. Those who are not already familiar with the inner workings of administrative agencies would find it difficult to effectively engage with state administrators.

REGULATORY RESTRICTIVENESS:

20/25

Minnesota has a relatively relaxed regulatory climate. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Minnesota contains an estimated 98,000 regulatory restrictions.

80/100



EASE OF SUBMITTING COMMENTS:

24/25

If one knows what they're looking for, submitting a regulatory comment in Mississippi is rather simple. Public notices published in the Mississippi Administrative Bulletin include a mailing address, telephone number, email address, and point of contact where citizens might submit their views to the agency. Unfortunately Mississippi stops at email; this unified system does not include any direct link to submit comments online.

TRANSPARENCY / ACCESSIBILITY:

24/25

The Secretary of State manages a single webpage where citizens can access most regulatory information. This website provides both the online Bulletin--the searchable online database for all agency actions that are open for comment--and the searchable version of the state Administrative Code.

UNIFORMITY:

23/25

In Mississippi, the Secretary of State's Office is the conduit through which all state actions must flow before being finalized. The APA Unit within the Regulation Enforcement Division is tasked purely with managing Administrative Procedures Act compliance. The unification of the notice and comment process within a singular online platform managed by the agency in charge of regulations makes Mississippi's system surprisingly robust.

REGULATORY RESTRICTIVENESS:

19/25

Mississippi's regulatory code is about average. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Mississippi contains an estimated 118,000 regulatory restrictions.

90/100



EASE OF SUBMITTING COMMENTS:

16/25

Included in every relevant notice in the Missouri Register is a well-defined notice to submit comments. This section, at the very least, gives the physical address where individuals might send their comments. Some agencies also include an email address for easier communication, but this does not seem to be required.

TRANSPARENCY / ACCESSIBILITY:

25/25

Missouri's Secretary of State maintains a single website that contains all the necessary information about administrative rules. This website provides easy access to the Code of State Regulations and the bimonthly Missouri Register of administrative notices. It also contains some unique features, including a rulemaking timeline calculator to aid in rule filing dates and deadlines, as well as an automatic e-notification system for rules and rulemakings.

UNIFORMITY:

22/25

Interestingly, though the Missouri's Secretary of State has unified regulatory notice and added useful tools for the public to understand the process, they have neglected to simplify regulatory comments by centralizing them in the same way. Missouri would be well served to include a unified online portal for regulatory comments with the other aspects of their well-built system.

REGULATORY RESTRICTIVENESS:

19/25

Missouri's regulatory code is fairly relaxed. According to data compiled by the Mercatus Center at George Mason University, the state regulatory code of Missouri contains an estimated 113,000 regulatory restrictions.

82/100



EASE OF SUBMITTING COMMENTS:

22/25

Each agency in Montana has a clearly accessible comment form. Some have a more broad form that allows activists to talk about whatever they like. Others are more traditional and direct you to specific dockets. Regardless, it shouldn't take more than a couple of clicks to get where you want to go, especially if you know ahead of time the issue on which you'd like to submit input.

TRANSPARENCY / ACCESSIBILITY:

23/25

Through the Montana Secretary of State's website, Montanans can access all notices and regulatory documents. However, the site does not appear to be regularly updated. Montanans can, however, access the Montana Administrative Register, which provides twice-monthly updates on comment periods and regulatory action. The document is long and dense, but searchable.

UNIFORMITY:

20/25

Montana has a total of 36 different agencies. Each has its own website, comment submission form, and document database. Each agency site, however, is accessible clearly on the state government's main website and all notices can be found in the register. The rules surrounding comment submission are not uniform.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, Montana's state regulatory code contains 60,000 regulatory restrictions. That is third least in the nation, behind only South Dakota and Alaska. This indicates a mostly hands-off approach taken by the state government.

85/100



EASE OF SUBMITTING COMMENTS:

19/25

The main form of public comment in Nebraska is through public hearings. According to the state government's website, agencies do have discretion to open online public comment periods if they wish. Given the size of the state of Nebraska, attending a public hearing might be difficult and time-consuming. For dockets that are open online, however, the submission process is clear and straightforward.

TRANSPARENCY / ACCESSIBILITY:

21/25

The Nebraska administrative code--as well as a running tracker of all proposals and guidance documents managed by the state Secretary of State--is available online. The tracker is fairly well updated. However, given that key info/engagement opportunity is available only at public hearings, people who cannot attend may miss out on key context.

UNIFORMITY:

15/25

Nebraska does have a plethora of different agencies. All agencies have opportunities for public hearings and will have any online comment periods open on the universal site. However, because whether or not to have online comments is at the discretion of each agency, it's hard for Nebraskans to have true uniformity in this regard.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, Nebraska has a total of roughly 101,000 regulatory restrictions. While not in the tier of the least regulated states, it is above average in this regard.

75/100



EASE OF SUBMITTING COMMENTS:

19/25

According to the Nevada state Attorney General's rulemaking manual, the agency considering a regulation must consider all public comments. However, the manual suggests that having a public hearing where the public may come to offer comments should be "sufficient to meet that requirement." Given Nevada's size, this may present a problem for some. Each agency does, however, clearly offer their contact info and procedures to allow citizens to make their voices heard.

TRANSPARENCY / ACCESSIBILITY:

22/25

The Nevada legislature produces a regulatory register much like that of the federal government. This register can also be sorted through by year, subject, and regulatory number. Also like the federal government, it is a large document and activists should be prepared with specific search terms or with a lot of time on their hands.

UNIFORMITY:

10/25

Nevada has dozens of different regulatory agencies. Each has their own procedure for submitting comments. While often clearly demarcated, there is no easily accessible database of upcoming regulations. Given the sheer number of agencies, finding the relevant docket will be a project for activists.

REGULATORY RESTRICTIVENESS:

24/25

According to data compiled by the Mercatus Center at George Mason University, Nevada has a total of roughly 64,000 regulatory restrictions. This is among the lowest in the nation.

75/100



NEW HAMPSHIRE



EASE OF SUBMITTING COMMENTS:

15/25

According to the New Hampshire regulatory drafting and procedure manual, agencies “may” solicit public comments, but do not appear to be required to do so. The manual also states that this is up to the discretion of the agency and that there are no minimum notice requirements, meaning activists may not be made aware of many of these opportunities in any way. Agencies that do accept comments have clearly marked submission forms.

TRANSPARENCY / ACCESSIBILITY:

15/25

The New Hampshire General Court maintains the code of administrative rules for the state. This document is public, but is difficult to navigate through the multiple different tables of content.

UNIFORMITY:

15/25

New Hampshire leaves public comment periods up to the discretion of each agency. Given the number of agencies, this becomes problematic for activists looking for quick sources of information or one easy site to navigate.

REGULATORY RESTRICTIVENESS:

17/25

According to data compiled by the Mercatus Center at George Mason University, New Hampshire has roughly 123,000 regulatory restrictions on its books. This ranks it 19th highest among states where data was available.

62/100



EASE OF SUBMITTING COMMENTS:

20/25

While not uniform, each of New Jersey's agencies have pages that inform the public about the comment submission process. Some are certainly more navigable than others, and there is not a readily accessible one-stop shop to access all impending rulemakings.

TRANSPARENCY / ACCESSIBILITY:

17/25

New Jersey offers public access to its administrative code through Lexis Nexis. It is also easily searchable for browsers. On the other hand, raw data on the extent of New Jersey's regulations is harder to come by.

UNIFORMITY:

15/25

New Jersey has only 15 different agencies that promulgate regulations. However, each has different processes for submitting comments and different websites to navigate upcoming rulemakings.

REGULATORY RESTRICTIVENESS:

7/25

New Jersey's state regulatory code is so complex, the Mercatus Center was unable to compile hard statistics on the extent of the state's regulation. However, the Cato Institute ranks New Jersey 47th in the nation because of its extensive telecom regulation, insurance rate regulation, and rent control. The only silver lining is the relative freedom when it comes to alcohol sales.

59/100



EASE OF SUBMITTING COMMENTS:

13/25

Due to the lack of uniformity, some agencies' websites end up being easier to navigate than others. Some have very clearly demarcated places to submit comments. Others require a bit of digging and, even then, you may come up short.

TRANSPARENCY / ACCESSIBILITY:

21/25

New Mexico has its administrative code online and publishes a new issue every other week. These documents are long and dense, but the PDFs on the government site are searchable. They are all available through the State Records Center and Archives. Documents for certain agencies are harder to find than others on each individual site.

UNIFORMITY:

10/25

New Mexico has a thorough A to Z directory of agencies, because they list so many. Comments are handled through each site individually. Aside from the posting of the administrative code on the archives site, there is very little universality to New Mexico's regulatory space.

REGULATORY RESTRICTIVENESS:

16/25

According to data compiled by the Mercatus Center at George Mason University, New Mexico has a total of roughly 125,000 regulatory restrictions. This is about average for the nation.

60/100



EASE OF SUBMITTING COMMENTS:

24/25

According to the New York State Register, "The law provides for a minimum 60-day public comment period after publication in the register of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing." New York receives most all of its comments via email.

TRANSPARENCY / ACCESSIBILITY:

24/25

New York publishes a register of all proposals and notices every week. New Yorkers may also subscribe to get a copy delivered to them weekly. This subscription costs \$80 per year, however. Otherwise, it is available online.

UNIFORMITY:

24/25

All New York agencies are subject to the same rules about transparency and public comments. All notices are published in the aforementioned State Register. Each agency receives comments through emails to the relevant staffer.

REGULATORY RESTRICTIVENESS:

6/25

According to data compiled by the Mercatus Center at George Mason University, New York has roughly 308,000 regulatory restrictions on its books. That is enough to put it second only to California for the most restrictions in the nation.

78/100



EASE OF SUBMITTING COMMENTS:

24/25

North Carolina requires all proposals to be subject to comments from the public for at least 60 days and any "substantial" revisions must also be open for 60 days of comments. Comments may be submitted by mail, phone, or email to the relevant agency staffer, clearly listed on the register.

TRANSPARENCY / ACCESSIBILITY:

24/25

The North Carolina Register must, by law, be published at least twice monthly and contains information relating to agency rulemaking, executive orders, contested case decisions and other notices. The information has also been digitized by the University of North Carolina at Chapel Hill, and residents can sign up for email updates when new versions are published on the site.

UNIFORMITY:

24/25

North Carolina's many agencies have almost identical processes for receiving comments, and all notices are published in the same register.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, North Carolina has roughly 109,000 regulatory restrictions. This places it on the low end of the middle tier states and is generally better than states of its size.

92/100

NORTH DAKOTA

B-

EASE OF SUBMITTING COMMENTS:

20/25

The North Dakota legislative branch maintains a calendar of all upcoming rulemakings. Information about engagement is available through the hyperlinks in this calendar. Though the information is freely available, the form of engagement and ease is dependent on the agency in question.

TRANSPARENCY / ACCESSIBILITY:

20/25

The North Dakota Administrative Code is available online. It is a thick document. All proposed changes are also posted every other month in a document just as dense. Documents are searchable, however, so if North Dakotans know what they are looking for, they should be able to find it.

UNIFORMITY:

18/25

Information about rulemakings, hearings, and comment periods can often be found in the same place for North Dakotans. However, each agency has a level of discretion that makes participation different depending on who is promulgating the rule.

REGULATORY RESTRICTIVENESS:

24/25

According to data compiled by the Mercatus Center at George Mason University, North Dakota has roughly 64,000 regulatory restrictions, which ranks it among the least restrictive in the nation.

82/100



EASE OF SUBMITTING COMMENTS:

19/25

Some agencies have very simple comment submission forms via email. Other notices of proposed rulemaking take written or oral comments only at public hearings. Given Ohio's size, this might be prohibitive for certain activists living in the more distant parts of the state.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Register of Ohio is available online. The site does require a bit of navigation and searching to find what you're looking for, but all the information is publicly available online and is searchable with a basic search function.

UNIFORMITY:

19/25

Each agency has notice of rulemaking and of public hearings in the same place. However, each has different administrative guidelines for providing notice and receiving public comments.

REGULATORY RESTRICTIVENESS:

9/25

According to data compiled by the Mercatus Center at George Mason University, Ohio has roughly 246,000 regulatory restrictions on its books, making it the 4th most restrictive state in the nation.

70/100

OKLAHOMA *B-*

EASE OF SUBMITTING COMMENTS:

21/25

The Oklahoma Register indicates the manner of submitting comments and if there are any public hearings on the rulemaking in question--though sometimes the method of submission is left unclear.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Oklahoma Secretary of State maintains the Oklahoma Register. It is published twice monthly and includes all notices of upcoming rulemaking and information on how the public can respond. The Register is searchable, but can be warped if an activist has certain ad-blocking software.

UNIFORMITY:

22/25

Oklahoma has a variety of different agencies, but the process varies very little from agency to agency, although there is plenty left to their individual discretion.

REGULATORY RESTRICTIVENESS:

15/25

According to data compiled by the Mercatus Center at George Mason University, Oklahoma has roughly 145,000 regulatory restrictions on its books. This puts it squarely in the middle of the pack for the nation.

81/100



EASE OF SUBMITTING COMMENTS:

22/25

The Oregon Bulletin provides all notices of proposed rulemaking. Each rulemaking provides info about submitting comments and most all are accepted by email or traditional mail. Some comment periods are fairly short, however, lasting less than a month in some cases.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Oregon Secretary of State maintains the Oregon Administrative Code, which lists all the rules on the books for the state. Also found there is the Oregon Bulletin, which is a monthly update of all notices of proposed rulemaking, which include info about comment periods and hearings as well.

UNIFORMITY:

22/25

All agencies receive comments to relevant staff through phone, email, or traditional mail. The only variable is length of comment periods and whether or not hearings are held.

REGULATORY RESTRICTIVENESS:

13/25

According to data compiled by the Mercatus Center at George Mason University, Oregon has roughly 167,000 regulatory restrictions on its books. This is enough to put it in the top 10 most restrictive states in the nation.

80/100



EASE OF SUBMITTING COMMENTS:

19/25

The Pennsylvania Bulletin includes all information about submitting comments. However, the only information provided is the contact staffer's name and phone number. There is no immediately accessible online contact form on the bulletin. Activists searching for that will have to go elsewhere to find it.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Pennsylvania Administrative Code and Bulletin is kept online. The bulletin is updated every week with new proposals and information about hearings and comment periods. They are dense, but searchable.

UNIFORMITY:

18/25

Despite all information being available on the Pennsylvania Bulletin, activists must travel to each agency website individually if they want to submit comments online as opposed to over the phone.

REGULATORY RESTRICTIVENESS:

13/25

According to data compiled by the Mercatus Center at George Mason University, Pennsylvania has roughly 154,000 regulatory restrictions on its books. This keeps it just outside the top ten, but is definitely higher than most.

73/100



EASE OF SUBMITTING COMMENTS:

21/25

Some rule dockets may be harder to find than others, but once you do, the process is clearly outlined and straightforward. Contact information for relevant agency staff is readily accessible.

TRANSPARENCY / ACCESSIBILITY:

20/25

The Rhode Island Code of Regulations (RICR) is available and searchable online. It does lump in proposed rules with active ones, so searches for activists will likely take longer than usual to find the proceeding they're looking for.

UNIFORMITY:

15/25

While all proposals are posted on the RICR, activists are better off trying their luck finding notices of proposed rulemakings on each agency's site, of which there are 76. Search results get bogged down quickly given how much information is in the RICR and that proposals are not delineated.

REGULATORY RESTRICTIVENESS:

20/25

According to data compiled by the Mercatus Center at George Mason University, Rhode Island has roughly 93,000 regulatory restrictions on its books. That is better than most, but not quite in the top tier in terms of least restrictive states.

76/100



EASE OF SUBMITTING COMMENTS:

22/25

South Carolina has a varied process for submitting comments, but through the state register, activists know exactly how they can do so. Contact information and hearing information are also readily available through that document.

TRANSPARENCY / ACCESSIBILITY:

23/25

The South Carolina State Register compiles all drafts of proposed rulemaking and is updated monthly. The PDF documents are long and dense, but the document is searchable for activists who know what they are looking for.

UNIFORMITY:

18/25

Each agency clearly has discretion over how they receive comments and for how long they accept them. All info can be found in the register, but some agencies have more open, accessible processes where others have limited options for engagement.

REGULATORY RESTRICTIVENESS:

23/25

According to data compiled by the Mercatus Center at George Mason University, South Carolina has roughly 79,000 regulatory restrictions on its books. This makes it one of the least restrictive in the nation.

86/100



EASE OF SUBMITTING COMMENTS:

23/25

Most all dockets have open comment periods during which activists can contribute by phone or email, and all of this information can be found on the state's register of regulatory documents. Time lengths and exact methods do vary slightly.

TRANSPARENCY / ACCESSIBILITY:

24/25

South Dakota's legislative branch maintains a register that is updated weekly with all new notices of proposed rulemaking and hearing notices. Due to how frequently it is updated and how little the state regulates, documents are short and navigable.

UNIFORMITY:

21/25

Each agency has their own processes, but there appears to be only slight variation. Each agency does have an online submission form to supplement the contact information provided in the state register.

REGULATORY RESTRICTIVENESS:

25/25

According to data compiled by the Mercatus Center at George Mason University, South Dakota has 44,000 regulatory restrictions on its books. This makes it by far the least restrictive in the nation.

93/100



EASE OF SUBMITTING COMMENTS:

21/25

Due to the uniformity issues outlined below, there isn't one set standard. However, once activists find the filing on which they'd like to engage, finding the comment submission form on the relevant agency site is not terribly difficult.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Tennessee Secretary of State maintains the state's administrative register where the public can access all filings. This is updated regularly with announcements, pending rules, and hearing notices. The only drawback is that it can be difficult to sort and sift through. The Secretary of State also maintains the online administrative code.

UNIFORMITY:

15/25

While all filings are available through the Tennessee Secretary of State's website, activists have to search elsewhere for information about submitting comments and the agency's rationale. This minimizes the value of this single website and decreases the uniformity of Tennessee's system.

REGULATORY RESTRICTIVENESS:

19/25

According to data compiled by the Mercatus Center at George Mason University, Tennessee has roughly 115,000 regulatory restrictions on its books, which puts it firmly in the middle of the pack in relation to the rest of the nation.

78/100



EASE OF SUBMITTING COMMENTS:

24/25

All comments can be submitted by email to the relevant agency staffer. All of this information is clearly demarcated in the register. Most all comment periods are roughly one month long.

TRANSPARENCY / ACCESSIBILITY:

23/25

Texas maintains a regulatory register that is updated weekly. Given the state's size, this document is quite long. However, it provides notice of all hearings and comment periods, as well as how to comment. The document can be searched. The Secretary of State also maintains the state administrative code.

UNIFORMITY:

24/25

While each agency in Texas can hold hearings and comment periods as they wish in compliance with the law, the system is stunningly consistent. Most all comment periods are either 30 or 31 days in length, with all info being made available in the same aforementioned register.

REGULATORY RESTRICTIVENESS:

10/25

According to data compiled by the Mercatus Center at George Mason University, Texas has roughly 227,000 regulatory restrictions. While somewhat understandable given its size, this is still in the top five most restrictive codes in the nation.

81/100



EASE OF SUBMITTING COMMENTS:

23/25

The rule analysis for each proposal in the bulletin identifies at least one staffer to whom comments should be directed. It also lists the staffer's name, phone number, and email address.

TRANSPARENCY / ACCESSIBILITY:

24/25

The Utah State Bulletin tracks all upcoming rulemakings. It is published on the 1st and 15th of each month. The bulletin includes rule analyses and information on whom to contact to submit written and oral comments.

UNIFORMITY:

23/25

Agencies in Utah are all required by law to have written and oral comment periods of at least one month. Beyond that, the agencies in question have discretion to extend that comment period if they wish or offer other options.

REGULATORY RESTRICTIVENESS:

21/25

According to data compiled by the Mercatus Center at George Mason University, Utah has roughly 88,000 regulatory restrictions on its books. This makes it better than most, but not among the least restrictive states in the nation.

91/100



EASE OF SUBMITTING COMMENTS:

15/25

Submitting comments is not an issue for activists. What is problematic about Vermont's system is that many agencies don't post a deadline for open comment periods. They also list agency contacts as able to answer only questions about rules. It is unclear how much of an impact activist comments have in Vermont.

TRANSPARENCY / ACCESSIBILITY:

17/25

The Vermont Administrative Code and Rules Portal are maintained by the state Secretary of State. Both have search functions available. However, raw data about the extent of Vermont's regulation is less readily available.

UNIFORMITY:

19/25

All agencies post rulemakings on the rules portal. Deadlines vary in length and specificity. All, however, direct citizen participants to primary and secondary agency contacts.

REGULATORY RESTRICTIVENESS:

8/25

According to the Cato Institute, Vermont ranks as the 46th most restrictive regulatory state in the nation, rife with excessive takings clauses for regulatory non-compliance. Vermont is not included in the Mercatus Center's analysis.

59/100



EASE OF SUBMITTING COMMENTS:

24/25

All regulatory proposals receive comments via email and are very clear about providing the relevant staffer's contact information.

TRANSPARENCY / ACCESSIBILITY:

23/25

Virginia publishes a regulatory register every other week. The register provides descriptions of the regulatory proposals, statutory authority, comment deadlines, and relevant agency contacts.

UNIFORMITY:

24/25

All agency rules are posted on the Virginia Register and receive comments in much the same manner: email or phone contact to the relevant staffer at the agency. The only variation is the length of time of the comment periods and the frequency of hearings.

REGULATORY RESTRICTIVENESS:

15/25

According to data compiled by the Mercatus Center at George Mason University, Virginia has roughly 137,000 regulatory restrictions on their books. This puts it firmly in the middle of the pack with regard to restrictiveness.

86/100



EASE OF SUBMITTING COMMENTS:

23/25

All proposed rules take comments via email or phone to relevant agency staff. Once participants navigate through the register, they can find the person to whom they need to reach out.

TRANSPARENCY / ACCESSIBILITY:

17/25

Il notices of proposed rulemaking are published in the Washington State Register. However, this page requires a lot of navigating before getting to a page that is relevant. The information is there, but the average activist may be deterred by the poor web design.

UNIFORMITY:

24/25

According to Washington's Office of Regulatory and Innovation Assistance (ORIA), "An agency files a notice with the Office of the Code Reviser explaining that it is considering a rule adoption or amendment. The Code Reviser then publishes the notice in the Washington State Register, which is published twice a month."

REGULATORY RESTRICTIVENESS:

11/25

According to data compiled by the Mercatus Center at George Mason University, Washington has roughly 196,000 regulatory restrictions on its books, making it the sixth most restrictive in the nation.

75/100



EASE OF SUBMITTING COMMENTS:

20/25

Given the lack of searchability, activists really have to be sharp and know what they're looking for when going in. The information to submit comments is in every notice and the notices are publicly available. They just might be difficult to find.

TRANSPARENCY / ACCESSIBILITY:

19/25

All notices and regulatory documents are included in the West Virginia Register. However, the documents are clearly scans of the original, which means that this is not a searchable database. The frequency of updates and relatively small size of the state make this a short digest, but will require some work on the part of activists. However, the Secretary of State does maintain a tracker of all proposals, which is only slightly better.

UNIFORMITY:

23/25

All agency dockets go into the West Virginia Register and publish all relevant documents for public consumption. All accept comments by email or phone to agency contacts.

REGULATORY RESTRICTIVENESS:

16/25

According to data compiled by the Mercatus Center at George Mason University, West Virginia has roughly 126,000 regulatory restrictions on its books. This is roughly average for the nation.

78/100



EASE OF SUBMITTING COMMENTS:

24/25

Comments can either be submitted by email to agency staff or through comment submission forms on agency websites. All information on comment submission can be found in the state's register.

TRANSPARENCY / ACCESSIBILITY:

24/25

All rulemakings and notices are published in the Wisconsin Register, maintained by the state legislature. This register is updated weekly and is subdivided by type of notice, so notices of proposed rulemaking are not lumped in with other documents.

UNIFORMITY:

23/25

Each agency has its own comment submission form that it utilizes. However, the state's register redirects to each of these pages for relevant rulemakings, so activists don't have to do as much digging as they otherwise would.

REGULATORY RESTRICTIVENESS:

13/25

According to data compiled by the Mercatus Center at George Mason University, Wisconsin had roughly 159,000 regulatory restrictions on its books. This makes it slightly more restrictive than the average state.

84/100



EASE OF SUBMITTING COMMENTS:

24/25

All one has to do to submit comments to a Wyoming docket is click on a clearly marked box on the state's register. This will forward the activist along to a Google survey form or email address where they need only fill out what they want to say. It is very navigable and straightforward.

TRANSPARENCY / ACCESSIBILITY:

23/25

The Wyoming Administrative Code and a database of all proposed rules are available online. The site is fairly modern and easily searchable. While it is not ordered by date, you can sort by agency and do an advanced search to refine available dates.

UNIFORMITY:

22/25

Some agencies use Google forms, while others go by email. While methods definitely differ, all are available through the state's register.

REGULATORY RESTRICTIVENESS:

19/25

According to data compiled by the Mercatus Center at George Mason University, Wyoming has roughly 100,000 regulatory restrictions on its books. This is slightly better than average, but higher than expected for a state its size.

88/100



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