

Budget Brief – DAS Administrative Rules

NUMBER CFGO-08-06

SUMMARY

The Division of Administrative Rules establishes procedures for administrative rulemaking, records administrative rules, and makes administrative rules available to the public.

The division also administers the Utah Administrative Rulemaking Act and ensures state agencies comply with filing, publication and hearing procedures. To accomplish these mandates, the division provides training to agency rule writers and administrators, performs individual consultations, publishes a periodic newsletter, and distributes the *Rulewriting Manual for Utah*. The division provides regular notices to agencies of rules due for five-year review or rules about to expire.

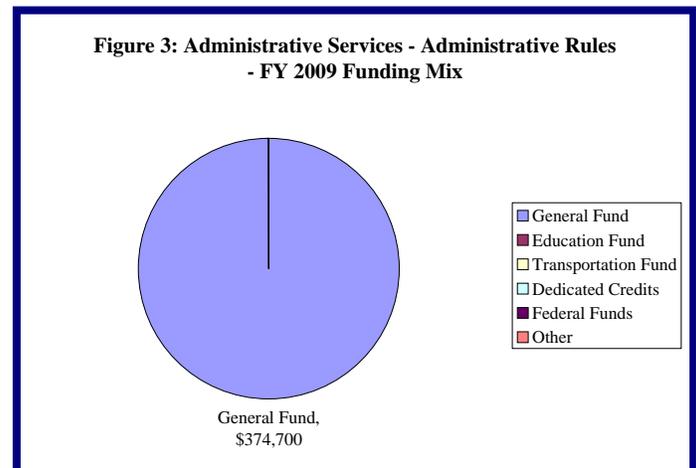
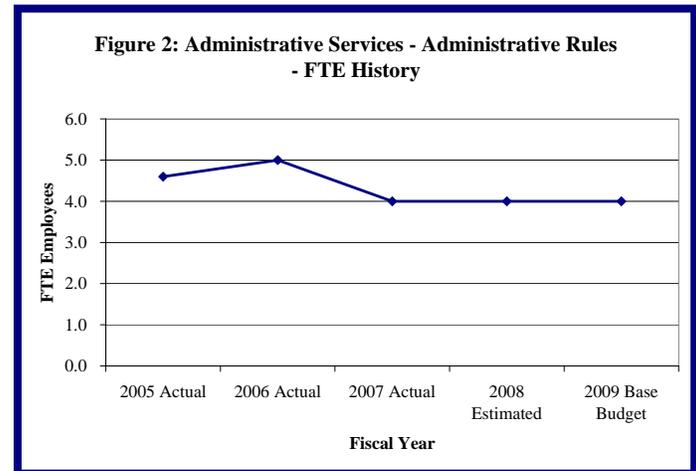
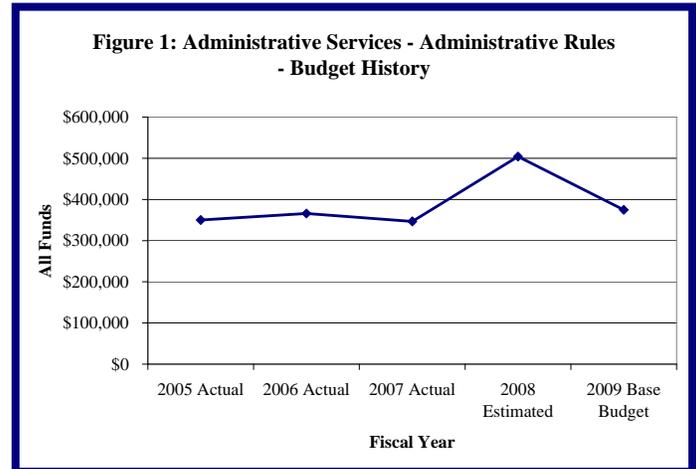
ISSUES AND RECOMMENDATIONS

eRules application replacement

eRules is a web-enabled filing and publishing system first constructed with one-time funds between 1999 and 2001. The software is an improvement over the former paper-based filing system. In January 2006, the eRules system became less stable and agencies experienced problems with downtime. Furthermore Microsoft stopped supporting key software for the system. To remedy these issues the Legislature authorized the division to spend \$55,500 from its nonlapsing balance in addition to a \$71,500 appropriation in FY 2008.

The division has begun reconstruction of the system with the help of the Department of Technology Services (DTS) and anticipates completion by the spring of 2008. This includes reprogramming the system, making additions to the Oracle database behind the system, and adding a reporting module.

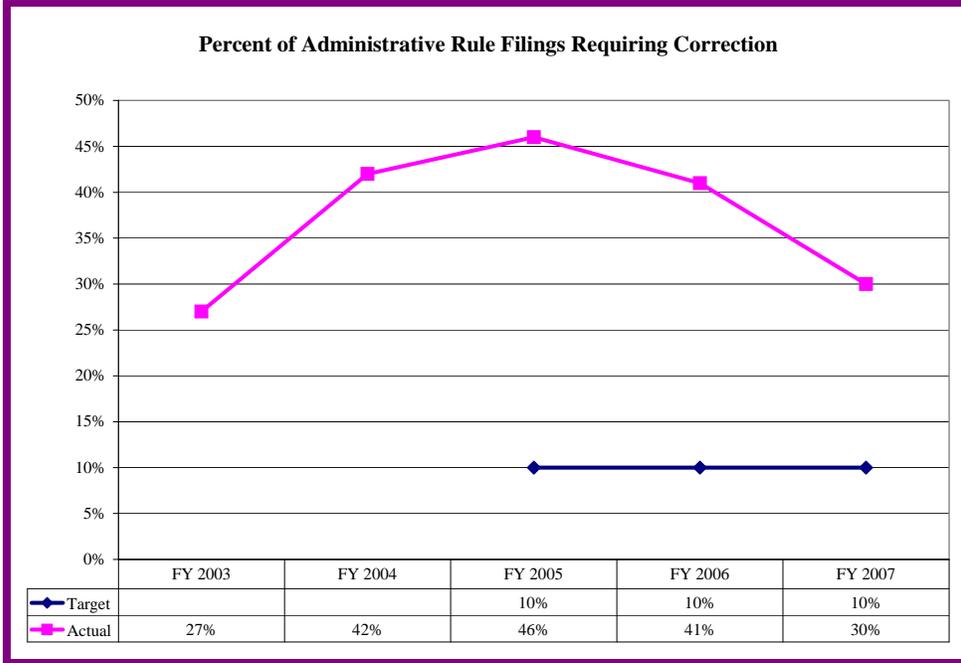
During the design phase of the project, DTS determined that an open source software product called Alfresco presents the best way to achieve the business objectives of the system. While the software is free, DTS does not currently have the capability to support this software necessitating a maintenance agreement with Alfresco. Should additional revenue become available, the Analyst would recommend an ongoing appropriation of \$15,000 from the General Fund to support the Alfresco software.



ACCOUNTABILITY DETAIL

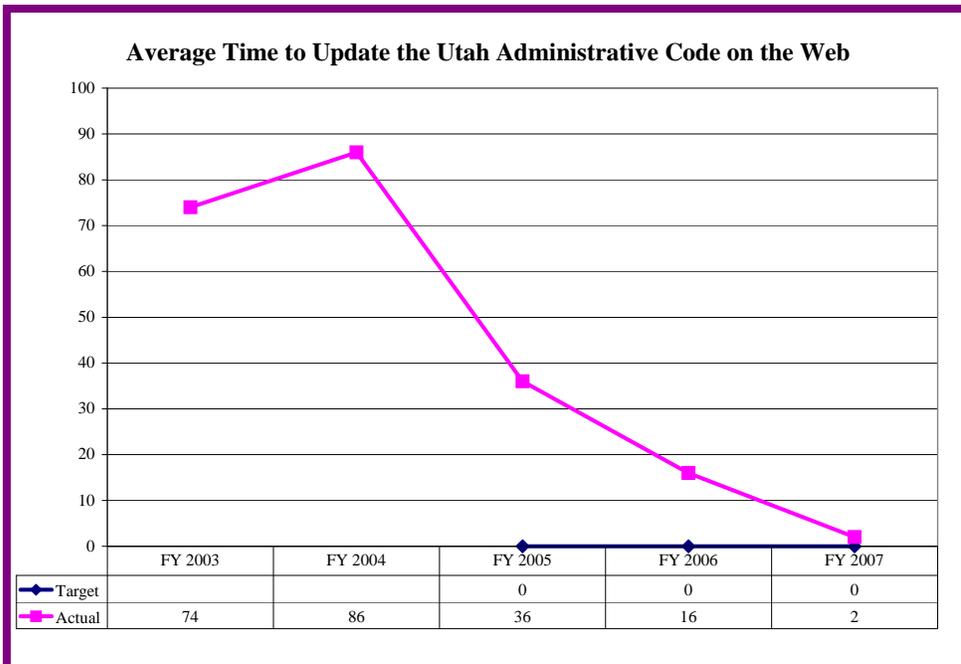
Percent of Agency Rule Filings Requiring Correction

It is much easier to challenge a rule on procedural grounds than on substantive grounds. To help protect the state from procedural challenges, the division reviews rule filings to make sure certain minimum requirements have been met. Rules that do not meet the minimum requirements are returned to the agency for correction.



The goal is no more than a ten percent error rate. Approximately 30 percent of rules filed in FY 2007 required correction by the originating agency. The division reports it did an initial cursory review of all rule filings within three working days, giving all agencies a chance to respond.

Average Time to Update the Administrative Code on the Web



Timely availability of the Utah Administrative Code (effective rules) plays a critical role in how Utah’s regulatory system works. Public access to administrative rules increases the likelihood of compliance and also provides citizens with an understanding of government’s expectations and requirements. Citizens can then act accordingly or recommend changes to rules. The division made great improvement from an average of 86 days late in FY 2004 to 2 days late in FY 2007.

BUDGET DETAIL

UCA 63-46a-10(5) gives this budget nonlapsing authority for funds appropriated or collected for the division’s publications.

LEGISLATIVE ACTION

The Analyst recommends the Legislature consider adopting:

1. A total base appropriation of \$374,700 for the Division of Administrative Rules.
2. A prioritization list of items for additional funding that could include an ongoing appropriation of \$15,000 from the General Fund to maintain the Alfresco software of the eRules system.

BUDGET DETAIL TABLE

Administrative Services - Administrative Rules						
Sources of Finance	FY 2007 Actual	FY 2008 Appropriated	Changes	FY 2008 Revised	Changes	FY 2009* Base Budget
General Fund	338,800	374,700	0	374,700	0	374,700
General Fund, One-time	23,000	0	0	0	0	0
Risk Management ISF	0	0	0	0	0	0
Beginning Nonlapsing	43,500	0	129,900	129,900	(129,900)	0
Beginning Nonlapsing - Retirement	71,500	0	0	0	0	0
Closing Nonlapsing	(129,900)	0	0	0	0	0
Total	\$346,900	\$374,700	\$129,900	\$504,600	(\$129,900)	\$374,700
Programs						
DAR Administration	346,900	374,700	129,900	504,600	(129,900)	374,700
Total	\$346,900	\$374,700	\$129,900	\$504,600	(\$129,900)	\$374,700
Categories of Expenditure						
Personal Services	295,000	306,600	2,600	309,200	0	309,200
In-State Travel	0	100	(100)	0	0	0
Out of State Travel	3,500	4,500	0	4,500	0	4,500
Current Expense	18,900	38,700	(19,700)	19,000	0	19,000
DP Current Expense	29,500	24,800	147,100	171,900	(129,900)	42,000
Total	\$346,900	\$374,700	\$129,900	\$504,600	(\$129,900)	\$374,700
Other Data						
Budgeted FTE	4.0	4.0	0.0	4.0	0.0	4.0
Actual FTE	4.0	0.0	0.0	0.0	0.0	0.0

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.