

Budget Brief: DAS Administrative Rules

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

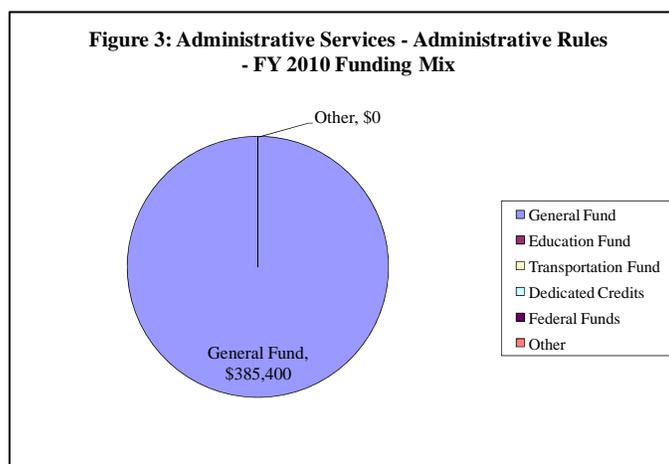
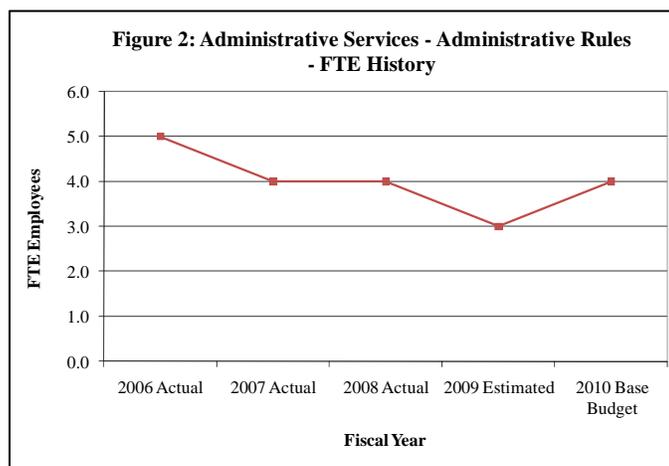
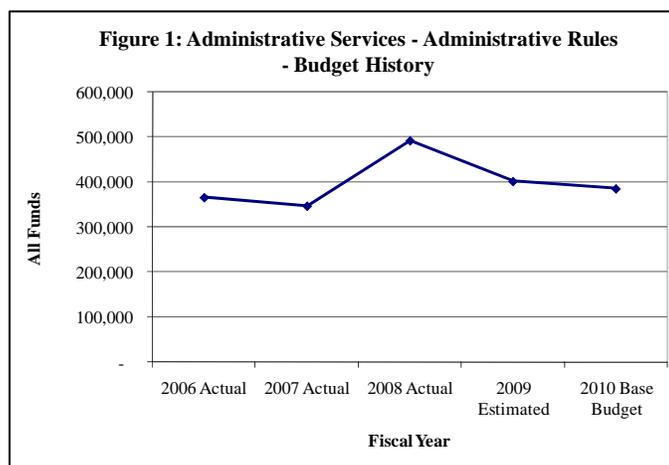
eRules application replacement

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 contracted with the Department of Technology Services (DTS) to reconstruct the system which includes reprogramming the system, making additions to the Oracle database behind the system, and adding a reporting module.

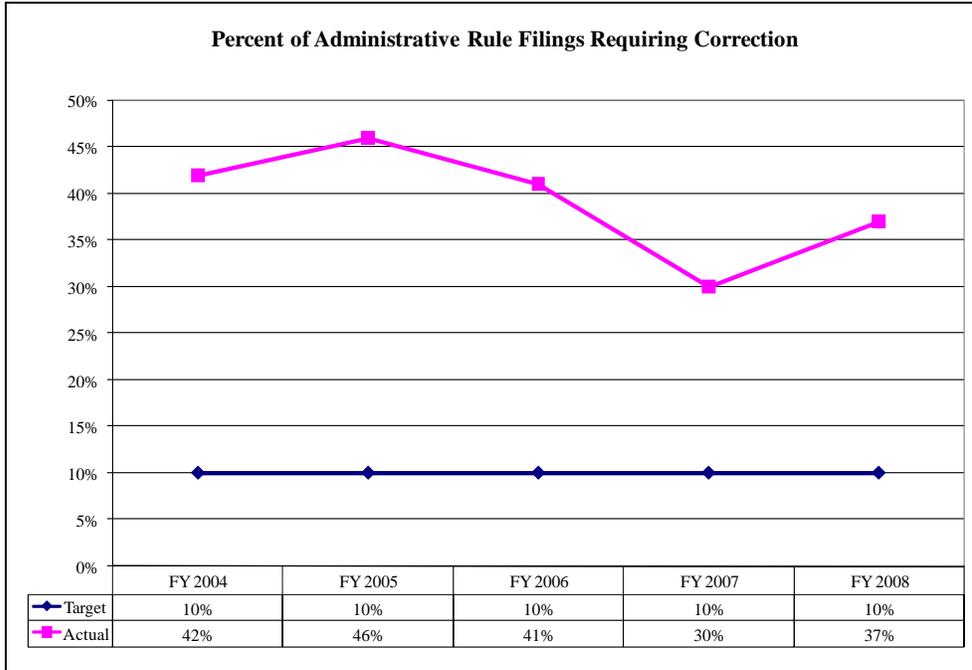
The newly remodeled system will enable agencies to submit rules more efficiently to the Division, allow the Division to more closely monitor rule submissions, and provide greater security.



ACCOUNTABILITY DETAIL

Percent of Agency Rule Filings Requiring Correction

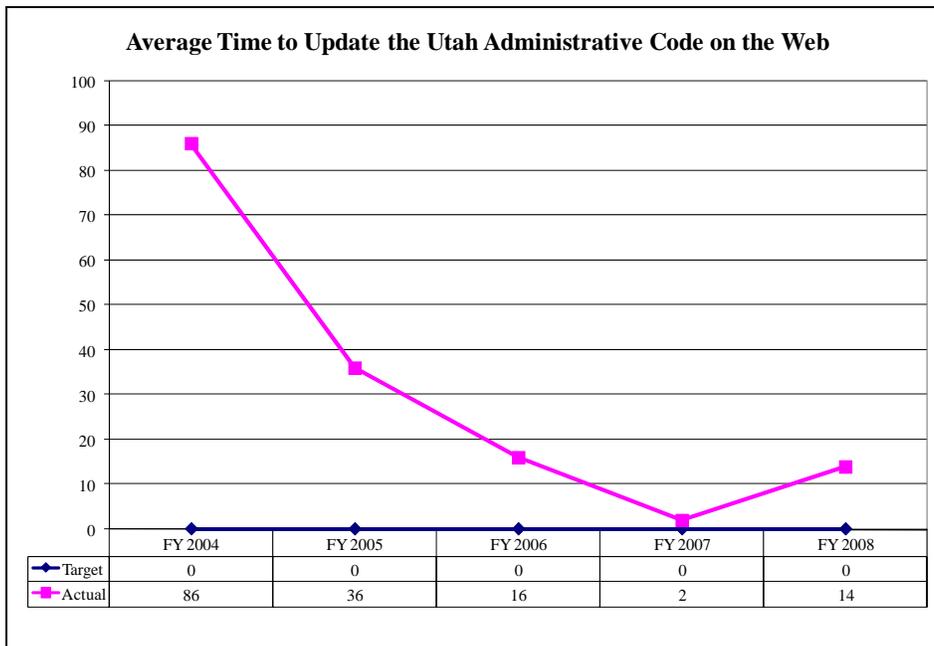
It is much easier to challenge a rule on procedural grounds than on substantive grounds. To help protect the state from procedural challenges, the division reviews rule filings to make sure certain minimum requirements have been met. Rules that do not meet the minimum requirements are returned to the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



The goal is no more than a ten percent error rate. Approximately 37 percent of rules filed in FY 2008 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.



BUDGET DETAIL

UCA 63G-3-402(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 \$385,400 for the Division of Administrative Rules.

BUDGET DETAIL TABLE

Administrative Services - Administrative Rules						
	FY 2008	FY 2009		FY 2009		FY 2010*
Sources of Finance	Actual	Appropriated	Changes	Revised	Changes	Base Budget
General Fund	374,700	397,900	(12,500)	385,400	0	385,400
General Fund, One-time	0	0	3,800	3,800	(3,800)	0
Beginning Nonlapsing	129,900	0	12,400	12,400	(12,400)	0
Closing Nonlapsing	(12,400)	0	0	0	0	0
Total	\$492,200	\$397,900	\$3,700	\$401,600	(\$16,200)	\$385,400
Programs						
DAR Administration	492,200	397,900	3,700	401,600	(16,200)	385,400
Total	\$492,200	\$397,900	\$3,700	\$401,600	(\$16,200)	\$385,400
Categories of Expenditure						
Personal Services	302,300	322,000	(11,600)	310,400	7,900	318,300
In-State Travel	100	0	0	0	0	0
Out of State Travel	3,900	4,500	0	4,500	(300)	4,200
Current Expense	20,000	19,000	1,100	20,100	0	20,100
DP Current Expense	165,900	52,400	14,200	66,600	(23,800)	42,800
Total	\$492,200	\$397,900	\$3,700	\$401,600	(\$16,200)	\$385,400
Other Data						
Budgeted FTE	4.0	4.0	0.0	4.0	0.0	4.0
Actual FTE	3.8	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.