1.0 Division of Administrative Rules

Summary

The Division of Administrative Rules is responsible for establishing procedures for administrative rulemaking, recording administrative rules, making administrative rules available to the public, publishing the proposed rules of the State semimonthly in the *Utah State Bulletin*, summarizing semimonthly the proposed rules of the State in the *Utah State Digest*, and compiling and codifying all effective rules in the Utah Administrative Code. The Division also aids agencies in complying with the Utah Administrative Rulemaking Act (Title 63, Chapter 46a). Subsection 63-46a-10(5) gives this budget nonlapsing authority. The major publications of this Division are the *Utah State Bulletin* and the *Utah Administrative Code*.

Financing	**FY 1999 Estimated**	**FY 2000 Analyst**	**Difference**
General Fund	$252,000	$252,000	
Dedicated Credits	500	500	
Beginning Nonlapsing	42,300	7,000	(35,300)
Closing Nonlapsing	(7,000)		7,000
Total	**$287,800**	**$259,500**	**($28,300)**

Programs	**FY 1999 Estimated**	**FY 2000 Analyst**	**Difference**
Rule Publication	$287,800	$259,500	($28,300)
Total	$287,800	$259,500	($28,300)

2.0 Budget Highlights: Division of Administrative Rules

2.1 Fiscal Impact of Rules

The Administrative Rules Review Committee members have recently expressed frustration at what they consider to be inadequate agency responses to the questions of cost or savings impact and compliance costs for affected persons. These frustrations rise from rule change requests in which the agency declares the cost to be "unknown" gives a lengthy description of the rule instead of estimating what the costs will be. The Legislative Process Committee held two hearings on this issue.

In response to Legislative Intent, the Division of Administrative Rules drafted new standards for agency submission of proposed rules. All impacts must be fully explained, including those proposed rules that have no fiscal impact. In addition, the Office of the Legislative Fiscal Analyst is reviewing fiscal notes contained in the *Utah Digest* every month.

3.0 Programs: Division of Administrative Rules

Recommendation

The Analyst budget reflects a slight decline in total budget, but maintains the current General Fund level.

Financing	FY 1998 Actual	FY 1999 Estimated	FY 2000 Analyst	Difference
General Fund	$246,300	$252,000	$252,000	
Total General Fund	900	500	500	
Dedicated Credits	39,900	42,300	7,000	(35,300)
Beginning Nonlapsing	(42,300)	(7,000)		7,000
Closing Nonlapsing	**$244,800**	**$287,800**	**$259,500**	**($28,300)**
Total		17.6%	(9.8%)	
% Change				
Expenditures	$197,400	$203,300	$203,300	
Personal Services				
In-State Travel	2,500	2,500	2,500	
Out-of-State Travel	**$2,500**	**$2,500**	**$2,500**	
Subtotal Travel	23,400	59,400	40,600	(18,800)
Current Expense	21,500	22,600	13,100	(9,500)
Data Processing	**$244,800**	**$287,800**	**$259,500**	**($28,300)**
Total				
	4.5	4.5	4.5	
FTE Standard				
FTE Building Block	**4.5**	**4.5**	**4.5**	
Total				

Summary

The Division of Administrative Rules is responsible for establishing procedures for administrative rule making, recording administrative rules, making administrative rules available to the public, publishing monthly the proposed administrative rules of the state, compiling and codifying all effective rules in an administrative code, and printing and distributing copies of the Utah State Bulletin. The division also aids agencies in complying with the Administrative Rules Act (63-46a). Paragraph (2) gives this budget nonlapsing authority. The major publications of this division are the *Utah State Digest* and the *Utah State Bulletin*.

3.1 Fiscal Impact on Rules

The Administrative Rules Review Committee members have recently expressed frustration at what they consider to be inadequate agency responses to the fiscal impact rules have on the general public. The Committee members reasoned that if the agency knows that businesses will have to install a new piece of equipment to comply with amended rules, it should take the time to estimate a dollar figure.

In response to Legislative Intent, the Division of Administrative Rules drafted new standards for agency submission of proposed rules. All impacts must be fully explained, including those proposed rules that have no fiscal impact. In addition, the Office of the Legislative Fiscal Analyst is reviewing fiscal notes contained in the *Utah Digest* every month. In an effort to track potential fiscal impact on businesses and individuals, the Office of the Legislative Fiscal Analyst now reviews fiscal statements published in the *Utah State Bulletin*.

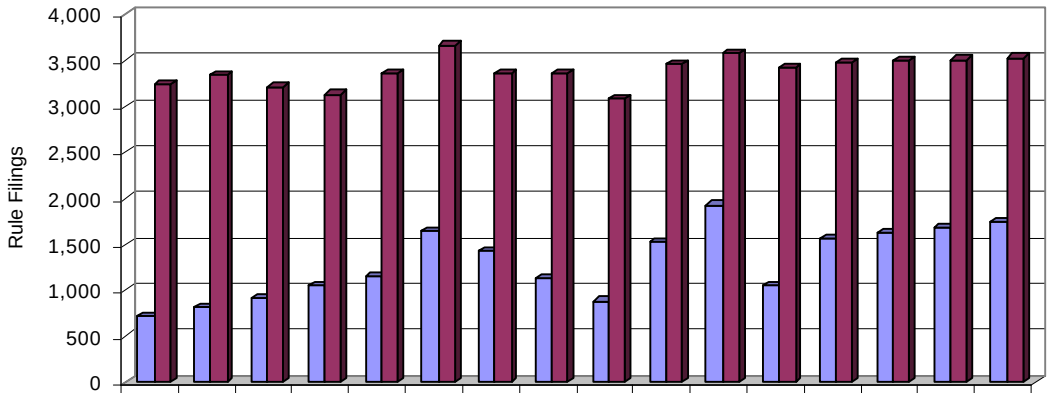
3.2 Performance Measures

Figures 1-3 provide data on filings, rule passage, types of rule requests and pages printed in the *Bulletin*.

Department of Administrative Services
Division of Administrative Rules

Total Rule Filings by Fiscal Year

For Period: Fiscal Years 1988 - 2003*



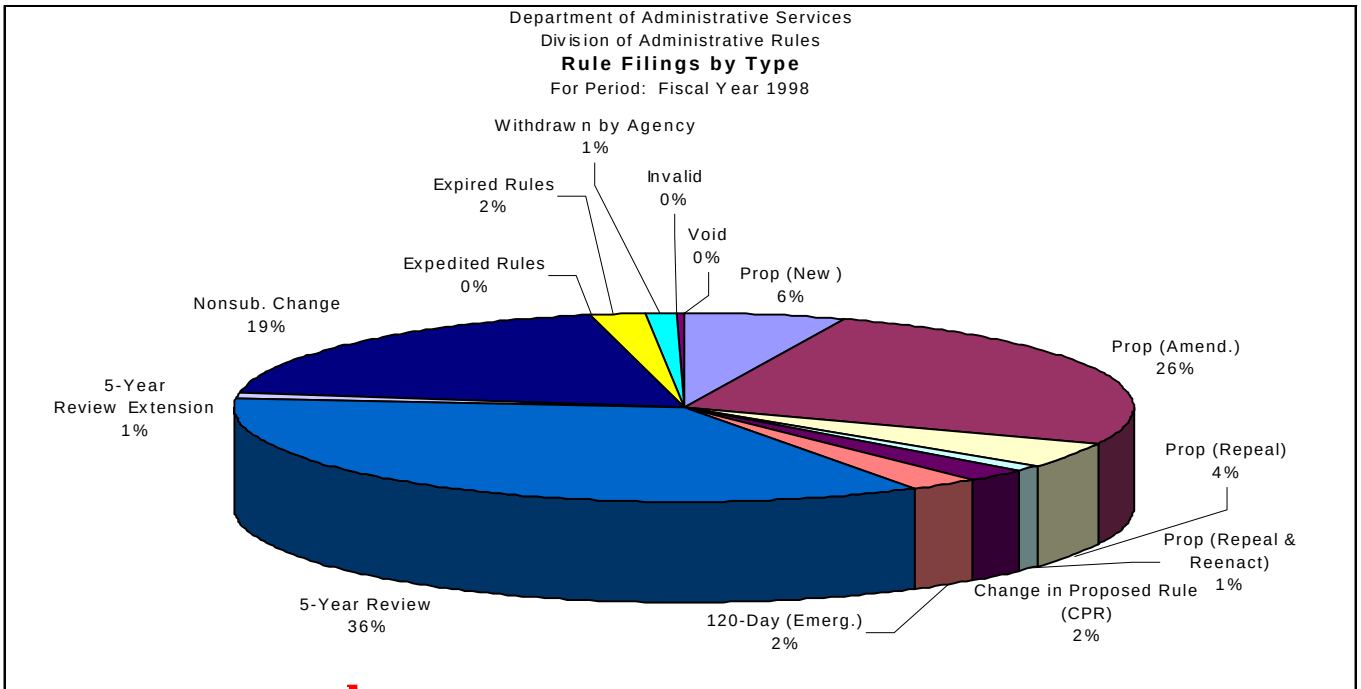
	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Rule Filings By Fiscal Year	716	824	909	1056	1158	1653	1430	1125	886	1525	1932	1049	1570	1628	1687	1746
Total Bulletin Pages	3248	3348	3214	3136	3367	3668	3368	3365	3090	3460	3582	3423	3474	3492	3511	3529

Fiscal Years

Rule Filings By Fiscal Year Total Bulletin Pages

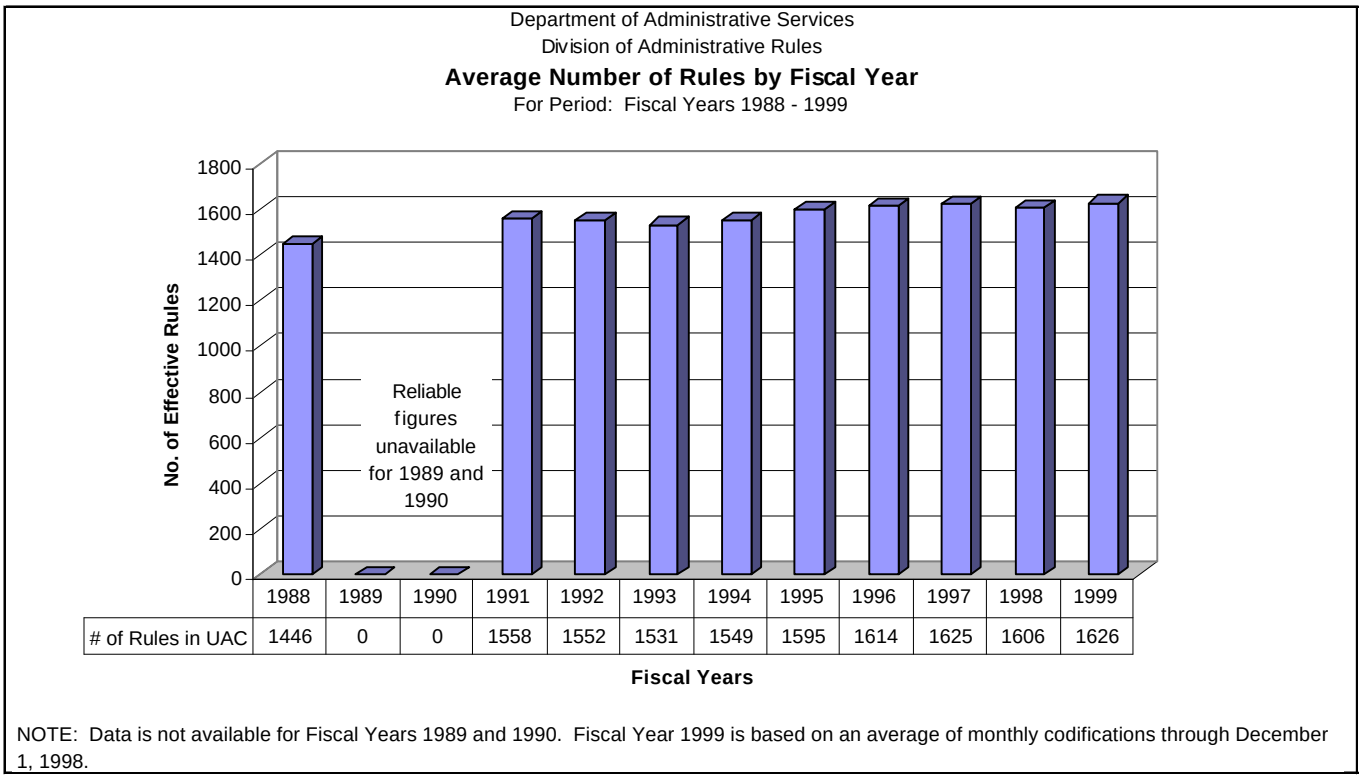
*NOTE: Figures for FY 1988-1998 represent actual numbers of filings. The figure for FY 1999 represents an estimate based on the number of filings received to date averaged through the entire fiscal year. From the July 1, 1998, issue of the Bulletin through the January 1, 1999, issue 568 rules have been filed totaling 1,854 Bulletin pages. Figures for FY 2000-2003 represent a simple trend analysis of data from FY 1988 through FY 1999. Beginning in 1993, the Division made significant changes to the format of the Bulletin to maximize public notice of the rules.

Figure 1



Prop (New)	Prop (Amend.)	Prop (Repeal)	Prop (Repeal & Reenact)	Change in Proposed Rule (CPR)	120-Day (Emerg.)	5-Year Review	5-Year Review Extension	Nonsub. Change	Expedited Rules	Expired Rules	Withdrawn by Agency	Invalid	Void	Total Rules per Issue
115	493	80	18	47	48	676	21	371	0	35	21	5	2	1,932

Figure 2



	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
# of Rules in UAC	1446	0	0	1558	1552	1531	1549	1595	1614	1625	1606	1626

NOTE: Data is not available for Fiscal Years 1989 and 1990. Fiscal Year 1999 is based on an average of monthly codifications through December 1, 1998.

Figure 3

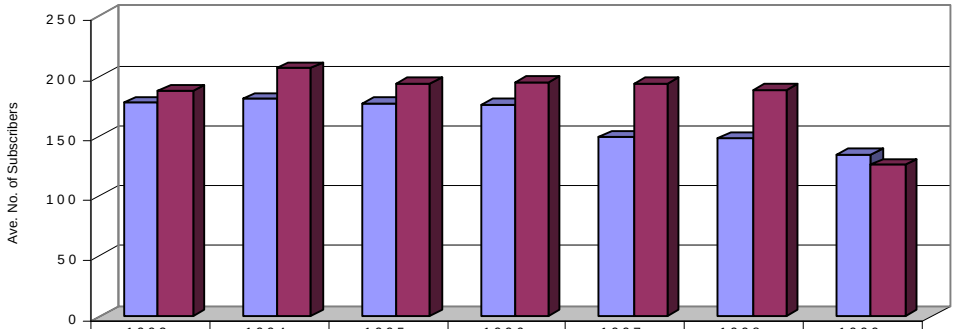
Electronic Publication

The Division of Administrative Rules has developed an extremely user-friendly internet site that allows anyone to read, download and comment on proposed rules. The Analyst commends the Division for its creative thinking and diligent effort in providing added value without requiring additional funding.

Figures 4 and 5 show that as electronic access grows, the need for hard copy publications declines.

Department of Administrative Services
Division of Administrative Rules
Access to Publications
For Period: Fiscal Years 1995 - 1999

"TRADITIONAL" PUBLICATION SUBSCRIBERS



	1993	1994	1995	1996	1997	1998	1999
Bulletin Total Subscribers	178	181	177	176	149	148	135
Digest Total Subscribers	188	207	194	195	194	189	126

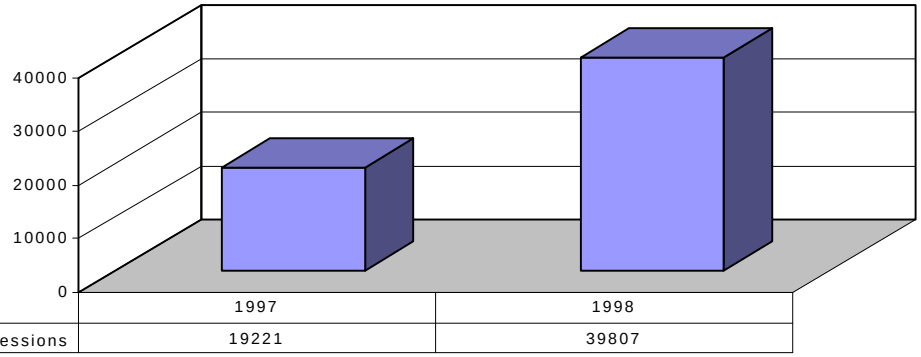
Fiscal Years

NOTE: As of July 1, 1998, a subscription to the Utah State Bulletin costs $155, and a subscription to the Utah State Digest costs $35. Both publications are printed, under contract, by the Office of Legislative Printing (801-538-1103). The current printing contract expires June 30, 1999. The Division is scheduled to issue an RFP for printing services this winter.

The Utah State Digest was posted on the Internet beginning August 1994. The Bulletin was posted on the Internet in a browser-readable format beginning January 1997. An electronic version of the Bulletin that is identical to the paper version (PDF format) was available on the Internet beginning January 1998.

Figure 4

INTERNET ACCESS--http://www.rules.state.ut.us/



	1997	1998
Estimated Actual User Sessions	19221	39807

Calendar Years

NOTE: The Division of Administrative Rules has maintained an Internet Web Site since August 1995. Reliable statistics begin January 1, 1997. The "Estimated Actual User Sessions" figures have been adjusted to exclude user sessions attributable to Internet search "robots." The resulting numbers represent the best approximation available of "real people" using the system. "'User Sessions' means a session of activity (all hits) for one visitor to a Web site. A unique user is determined by the IP address or domain name. By default, a user session is terminated when a user falls inactive for more than 30 minutes. Synonym: Visit. 'Hit' means an action on the Web site, such as when a user views a page or downloads a file." (WebTrends report)

IMPLICATIONS: If only a fraction of the 39,807 visits to http://www.rules.state.ut.us/ reviewed the Bulletin or Digest, the real increase in public access to state administrative rules is significant.

Figure 5

4.0 Tables: Division of Administrative Rules

Financing	FY 1995 Actual	FY 1996 Actual	FY 1997 Actual	FY 1998 Actual	FY 1999 Estimated	FY 2000 Analyst
General Fund	$232,900	$257,400	$249,300	$246,300	$252,000	$252,000
General Fund (One-time)						
Total General Fund	**$232,900**	**$257,400**	**$249,300**	**$246,300**	**$252,000**	**$252,000**
Dedicated Credits		1,300		900	500	500
Beginning Nonlapsing	25,300	40,200	79,700	39,900	42,300	7,000
Closing Nonlapsing	(40,200)	(79,700)	(39,900)	(42,300)	(7,000)	
Lapsing						
Total	**$218,000**	**$219,200**	**$289,100**	**$244,800**	**$287,800**	**$259,500**

Programs	FY 1995 Actual	FY 1996 Actual	FY 1997 Actual	FY 1998 Actual	FY 1999 Estimated	FY 2000 Analyst
Rule Publication	$218,000	$219,200	$289,100	$244,800	$287,800	$259,500
Total	$218,000	$219,200	$289,100	$244,800	$287,800	$259,500

Expenditures						
Personal Services	$173,200	$177,500	$192,100	$197,400	$203,300	$203,300
In-State Travel						2,500
Out-of-State Travel	1,900	2,100	2,400	2,500	2,500	
Subtotal Travel	**$1,900**	**$2,100**	**$2,400**	**$2,500**	**$2,500**	**$2,500**
Current Expense	29,200	29,500	30,900	23,400	59,400	40,600
Data Processing	10,200	10,100	51,800	21,500	22,600	13,100
DP Capital						
Capital Outlay	3,500		11,900			
Pass-Through						
Total	**$218,000**	**$219,200**	**$289,100**	**$244,800**	**$287,800**	**$259,500**

FTE Standard	4.7	4.5	4.5	4.5	4.5	4.5
FTE Building Block						
Total	**4.7**	**4.5**	**4.5**	**4.5**	**4.5**	**4.5**