



Department of Administrative Services
Division of Administrative Rules
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Salt Lake City, UT 84114
Phone: 801-538-3764
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<http://www.rules.utah.gov/>

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

This Frequently Asked Questions (FAQ) document has been prepared by the Division of Administrative Rules to help agencies complete the rule analysis for a Notice of Proposed Rule form. It may be found online at <http://www.rules.utah.gov/agencyresources/faqs/faq-proposed.htm>.

Updated 6/21/2011

Use this Frequently Asked Questions (FAQ) document for help completing the following types of rule filings:

- a Proposed New Rule (the "New Rule" link);
- a Proposed Amendment (the "Rule Amendment" link);
- a Proposed Repeal (the "Repeal Rule" link); or
- a Proposed Repeal and Reenactment (the "Repeal and Reenact" link).

FAQ's are available for a Five-Year Notice of Review and Statement of Continuation.

NOTE: This is a guidance document. Its content is based on the requirements of the Utah Administrative Rulemaking Act, [Title 63G, Chapter 3](#), and the administrative rules of the Division of Administrative Rules, Utah Administrative Code [Title R15](#).

Frequently Asked Questions

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Q1: Is there a word processing version of the rule analysis form that I can use to prepare a draft?

A: Yes. The Division has made Microsoft Word versions of each rulemaking form is available. If you are using Internet Explorer 7 or higher, or Firefox 3 or higher, when you click on the link below, you will be able to save the Word version to your computer.

- Notice of Proposed Rule (New, Amendment, Repeal, or Repeal and Reenact) Form in [doc](#) format or [docx](#) format

REMEMBER:

- You may NOT use the Word version of the forms to file administrative rules--rules must be filed using [eRules](#).
- Make certain that you have modified your default Word settings before you begin using these forms. By default, Word's AutoCorrect features actually change text as you type. Instructions for turning off the AutoCorrect features are available online at <http://www.rules.utah.gov/agencyresources/faqs/faq-word.htm>.

Q2: I need to file an amendment? Where is the amendment form?

A: The rulemaking act provides for several types of rulemaking actions. The eRules' left navigation menu has a link for each major type of rulemaking action. An amendment is a subtype of a proposed rule. To find out more about the different types of filings, visit <http://www.rules.utah.gov/agncinfo/forms.htm#description>.

REMEMBER:

- To file an amendment, new rule, repeal, or repeal and reenactment, you will click on the "Proposed Rule Types" link.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

Rule List - Mozilla Firefox

File Edit View History Bookmarks Tools Help

Rule List Rules - Agency FAQ - Compl... Rules - Agency FAQ - Decidin...

http://erules.rules.utah.gov/erules/secure/ruleFilingList.action

Division of Administrative Rules The Department of Administrative Services

eRules: Online Rule Filing Application

ATTENTION:
Do not open eRules in more than one browser window at a time.
eRules is available 24 hours a day, 7 days a week.
Division staff are available during regular business hours -- 7 a.m. to 6 p.m., Monday through Thursday -- to respond to questions or problems.
If you must file on the filing deadline, please file well before 6 p.m.
If you have questions about eRules or the rulemaking process, please call:
Mike Broschinsky: 801-538-3003, Nancy Lancaster: 801-538-3218, or Ken Hansen: 801-538-3777.

Proposed Rule Types

Change in Proposed Rule (CPR)

Nonsubstantive Change Notice of Proposed New Rule the current publication period.

Emergency **08/15/2011** - The last day to comment on rule filings for this publication period.

Five-year Review **11/12/2011** - The last day that rulings may become effective for this publication period.

Five-Year Review Extension

Public Notice

Help

Agency Filing List

Filing Time Frames

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State of Utah Rule Filing List

Filing Agency: -- SELECT --

Filing Type:

Date Range: From: 02/21/2011 To: 10/19/2011

Year Filter:

Show Drafts Only

Q3: Box 1: Some of my agency or contact information is wrong. How do I change it?

A: Contact us! If there is an error in the agency or contact information, e-mail rules@utah.gov or call 801-538-3764. The Division of Administrative Rules (Division) staff is usually able to make the correction on the same day you contact us.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox

http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action

Mike Broschinsky: 801-538-3003, Nancy Lancaster: 801-538-3218, or Ken Hansen: 801-538-3777.

NOTICE OF PROPOSED RULE AMENDMENT

The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-304. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Proposed Rule Types

- Change in Proposed Rule (CPR)
- Nonsubstantive Change
- Emergency

Five-year Review

- Five-Year Review Extension

Public Notice

Help

- Agency Filing List
- Filing Time Frames

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Rule Information

Utah Admin. Code ref. (R no.): R 15 - - - -

Changed to Admin. Code ref. (R no.): - - - - - -

Agency Information

1. Agency: ADMINISTRATIVE SERVICES - Administrative Rules

Room no.: 4120

Building: STATE OFFICE BLDG

Street address 1: 450 N STATE ST

Street address 2:

City, state, zip: SALT LAKE CITY UT 84114-1201

Mailing address 1: PO BOX 141007

Mailing address 2:

City, state, zip: SALT LAKE CITY UT 84114-1007

Contact person(s):

Add Contact

Name: Phone: Fax: E-mail: Remove:

(Interested persons may inspect this filing at the above address or at DAR during business hours)

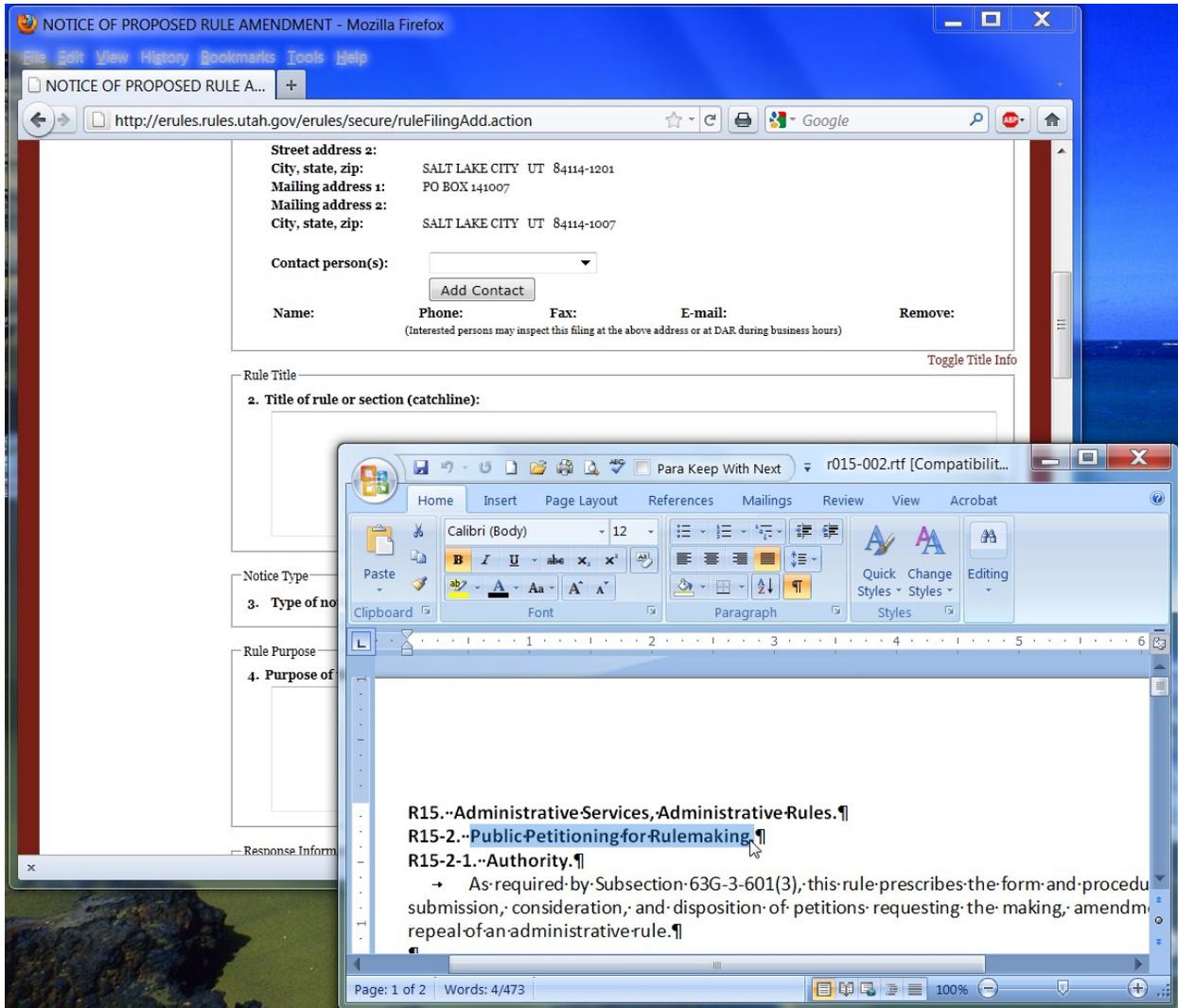
Rule Title

Q4: Box 2: So what do I enter in box 2?

A: The answer depends on what portion of a rule your filing affects:

- If your filing affects only one section of a rule (e.g., R15-2-1), put the section catchline in box 2 (e.g., "Authority"). Omit the reference (R15-2-1) and the ending punctuation.
- If your filing affects more than one section, or the entire rule (e.g., R15-2), enter the rule catchline (e.g., "Public Petitioning for Rulemaking") in box 2. Again, omit the reference (R15-2) and the ending punctuation.
- The "catchline" is defined as the "short summary of each section, ... rule, or title of the code that follows the section, ... rule, or title reference placed before the text of the rule and serves the same function as boldface in legislation as described in Section 68-3-13." (Section 63G-3-102(4))

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)



REMEMBER:

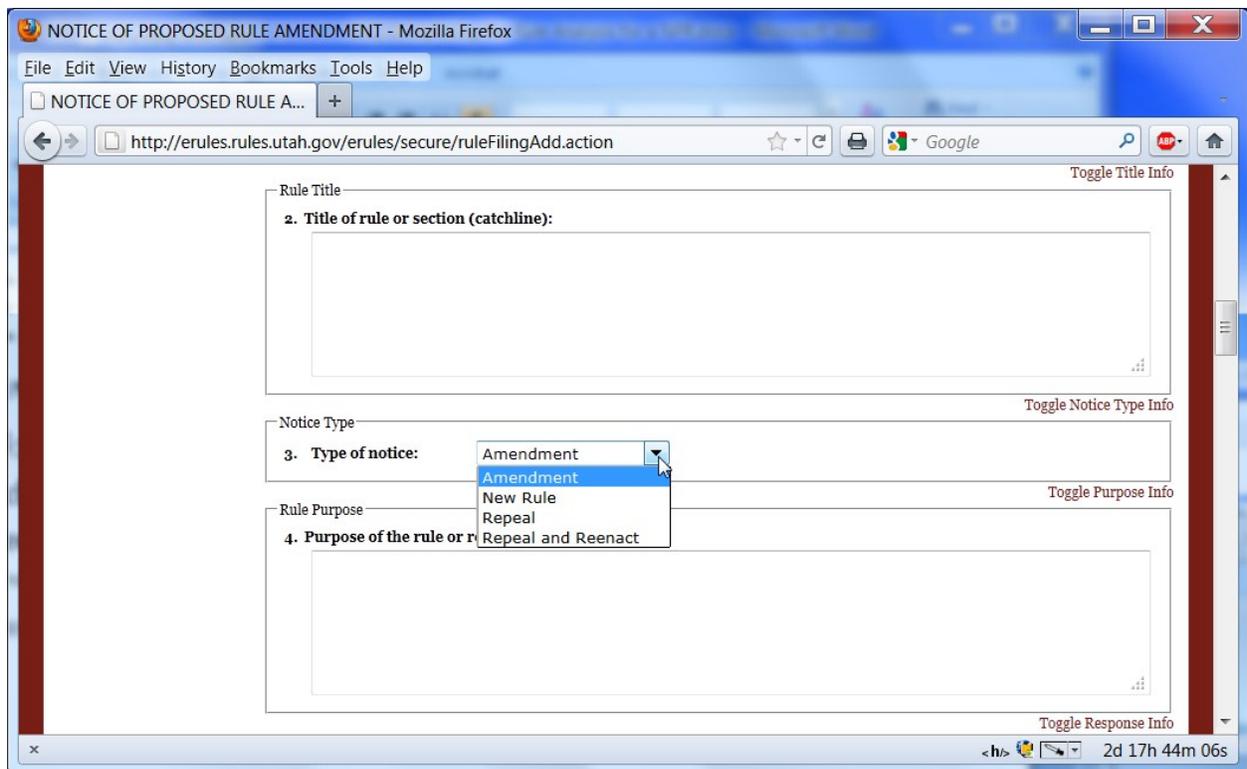
- If your filing changes the text of the catchline, enter the old catchline.
- Do not include ending punctuation in box 2.
- A catchline may not exceed 125 characters in length.

Q5: Box 3: What option do I select from the drop-down box?

A: There are four different types of proposed rules: amendment, new rule, repeal, and repeal and reenactment.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

IF YOU NEED TO . . .	THEN, FILE A . . .	BY USING THE eRules FORM LINK CALLED . . .
promulgate a new rule	Proposed Rule (New Rule or "NEW")	"Proposed Rule Types", then in box 3 on the form, select "New Rule"
amend an existing rule making changes that affect the application or results of agency action (substantive)	Proposed Rule (Amendment or "AMD")	"Proposed Rule Types", then in box 3 on the form, select "Amendment"
add a new section to a rule that already exists (Remember: Sections begin with numbers that look like Rxxx-xx-xxx)	Proposed Rule (Amendment or "AMD")	"Proposed Rule Types", then in box 3 on the form, select "Amendment"
remove an obsolete or otherwise unnecessary rule from the Utah Administrative Code	Proposed Rule (Repeal or "REP")	"Proposed Rule Types", then in box 3 on the form, select "Repeal"
remove a section of a rule that already exists	Proposed Rule (Amendment or "AMD")	"Proposed Rule Types", then in box 3 on the form, select "Amendment"
completely rewrite an existing rule	Proposed Rule (Repeal and Reenact or "R&R")	"Proposed Rule Types", then in box 3 on the form, select "Repeal and Reenact"



REMEMBER:

- If you have any questions about which form to use, call the Division and ask before you start filling out the form.
- A new (NEW) rule, a repeal (REP), and a repeal and reenactment (R&R) may only be filed at the rule level (with a number that appears like R156-56). Changes to a section (with a number like R156-56-100) are handled with an amendment (AMD).
- An amendment is not a "Changed in Proposed Rule (CPR)". If you accidentally clicked the "Change in Proposed Rule" link, you will need to start over by clicking "Proposed Rule Types".

NOTE: At this point, we recommend that you scroll to the bottom of the rule analysis form and click the "Save as Draft" button. You can repeat this step as many times as you want. If you experience a computer or browser error, you will be able to retrieve the last version you saved.

Q6: Box 4: What am I supposed to enter for "Purpose"? Isn't this really the same as box 6?

A: In box 4, "Purpose of the rule or reason for the change," you need to explain **WHY** you are submitting this filing. The purpose for filing a rule or the reason for the change may include:

- after conducting a five-year review of this rule, you determined that amendments were required;
- during the last general session, the Legislature amended the authorizing statute;
- your agency received a petition to amend the rule; or
- your agency is responding to public comments received on a rule at a public hearing.

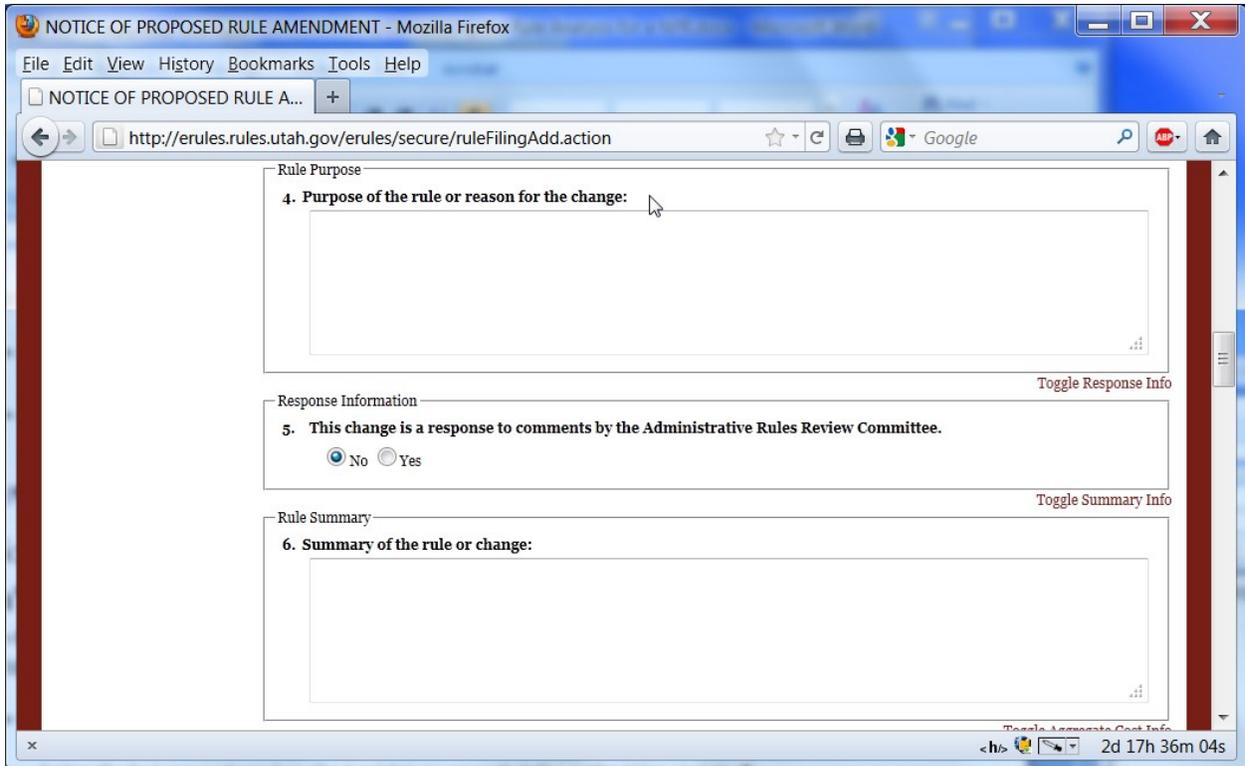
The reason for the filing pertains only to the filing and not the rule generally. In other words, if you're filing an amendment, the purpose/reason explains why you are making amendments, not why the entire rule exists.

REMEMBER:

- Use complete sentences (don't begin sentences with the word "To").
- Provide a reference to the relevant bill (e.g., S.B. 30 passed during the 2003 General Session).

EXAMPLE:

The Division needs to amend the rules so that they conform with changes made in the Lien Restriction and Lien Recovery Fund Act, Title 38, Chapter 11, by H.B. 78 during the 2003 legislative session. (Source: No. 26192)



Q7: Box 5: What is the Administrative Rules Review Committee?

A: The Administrative Rules Review Committee is a special legislative committee that reviews administrative rules.

The default answer in box 5 is set to "No". Check "Yes" if the filing is a response to concerns raised by the committee.

More information about the committee is available at <http://www.rules.utah.gov/arrc.htm>.

Q9: Box 6: So if box 4 describes "why", what should the summary describe?

A: The summary explains **WHAT** is changing. Describe the rule or change in enough detail so anyone reading the summary will know the essence of what has changed without seeing the text.

- If you are filing a "New Rule," you will explain what the entire rule does.
- If you are filing a "Amendment," you will explain what the changes to the rule do.

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- If you are filing a "Repeal and Reenact," the summary must also include a summary of substantive provisions in the repealed rule which are eliminated from the reenacted rule, and a summary of new substantive provisions that did not appear in the old rule. (See Subsection 63G-3-301(9))
- If you are filing a "Repeal," you may simply state, "This rule is being repealed in its entirety."

REMEMBER:

- Use complete sentences.
- Do not copy the information from box 4 into box 6.
- Do not copy the text amendments into this box.

EXAMPLE:

The Liquefied Petroleum Gas Board met in a regularly scheduled Board meeting on May 2, 2003, and proposed that the following be completed by amending the rule as follows: 1) in Subsection R710-6-1.3, the Board proposes to adopt and update an existing incorporated reference; 2) in Subsections R710-6-4.7.1 and 4.7.2, the Board proposes to delete the 25 question requirement for the re-examination and just require an "open book" reexamination; 3) in Subsection R710-6-5.2.7.3, the Board proposes to redefine this section for clarification; and, 4) in Subsection R710-6-5.2.9, the Board proposes to add the requirement that if a person or applicant fails to pay certain fees the license or certificate of registration can be suspended or revoked. (Source: No. 26281)

EXAMPLE:

The rule was amended to: 1) clarify that the \$5 miscellaneous reimbursement begins after the sixth consecutive night out; 2) start the laundry reimbursement after the sixth consecutive night out; 3) change the reimbursement for private vehicle mileage to 30 cents per mile, the cost of operating a state fleet vehicle; and 4) change the reimbursement rate for private vehicle mileage to 36 cents per mile, the federal mileage rate, when a state fleet vehicle is not available to the employee. (Source: No. 26204)

Q9: Box 7: What am I supposed to put in these boxes?

A: You must provide a response in box 7A, 7B, 7C, and 7D. These boxes ask for **aggregate incremental** costs. Therefore, you need to estimate total costs for all state budgets, all local governments, all small businesses, and all persons other than small businesses, businesses, or local government entities affected by the rule change.

Costs should be reported in **dollar figures**, when available. Indicate whether dollars represent a **cost or savings**. If dollar figures are not available, a **narrative description** of factors must be provided.

If there is no cost, you may say "none" or "no impact" as long as you explain **why** there is no impact or **how you determined** there would be no impact.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

For more information, you may review the relevant rule section -- [Section R15-4-10](#).

REMEMBER:

- Use complete sentences.
- Do not enter "N/A" -- this information is always applicable.
- Do not cross-reference boxes on the form. If information provided in one box is similar to that needed in another box, repeat the information in the second box. Additionally, box numbers do not appear when the rule is published in the Bulletin, so a reference to "box 7A" becomes meaningless.
- For each area to which there is a cost, check the "Yes" radio button next to the word "Affected".

EXAMPLE:

Box 7A: Aggregate anticipated cost or savings to the state budget.

The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Some employers of licensed marriage and family therapists, such as state agencies, pay for a portion of or all of the cost of required continuing education courses. Allowing licensed marriage and family therapists to count 10 extra contact hours of continuing education completed during one renewal cycle toward meeting the continuing education requirement of the subsequent renewal cycle may translate into a cost savings for such entities. However, the Division is not able to determine any exact amount of savings due to varying circumstances. (Source: No. 34952)

EXAMPLE:

Box 7B: Aggregate anticipated cost or savings to local government:

There is no cost impact to local governments because they are not involved in commercial driver education. (Source: No. 26287)

The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. Some employers of licensed marriage and family therapists, such as local governments, pay for a portion of or all of the cost of required continuing education courses. Allowing licensed marriage and family therapists to count 10 extra contact hours of continuing education completed during one renewal cycle toward meeting the continuing education requirement of the subsequent renewal cycle may translate into a cost savings for such entities. However, the Division is not able to determine any exact amount of savings due to varying circumstances. (Source: No. 34952)

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

EXAMPLE:

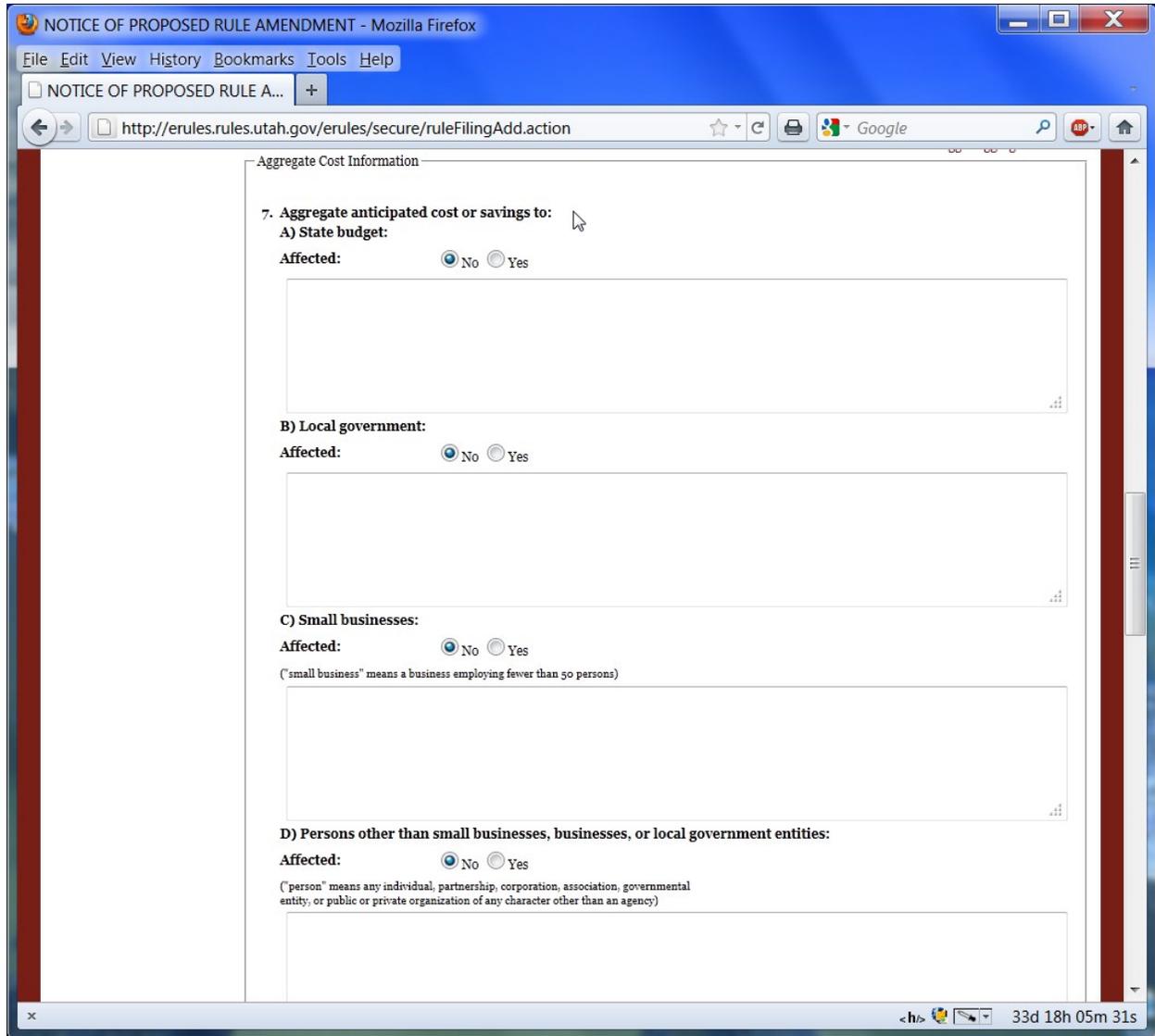
Box 7C: Aggregated anticipated cost or savings to small businesses:

The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. Some employers of licensed marriage and family therapists, such as small businesses, pay for a portion of or all of the cost of required continuing education courses. Allowing licensed marriage and family therapists to count 10 extra contact hours of continuing education completed during one renewal cycle toward meeting the continuing education requirement of the subsequent renewal cycle may translate into a cost savings for such entities. However, the Division is not able to determine any exact amount of savings due to varying circumstances. (Source: No. 34952)

EXAMPLE:

Box 7D: Aggregated anticipated cost or savings to persons other than small businesses, businesses, or local government entities:

The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. A licensed marriage and family therapist may also save money by being able to count up to 10 extra hours of continuing education completed during a renewal cycle toward the continuing education requirement of the subsequent renewal cycle. However, the Division is not able to determine any exact amount of savings due to varying circumstances. (Source: No. 34952)



Q11: Box 7D and box 8: What is the difference between "anticipated cost or savings to persons..." and "compliance costs for affected persons"?

A: The difference is the breadth of scope. In box 7D, provide an aggregate cost (e.g., the impact of the filing on **all** dry cleaners in the state). In box 8, provide the potential cost to a person--defined broadly to include "any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency" (e.g., the impact of the filing on **a single** dry cleaner).

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REMEMBER:

- Use complete sentences.
- Do not enter "N/A" -- this information is always applicable.

EXAMPLE:

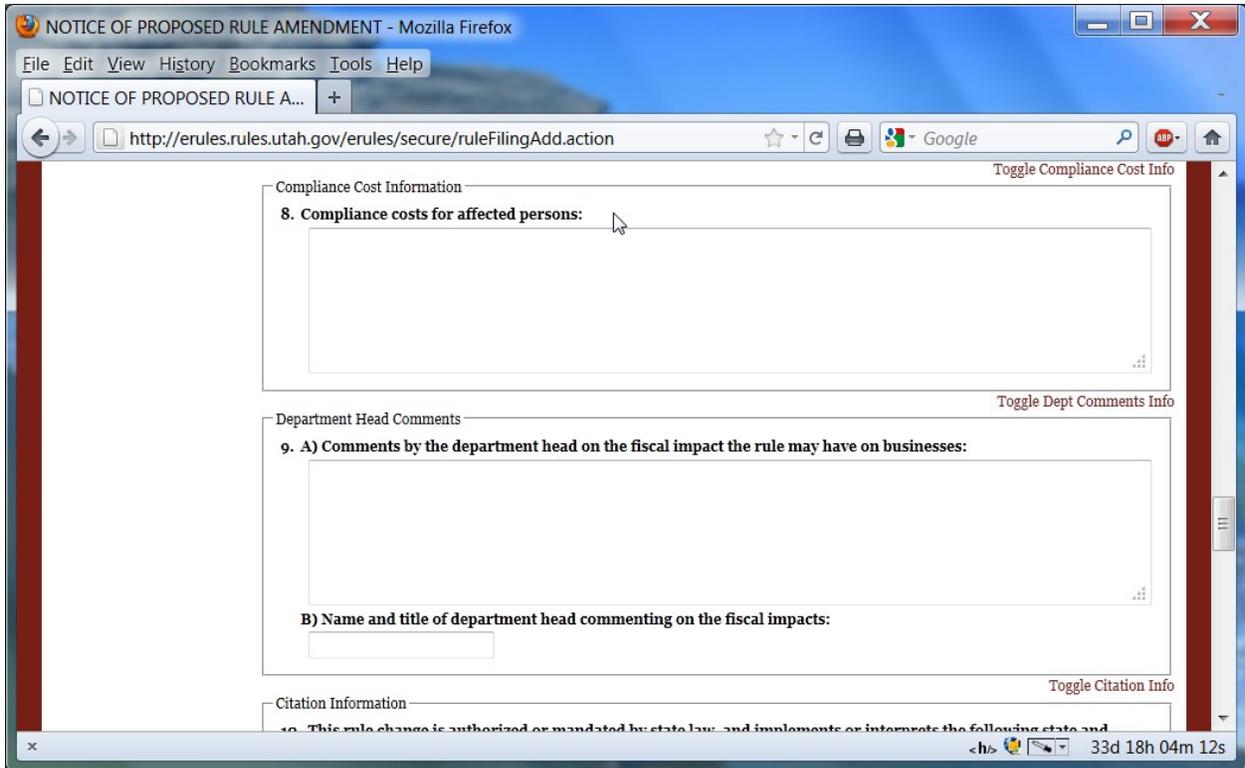
Box 8: Compliance cost for affected persons:

There are 30 schools that will be required to get a surety bond. It is anticipated that the amount of the bond will range from approximately \$5,000 to \$60,000 depending on the number of students being taught. It will cost the schools a premium cost of approximately \$10 per \$1,000 per year. It is anticipated that the maximum amount an individual school will pay in premiums for the surety bond will be approximately \$600 per year. All schools will be required to have signs posted in order to identify the school. Most schools currently meet this requirement. The approximate cost per sign will be \$400 for schools that do not currently have signs. Schools may also be required to hire qualified school operators, however, due to the fact that existing schools currently have personnel functioning in the capacity of an operator, it is not anticipated that there will be a financial impact to the schools as a result of the operator license requirement. There is a potential for a financial impact to students if tuition is increased as a result of additional requirements to schools, however, it is not anticipated that this is likely to occur due to the competitive nature of the business. In addition, the amount of hours an instructor is allowed to conduct behind-the-wheel training has been limited to 10 hours per day within a 24-hour period, which may cause a fiscal impact on some of the instructors. They may not conduct as many behind-the-wheel training hours in a day as they have in the past. (Source: No. 26287)

EXAMPLE:

Box 8: Compliance cost for affected persons:

The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. A licensed marriage and family therapist may also save money by being able to count up to 10 extra hours of continuing education completed during a renewal cycle toward the continuing education requirement of the subsequent renewal cycle. However, the Division is not able to determine any exact amount of savings due to varying circumstances. (Source: No. 34952)



Q12: Boxes 9A and B: Do you really mean my "department head" must comment on the fiscal impacts my rule may have on businesses?

A: Yes. This information is required as a result of an amendment to the rulemaking act made in 1998 (S.B. 88, Chapter 219, Section 2, Laws of Utah 1998). The authority to delegate this function was removed from the bill before it passed. The sponsor of the legislation wanted someone who was politically accountable to consider how business would be impacted as a result of each rule. Therefore, in box 9A, enter the comments of the department head (executive director, commissioner, university president, etc.). In box 9B, enter that person's name and title.

To protect your agency against a procedural challenge to the rule, keep a copy of the rule analysis with the department head's sign-off on this box as part of your administrative record.

REMEMBER:

- Use complete sentences.
- Do not enter "N/A" -- this information is *always* applicable.
- The department head must either write or review the information provided in this box. The legislative history of S.B. 88 indicates that this function may **not** be delegated to others (e.g., a deputy executive director).

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EXAMPLE:

9A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule change contains amendments intended to clarify existing standards and procedures, and does not create any fiscal impact to businesses. (Source: No. 26284)

9B) Name and title of department head commenting on the fiscal impacts:

Ted Boyer, Executive Director (Source: No. 26284)

EXAMPLE:

9A) Comments by the department head on the fiscal impact the rule may have on businesses:

Since the requirements of the rule are clarified and not changed, it is anticipated that businesses will experience no fiscal impact beyond that required by current rule or statute. (Source: No. 26559)

9B) Name and title of department head commenting on the fiscal impacts:

Dianne R. Nielson, Ph.D. (Source: No. 26559)

EXAMPLE:

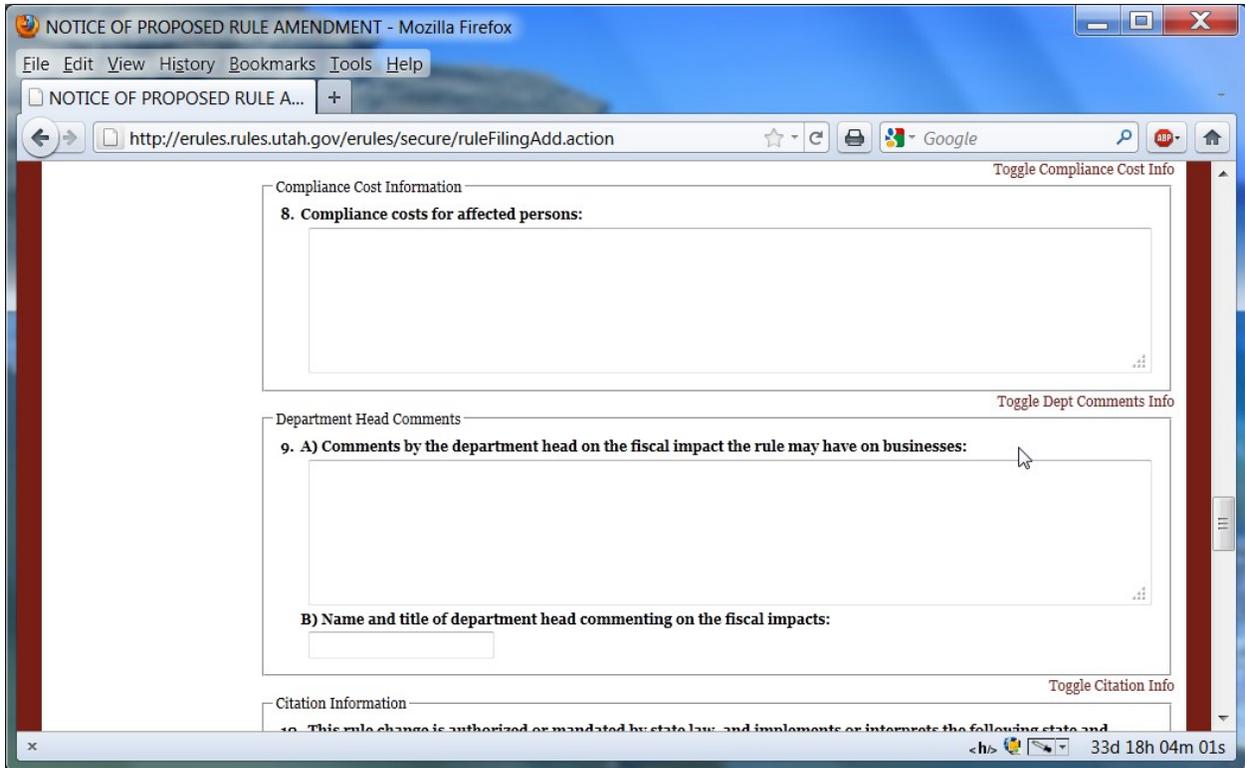
9A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule filing makes technical changes, adds clarifying language, and allows the carry-over of continuing education hours to the next renewal cycle. The only fiscal impact anticipated is a positive one for licensees and their employers. (Source: No. 34952)

9B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director (Source: No. 34952)

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)



The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar displays "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The page content includes several sections:

- Compliance Cost Information**: A section with a toggle "Toggle Compliance Cost Info" and a heading "8. Compliance costs for affected persons:". Below this is a large empty text area.
- Department Head Comments**: A section with a toggle "Toggle Dept Comments Info" and a heading "9. A) Comments by the department head on the fiscal impact the rule may have on businesses:". Below this is a large empty text area. Underneath is a heading "B) Name and title of department head commenting on the fiscal impacts:" followed by a small input field.
- Citation Information**: A section with a toggle "Toggle Citation Info" and a heading "10. This rule change is authorized or mandated by state law, and implements or interprets the following state and...".

The browser's status bar at the bottom right shows the time "33d 18h 04m 01s".

Q13: Box 10: Where do I find the legal authorization for my rule?

A: An administrative rule must be authorized by statute--explicitly or implicitly; these statutory references should be included here. If there are constitutional provisions that authorize the rule, include them as well. These state references may be followed by federal references, or case law references.

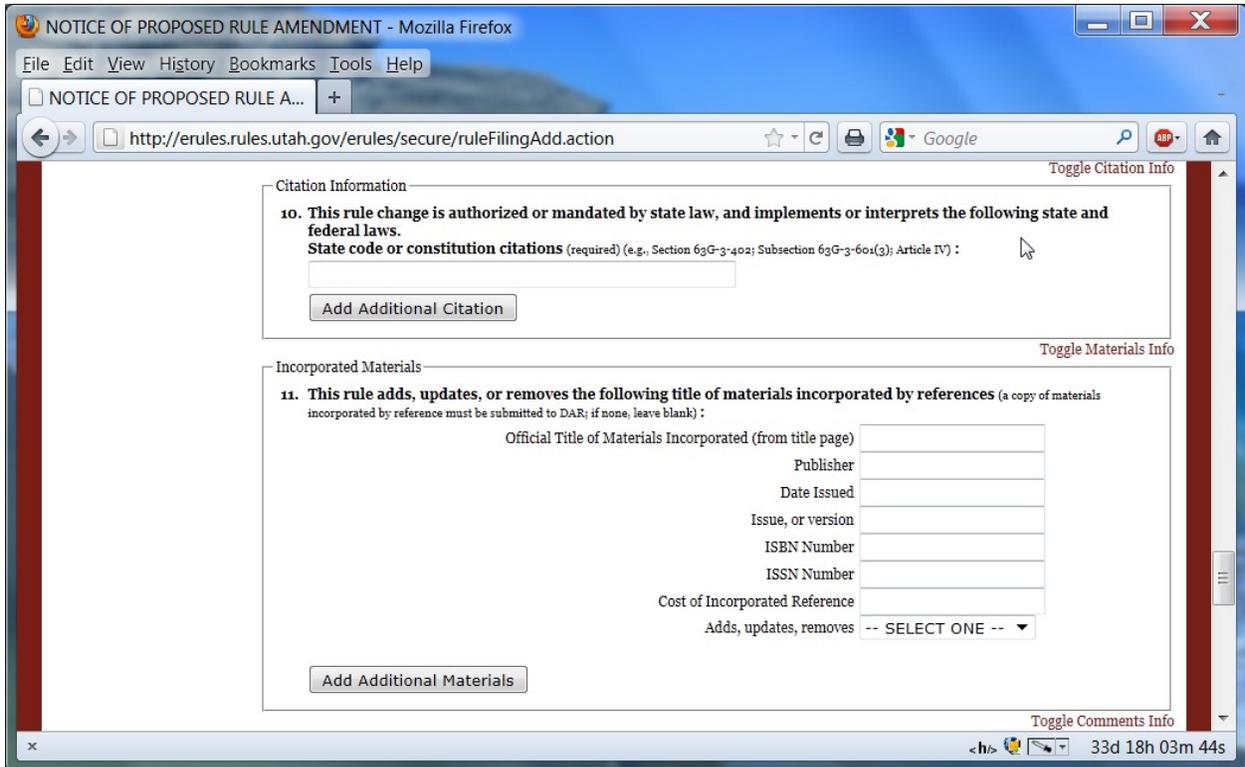
If you are filing a new rule, you will need to search the statutes and find the appropriate reference. The statutes are available on-line at <http://le.utah.gov/UtahCode/title.jsp>. If you are amending an existing rule, you will find the citations at the end of the rule. There may also be an "Authority" section in the rule where you will also find the citations.

REMEMBER:

- Do not proceed or follow a reference with "Utah Code Ann." or "UCA."
- Do not use the section symbol (§).
- Enter **one** reference in the box. To add an additional reference, click the "Add Additional Citation" button; a new box will appear.
- Include all citations that authorize or mandate the rule, including federal statutes, federal regulations, court cases, or executive orders.

EXAMPLES:

- Section 53-7-305
- Title 26, Chapter 18
- Sections 20A-7-201 through 20A-7-214
- Anderson v. Bell 2010 UT 47
- Article VII Section 1
- Subsection 67-1a-2(2)(a)(i)
- 40 CFR 745



Q14: Box 11: What are "incorporated materials"?

A: "Incorporation by Reference" is a legal tool that permits an agency to make all or part of a document drafted by someone else part of the agency's rule. The Utah Administrative Rulemaking Act permits you to incorporate certain types of documents into your rule by reference. These include:

- a code, rule, or regulation adopted by:
 - a federal agency;
 - another state agency;
 - a political subdivision of Utah;
 - an agency of another state; or
 - a nationally recognized organization or association;
- state implementation plans mandated by the federal government for participation in the federal program;

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

- lists, tables, illustrations or similar materials that are:
 - subject to frequent change;
 - fully described in the rule; and
 - available for public inspection; or
- lists, tables, illustrations or similar materials that are determined by the director of the Division of Administrative Rules to be too expensive to reproduce in the Utah Administrative Code.

If the rule adds, or updates references that have been incorporated into the rule, enter the title and date or issue number of the publications. Statute requires you to maintain a copy of materials incorporated by reference at your office. That copy must be available for public inspection. Statute also requires you to provide a copy of the materials to the Division of Administrative Rules. The Division must receive the materials before the proposed rule is published in the bulletin. The materials must be provided in paper or electronically in PDF/A format. The Division will not permit a rule to be made effective if materials have not been received.

REMEMBER:

- Send a copy of any material incorporated by reference to the Division.
- Materials may be submitted in paper or electronically in PDF/A format.
- Leave box 11 blank if you are not adding or updating incorporated references.
- An agency may **not** incorporate by reference materials it has created unless it specifically meets one of the types of documents identified by statute.
- The minimum information required for incorporating materials by reference is "Official Title of Materials Incorporated (from title page)", "Publisher", "Date Issued" or "Issue, or version", and indicate if the filing "adds, updates, or removes" the material incorporated.
- Provide other information you may have about the materials incorporated including: "ISBN Number", "ISSN Number", and "Cost of Incorporated Reference".
- To list more than one item that is incorporated by reference, click the "Add Additional Materials" button.

EXAMPLE:

Official Title of Materials Incorporated (from title page): NFPA 1403

Publisher: National Fire Protection Association

Date Issued: 01/31/2002

Issue, or version: 2002

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FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar displays "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The page content is divided into two main sections:

- Citation Information:** Section 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) : [Text input field]. Below the field is a button labeled "Add Additional Citation".
- Incorporated Materials:** Section 11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) : [Text input field]. Below this are several input fields: "Official Title of Materials Incorporated (from title page)", "Publisher", "Date Issued", "Issue, or version", "ISBN Number", "ISSN Number", and "Cost of Incorporated Reference". A dropdown menu labeled "Adds, updates, removes" is set to "-- SELECT ONE --". Below these fields is a button labeled "Add Additional Materials".

At the bottom right of the browser window, the system clock shows "33d 18h 03m 32s".

Q15: Box 12A: How do I determine when the public comment for my rule will end?

A: For a proposed rule, the public may comment for at least 30 days. The 30-day clock begins running from the date of publication of the rule in the Bulletin. The first time you open a form, the form will actually tell you the earliest date on which you may end the public comment period. You may also check the [Filing Time Frames](#) to see what dates apply to your rule.

The date entered in box 12A is a binding date; you may not make a rule effective before the comment period you designate on the form has ended.

REMEMBER:

- Enter the date in this format: mm/dd/yyyy.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar shows the URL "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The page content is as follows:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) [must be at least 08/31/2011]- :

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): **At** (hh:mm AM/PM): **At** (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

33d 18h 03m 15s

Q16: Box 12B: Do I have to schedule a hearing?

A: Not necessarily. The Act does not require a hearing in every circumstance. First, check the statutes governing your agency to see if you are required to hold a hearing. Next, consider whether the public interest would be served by a hearing. Generally, the Act permits an agency to hold a hearing at its option.

However, whether or not you schedule a hearing, a hearing may become mandatory after a rule is published in the Bulletin. The Act provides that an agency *shall* hold a public hearing if a hearing is requested by (i) another state agency, (ii) ten interested persons, or (iii) an interested association having not fewer than ten members. The act also provides that the request must be made in writing not more than 15 days after the publication date of the proposed rule. (Section 63G-3-302.)

If it ends up that you receive a request for a hearing within the time frame provided or that you are otherwise required to hold a hearing, then the Act requires that the agency hold the hearing: (a) before the rule becomes effective; and (2) no less than seven days nor more than 30 days after receipt of the request for the hearing. (Section 63G-3-302.)

REMEMBER:

- [Rule R15-1](#) sets the procedures for rule hearings.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

- A hearing should be held during the public comment period, no fewer than seven days nor more than 30 days after receipt of the request for a hearing.
- Enter the hearing date in the format mm/dd/yyyy.
- To list more than one hearing, click the "Add Additional Public Hearing" button.

EXAMPLE:

On (mm/dd/yyyy): 06/06/2011

At (hh:mm AM/PM): 03:00 PM

At (place): Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT

(Source: No. 34733)

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar shows the URL "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The main content area contains three sections:

- Comments:** Section 12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) [must be at least 08/31/2011]- :
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):
Add Additional Public Hearing
- Proposed Effective Date:** Section 13. This rule change may become effective on (mm/dd/yyyy):
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.
- Indexing Information:** Section 14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

Add Additional Keyword

At the bottom right of the form, there are links for "Toggle Proposed Effective Date Info", "Toggle Indexing Info", and "Toggle File Info". The browser's status bar shows the time as 33d 18h 03m 15s.

Q17: Box 13: What does "may become effective" mean? Am I required to make the rule effective on this date?

A: The date provide in box 13 is a good faith estimate of when you anticipate making the rule effective. It is a way of giving the public notice of when they may expect you to start enforcing the rule.

However, this date is **not** legally binding. There may be any number of reasons for not making a rule effective on this date, including your consideration of public comment received.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

Typically, agencies list the first possible effective date in box 13. That is seven calendar days after the close of public comment. However, a rule may be made effective any time after the end of the comment consideration period but no more than 120 days after the date of publication. You may check the [Filing Time Frames](#) to see what dates apply to your rule.

REMEMBER:

- Enter the date in this format: mm/dd/yyyy.
- To make your rule effective, you must file a Notice of Effective Date after the public comment period has ended.

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar shows the URL "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The page content is divided into several sections:

- Comments:** Section 12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) [must be at least 08/31/2011]:
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):
Add Additional Public Hearing
- Proposed Effective Date:** Section 13. This rule change may become effective on (mm/dd/yyyy):
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.
Toggle Proposed Effective Date Info
- Indexing Information:** Section 14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

Add Additional Keyword
Toggle Indexing Info

The browser window also shows the system tray with the time "33d 18h 03m 15s".

Q18: Box 14: Where do the keywords come from?

A: If you are dealing with a rule that is already in effect, look at the end of the rule. You will find the keywords following the word "KEY:".

If you are dealing with a new rule, the Division asks that you identify up to four key terms that describe the rule. Ask yourself, "If I were looking in an index for the material included in the rule, what would I look under?"

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

REMEMBER:

- Use the keywords that appear at the end of the current rule when you are amending, repealing, or repealing and reenacting an existing rule.
- Provide at least one indexing term and up to four indexing terms.
- Enter keywords in lowercase except for acronyms and proper names.
- Add one term in the box provided. If your rule has more than one keyword, click the "Add Additional Keyword" button.

EXAMPLE:

licensing
counselors
mental health
professional counselors
(Source: No. 26284)

EXAMPLE:

insurance
ADA
(Source: No. 34896)

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar shows the URL "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The page content includes the following sections:

- Comments:** A section with a heading "12. The public may submit written or oral comments to the agency identified in box 1." Below this is a text area for comments and a form for public hearing details. The form includes fields for "On (mm/dd/yyyy)", "At (hh:mm AM/PM)", and "At (place)", along with an "Add Additional Public Hearing" button.
- Proposed Effective Date:** A section with a heading "13. This rule change may become effective on (mm/dd/yyyy):" and a text input field. A note below states: "NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over." There is a "Toggle Proposed Effective Date Info" link.
- Indexing Information:** A section with a heading "14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., 'GRAMA') or proper nouns (e.g., 'Medicaid')):" and a text input field. There is an "Add Additional Keyword" button. A "Toggle Indexing Info" link is also present.

The browser's status bar at the bottom shows the time "33d 18h 03m 15s".

Q19: Box 15: What is an "RTF" document?

A: "RTF" stands for Rich Text Format. Microsoft Word, Corel WordPerfect, and open source alternatives like OpenOffice.org, permit the user to use the "Save As" feature to save files in RTF.

Instructions for saving a Word document in RTF are available online at <http://www.rules.utah.gov/agencyresources/faqs/faq-rtf.htm>.

REMEMBER:

- Obtain a copy of the current rule text from the Division (online at <http://www.rules.utah.gov/publicat/code.htm> or by phone at 801-538-3003) before preparing an amendment or a repeal.

NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox

File Edit View History Bookmarks Tools Help

NOTICE OF PROPOSED RULE A... +

http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action

Toggle Indexing Info

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

Add Additional Keyword

Toggle File Info

File Information

15. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

Browse...

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title: -- SELECT ONE --

Date (mm/dd/yyyy):

Submit to DAR Save as Draft Cancel Printable

33d 18h 02m 30s

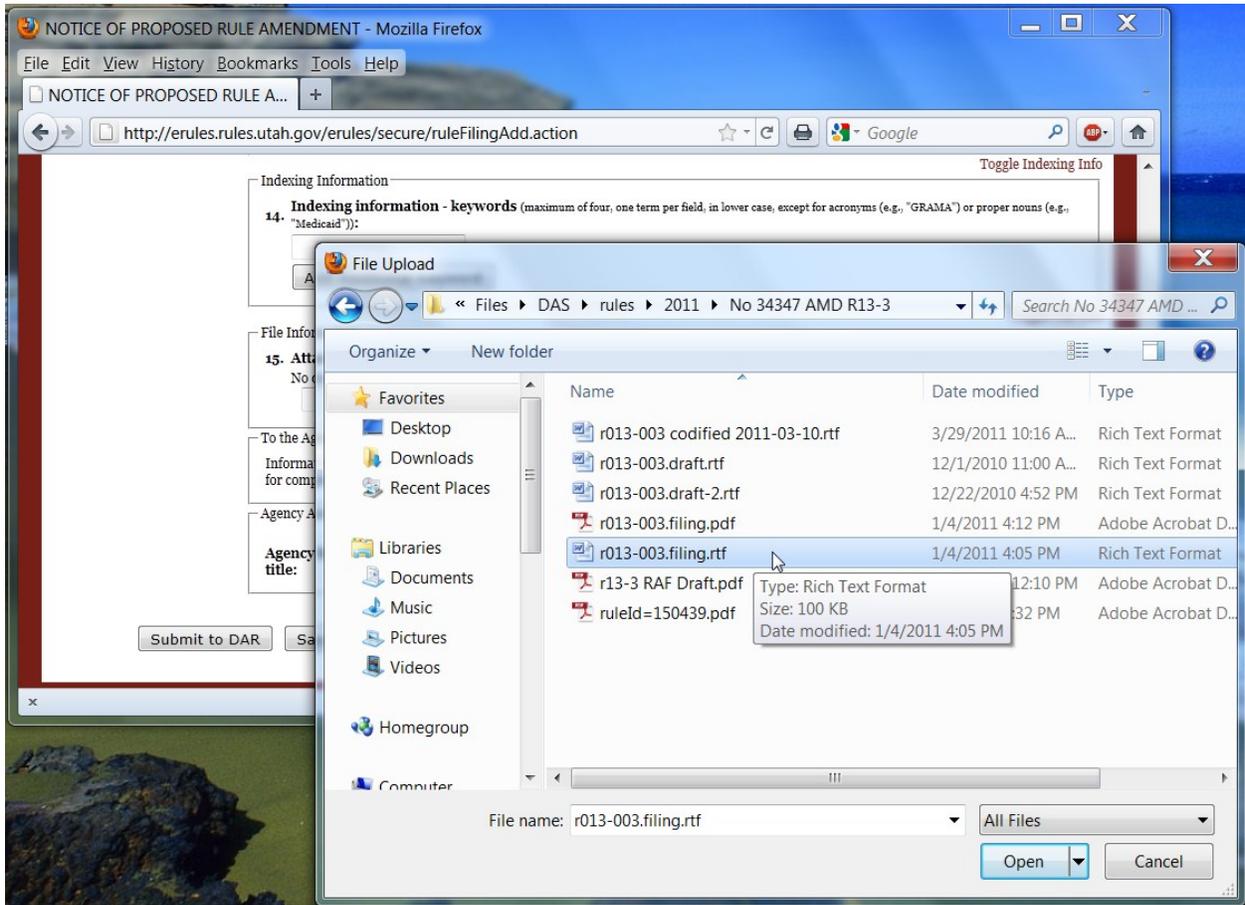
Q20: Box 15: How do I attach the text of my rule to the filing?

A: Click the "Browse" button that appears in box 15. Find the file that contains rule text you have prepared. Select the file and click "Open".

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

Remember:

- Rule text must be in Rich Text Format (RTF).



Q21: Agency Authorization: Who should authorize my rule?

A: The Act requires a rule to be authorized by the agency head or the agency head's designee. The person who authorizes the rules from your agency should already be entered in the system. It should just be a matter of clicking the button and using the scroll box to select that person's name. If the person who should authorize the rule is not listed, contact the Division (801-538-3764).

REMEMBER:

- Enter the date in this format: mm/dd/yyyy.
- This date may be the same date on which the rule is submitted, or an earlier date. The authorized date may not be a date after the rule has been submitted.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox

File Edit View History Bookmarks Tools Help

NOTICE OF PROPOSED RULE A... +

http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action

Toggle Indexing Info

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

Add Additional Keyword

Toggle File Info

File Information

15. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

Browse...

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title: -- SELECT ONE --

Date (mm/dd/yyyy):

Submit to DAR Save as Draft Cancel Printable

30d 22h 55m 57s

Q22: What do I do now that I've completed the form?

A: If you have not already provided your department head with an opportunity with an opportunity to review the text in box 9, now is a good time to click the "Save as Draft" button, and then click "Printable" to print a copy of the form.

Verify that everything on the form and in the text is the way that you want it. Once you submit the filing, the filing will be locked and you will not be able to make changes.

Once you have the department head's initials or signature on a paper copy of the form, you are ready to file your rule. To file the rule with the Division of Administrative Rules (DAR), click the "Submit to DAR" button.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)

The screenshot shows a web browser window titled "NOTICE OF PROPOSED RULE AMENDMENT - Mozilla Firefox". The address bar shows the URL "http://erules.rules.utah.gov/erules/secure/ruleFilingAdd.action". The form contains the following sections:

- Indexing Information:** A section titled "Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):" with a text input field and an "Add Additional Keyword" button.
- File Information:** A section titled "15. Attach an RTF document containing the text of this rule change (filename):" with a note "No document is associated with this filing." and a "Browse..." button.
- To the Agency:** A section with the text: "Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date."
- Agency Authorization:** A section with the text "Agency head or designee, and title:" followed by a dropdown menu showing "-- SELECT ONE --" and a "Date (mm/dd/yyyy):" text input field.

At the bottom of the form, there are four buttons: "Submit to DAR" (highlighted with a mouse cursor), "Save as Draft", "Cancel", and "Printable". The browser's status bar at the bottom right shows the time "33d 17h 59m 29s".

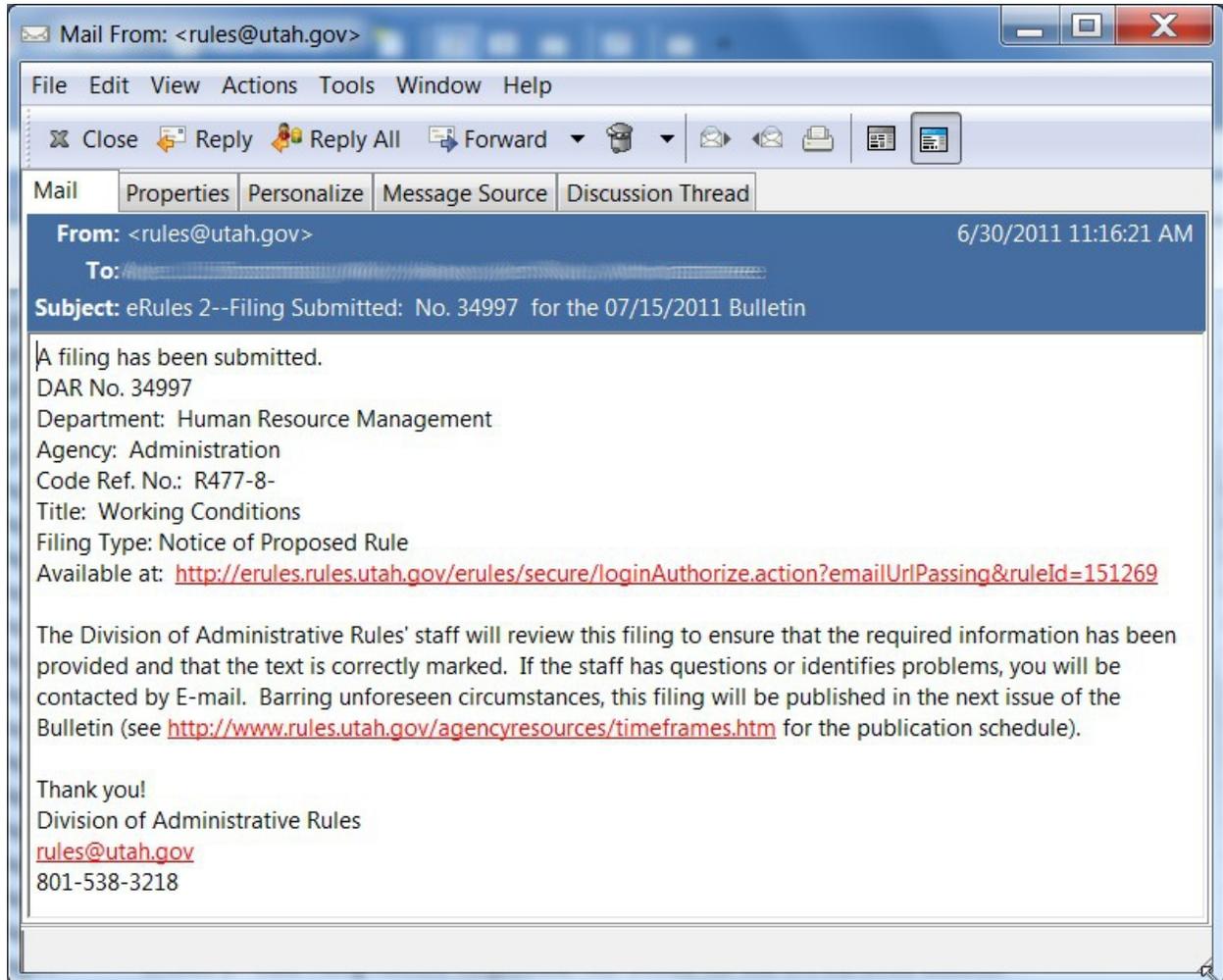
Q23: How do I know the rule is "filed"?

A: Shortly after you click the "submit" button, you will receive an E-mail response providing you with information about the filing. When you return to the Rule Filing List, you'll notice that a five-digit number appears in the left hand column of the main screen. IF YOU DO NOT RECEIVE AN E-MAIL RESPONSE WITHIN 30 MINUTES, OR IF YOU DO NOT SEE THE FIVE-DIGIT NUMBER, CONTACT THE DIVISION (801-538-3764).

REMEMBER:

- Once a rule has been submitted, you will not be able to make changes.

FAQ: Completing the Rule Analysis for a Notice of Proposed Rule (eRules)



Q24: I still have questions. Whom may I contact?

A: For questions about the preparing rule text, please contact the Division of Administrative Rules (801-538-3764).