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Service Plan of the Division of Administrative Rules

Fiscal Year 2011

The Department of Administrative Services delivers support services of the highest quality and best value to government agencies and the public. The Division of Administrative Rules enables citizen participation in their own government by supporting agency rulemaking and ensuring compliance with the Utah Administrative Rulemaking Act. The Division is created by statute -- Section 63G-3-401. Its duties are specified in Section 63G-3-402, and other sections of Title 63G, Chapter 3.

This Service Plan is prepared in compliance with Section 63A-1-111 and outlines services that the Division of Administrative Rules provides to state agencies. Questions regarding the plan should be directed to Kenneth A. Hansen, Director, at 801-538-3764 or at khansen@utah.gov.

What are the services we provide?	What are the methods used to provide each service?	What are the standards of performance for each service?	What performance measures are used to gauge compliance with the standards?
1. Rule filing / document filing	1.1 Administrative rule filing and agency public notice filing		
The Division provides filing services for agencies engaging in rulemaking. (Section 63G-3-301)	The Division provides agencies with access to eRules, a web-based filing and publication application. eRules is available 24 x 7 allowing agencies to file at any time, and from anywhere with a computer and an Internet connection.	An agency is able to file rules.	1.1.1 Rule filings submitted.
			1.1.2 Agency rule filings as a percentage of total rule filings submitted.
		An agency is able to access eRules.	1.1.3 Complaints received because eRules is down.
		Staff is available to help agencies file rules.	1.1.4 Complaints received because staff is unavailable.

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1.2 Executive document filing			
<p>The Division receives executive orders and proclamations from the Governor's Office. The Governor's Office must file executive orders and declarations, issued pursuant to Title 63K Chapter 4, with the division for those documents to "have the full force and effect of law during [a] state of emergency." (Section 63K-4-401)</p>	<p>The Division provides the governor's office with access to eRules. The Governor's office may also use e-mail and building mail to submit documents for publication.</p>	<p>The Governor's office is able to submit documents.</p>	<p>1.2.1 Governor's executive documents submitted for publication.</p>
1.3 Public notices			
<p>The Division receives public notices from agencies.</p>	<p>The Division provides agencies with access to eRules, a web-based filing and publication application. eRules is available 24 x 7 allowing agencies to file at any time, and from anywhere with a computer and an Internet connection.</p>	<p>An agency is able to file public notices.</p>	<p>1.3.1 State agency public notices submitted for publication.</p>
<p>2. Publication of rules, and other executive branch notices</p>	2.1 Utah State Bulletin		
	<p>The Division publishes agencies' proposed rules, emergency rules, five-year notices of review and statements of continuation, and other rulemaking documents in the Utah State Bulletin. (Subsection 63G-3-402(1)(d))</p>	<p>The Division issues the Bulletin on the 1st and 15th of each month. The Bulletin is published at http://www.rules.utah.gov/publicat/bulletin.htm.</p>	<p>The Division publishes 100% of complete rule filings on time.</p>
		<p>The Division accurately publishes 99.5% of rules in the Utah State Bulletin.</p>	<p>2.1.2 Publication errors made by the division.</p>

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		The Division posts the Bulletin on the Internet by 8 a.m. on the 1st and 15th of each month.	2.1.3 Average time between the publication date and the actual posting of the Bulletin on the Internet.
2.2 Utah Administrative Code			
The Division publishes effective rules in the Utah Administrative Code. (Subsection 63G-3-402(1)(e))	The Division issues updates to the Code by the 10th of each month. The Code is published on the Internet at http://www.rules.utah.gov/publicat/code.htm .	The Division posts the Utah Administrative Code on the Internet, as in effect on the 1st of the month, by the 10th of the month.	2.2.1 Average time between the 10th of the month and the actual availability of the Utah Administrative Code on the Internet.
2.3 Utah State Digest			
The Division publishes a summary of the Bulletin called the Utah State Digest. (Subsection 63G-3-402(1)(f))	The Division issues the Digest on the 1st and 15th of each month. The Digest is published on the Internet at http://www.rules.utah.gov/publicat/digest.htm .	The Division posts the Digest on the Internet by 8 a.m. on the 1st and 15th of each month.	2.3.1 Average time between the publication date and the actual posting of the Digest on the Internet.
	The Division distributes the Digest using an e-mail ListServ. Individuals may subscribe by visiting the web address above and submitting their e-mail address.	The Division distributes the Digest by e-mail ListServ by 8 a.m. on the 1st and 15th of each month.	2.3.2 Average time between the publication date and the distribution of the Digest by e-mail.
2.4 Utah Administrative Rules Index of Changes			
The Division annually publishes an index of effective rule filings called the Utah Administrative Rules Index of Changes. (Subsection 63G-3-402(1)(g))	The Division publishes the Index of Changes annually in the spring. The Index is published on the Internet at http://www.rules.utah.gov/publicat/rulesindex.htm .	The Division posts the Utah Administrative Rules Index of Changes on the Internet no later than May 1 each year.	2.4.1 Average time between May 1 and the actual availability of the Utah Administrative Rules Index of Changes on the Internet.

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3. Maintenance of the Utah Administrative Code	3.1 Administrative code repository			
	The Division maintains and is the repository for the administrative code. (Section 63G-3-702)	The Division maintains the repository of effective administrative rules. If a dispute arises in which there is more than one version of a rule, the latest effective version on file with the Division is considered the correct, current version.	The Division accurately codifies 99.5% of the rules in the Utah Administrative Code.	3.1.1 Rules in July 1 Code.
				3.1.2 Volume of rules in July 1 Code (in kilobytes).
				3.1.3 Volume of rules as a percentage of total volume.
	3.2 Codification of Rules			
The Division compiles all effective rules in an administrative code, and periodically publishes that code and revisions to it. (Subsection 63G-3-402(1)(e))	The Division codifies changes submitted by agencies that have completed the rulemaking process.	The Division accurately codifies 99.5% of rules in the Utah Administrative Code.	3.2.1 Codification errors made by the division.	
4. Rulemaking assistance to state agencies	4.1 Training			
	The Division offers rulemaking training to state agencies. (Subsection 63G-3-402(1)(l))	The Division presents training in a traditional classroom-lecture format.	The Division tracks attendance at training.	4.1.1 Number of staff attending rules training.
			The Division conducts quarterly training.	4.1.2 Cumulative hours trained.
			The Division surveys training attendees regarding the value of the training and receives 4.5 or better out of 5.	4.1.3 The Division conducts training at least one day a quarter. 4.1.4 Score the Division received on its post-training evaluation survey.

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4.2 Agency consultations			
The Division responds to questions and provides consultation regarding the requirements of the Utah Administrative Rulemaking Act. (Subsection 63G-3-402(l))	Agencies may call the Division (801-538-3764) to discuss issues or schedule on-site consultation.	The Division provides consultations to agencies.	4.2.1 Consultations with agency staff (hours).
4.3 Rulewriting Manual for Utah			
The Division offers the Rulewriting Manual for Utah to help agencies understand the process. (Subsection 63G-3-402(l))	The Division posts the Rulewriting Manual for Utah on its web site at http://www.rules.utah.gov/agencyresources/manual.htm .	The Division updates the Rulewriting Manual for Utah every other year, and maintains a current copy on its web site.	4.3.1 The web site is accessible 99% of the time.
			4.3.2 The Manual is updated in even years.
			4.3.3 The number of visits the Manual receives on the web site.
4.4 Rulemaking resources			
The Division provides eRules help and Frequently Asked Questions (FAQ) documentation to help agencies understand the rulemaking process.	The Division maintains rulemaking resources (e.g., Frequently Asked Questions (FAQ)) on the Internet at http://www.rules.utah.gov/agencyresources/faq.htm .	The Division updates agency resources as needed and maintains a current copy on its web site.	4.4.1 The web site is accessible 99% of the time.
			4.4.2 Rulemaking resources are updated quarterly.
			4.4.3 The number of visits rulemaking resources receive on the web site.

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4.5 Overall service			
The Division assesses the level of service it provides by conducting an annual survey of agency customers.	The Division conducts an annual survey of agency customers.	The Division surveys its agency customers regarding the value of the services it provides and receives 4.5 or better out of 5.	4.5.1 Score the Division received on its customer service survey.
5. Procedural review of rules			
5.1 Resolution of issues			
The Division reviews rule filings to ensure that the agency has provided the statutorily required information and to ensures that all changes in rule text submitted for publication in the Bulletin are correctly marked. This is not a substantive review. (Subsection 63G-3-402(1)(m))	The Division returns substantive issues to the filing agency for resolution.	The Division returns 10% or fewer of rule filings to agencies for correction.	5.1.1 Filings with issues resolved prior to publication.
			5.1.2 Filings with issues requiring resolution prior to publication as % of total filings.
			5.1.3 Total number of issues identified and resolved.
5.2 Timely review of rules			
Division staff review rule analysis forms and other rule forms to ensure that the responses provided by the agencies meet the minimum statutory and regulatory requirements. (Subsection 63G-3-402(1)(m))	The Division uses traditional copy editing and proof reading techniques to identify typographical and grammatical errors. Division staff assess the content of the forms in light of statutory and regulatory requirements.	The Division reviews rules within 5 business days of filing.	5.2.1 Average number of days to review rule filings.

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6. Agency notification of deadlines and events	6.1 Notice of rules due for five-year review			
	The Division provides agencies with at least 180-days notice of rules due for review. (Subsection 63G-3-305(5))	The Division uses e-mail to notify agency managers and rule coordinators of rules due for review.	The Division notifies agencies of rules due for review at least 180-days in advance of the review due date.	6.1.1 Number of rules for which the statutorily required notice was sent.
				6.1.2 Percentage of rules for which statutorily required notice was sent by the statutory deadline.
	The Division uses e-mail to notify agency rulefilers of rules about to expire for noncompliance with Section 63G-3-305.	The Division notifies agencies of rules due for review within 30 days of the review due date.	6.1.3 Number of rules due for five-year review for which a 2nd courtesy reminder was sent.	
6.2 Notice of rules about to lapse				
The Division reminds agencies of rule filings about to lapse.	The Division uses e-mail to notify agency managers and rule coordinators of rules about to lapse.	The Division sends notice of rules about to lapse at least one week in advance.	6.2.1 Number of rules for which notice of rules about to lapse was sent.	
			6.2.2 Notice is sent at least one week in advance of the last possible effective date.	

What are the costs associated with each service?
 The Division does not charge for any of the services described above that it provides to state agencies. The Legislature created the Division as an appropriated agency. To encourage agency compliance, the Division does not charge for filing, review, or publication services. To encourage public access to and participation in the regulatory process, the Division publishes administrative rules free of charge on the Internet.