ERules for agencies

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Abstract

This manual, *ERules for agencies*, describes eRules version 2.x. It documents functions used by agency staff (other than the Division of Administrative Rules) to file and make rules effective.

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Chapter 1. Introduction

Since 2001, eRules has been the mechanism by which agencies have filed administrative rules and other documents with the Division of Administrative Rules. In 2009, eRules version 2.0 was released to take the place of the aging version 1.0.

From the user perspective, there haven't been a lot of changes between the two versions. Users familiar with version 1.0 are already familiar with much of version 2.0. What has always been lacking for eRules is a user manual, an easy reference for both new users and old hands to help guide through the system.

And so we have the reason for this manual. While the eRules application is supposed to be straightforward and easy to use, a little help never hurts.

The manual contains the following chapters:

Introduction	That's where you are right now.
Getting started	This chapter discusses minimum system requirements for using eRules, where to find eRules on the web, how to log into the application, and how to understand the first page.
Filing rules and other documents	This chapter discusses how to use eRules to file proposed rules, other types of rule filings, and public notices.
Sharing information	This chapter discusses how to use eRules to share information with colleagues within your agency as well as without.
Making rules effective	This chapter discusses how to make proposed rules and changes in proposed rules effective.
Frequently asked questions	This chapter contains some questions that Division staff are asked on a regular basis along with the answers to those questions.

While using the manual you may find something missing, or discover an error. In the event that you do, please contact the Division by sending an email message to `<rules@utah.gov>`. Begin the subject line with “eRules agency manual”.

Chapter 2. Getting Started

Everything has a beginning. The purpose of this chapter is to describe the fundamentals of eRules. The following topics are discussed:

- Meeting system requirements.
- Finding eRules on the web
- Logging into eRules
- Understanding the first screen

Meeting system requirements

In order to use eRules, your software environment will need to meet the following requirements:

- A web browser: Internet Explorer 7 (or above); Mozilla Firefox 3 (or above);
- A word processor that can save files in RTF (Rich Text Format): Microsoft Word, Corel WordPerfect, or OpenOffice.org are all capable of saving in RTF.

The system requirements are fairly modest. Most personal computers in use in the state should meet them without difficulty. Bear in mind, though, that later versions of the word processors, as well as the supported browsers, all require a later generation operating system. If you use Microsoft Windows as your primary platform, you should probably be using at least Windows 2000.

At present, there are still some web applications in the state that require the use of Internet Explorer 6. If at all possible, please upgrade to at least Internet Explorer 7. If that is not possible, both Internet Explorer 7 and Mozilla Firefox 3 can operate on the same machine with no ill effects.

Finding eRules on the web

There are two versions of eRules. There is a *production* version used for real work. There is a *test* version that is used for two purposes: allowing DAR staff to test new functions; and allowing agency staff to practice using the application.

To access the *production* version of eRules, simply point your web browser to:

http://erules.rules.utah.gov/

You may also access eRules by going to the Division's home page:

http://www.rules.utah.gov/

Once there, click on "Rule Filing Agency Resources (eRules)" in the left-hand menu.

At the "Resources for State Agencies that File Rules" page, click on the "eRules v. 2" link.

To access the *test* version of eRules you will follow much the same procedure as accessing the production version. Use either the direct address or by follow the links from the Division's home page.

The direct address for the test version of eRules is:

http://erules.at.utah.gov/

Notice that there is no “www” at the beginning of the address.

To access the test version of eRules from the Division's home page, go to:

http://www.rules.utah.gov/

Once there, click on **Rule Filing Agency Resources**. On this page, look for the link to **Help for eRules**, click on it, and then look for the section entitled **eRules Practice**. There is a link to the test system in the first paragraph.

Warning

Please be careful! Do not accidentally use the practice system to do production work!

Logging into eRules

In order to log into eRules you must:

- Have a valid Utah state employee email address *or* a Utah-ID;
- Ask your immediate supervisor to provide the Division with an email message or letter that formally notifies us that you are authorized to use eRules on behalf of your agency;
- Provide your contact information to the Division: name, email address, telephone number, FAX number, job title, and list of code titles for which you will be responsible.

Once these conditions have been met, the Division will create an eRules user record for you and you will be authorized to use the application.

Note

If you are not a state employee you will need to register for a Utah-ID. While most rule-writers work directly for the state, some do not. For example, rulewriters from the Utah State Fair fall into this category.

To register for a Utah-ID, visit:

https://login2.utah.gov/user/portal

Click on the **Register** link and follow the instructions. After your Utah-ID has been created, please inform the Division of the email address you used to create your Utah-ID.

Whether you get to eRules from the direct address or from the Division's web site, you will find yourself at the eRules access page. Click on the word **Login**. You will be redirected to a page that requests your email address or Utah-ID and a password.

Once logged in, you should see the eRules Administration page.

After you have finished your session, close your web browser to log out.

Understanding the first page

The first page that is displayed after you log in is divided into four general areas:

- A menu area on the left-hand side of the page.
- An information area at the top of the page.
- An information-filtering area in the middle of the page.
- A rule-listing area in the rest of the page.

Menu area

There are a number of different options in the left-hand menu.[1]

- Proposed Rule Types
- Change in Proposed Rule (CPR)
- Expedited Rule (visible only to employees of School and Institutional Trust Lands)
- Nonsubstantive Change
- Emergency
- Five-year Review
- Five-Year Review Extension
- Public Notice
- Help

[1] If you file for School and Institutional Trust Lands, you will see 12 options. All other users will see 11.

- Agency Filing List
- Filing Time Frames
- Back to Administrative Rules' Home

From **Proposed Rule Types** to **Emergency**, these options are for rulemaking actions that allow you to create, change, or remove an administrative rule from the administrative code. These will be discussed more in the section called “Filing proposed rules”, the section called “Filing changes in proposed rules, emergency rules, and expedited rules”, and the section called “Filing nonsubstantive changes”.

The next two options deal with the five-year review process. The option after that has to do with public notices. These will be discussed more in the section called “Using eRules: filing five-year reviews and associated filings” and in the section called “Filing public notices and executive documents”.

The **Help** option will take you to a page on the Division's web site that contains a number of helpful tips about using eRules as well as a link to this manual. Clicking on **Help** will either open a new browser window or a new tab in your current browser window, allowing you to toggle between the help page to eRules.

The **Agency Filing List** option returns you to the first page of the application. This is useful if you are lost in the application.

The **Filing Time Frames** option will take you to a page at the Division's web site which displays a table containing all of the pertinent dates associated with *Utah State Bulletin* publication dates.

Information area

The information area is divided into two parts. The first part appears at the top of the page, under the words **eRules: Online Rule Filing Application**. This part, which we'll call the “attention block”, provides information about when eRules is available, when staff are available for questions, and how to contact DAR staff in the event that you have questions.

The second part of the information area, which we'll call the “date block”, is found just below the attention block, beneath the words **Rule Filing List**. It displays three dates in red.

The first of the three dates is the publication date of the *Utah State Bulletin* in which your filing would appear *if you filed that day*. This date will change with the opening of each filing window. [2]

The second of the three dates represents the closing date of the minimum comment period associated with the *Utah State Bulletin* published on the date described above. This is a helpful reminder to the user when completing the rule analysis for a proposed rule or change in proposed rule.

[2]The filing window is the two-week (more or less) period during which a user files rules for publication in a particular issue of the *Utah State Bulletin*. After the filing window closes, there is another two-week period (more or less) before the actual publication. So, for example, if a user filed on December 17, 2009, that date would fall within the filing window for the January 15, 2010, *Utah State Bulletin*. The window would have opened on December 16, and would close on December 31.

The third of the three dates represents the last day upon which a filing can be made effective if published in the *Utah State Bulletin* of the date described above. Remember, filings must be made effective on or before the 120th day after publication, or the filing lapses.

Filtering area

The filtering area is used to modify the display in the rule-listing area. The list of filings in the rule-listing area can become quite large if your agency frequently files with our office. The different options in the filtering area are used to focus your view of the list of rules.

Filing Agency filter
: In the event that you are assigned to more than one agency for rulewriting (i.e., you are responsible for more than one title in the administrative code) you may select the appropriate agency from the drop-down list, and then click the **Filter** button to see a list of filed rules for that agency.

Filing Type filter
: In the event you wish to see all of the new rules filed by your agency, or all of the amendments, you would use the **Filing Type** filter. Use the drop-down list to select the type of filing you wish to view (new rule, amendment, repeal, etc.), then click the **Filter** button.

Date Range filter
: In the event you wish to see all filings made between a particular set of dates, enter the appropriate dates in the two **Date Range** fields (the first, **From:** for the earlier date, the second, **To:** for the later date) in dd/mm/yyyy format. Then click on the **Filter** button. All filings made between those two dates should appear.

Year Filter filter
: **Warning**

  At the time of this writing, the **Year Filter** filter is not completely functional. If you desire to see all of the filings for a particular calendar year, use the **Date Range** filter instead.

Show Drafts Only filter
: The **Rule Filing List** defaults to displaying filings that have been submitted to the Division. Draft filings are not displayed. In order to show draft filings (and *only* draft filings) click in the checkbox next to **Show Drafts Only** and then click on the **Filter button**.

Listed as Contact filter
: Click in the checkbox next to **Listed as Contact** and then click the **Filter** button to display all filings for which you are listed as a contact.

Last Modified by me filter
: Click in the checkbox next to **Last Modified by me** and then click the **Filter** button to display all filings that were last modified by you.

Filed by me filter
: Click in the checkbox next to **Filed by me** and then click on the **Filter** button to display all filings that were filed by you.

Rule listing area

The rule listing area appears immediately below the **Filter** button. The rule list consists of a table with seven columns. Just above the columns there may appear text of the form “X items found, displaying all items”, where “X” is the total number of filings displayed.

The content of the table is filtered by default according to two criteria:

1. Filings for all agencies to which the user is assigned are displayed; and

2. Filings submitted in the past 120 days are displayed.

Pay close attention to the second criterion. The important date is the date upon which something was *submitted* with the Division, not when it was published. In addition, since the list displays only those filings *submitted* in the past 120 days, it is quite possible that the filing you wish to view is not visible.

Tip

If you cannot see a filing that you believe should appear in the list, see the section called “Filtering area” and it's discussion of the date range filter.

If your agency is a particularly busy one in terms of rulemaking, not all of the rule filings may appear in the rule list. The list defaults to displaying twenty items per page. In the event that there are more than twenty items in the list, the text at the top of the list will look something like this:

35 items found, displaying 1 to 20.[First/Prev] 1, 2 [Next/Last]

The words “First/Prev” will become links as you progress farther into the list. Clicking on **First** will take you to they very first page of the list; clicking on the word **Prev** will take you to the immediately preceding page in the list.

The words “Next/Last” are also links. Clicking on **Next** will take you to the immediately succeeding page in the list; clicking on **Last** will take you the very last page of the list.

Each column within each row of the table provides important information about the corresponding filing. We'll discuss each of them below.

DAR No
: **DAR No** refers to the filing or docket number assigned by the Division to the filing made by your agency. This column will contain one of three things:

- the word “DRAFT” to indicate a filing (either for an administrative rule or some other document) that has not yet been submitted to the Division (remember that drafts do not display by default; you will only see this if you have filtered the rule list to show drafts as discussed in the section called “Filtering area”);
- a five-digit number—this is the filing number assigned by the Division and indicates that an administrative rule filing has been received by the Division; or
- the word “EDIT” to indicate that some other type of filing (e.g., a public notice) has been received by the Division.

Filing Title The text that appears under **Filing Title** corresponds to the text that was entered in the field labeled “Title of rule or section (catchline)” on rule filing forms or “Title” on other forms.

Status The **Status** column provides information about where the filing is in the publication process. It can display the following values:

- **Draft** if the form hasn't yet been submitted to the Division (the **DAR No** column will also show **DRAFT** in that case).
- **New** if the form has been newly submitted to the Division. In this case, the **DAR No** column should show either **EDIT** for a public notice filing or the five-digit file number associated with a rule filing.
- **Reviewed** if the filing's text and form have been reviewed by Division staff. This status appears *prior* to publication.
- **Withdrawn** if the authoring agency decides *before publication* not to continue with a particular filing. Filings cannot be withdrawn after publication.
- **Invalid** if there is a significant procedural weakness with a filing that cannot be corrected before publication.
- **BulletinPrep** if the filing is in its final reviewed state just prior to publication.
- **BulletinPub** if the filing has been published in the *Utah State Bulletin*.
- **Codified** if the comment period and waiting period have passed, the agency has submitted a notice of effective date, and the division has inserted the changes into the administrative code.
- **Lapsed** if 120 days have passed after publication of the filings in the *Utah State Bulletin* and no notice of effective date or change in proposed rule has been filed by the agency.

Type This column indicates whether the filing is a **Public Notice** or some type of rulemaking.

Submitted This column indicates the date that the filing was received by the division.

Lock This column indicates whether the filing can be edited by the authoring agency. If the filing can still be edited, the record is in an unlocked state and this column displays **False**. If editing is no longer permitted then the record is in a locked state and the column displays **True**.

Actions This column is usually empty. A link appears *after* the close of comment and the passage of the seven-day waiting period for a proposed rule. In this case, a link made up of the words **Eff. Date** appears. This will be discussed more in Chapter 5, *Making rules effective*

Chapter 3. Filing rules and other documents

Filing proposed rules

In this chapter we'll discuss how to file a proposed rule. First, we'll talk about what a proposed rule is. Then, we'll work our way through the form, explaining how the application deals with various fields, the type of data expected, and which fields are required or optional.

What is a proposed rule?

Proposed rules are the bulk of what agencies file with the Division. A proposed rule is what an agency proposes (intends or designs) to do: create a new rule, remove an old rule, amend an existing rule, or repeal and reenact an existing rule. Each of these actions is a subtype of the proposed rule type. We'll discuss each of them below.

Amendment	An amendment changes a rule that already exists in theadministrative code and does so in a substantive way.
New rule	A new rule adds a rule to the administrative code that has never existed before.
Repealed rule	A repealed rule removes an existing rule from the administrative code.
Repeal and reenact	A repeal and reenactment of a rule amends an existing rule in the administrative code but to such an extent that the rule is completely rewritten. Therefore, the existing rule is repealed in its entirety and the rewritten rule replaces it.

The rule analysis form

The form is divided into a number of different *boxes* which in turn contain one or more *fields* to be completed. Each box is labeled in its upper-left-hand corner. We'll refer to each box and field by the labels you see on the form.

There is a toggle link at the upper-right-hand corner of each box that allows the contents of that box to be hidden. For example, if you wish to hide the contents of the **Agency Information** box you would click on the **Toggle Agency Info** link. Because the form is very long, being able to hide the contents of part of the form makes it easier to concentrate on a particular section. To display the contents of a hidden box, simply click on the appropriate toggle link again.

Rule information

The purpose of this box is to designate the rule or section that is the object of the proposed rulemaking action. You'll notice that there are two sets of six fields, grouped by twos.

Utah Admin. Code ref. (R no.) fields

The first set of fields, identified by the label **Utah Admin. Code ref. (R no.):**, will contain the information regarding the *current* citation in the administrative code of the rule or section.

The first field already displays the letter **R** and cannot be changed. The second field, immediately to the right of the **R** is reserved for the title number under which the rule or section is found. This field cannot be directly edited. Instead it is populated by the selection made in the **Agency** field dropdown list found in the **Agency Information** box. It is the title number of the agency for which you are doing the rulemaking. Once the agency is selected, you will see that the field after the **R** in the **Rule Information** box now contains the appropriate title number.

The first field of the second group of fields (after the first hyphen) is reserved for the rule number. You must enter data in this field. The data must be numeric and may contain up to three digits.

The second field of the second group of fields (after the first hyphen) is reserved for an alphabetic suffix to the rule number. This field is optional. Some agencies use letters in conjunction with numbers to identify their rules (for example, Rule R156-55b, the *Electrician's Licensing Rule*). The field will accommodate only one alphabetic character.

The first field of the third group of fields (after the second hyphen) is reserved for the section number. Use this field only if you are amending a single section of the rule, e.g., Section R156-55b-101. If you are amending two or more sections, leave this field blank. The field takes only numeric data, up to five digits.

The second field of the third group of fields (after the second hyphen) is reserved for an alphabetic suffix to the section number. This field is optional. Some agencies use letters as well as numbers to identify sections. This field will accommodate only one alphabetic character.

Changed to Admin. Code ref. (R no.) fields

This second set of fields, grouped by two, and labeled **Changed to Admin. Code ref. (R no.)**, should be used *only in the following circumstances*:

- you are moving a rule from one title to another; or

- you are moving a single section from one rule to another (either in the same title or a different title).

The fields are analogous to their counterparts in the **Utah Admin. Code ref. (R no.)** fields just above them, with two differences. All of the fields may be directly edited and you must provide a letter (usually an **R**) in the first field as well as provide a title number after the letter.

Agency Information

Use the first field, **Agency**, to select the agency for which you are filing. Click on the down arrow at the left of the drop-down list. If you are assigned to more than one agency, a list of possibilities will appear. Click on the name of the agency for which you wish to file. If you are assigned to only one agency, only that agency's name will appear. You must click on the agency name.

Upon selecting the agency by clicking on the name, you will see that the field after the **R** in the **Utah Admin. Code ref. (R no.)** set of fields is populated with the correct title number. You will also note that the address information for the agency completes automatically. In the event that the address information is not correct, please contact the Division to provide the correct information.

The only other field in the **Agency Information** box that requires your input is the **Contact person(s)** field. Each rule filing must have at least one contact person. To add a contact, click the down arrow for the drop down list. Select a name from the list by clicking on it, the click the **Add Contact** button. You will see the contact's name and information displayed in a table row below the **Add Contact** button. If additional names need to be added to this list, please contact the Division with the information.

Note

The display of this field differs between Internet Explorer and Mozilla Firefox. Internet Explorer will display what appears to be a default name, while the field will appear to be blank in Mozilla Firefox. In either case, you must consciously select a name from the list and click **Add Contact**.

You may add as many contacts as you wish. In the event that you select an incorrect name from the list, simply click the **Remove** button to the far right.

Rule title

The **Rule Title** box has one field: **Title of rule or section (catchline)**. This field is a required field. Enter either the catchline (title) of the rule (if the filing affects the whole rule or multiple sections) or the catchline of the section (if the filing affects only a single section) that is the subject of the filing.

For example, if you were filing an amendment that affects all of the sections of Rule R15-1 [http://www.rules.utah.gov/publicat/code/r015/r015-001.htm] (thus, the filings affects the entire rule) you would enter “Administrative Rule Hearings” (without the quotation marks). If you were filing an amendment that affected *only* Section R15-1-4, you would enter, also without the quotation marks, “When Agencies Hold Hearings”.

Notice type

The **Notice Type** box asks you to identify what type of proposed rulemaking filing this is. Click on the down arrow to display a drop-down list and select from one of the four possibilities:

Amendment	A substantive change to an already existing rule (this is the default).
New Rule	A rule that does not currently exist in the administrative code.
Repeal	The removal of an existing rule.
Repeal and reenact	A massive substantive change to an already existing rule.

Rule Purpose

Enter text that describes why you are making the change or what the purpose of the rule is.

Important

This field may *not* be left blank.

Response information

Select one of the two radio buttons to indicate whether this action is in response to the Administrative Rules Review Committee.

Rule summary

Provide a brief but descriptive summary of the rule or change.

Important

This field may *not* be left blank.

Aggregate cost

There are four text-entry fields in this box (i.e., **State budget**, **Local government**, **Small businesses**, and **Persons other than small businesses, businesses, or local government entities**). Each of the fields is preceded by two radio buttons. *If* there is a cost or savings associated with this rule filing, *then* check the **Yes** radio button; otherwise leave the default **No**. A discussion of what constitutes an acceptable answer can be found in the *Rulewriting Manual for Utah*.

Each of the text-entry fields *must contain data*. If you try to submit the form without data in one of these four fields, the application will prompt you to enter a response.

Compliance cost information

Enter text that describes any costs for affected persons associated with complying with the proposed rule.

Important

This field may *not* be left blank.

Department head comments

There are two fields in this box. The first, labeled **A)**, is a text-entry field for the comments from the department head. The second field, labeled **B)**, is for the name *and* title of the department head. So you would enter, without quotation marks, something like: "Kimberly Hood, Executive Director".

Citation information

This box initially contains one field. Enter the citation of the statute that authorizes this rule.

Note the **Add Additional Citation** button beneath the field. In the event that your rule is authorized by more than one section of statute, click the **Add Additional Citation** button to display another empty field. You may add as many additional fields as you think are necessary. Put a *single* citation in each field.

Note that when you add a citation field, another button appears. This button is labeled **Remove Citation**. In the event that you discover an incorrect reference as you review your list of references, you may use this button to remove it.

Incorporated materials

Complete this box *only* if you are adding or changing an incorporation reference in the rule text. Otherwise, *please leave it blank*!

If you are adding or changing an incorporated reference, then do the following:

1. Enter the title of the incorporated reference in the **Official Title of Materials Incorporated (from title page)** field. This field *must* be completed. For example, the State Fire Marshal might incorporate a publication from the National Fire Protection Association: NFPA 10. Then the title entered in this field would be:

   ```
   NFPA 10: Standard for Portable Fire Extinguishers
   ```

2. Enter the name of the publisher of the incorporated reference in the **Publisher** field. This field *must* be completed. For example, the publisher for NFPA 10 would be entered like this:

National Fire Protection Agency

3. Enter the issue date of the incorporated reference in the **Date Issued** field.

Important

This field requires the date be entered in mm/dd/yyyy format, where “mm” is the month (in digits), “dd” is the day (in digits), and “yyyy” is the year (using all four digits). If you do not have an issue date of this form, or the date you do have cannot be easily translated to the mm/dd/yyyy format, then use the next field instead.

4. Enter the issue number, version number, edition number, etc. in the **Issue, or version** field. This field may also be used for an issue date (see above). Either the **Date Issued** *or* the **Issue, or version** field must have data. You may, in fact, enter data in both if necessary.

5. Enter the ISBN or ISSN in the **ISBN Number** or **ISSN Number** fields. These fields are optional.

6. Enter the cost, or purchase price, of the incorporated reference. This field is optional.

Note

Please enter the purchase price without using a "$" at the beginning, and without entering the cents if the price is a whole dollar amount. So, for example:

165, or 90.75, *but not* $165 or 90.00.

7. Indicate whether this rule filing adds, updates, or removes an incorporated reference by selecting the appropriate response from the drop-down list in the **Adds, updates, removes** field.

Comments

There are actually *two* parts to this box. In the first, you are expected to enter a date until which comments on the proposed rule will be accepted. In the second, you may enter a date, time, and place for a hearing on the rule.

The first field—labeled **A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy)**—*must have data*. You are *required* by the Rulemaking Act to accept comments on all proposed rules for a minimum of 30 days following publication of the rule.

The second set of fields—labeled **B) A public hearing (optional) will be held:** is optional (*unless* you are required by some other provision of state or federal law to hold a hearing).

If you elect to hold more than one rulemaking hearing, simply click on the **Add Additional Public Hearing** button to cause the display of another set of fields. You may add as many public hearings as you wish.

Proposed effective date

This is also a required field. The Rulemaking Act requires that you inform the reader of *when* the rule might go into effect. This date must be at least seven days later than the date you entered in the comment acceptance period field. If you try to enter a date that is less than that, or if you try to submit the form leaving the field blank, the application will return an error message.

Indexing information - keywords

Please enter one or more keywords that would serve well as entries in a topical index for finding your rule. Keywords should be entered in lowercase unless it is an acronym or a proper noun. Remember that a *keyword* can be more than one word. The following are all legitimate keywords:

- Medicaid
- administrative proceedings
- Judicial Conduct Commission

The words you enter here should match the keywords that already appear at the bottom of your rule. Should you need to add more than one word, simply click on the **Add Additional Keyword** button. There must always be at least *one* keyword but never more than four.

File information

You must attach a word-processing file which contains the marked-up version of your rule text. It does not matter what word processing software you use to create it; simply remember to save the document in Rich Text Format (RTF) for filing.

Important

This is a required field. You must attach an RTF document or the system will not allow you to file.

In order to attach a file, click on the **Browse** button. A dialog box will open that allows you to browse to the location of the file you wish to upload. Click on the filename to select the file, then click on the **Open** button. You will see the path to your file appear in the field next to the **Browse** button.

Tip

Remember that Microsoft Windows hides the extension (the three (or more) characters after the last period in a filename) of known file types. Check carefully to make sure that you have selected the RTF version of your document rather than the word-processor version. If you upload the word-processor version by mistake, the application will return an error.

Agency Authorization

The last box of the form is the **Agency Authorization** box. This box contains two fields: one is a drop-down list; the second is a data entry field.

Click on the down-arrow in the first box, then scroll through the list to find the name of the person authorizing this proposed rule. If the name you need does not appear, please contact the Division.

After the name is selected, please enter the date upon which the filing was authorized. This must, obviously, be on or before the date on which you file the proposed rule. If you try to enter a date that is *later* than the filing date, the application will return an error. Enter the date using the mm/dd/yyyy format.

Important

Even when saving as draft, *both* the **Agency Authorization** field and the **Date** field must have content.

Form action buttons

There are four buttons at the bottom of the rule form. They perform the following functions:

Submit to DAR
: Use this button when all work on the form and text is completed. This will submit your filing to the Division for further processing and publication in the *Utah State Bulletin*.

Save as Draft
: Use this button to *regularly and frequently* save your work. This will save a copy of your work on the eRules server.

Cancel
: Use this button carefully. If you have not yet saved your filing as a draft, clicking on **Cancel** will delete all your work and return you to the **Rule Filing** page.

: If you have already saved a draft of your filing, clicking on **Cancel** will delete any changes you have made to the form since the last time you saved it as draft.

Important

If you click on **Cancel**, your work is *gone*. It cannot be recovered. So, use the button with extreme caution.

Printable
: Use this button to create a printable version of your form with all the data you have entered (without scrollbars). You can then send this version of the form to a printer for a paper copy.

Once the form is completed and the prepared rule text is attached, click on **Submit to DAR** to send the filing to the Division. Within just a few minutes you should receive an email message confirming the Division's receipt of the filing.

Filing changes in proposed rules, emergency rules, and expedited rules

There are three other types of rule filings that are *very* similar to proposed rules in terms of the structure of their associated forms. These types of rule filings are:

Changes in proposed rules (CPRs)
: A change in proposed rule is filed when you wish to make further changes to a published proposed rule that is not yet effective.

Emergency rule
: An emergency rule is filed by an agency when the time lines associated with regular rulemaking would:

- cause an imminent threat to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

By definition, an emergency rule is temporary; it is in effect for only 120 days.

Expedited rule
: The expedited rule is reserved for the School and Institutional Trust Lands Administration (SITLA). It may only be filed under certain circumstances.

Filing changes in proposed rules (CPRs)

The form for a CPR is *exactly* the same as the proposed rule form with one exception: how the **Notice Type** box works. The difference is two-fold. Where the **Notice Type** box on the proposed rule form allows you to select the proposed rule type, on the CPR form the type of filing—change in proposed rule—is already selected.

The other difference is the **Changes DAR No.:** field. When the original proposed rule was filed, a five-digit file or docket number was automatically assigned to it. The CPR is identified by that same file number but the user must enter it in this field. If you cannot remember it, please call the Division for assistance.

Important

This is a *required* field. The application will not allow you to submit a filing without entering data in this field.

Warning

Ensure that you enter the correct filing number. The application will assign the CPR file number based upon the number you enter here. Entering an incorrect number will associate your CPR with the wrong proposed rule.

Filing emergency rules

The form for an emergency rule is *exactly* the same as the proposed rule form, except in the following respects.

Where on the proposed rule form the **Rule Information** box contains two sets of fields, one for the current code reference and one for a “changed to” code reference, the emergency rule form contains only fields for the current code reference of the rule affected by the filing.

Also, there is no **Notice Type** box. Instead, there is an **Effective Date** box in which to enter the date the emergency rule becomes effective. Enter the date in mm/dd/yyyy format.

Important

This is a required field.

There is a **Regular rulemaking would:** box that must be completed. Select one or more of the checkboxes (but always at least one) which correspond to the reason for which you have elected to file an emergency rule. Then, in the field labeled **Specific reason and justification**, provide further information regarding why the emergency rule is being filed.

Important

At least one checkbox must be checked *and* there must be data in the **Specific reason and justification** field.

Filing expedited rules

The form for an expedited rule is *exactly* the same as the proposed rule form, except in the following respects.

Where on the proposed rule form the **Rule Information** box contains two sets of fields, one for the current code reference and one for a “changed to” code reference, the expedited rule form contains only fields for the current code reference of the rule affected by the filing.

There is no **Notice Type** box. Instead, there is an **Effective Date** box in which to enter the date the expedited rule becomes effective. Enter the date in mm/dd/yyyy format.

Important

The **Effective Date** field is a required field.

Filing nonsubstantive changes

The nonsubstantive change form and the proposed rule form differ significantly. The difference lies mostly in what is missing from the nonsubstantive change form.

When filing nonsubstantive changes—which, by definition do not affect the rule in a material, substantive way—it is assumed that the changes will not have any costs or savings associated with them. As a result there are *no cost-related (or savings-related) questions anywhere on the form*. The remaining fields are all required, with the exception of the fields in the **Incorporated Materials** box. The rules governing these fields are the same as described in the section called “Incorporated materials”.

Using eRules: filing five-year reviews and associated filings

Five-year reviews and their associated statements of continuation are to be filed once every five years, on or before the five-year anniversary of the enactment or last five-year review of a rule. *They are not the same as a proposed rule and filing a proposed rule does not satisfy the five-year review requirement or eliminate the need to file the review*.

Warning

If you do not file a five-year review, or a five-year review extension, the Division is required to remove the rule from the administrative code.

In this section, we'll discuss how to file five-year reviews and statements of continuation, and how to file—if necessary—five-year review extensions.

Filing five-year reviews and statements of continuation

There are some similarities between the five-year review form and the proposed rule form discussed in the section called “Filing proposed rules”. There is a **Rule Information** box with only one set of fields; no code reference changes allowed with a five-year review. There are also **Agency Information** and **Rule Title** boxes. After this point, the form changes significantly from the proposed rule form.

The next three fields provide for questions that are specific to the five-year review process. *All of these fields are required*. The questions are straightforward but please don't hesitate to call the Division for assistance if you have any questions.

The **Rule Provisions** box asks for references to the law that authorizes your rule *and* an explanation of how that law authorizes the rule. Be sure to provide the required explanation.

The **Comment Summary** box asks for a summary of the comments your agency has received on this rule over the course of the past five years.

The **Justification Information** box asks for a reason and explanation for why the rule should continue in effect in the administrative code.

The remaining boxes—**Indexing Information**, **File Information**, and **Agency Authorization—**are exactly as described in the section called “The rule analysis form”.

Important

Remember, all these fields are required.

Filing five-year review extensions

It's possible that an agency may not be able to perform a five-year review prior to the five-year-review deadline for a particular rule. The Utah Administrative Rulemaking Act[1] provides that an agency may receive *one* extension for that review.

In order to receive the extension, the agency must file a “Notice of Five-Year Review Extension” in eRules. The form is essentially identical to the five-year review form described in the section called “Filing five-year reviews and statements of continuation” *except* there are no **Rule Provisions**, **Comment Summary**, or **Justification Information** boxes. These are replaced with an **Extension Reason** box. Enter the reason for which you are seeking an extension.

Important

All fields on the five-year review extension form are required.

Filing public notices and executive documents

The bulk of what is published in the *Utah State Bulletin* is proposed rules and other rule filings. Agency public notices and executive documents are also published. The process to file either is identical. We'll discuss filing public notices below. Remember, only members of the Governor's office or the Division may file executive documents.

Click on **Public Notice** to open the **Agency Public Notice** form. The form is very simple, with only four areas that require input from the user.

[1] http://www.rules.utah.gov/law/uara.htm

Agency Information box

The **Agency Information** box contains two fields that require data. The first is the **Agency** field. Click the down-arrow and select the appropriate agency from the list.

The second is the **Contact person(s)** field. Click the down-arrow and select the name of the person who will serve as contact for this public notice. Remember, this person, if contacted by the public, should be able to answer questions about the notice.

Title box

Enter a descriptive title for the public notice in the title box. For example, the meeting schedule for the Alcoholic Beverage Control Commission might be published as a public notice in the *Utah State Bulletin*. If so, the title would look something like this:

2009 Alcoholic Beverage Control Commission Meeting Schedule

Summary box

Provide a summary of the public notice. For example, the summary for the Alcoholic Beverage Control Commission notice of its meeting schedule, the summary might read:

Public notice is hereby given of the proposed 2009 calendar year meeting schedule for the Utah Alcoholic Beverage Control Commission.The Commission meets monthly at the department's administrative office located at 1625 South 900 West in Salt Lake City, Utah. Meetings are normally held the fourth Wednesday of each month at 9:00 a.m. with the meetings in November and December held the third Wednesday at 9:00 a.m. to accommodate for the holiday season. Meeting dates and times are subject to change. ABC Commission meetings are open to the public.

File Information box

This should look familiar from earlier forms. Click on the **Browse** button to look for the document you wish to upload. Highlight the document, and press **Open**. Remember, just like with the proposed rule forms the document isn't saved to the server until the user clicks on **Save as Draft** or **Submit to DAR**.

Once completed with the form and having attached the final version of the notice, click on **Submit to DAR** to submit the notice for publication.

Chapter 4. Sharing information

One of the chief advantages of electronic data is the ease with which it can be shared. In principle, you should be able to make as many copies of electronic data as you wish without significant time and without any materials (e.g., paper, toner, etc.) as you otherwise might if you had to make photocopies of your eRules filings. In this chapter, we'll discuss some ways in which you can use eRules to easily share information with your colleagues in the state, as well as with the public.

Sharing in eRules

Sharing within eRules is easy but depends on one very important detail. *All those with whom you wish to share your work must have an eRules account*. There are no “guest” accounts in the application. Everyone with whom you share must be an authorized user.

The easiest way to share information with your colleagues is simply to have them log into eRules so that they can select the appropriate filing from the list on the first page. As there may be a number of rules displayed (whether the **Show Drafts Only** checkbox is checked or not) it is very important to make sure that the **Filing Title** field is populated. Then, your colleague simply has to click on the link in the **DAR No** column to see the form you have prepared. Your colleague can also view the rule text you have prepared by scrolling to the **File Information** box on the form and clicking on **View Rule Document**.

Another alternative, and perhaps superior if there are a number of filings, drafts or otherwise, that share the same **FilingTitle**, is to send an email message to your colleague containing a link to the specific filing in eRules. The link will have the following form:

```
http://erules.rules.utah.gov/erules/secure/ruleFilingEdit.action?ruleId=999999
```

The very last part of the link, the six-digit number, is the key to ensuring that a specific rule filing can be seen. Each rule filing is assigned a unique index number by eRules, different from the DAR number, which identifies the filing unambiguously in the system. Using this approach, you can ensure that the correct rule filing is viewed. In fact, your colleague won't even have to use the **Show Drafts Only** filter if the filing is still in a draft stage.

Sharing outside eRules

Sharing with individuals who are not authorized eRules users is slightly more involved. There are two possibilities that present themselves: printing, and perhaps copying, the form and associated text and sending the paper copies; or creating a PDF. In either case, the process *within* eRules is the same.

Recall from the discussion in the section called “Form action buttons” that one of the buttons at the bottom of a rule form is the **Printable** button. Clicking on this button creates a new view of the form where *all* of the form's contents are displayed. At the same time, a **Print** dialog box is displayed, allowing you to select a printer.

At this point, simply select whichever printer you wish in order to create a paper copy of the form. To create a PDF copy of the form, you need to have the appropriate software installed which will have created a virtual printer which in turn would allow you to create and save a PDF copy of the form.[1]

[1]Adobe, of course, markets this type of software: Adobe Acrobat, available in a number of different version. See http://www.adobe.com/ for more information. There are other packages as well that allow you to create PDF documents. One that is free is called PDFCreator, available at http://www.pdfforge.org/.

Chapter 5. Making rules effective

In order for a proposed rule filing (amendment, new, repeal, or repeal and reenact) or a change in proposed rule filing to become effective, an agency *must* file a notice of effective date. This section describes this process.

Warning

Proposed rules and changes in proposed rules *do not* automatically become effective. A notice of effective date must always be filed.

If a notice of effective date is not filed by the 120th day after publication of the proposed rule or the change in proposed rule, then the proposed rule or change in proposed rule *lapses*. This means that the filing for the proposed rule or change in proposed rule lapses; it's as if it never occurred.

To make a filing effective, log into eRules. You will see the **Rule Filing List** (for a detailed description, see the section called “Rule listing area”. Toward the bottom of the page is the listing of the various filings you have made for your agency. Notice the column headings across the top of the table: **DAR No**, **Filing Title**, **Status**, **Type**, **Submitted**, **Lock**, and **Actions**.

Look for the filing you wish to make effective. It's possible that the filing you wish to make effective is not immediately visible in the **Rule Filing List**. If it is not, use the filtering options at the top of the page. Usually it's easiest to change the **Date Range** to begin earlier (remember that eRules defaults to displaying filings made within the last 120 days).

Tip

Always click the **Filter** button whenever you choose a different filtering scheme. If you don't, the screen won't refresh.

Once you can see the filing in the table, scan across the row to the column labeled **Actions**. If the filing can be made effective, the words **Eff. Date** will appear. These words are a link. Click on them to open the notice of effective date form.

Once in the notice of effective date form, you will see that all pertinent fields are already populated with data, except for one. The field in box 3, the **Effective Date** field, is blank. Enter the date upon which you wish to make the rule effective, then click on **Submit Effective Date**.

Tip

Remember, the effective date can be *no earlier* than the date upon which you submit the notice.

Chapter 6. Frequently asked questions

6.1. Where is the draft filing that I just saved?

By default, filings saved as drafts do not display in the Rule Filing List. Only filings that have been submitted to the Division appear by default.

In order to see your drafts in the Rule Filing List, click in the **Show Drafts Only** checkbox. Ensure that all other filtering options are left at their default values. Then, click on the **Filter** button.

6.2. Why do I see the message “Invalid Utah-ID or Password”?

The “Invalid Utah-ID or Password” message is displayed when you have entered an incorrect Utah-ID or an incorrect password. For a state employee, the Utah-ID should be exactly the same as your utah.gov email address. Interestingly, however, some state employees have had better luck using their employee numbers. The password, again for state employees, should be the same as the LAN (Novell Netware) password.

If you see the “Invalid Utah-ID or Password” message, do the following:

1. Check to make sure that you entered the correct email address in the **Email or Utah-ID** field. Try submitting again.

2. If the address is correct, but you still cannot sign in, try replacing the email address with your employee number. Try submitting again.

3. If you are still unsuccessful, make sure that you are using the correct password. This should be your LAN password (your Novell Netware password).

4. If you are certain that your Utah-ID and your password are correct and you are *still* unsuccessful, call the Division. Ask that someone check to make sure you have been added as an authorized user of eRules.