

Modernizing the Filing and Publishing of Administrative Rules

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RULES

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Background

Other states, like Oklahoma, are following a similar path to Utah and transitioning to a web-based filing and publishing system, which no longer requires paper Registers/Bulletins. Would you be interested in sharing your experience on the shift from a printed bulletin to a new, modernized process? This might include the responses to your questions, what you've learned on your journey, and your decision on how-to move forward. I know this would be very educational to myself and others. (Chris Coffman email, May 6, 2021)

Why do we do what we do?

Serve the *people*

- *Declaration of Independence*

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, *Governments are instituted among Men*, deriving their just powers from the consent of the governed...

- *Constitution of the United States*

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

- *Constitution of the State of Utah*

Grateful to Almighty God for life and liberty, *we, the people of Utah*, in order to secure and perpetuate the principles of free government, do ordain and establish this
CONSTITUTION

Notes

My thoughts informed by the Utah situation

Government serves the people; fundamental characteristic of US political thought.

Sometimes serving includes regulating behavior (*justly... just powers*)

Regulation of behavior *cannot* be just *if the people don't know about it* (arbitrary and capricious)

And so, rulemaking

- A defined process

- A requirement to publish proposed and final rulemaking

- A possibility to be heard

- Operating as delegation from the legislature (that's Utah-specific, matter of

settled law, may be similar in other jurisdictions)

Why modernize what we do?

To *better* serve the people

Notes

Approach each change in the context of “How does this better serve the people”?

“But Mike, politics? Reality?”

Mining commission story; Alan Hennebold, deputy commissioner

Why did Utah want to modernize?

- Accessibility
- Manageability

Notes

Also because all the cool kids were doing it (looking at you Texas)

Also because Bill, Ken, Randy, and later me were all kind of nerds

Accessibility

- Publication production
- Publication availability

Manageability

- History
- Processing

Notes

Accessibility

Production: creation of the two main publications: Utah State Bulletin and Utah Administrative Code

Availability: who could see it and how

Manageability

History: of the rule, from beginning to end

Processing: details of each submission; workflow

When did Utah start?

Late 1980s



A Wang word processor



An IBM Selectric

Notes

Wang word processing

Shared libraries

Administrative code in a text database encoded in EBCDIC

3-part NCR forms (whiteout and correction tape... ah the memories)

Early 1990s



Borland Paradox

Notes

RuleEdit program, coded in Borland's Paradox and distributed with a Paradox runtime (memories visiting agencies, installing program on their computers, receiving filings on diskettes and importing them)

Administrative code maintained in WordPerfect 5.1

Late 1990s



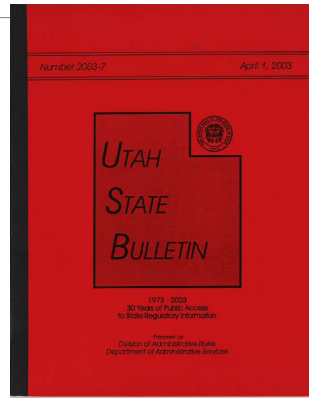
Notes

Novell GroupWise and email submission

WordPerfect forms, WordPerfect mail-merge

But also the internet (ah, the glory of our first website coded lovingly by hand in Microsoft FrontPage)

2001 eRules version 1



Last issue of the *Utah State Bulletin* printed under contract

Notes

First web-based filing application: BizTalk middleware providing the business logic, MS SqlServer the database backend

Coded by MS Consulting

MS Word as the publication engine running headless on the server

Sometimes things happen

- Budget cuts

- Couldn't afford to create print publications

- PDF version became official version (had been creating since 1998)

2009 eRules version 2



A rabbit

Notes

Wanted some variety; here's a rabbit

Developed in-house

Again, just a filing application (from RuleEdit to eRules 2: just a filing application)

Well, not quite just:

- Web application, some JavaScript validation of form content

- Business logic in Java middleware

- Ran on an Apache web server, with MySQL (later MariaDB)

- Publication generation by OpenOffice running headless on server

2019 eRules version 3

ID	Expiration Date	Agency	Title	Rule	Rule Reference	Rule Filing Name	Last Modified	Comment Start	Comment End	Filing Type	Status	Status
9322	9/30/2021	Attorney General	Administrative	Administrative	R105-2	Records Access and Management	10/7/2018	6/7/2018	Not Yet Determined	Due for 5 Year Review	45 to Expiration	
93216	9/30/2021	Capital Preservation Board (State)	Administrative	Administrative	R131-10	Commercial Solicitors	10/7/2018	12/13/2008	Not Yet Determined	Due for 5 Year Review	27 to Expiration	
93219	9/30/2021	Capital Preservation Board (State)	Administrative	Administrative	R131-11	Preservation of Free Speech Activities	10/7/2018	12/13/2008	Not Yet Determined	Due for 5 Year Review	27 to Expiration	
9323	12/1/2021	Commerce	Consumer Protection	Consumer Protection	R152-8	Administrative Proceedings Act Rule	10/7/2018	1/9/2017	Not Yet Determined	Due for 5 Year Review	108 to Expiration	
9324	12/1/2021	Commerce	Consumer Protection	Consumer Protection	R152-15	Business Opportunity	10/7/2018	7/8/2016	Not Yet Determined	Due for 5 Year Review		

eRules 3 staff landing page

Notes

A rules management system, finally!

Filing

History (rule and filing)

administrative code

all in one package

Web-based application

Don't know as much about the nuts and bolts

Gandalf wizardry on JavaScript web pages

Dumbledore wizardry with some middleware written in C#, I think

Database backend in MS SQL Server

Hosted on Amazon Web Services

What has Utah learned?

- “The web is the way” (with apologies to *The Mandalorian*)
- Be certain in *what* you want and *why* you want it
- Don’t assume
- Communication is crucial
- So many ways to skin a cat
- Documentation is important
 - Process (our end)
 - Code (developers’ end)

Notes

The web, and related technologies, opens *so many* possibilities

Accessibility

At most, we had approximately 200 subscribers to the Bulletin

Website is visited thousands of times a month

Manageability

Less paper

Less (in principle) manual intervention

Workflow control; *BUT* loss of flexibility

What do you want the system to do?

Beware the words “Wouldn’t it be cool if...?”

Always be able to answer the *why* question about the *what*

Remember the fundamental why: serve the people

Don’t assume

What your staff knows (brand new hires when began on eRules 3)

That the developer can read your mind (if they could, they wouldn’t be developers)

That change will be embraced with open arms by all your adoring fans

Your fans will only like change if:

it serves them better, *AND*

it doesn’t make their lives harder, e.g., drop down lists great for browsing, but direct linking is so important

Communication

With the developer

With your customers

So many ways to skin a cat

Web front end displaying full text of rule

Web front end displaying chapter by chapter

Database backends

Git repository on Github with text in XML

Where will Utah go from here?



Telepathic transfer of rule information

Notes

We had *thought* about this, but Kirk looks uncomfortable and this may not be the best approach

With current eRules

- Making sure the system is *data* complete

- Two important enhancements

 - Direct linking to rules (I feel like I need to say how important this is *again*)

 - Notification subscription service