



office of
**Administrative
Rules**

The Prefiling Process

Utah Office of Administrative Rules, 2023

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Path to Prefiling

EO 2021-12

This reformed requirements for our office as well as rulemaking agencies.



Formal process established

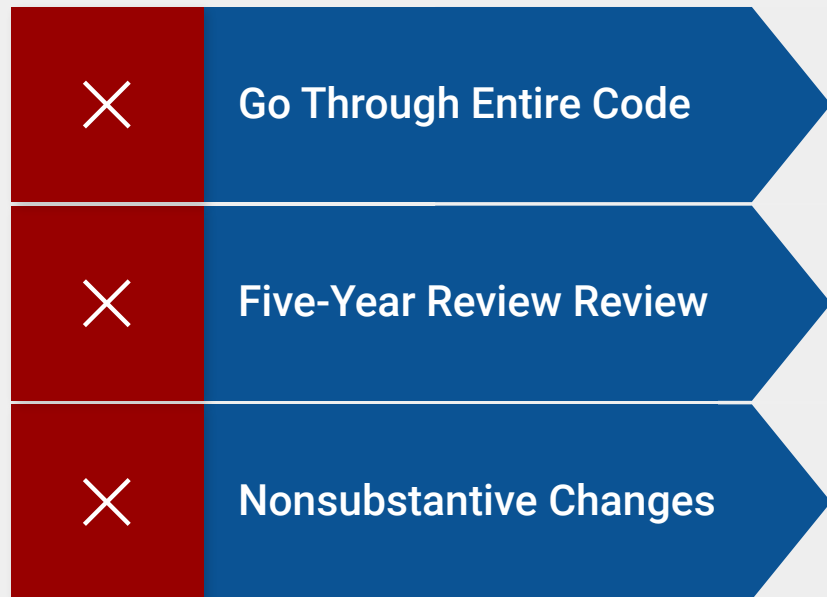
Our office had already made changes to comply with EO 2021-12 for traditional filings.



Anticipation of agency frustrations

Knowing that our office would need to do more to ensure the quality of incoming filings, we explored possibilities.

Idea Graveyard



- Too much time
- Agency may not use it

- Agency staff turnover
- Agencies may perceive this as extra work

- Have to submit or unable to get feedback
- Unpredictability in scope



Final Idea



Newfangled Electronic Mail

- Already in use by our office and agencies
- Outside of the *formal* filing process
- Flexible in approach



Pros and Cons

<i>On this side, some good vibes</i>		<i>On this side, some less-good vibes</i>	
Pre-existing process	✓	✗	Time investment
Work directly with rulewriters	✓	✗	Marketing and incentivizing new process
Same materials and software for agencies	✓	✗	Office-specific software costs

Only change for agencies would be a dedicated email address to send drafts and questions

PREFILING

VS

PRE-FILING



Data | Short-term Results

Looking at prefilings' introductory quarter:

113

prefilings were submitted during the program's introductory quarter

Prefilings are tracked as they come in to provide insight on the usefulness of the program.

~5×

more likely to be rejected during the formal process when not prefiled

Of approximately 175 tracked rejections during this period, 38 of these were prefiled. Note that this data comes from rejected filings exclusively.

2×

more maximum rejections for a single filing when not prefiled

Prefiled filings had a maximum of 3 rejections whereas those not prefiled had a maximum of 6. Note that this data comes from rejected filings exclusively.



agencies provided positive feedback on the process, directly mentioning that they appreciated it

Through video call prefilings and email responses, we received quite a bit of positive feedback.



Data | Long-term Numbers



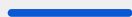
144

144 total prefilings in a four-and-a-half month period.



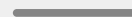
369

A strong continuation year showing that prefilling was seen as a useful and worthwhile tool by rulewriting agencies.



~400

Based on previous years' patterns*, 2023 is estimated to end with a number slightly higher than 2022.



1,000,000?

Could we actually prefile more rules than are in the Utah Administrative Code? Definitely.



What's Next?

Increase prefilng numbers

- Continue advertising
- Reduce barriers
- Share successes



Open office checks to agencies

- Share macros
- Share PerfectIt script
- Conduct trainings including these



Explore useful tools

- Comment macro fairly new
- Identify weak spots



Solicit and collect feedback

- Program out of infancy
- Good understanding on office-side





Questions

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