

Part 1 General Provisions

63A-1-101 Short title.

This title is known as the "Utah Administrative Services Code."

Renumbered and Amended by Chapter 212, 1993 General Session

63A-1-102 Purposes.

The department shall:

- (1) provide specialized agency support services commonly needed;
- (2) provide effective, coordinated management of state administrative services;
- (3) serve the public interest by providing services in a cost-effective and efficient manner, eliminating unnecessary duplication;
- (4) enable administrators to respond effectively to technological improvements;
- (5) emphasize the service role of state administrative service agencies in meeting the service needs of user agencies;
- (6) use flexibility in meeting the service needs of state agencies; and
- (7) protect the public interest by insuring the integrity of the fiscal accounting procedures and policies that govern the operation of agencies and institutions to assure that funds are expended properly and lawfully.

Renumbered and Amended by Chapter 212, 1993 General Session

63A-1-103 Definitions.

As used in this title:

- (1) "Agency" means a board, commission, institution, department, division, officer, council, office, committee, bureau, or other administrative unit of the state, including the agency head, agency employees, or other persons acting on behalf of or under the authority of the agency head, the Legislature, the courts, or the governor, but does not mean a political subdivision of the state, or any administrative unit of a political subdivision of the state.
- (2) "Department" means the Department of Administrative Services.
- (3) "Executive director" means the executive director of the Department of Administrative Services.

Amended by Chapter 298, 2016 General Session

63A-1-104 Creation of department.

There is created within state government the Department of Administrative Services, to be administered by an executive director.

Renumbered and Amended by Chapter 212, 1993 General Session

63A-1-105 Appointment of executive director -- Compensation.

- (1) The governor shall:
 - (a) appoint the executive director with the consent of the Senate; and
 - (b) establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall serve at the pleasure of the governor.

Amended by Chapter 176, 2002 General Session

63A-1-105.5 Rulemaking authority of executive director.

The executive director shall, upon the recommendation of the appropriate division directors, make rules consistent with state and federal law, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing:

- (1) administrative services; and
- (2) the provision and use of administrative services furnished to state agencies and institutions.

Amended by Chapter 382, 2008 General Session

63A-1-106 Federal assistance -- Acceptance -- Approval of applications -- Expenditures necessary for eligibility.

- (1) The executive director with the approval of the governor may accept on behalf of the state, and bind the state by that acceptance, any fund or service, advanced, offered, or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department.
- (2) All applications for federal grants or other federal assistance in support of any program of the department are subject to the approval of the executive director.
- (3) If any executive or legislative provisions of the federal government require the expenditure of state funds as a condition to participation by the state in any fund, property, or service, the executive director, with the governor's approval, shall expend whatever funds are necessary out of the money provided by the Legislature for use and disbursement by the department.

Renumbered and Amended by Chapter 212, 1993 General Session

63A-1-107 Administrative support to building board and building ownership authority.

The executive director shall provide administrative support and staff services to the State Building Board and the State Building Ownership Authority.

Renumbered and Amended by Chapter 212, 1993 General Session

63A-1-108 Powers and duties of other agencies assigned to executive director.

Powers and duties assigned by other provisions of this title to the Division of Finance, the State Building Board, or other agencies or divisions of the department, and not specifically assigned by this chapter, shall be assigned to the executive director with the approval of the governor.

Amended by Chapter 169, 2005 General Session

63A-1-109 Divisions of department -- Administration.

- (1) The department shall be composed of:
 - (a) the following divisions:
 - (i) archives and records;
 - (ii) facilities construction and management;
 - (iii) finance;
 - (iv) fleet operations;

- (v) state purchasing and general services; and
 - (vi) risk management; and
 - (b) the Office of Administrative Rules.
- (2) Each division described in Subsection (1)(a) shall be administered and managed by a division director.

Amended by Chapter 193, 2016 General Session

63A-1-109.5 Department authority to operate a division or office as an internal service fund agency.

Subject to Section 63A-1-114 and provisions governing internal service funds or internal service fund agencies under Title 63J, Chapter 1, Budgetary Procedures Act, the department may operate a division or office described in Section 63A-1-109 as an internal service fund agency.

Amended by Chapter 193, 2016 General Session

63A-1-111 Service plans established by each division -- Contents -- Distribution.

- (1) Each division and each office of the department shall formulate and establish service plans for each fiscal year.
- (2) The service plans shall describe:
- (a) the services to be rendered to state agencies;
 - (b) the methods of providing those services;
 - (c) the standards of performance; and
 - (d) the performance measures used to gauge compliance with those standards.
- (3) Before the beginning of each fiscal year, the service plans shall be distributed to each state agency that uses the services provided by that division.

Amended by Chapter 193, 2016 General Session

Amended by Chapter 298, 2016 General Session

63A-1-112 Certificates of participation -- Legislative approval required -- Definition -- Exception.

- (1)
- (a) Certificates of participation for either capital facilities or capital improvements may not be issued by the department, its subdivisions, or any other state agency after July 1, 1985, without prior legislative approval.
 - (b) Nothing in this section affects the rights and obligations surrounding certificates of participation that were issued prior to July 1, 1985.
- (2)
- (a) As used in this section, "certificate of participation" means an instrument that acts as evidence of the certificate holder's undivided interest in property being lease-purchased, the payment on which is subject to appropriation by the Legislature.
 - (b)
 - (i) As used in this Subsection (2)(b), "performance efficiency agreement" means the same as that term is defined in Section 63A-5-701.
 - (ii) "Certificate of participation" does not include a performance efficiency agreement.

Amended by Chapter 181, 2015 General Session

63A-1-113 Agency exempt from title.

The Utah Housing Corporation is exempt from this title.

Amended by Chapter 71, 2005 General Session

63A-1-114 Rate committee -- Membership -- Duties.

- (1)
- (a) There is created a rate committee, which shall consist of the executive directors of seven state agencies that use services and pay rates to one of the department internal service funds, or their designee, appointed by the governor for a two-year term.
 - (b)
 - (i) Of the seven state agencies represented on the rate committee under Subsection (1)(a), only one of the following may be represented on the committee, if at all, at any one time:
 - (A) the Governor's Office of Management and Budget;
 - (B) the Division of Finance; or
 - (C) the Department of Technology Services.
 - (ii) The department may not have a representative on the rate committee.
 - (c)
 - (i) The committee shall elect a chair from its members.
 - (ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the members' service on the committee.
 - (d) The Department of Administrative Services shall provide staff services to the committee.
- (2)
- (a) A division described in Section 63A-1-109 that manages an internal service fund shall submit to the committee a proposed rate and fee schedule for services rendered by the division to an executive branch entity or an entity that subscribes to services rendered by the division.
 - (b) The committee shall:
 - (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;
 - (ii) meet at least once each calendar year to:
 - (A) discuss the service performance of each internal service fund;
 - (B) review the proposed rate and fee schedules;
 - (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (2)(b)(ii)(B); and
 - (D) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;
 - (iii) recommend a proposed rate and fee schedule for each internal service fund to:
 - (A) the Governor's Office of Management and Budget; and
 - (B) each legislative appropriations subcommittee that, in accordance with Section 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and
 - (iv) review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature.
 - (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

Amended by Chapter 287, 2016 General Session

63A-1-116 Appointment of coordinator of resource stewardship -- Duties of the coordinator of resource stewardship.

- (1) The executive director of the department shall appoint a state coordinator of resource stewardship and establish the coordinator of resource stewardship's salary.
- (2) The coordinator of resource stewardship shall report to the executive director or the executive director's designee.
- (3) The coordinator of resource stewardship shall:
 - (a) work with agencies to implement best practices and stewardship measures to improve air quality; and
 - (b) make an annual report on best practices and stewardship efforts to improve air quality to the Natural Resources, Agriculture, and Environment Interim Committee.
- (4) Each agency will retain absolute discretion whether or not to incorporate any of the practices or measures suggested by the coordinator.

Amended by Chapter 187, 2016 General Session