

1 **INTERNAL SERVICE FUND RATE**

2 **COMMITTEE AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: John L. Valentine**

6 House Sponsor: Craig A. Frank

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies member provisions for the Rate Committees with the Department of
11 Administrative Services and the Department of Human Resource Management.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ specifies that the chair of the rate committee within the Department of
15 Administrative Services may not be from an agency that pays a rate set by the
16 committee;

17 ▶ specifies that the chair of the rate committee within the Department of Human
18 Resource Management may not be from an agency that pays a rate set by the
19 committee; and

20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **63A-1-114**, as last amended by Laws of Utah 2008, Chapter 382



28 **67-19-11**, as last amended by Laws of Utah 2008, Chapter 382



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **63A-1-114** is amended to read:

32 **63A-1-114. Rate Committee -- Membership -- Duties.**

33 (1) (a) There is created a Rate Committee which shall consist of:

34 (i) the director of the Governor's Office of Planning and Budget, or a designee;

35 (ii) the executive directors of three state agencies that use services and pay rates to one
36 of the department internal service funds, or their designee, appointed by the governor for a
37 two-year term;

38 (iii) the executive director of the Department of Administrative Services, or a designee;

39 (iv) the director of the Division of Finance, or a designee; and

40 (v) the chief information officer.

41 (b) (i) The committee shall elect a chair from its members, except that the chair may
42 not be from an agency that pays a rate set by the committee.

43 (ii) Members of the committee who are state government employees and who do not
44 receive salary, per diem, or expenses from their agency for their service on the committee shall
45 receive no compensation, benefits, per diem, or expenses for the members' service on the
46 committee.

47 (c) The Department of Administrative Services shall provide staff services to the
48 committee.

49 (2) (a) The internal service funds managed by the following divisions shall submit to
50 the committee a proposed rate and fee schedule for services rendered by the divisions to an
51 executive branch entity or an entity that subscribes to services rendered by the division, the:

52 (i) Division of Facilities Construction and Management;

53 (ii) Division of Fleet Operations;

54 (iii) Division of Purchasing and General Services; and

55 (iv) Division of Risk Management.

56 (b) The committee shall:

57 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

58 Act;

59 (ii) review the proposed rate and fee schedules and may approve, increase, or decrease
60 the rate and fee;

61 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

62 (A) the Governor's Office of Planning and Budget; and

63 (B) the legislative appropriations subcommittees that, in accordance with Section
64 63J-1-306, approve the internal service fund agency's rates, fees, and budget; and

65 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
66 internal service fund agency begins a new service or introduces a new product between annual
67 general sessions of the Legislature.

68 (c) The committee may in accordance with Subsection 63J-1-306(4) decrease a rate,
69 fee, or amount that has been approved by the Legislature.

70 Section 2. Section **67-19-11** is amended to read:

71 **67-19-11. Use of department facilities -- Field office facilities cost allocation --**
72 **Funding for department.**

73 (1) (a) All officers and employees of the state and its political subdivisions shall allow
74 the department to use public buildings under their control, and furnish heat, light, and furniture,
75 for any examination, hearing, or investigation authorized by this chapter.

76 (b) The cost of the department's use of facilities shall be paid by the agency housing a
77 field office staff.

78 (2) The executive director shall:

79 (a) prepare an annual budget request for the department;

80 (b) submit the budget request to the governor and the Legislature; and

81 (c) except for fiscal year 2007, before charging a fee for services provided by the
82 department's internal service fund to an executive branch agency, the executive director shall:

83 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
84 under Subsection (3); and

85 (ii) obtain the approval of the Legislature as required under Section 63J-1-306.

86 (3) (a) There is created a Rate Committee which shall consist of:

87 (i) the director of the Governor's Office of Planning and Budget, or a designee;

88 (ii) the executive directors of three state agencies that use services and pay rates to one
89 of the department internal service funds, or their designee, appointed by the governor for a

90 two-year term;

91 (iii) the director of the Division of Finance, or a designee; and

92 (iv) the executive director of the Department of Human Resource Management, or a
93 designee.

94 (b) (i) The committee shall elect a chair from its members, except that the chair may
95 not be from an agency that pays a rate set by the committee.

96 (ii) Members of the committee who are state government employees and who do not
97 receive salary, per diem, or expenses from their agency for their service on the committee shall
98 receive no compensation, benefits, per diem, or expenses for the members' service on the
99 committee.

100 (c) The Department of Human Resource Management shall provide staff services to the
101 committee.

102 (4) (a) The department shall submit to the committee a proposed rate and fee schedule
103 for services rendered.

104 (b) The committee shall:

105 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
106 Act;

107 (ii) review the proposed rate and fee schedules and may approve, increase, or decrease
108 the rate and fee;

109 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

110 (A) the Governor's Office of Planning and Budget; and

111 (B) the legislative appropriations subcommittees that, in accordance with Section
112 63J-1-306, approve the internal service fund rates, fees, and budget; and

113 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the
114 department begins a new service or introduces a new product between annual general sessions
115 of the Legislature.

116 (c) The committee may in accordance with Subsection 63J-1-306(4) decrease a rate,
117 fee, or amount that has been approved by the Legislature.

Legislative Review Note
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Office of Legislative Research and General Counsel