

Effective 5/10/2016

58-55-103 Construction Services Commission created -- Functions -- Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.

- (1)
 - (a) There is created within the division the Construction Services Commission.
 - (b) The commission shall:
 - (i) with the concurrence of the director, make reasonable rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which are consistent with this chapter including:
 - (A) licensing of various licensees;
 - (B) examination requirements and administration of the examinations, to include approving and establishing a passing score for applicant examinations;
 - (C) standards of supervision for students or persons in training to become qualified to obtain a license in the trade they represent; and
 - (D) standards of conduct for various licensees;
 - (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;
 - (iii) except where the boards conduct them, conduct all administrative hearings not delegated to an administrative law judge relating to the licensing of any applicant;
 - (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the concurrence of the director, impose sanctions against licensees and certificate holders with the same authority as the division under Section 58-1-401;
 - (v) advise the director on the administration and enforcement of any matters affecting the division and the construction industry;
 - (vi) advise the director on matters affecting the division budget;
 - (vii) advise and assist trade associations in conducting construction trade seminars and industry education and promotion; and
 - (viii) perform other duties as provided by this chapter.
- (2)
 - (a) Initially the commission shall be comprised of the five members of the Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.
 - (b) The terms of office of the commission members who are serving on the Contractors Licensing Board shall continue as they serve on the commission.
 - (c) Beginning July 1, 2004, the commission shall be comprised of nine members appointed by the executive director with the approval of the governor from the following groups:
 - (i) one member shall be a licensed general engineering contractor;
 - (ii) one member shall be a licensed general building contractor;
 - (iii) two members shall be licensed residential and small commercial contractors;
 - (iv) three members shall be the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and
 - (v) two members shall be from the general public, provided, however that the certified public accountant on the Contractors Licensing Board will continue to serve until the current term expires, after which both members under this Subsection (2)(c)(v) shall be appointed from the general public.
- (3)
 - (a) Except as required by Subsection (3)(b), as terms of current commission members expire, the executive director with the approval of the governor shall appoint each new member or reappointed member to a four-year term ending June 30.

- (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.
- (c) A commission member may not serve more than two consecutive terms.
- (4) The commission shall elect annually one of its members as chair, for a term of one year.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7)
 - (a) The commission shall meet at least monthly unless the director determines otherwise.
 - (b) The director may call additional meetings at the director's discretion, upon the request of the chair, or upon the written request of four or more commission members.
- (8)
 - (a) Five members constitute a quorum for the transaction of business.
 - (b) If a quorum is present when a vote is taken, the affirmative vote of commission members present is the act of the commission.
- (9) The commission shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all of its adjudicative proceedings.
- (10)
 - (a) For purposes of this Subsection (10), "concurrence" means the entities given a concurring role must jointly agree for the action to be taken.
 - (b) If a provision of this chapter requires concurrence between the director or division and the commission and no concurrence can be reached, the director or division has final authority.
 - (c) When this chapter requires concurrence between the director or division and the commission:
 - (i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and
 - (ii) the commission shall review the report submitted by the director or division under this Subsection (10)(c) and concur with the report, or:
 - (A) provide a reason for not concurring with the report; and
 - (B) provide recommendations to the director or division.

Amended by Chapter 25, 2016 General Session