

1 **ANTIDISCRIMINATION ADVISORY COUNCIL**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Gerry A. Adair**

5 AN ACT RELATING TO LABOR; AMENDING PROVISIONS RELATED TO THE
6 ANTIDISCRIMINATION ADVISORY COUNCIL; AND MAKING TECHNICAL
7 CORRECTIONS.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **34A-5-105**, as renumbered and amended by Chapter 375, Laws of Utah 1997

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

12 Section 1. Section **34A-5-105** is amended to read:

13 **34A-5-105. Antidiscrimination Advisory Council -- Membership -- Appointment --**
14 **Term -- Powers and duties -- Chair.**

15 (1) There is created an Antidiscrimination Advisory Council consisting of:

16 (a) 15 voting members appointed by the [governor] commissioner as follows:

17 (i) five employer representatives;

18 (ii) five employee representatives;

19 (iii) five representatives of the general public; and

20 (b) the commissioner or the commissioner's designee as a nonvoting member of the
21 council.

22 (2) In making the appointments under Subsection (1), the [governor] commissioner shall
23 consider representation of the following protected classes:

24 (a) race;

25 (b) color;

26 (c) national origin;

27 (d) gender;

1 (e) religion;

2 (f) age; and

3 (g) persons with disabilities.

4 (3) The division shall provide any necessary staff support for the council.

5 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
6 expire, the [governor] commissioner shall appoint each new member or reappointed member to
7 a four-year term.

8 (b) Notwithstanding the requirements of Subsection (4)(a), the [governor] commissioner
9 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
10 terms of council members are staggered so that approximately half of the council is appointed
11 every two years.

12 (5) (a) When a vacancy occurs in the membership for any reason, the replacement shall
13 be appointed for the unexpired term.

14 (b) The [governor] commissioner shall terminate the term of a council member who ceases
15 to be representative as designated by the original appointment.

16 (6) (a) (i) Members who are not government employees shall receive no compensation or
17 benefits for their services, but may receive per diem and expenses incurred in the performance of
18 the member's official duties at the rates established by the Division of Finance under Sections
19 63A-3-106 and 63A-3-107.

20 (ii) Members may decline to receive per diem and expenses for their service.

21 (b) (i) State government officer and employee members who do not receive salary, per
22 diem, or expenses from their agency for their service may receive per diem and expenses incurred
23 in the performance of their official duties from the council at the rates established by the Division
24 of Finance under Sections 63A-3-106 and 63A-3-107.

25 (ii) State government officer and employee members may decline to receive per diem and
26 expenses for their service.

27 (7) (a) The advisory council shall offer advice on issues requested by the commission,
28 division, and the Legislature and also make recommendations to the commission and division
29 regarding issues of employment discrimination and issues related to the administration of this
30 chapter.

31 (b) The council shall confer at least quarterly for the purpose of advising the commission,

1 division, and the Legislature regarding issues of employment discrimination and issues related to
2 the administration of this chapter.

3 (8) The commissioner or the commissioner's designee shall serve as chair. The chair is
4 charged with the responsibility of calling the necessary meetings.

Legislative Review Note
as of 12-3-97 1:40 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel