

ANTIDISCRIMINATION ADVISORY COUNCIL

AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: L. Steven Poulton

AN ACT RELATING TO LABOR; AMENDING PROVISIONS RELATED TO THE ANTIDISCRIMINATION ADVISORY COUNCIL; CHANGING THE COUNCIL'S NAME, MEMBERSHIP PROVISIONS, AND DUTIES; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

34A-1-202, as enacted by Chapter 375, Laws of Utah 1997

34A-5-105, as last amended by Chapter 50, Laws of Utah 1998

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

Section 1. Section **34A-1-202** is amended to read:

34A-1-202. Divisions -- Creation -- Duties -- Labor Relations Board, Appeals Board, and councils.

(1) There is created within the commission the following divisions:

(a) the Division of Industrial Accidents that shall administer the regulatory requirements of this title concerning industrial accidents and occupational disease;

(b) the Division of Occupational Safety and Health that shall administer the regulatory requirements of Chapter 6, Utah Occupational Safety and Health Act;

(c) the Division of Safety that shall administer the regulatory requirements of:

(i) Chapter 7, Safety; and

(ii) Title 40, Chapter 2, Coal Mines;

(d) the Division of Antidiscrimination and Labor that shall administer the regulatory requirements of:

(i) Chapter 5, Utah Antidiscrimination Act;

(ii) Title 34A, Utah Labor Code, when specified by statute; and

(iii) Title 57, Chapter 21, Utah Fair Housing Act; and

(e) the Division of Adjudication that shall adjudicate claims or actions brought under this title.

(2) In addition to the divisions created under this section, within the commission are the following:

(a) the Labor Relations Board created in Section 34-20-3;

(b) the Appeals Board created in Section 34A-1-205;

(c) the following program advisory councils:

(i) the workers' compensation advisory council created in Section 34A-2-107;

(ii) the antidiscrimination and labor advisory council created in Section 34A-5-105; and

(iii) the occupational safety and health advisory council created in Section 34A-6-106; and

(d) the mining certification panel created in Section 40-2-14.

(3) In addition to the responsibilities described in this section, the commissioner may assign to a division a responsibility granted to the commission by law.

Section 2. Section **34A-5-105** is amended to read:

34A-5-105. Antidiscrimination and Labor Advisory Council -- Membership --

Appointment -- Term -- Powers and duties -- Chair.

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

(a) [~~15~~] 17 voting members appointed by the commissioner as follows:

(i) [~~five~~] four employer representatives;

(ii) [~~five~~] four employee representatives;

(iii) two representatives of persons who seek to rent or purchase dwellings as defined in

Section 57-21-2;

(iv) two representatives of persons who:

(A) sell or rent dwellings; and

(B) are subject to Title 57, Chapter 21, Utah Fair Housing Act; and

[(iii)] (v) five representatives of the general public; and

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

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

- (a) race;
- (b) color;
- (c) national origin;
- (d) gender;
- (e) religion;
- (f) age; [~~and~~]
- (g) persons with disabilities[-];
- (h) familial status as defined in Section 57-21-2; and
- (i) source of income as defined in Section 57-21-2.

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

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

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

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

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

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

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

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

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

(7) (a) The advisory council shall offer advice on issues requested by the commission, division, and the Legislature and also make recommendations to the commission and division regarding issues:

(i) of employment discrimination;

(ii) housing discrimination; and [issues]

(iii) related to the administration [of this chapter] by the commission of:

(A) the provisions of Title 34, Labor in General, that are administered by the commission;

(B) Title 34A, Chapter 5, Utah Antidiscrimination Act; and

(C) Title 57, Chapter 21, Utah Fair Housing Act.

(b) The council shall confer at least quarterly for the purpose of advising the commission, division, and the Legislature regarding issues ~~[of employment discrimination and issues related to the administration of this chapter]~~ described in Subsection (7)(a).

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