

**LICENSING OF PLUMBING AND
ELECTRICAL TRADES**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen D. Clark

LONG TITLE

General Description:

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the Construction Services Commission.

Highlighted Provisions:

This bill:

- ▶ modifies the functions of the Construction Services Commission to include making rules for examination requirements and the administration of examinations to licensee applicants;
- ▶ increases the commission's membership from seven to nine members; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-103, as enacted by Chapter 241, Laws of Utah 2002

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

Section 1. Section **58-55-103** is amended to read:



28 **58-55-103. Construction Services Commission created -- Functions --**
29 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**
30 **Meetings.**

31 (1) (a) There is created within the division the Construction Services Commission.

32 (b) The commission shall:

33 ~~(a)~~ (i) with the concurrence of the director, make reasonable rules under Title 63,
34 Chapter 46a, Utah Administrative Rulemaking Act, to administer and enforce this chapter
35 which are consistent with this chapter including:

36 ~~(i)~~ (A) licensing of various licensees;

37 ~~(ii)~~ (B) examination requirements and administration of the examinations, to include
38 approving and establishing a passing score for applicant examinations;

39 ~~(iii)~~ (C) standards of supervision for students or persons in training to become
40 qualified to obtain a license in the trade they represent; and

41 ~~(iv)~~ (D) standards of conduct for various licensees;

42 ~~(b)~~ (ii) approve or disapprove fees adopted by the division under Section 63-38-3.2;

43 ~~(c)~~ (iii) except where the boards conduct them, conduct all administrative hearings not
44 delegated to an administrative law judge relating to the licensing of any applicant;

45 ~~(d)~~ (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
46 concurrence of the director, impose sanctions against licensees and certificate holders with the
47 same authority as the division under Section 58-1-401;

48 ~~(e)~~ (v) advise the director on the administration and enforcement of any matters
49 affecting the division and the construction industry;

50 ~~(f)~~ (vi) advise the director on matters affecting the division budget;

51 ~~(g)~~ (vii) advise and assist trade associations in conducting construction trade seminars
52 and industry education and promotion; and

53 ~~(h)~~ (viii) perform other duties as provided by this chapter.

54 (2) (a) Initially the commission shall be comprised of the five members of the
55 Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing
56 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.

57 (b) The terms of office of the commission members who are serving on the Contractors
58 Licensing Board shall continue as they serve on the commission. ~~[The]~~

59 (c) Beginning July 1, 2004, the commission shall be comprised of ~~seven~~ nine
 60 members appointed by the executive director with the approval of the governor from the
 61 following groups:

62 ~~[(a)]~~ (i) one member shall be a licensed general engineering contractor;
 63 ~~[(b)]~~ (ii) one member shall be a licensed general building contractor;
 64 ~~[(c)]~~ (iii) two members shall be licensed residential and small commercial contractors;
 65 ~~[(d) two]~~ (iv) three members shall be ~~[two of]~~ the three chair persons from the
 66 Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the
 67 Electricians Licensing Board~~[-with the contingency that they will rotate in succession every~~
 68 ~~two years among the three chair persons]; and~~

69 ~~[(e) one member]~~ (v) two members shall be from the general public, provided,
 70 however that the certified public accountant on the Contractors Licensing Board will continue
 71 to serve until the current term expires, after which ~~[this one member]~~ both members under this
 72 Subsection (2)(c)(v) shall be appointed from the general public.

73 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
 74 members expire, the ~~[governor]~~ executive director **§ WITH THE APPROVAL OF THE GOVERNOR §**
 74a shall appoint each new member or
 75 reappointed member to a four-year term ending June 30.

76 (b) Notwithstanding the requirements of Subsection (3)(a), the ~~[governor]~~ executive
 77 director **§ WITH THE APPROVAL OF THE GOVERNOR §** shall, at the time of appointment or
 77a reappointment, adjust the length of terms to stagger
 78 the terms of commission members so that approximately ~~[one-half]~~ 1/2 of the commission
 79 members are appointed every two years.

80 (c) A commission member may not serve more than two consecutive terms.

81 (4) The commission shall elect annually one of its members as chair, for a term of one
 82 year.

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

85 (6) (a) Members ~~[shall]~~ may not receive ~~[no]~~ compensation or benefits for their
 86 services, but may receive per diem and expenses incurred in the performance of the members'
 87 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
 88 63A-3-107.

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

90 (7) (a) The commission shall meet at least monthly unless the director determines
91 otherwise.

92 (b) The director may call additional meetings at the director's discretion, upon the
93 request of the chair, or upon the written request of [~~three~~] four or more commission members.

94 (8) (a) [~~Four~~] Five members constitute a quorum for the transaction of business.

95 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
96 members present is the act of the commission.

97 (9) The commission shall comply with the procedures and requirements of Title 13,
98 Chapter 1, Department of Commerce, and Title 63, Chapter 46b, Administrative Procedures
99 Act, in all of its adjudicative proceedings.

Legislative Review Note
as of 1-7-04 1:12 PM

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

Office of Legislative Research and General Counsel

State Impact

Adding two board members will increase per diem \$1,900 from the General Fund
Restricted - Commerce Service Fund.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
Commerce Service Fund	\$1,900	\$1,900	\$0	\$0
TOTAL	\$1,900	\$1,900	\$0	\$0

Individual and Business Impact

No fiscal impact.
