

**CONSTRUCTION SERVICES COMMISSION
AMENDMENTS
2004 GENERAL SESSION
STATE OF UTAH
Sponsor: Scott K. Jenkins**

LONG TITLE

General Description:

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ increases the membership of the Consumer Services Commission from seven to
- 14 eight to include all three chairs from the Plumbers Licensing Board, the Alarm
- 15 System Security and Licensing Board, and the Electricians Licensing Board;
- 16 ▶ modifies quorum requirements; and
- 17 ▶ makes certain technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 Other Special Clauses:

21 None

22 Utah Code Sections Affected:

23 AMENDS:

24 **58-55-103**, as enacted by Chapter 241, Laws of Utah 2002

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

27 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 [u] (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 [u] (A) licensing of various licensees;

37 [u] (B) approving and establishing a passing score for applicant examinations;

38 [u] (C) standards of supervision for students or persons in training to become
39 qualified to obtain a license in the trade they represent; and

40 [u] (D) standards of conduct for various licensees;

41 [u] (ii) approve or disapprove fees adopted by the division under Section 63-38-3.2;

42 [u] (iii) except where the boards conduct them, conduct all administrative hearings not
43 delegated to an administrative law judge relating to the licensing of any applicant;44 [u] (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
45 concurrence of the director, impose sanctions against licensees and certificate holders with the
46 same authority as the division under Section 58-1-401;47 [u] (v) advise the director on the administration and enforcement of any matters
48 affecting the division and the construction industry;

49 [u] (vi) advise the director on matters affecting the division budget;

50 [u] (vii) advise and assist trade associations in conducting construction trade seminars
51 and industry education and promotion; and

52 [u] (viii) perform other duties as provided by this chapter.

53 (2) (a) Initially the commission shall be comprised of the five members of the
54 Contractors Licensing Board and [two of] the three chair persons from the Plumbers Licensing
55 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.56 (b) The terms of office of the commission members who are serving on the Contractors
57 Licensing Board shall continue as they serve on the commission.58 (c) The commission shall be comprised of [seven] eight members appointed by the

59 executive director with the approval of the governor from the following groups:

60 [a] (i) one member shall be a licensed general engineering contractor;

61 [b] (ii) one member shall be a licensed general building contractor;

62 [c] (iii) two members shall be licensed residential and small commercial contractors;

63 [d] (iv) [two] three members shall be [two of] the three chair persons from the

64 Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the

65 Electricians Licensing Board[, ~~with the contingency that they will rotate in succession every~~

66 ~~two years among the three chair persons~~]; and

67 [e] (v) one member shall be from the general public, provided, however that the

68 certified public accountant on the Contractors Licensing Board will continue to serve until the

69 current term expires, after which this one member shall be appointed from the general public.

70 (3) (a) Except as required by Subsection (3)(b), as terms of current commission

71 members expire, the governor shall appoint each new member or reappointed member to a

72 four-year term ending June 30.

73 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the

74 time of appointment or reappointment, adjust the length of terms to stagger the terms of

75 commission members so that approximately one-half of the commission members are

76 appointed every two years.

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

78 (4) The commission shall elect annually one of its members as chair, for a term of one

79 year.

80 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

81 appointed for the unexpired term.

82 (6) (a) Members shall receive no compensation or benefits for their services, but may

83 receive per diem and expenses incurred in the performance of the members' official duties at

84 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

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

86 (7) (a) The commission shall meet at least monthly unless the director determines

87 otherwise.

88 (b) The director may call additional meetings at the director's discretion, upon the

89 request of the chair, or upon the written request of [three] four or more commission members.

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

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

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

**Legislative Review Note
as of 12-17-03 2:33 PM**

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

Office of Legislative Research and General Counsel

State Impact

Can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst