

1 **MEMBERSHIP OF OCCUPATIONAL AND**
2 **PROFESSIONAL LICENSURE REVIEW**
3 **COMMITTEE**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Gregory H. Hughes**

7 Senate Sponsor: Kevin T. VanTassell

8
9 **LONG TITLE**

10 **General Description:**

11 This bill amends provisions of the Occupational and Professional Licensure Review
12 Committee Act related to the committee's membership.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ modifies the membership of the Occupational and Professional Licensure Review
- 16 Committee from 13 to nine members by reducing the number of nonlegislators on
- 17 the committee;
- 18 ▶ reduces the quorum requirement from seven to five members; and
- 19 ▶ makes certain technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **36-23-102**, as last amended by Laws of Utah 2007, Chapter 137

27 **36-23-103**, as last amended by Laws of Utah 2007, Chapter 137



28 **36-23-104**, as last amended by Laws of Utah 2007, Chapter 137

29 **36-23-106**, as last amended by Laws of Utah 2007, Chapter 137

30

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

32 Section 1. Section **36-23-102** is amended to read:

33 **36-23-102. Occupational and Professional Licensure Review Committee.**

34 (1) There is created the Occupational and Professional Licensure Review Committee.

35 (2) The committee consists of [~~13~~] nine members appointed as follows:

36 (a) three members of the House of Representatives, appointed by the speaker of the
37 House of Representatives, no more than two from the same political party;

38 (b) three members of the Senate, appointed by the president of the Senate, no more
39 than two from the same political party; and

40 (c) [~~seven~~] three public members appointed jointly by the speaker of the House of
41 Representatives and the president of the Senate as follows:

42 (i) [~~four~~] two members who have previously served, but are no longer serving, on any
43 of the advisory boards created under Title 58, Occupations and Professions; and

44 (ii) [~~three members~~] one member from the general public who [~~do~~] does not hold any
45 type of license issued by the Division of Occupational and Professional Licensing.

46 (3) (a) The speaker of the House of Representatives shall designate a member of the
47 House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.

48 (b) The president of the Senate shall designate a member of the Senate appointed under
49 Subsection (2)(b) as a cochair of the committee.

50 Section 2. Section **36-23-103** is amended to read:

51 **36-23-103. Committee terms -- Vacancies.**

52 (1) A legislator serving on the committee shall serve a two-year term or until the
53 legislator's successor is appointed.

54 (2) (a) Except as provided in Subsection (2)(b), a public member shall serve a
55 three-year term or until the public member's successor is appointed.

56 (b) The speaker of the House of Representatives and the president of the Senate shall,
57 at the time of appointment or reappointment, adjust the length of terms of the public members
58 to ensure that approximately [~~one-third~~] one of the public members [~~are~~] is appointed every

59 year.

60 (3) A legislative or public member of the committee may serve one or more terms.

61 (4) (a) A vacancy occurs:

62 (i) when a legislative member ceases to be a member of the Legislature; or

63 (ii) when a member of the committee resigns from the committee.

64 (b) A vacancy shall be filled by the appointing authority, and the replacement member
65 shall serve for the remaining unexpired term.

66 Section 3. Section **36-23-104** is amended to read:

67 **36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.**

68 (1) The committee may meet as needed, at the call of the committee chairs, to carry out
69 the duties set forth in Section 36-23-106.

70 (2) (a) A legislator on the committee shall receive compensation and expenses as
71 provided by law and legislative rule.

72 (b) (i) A public member on the committee may not receive compensation or benefits
73 for the public member's service, but may receive per diem and expenses incurred in the
74 performance of the public member's official duties at the rates established by the Division of
75 Finance under Sections 63A-3-106 and 63A-3-107.

76 (ii) A public member may decline to receive per diem and expenses for the public
77 member's service.

78 (3) (a) [~~Seven~~] Five members of the committee constitute a quorum.

79 (b) If a quorum is present, the action of a majority of members present is the action of
80 the committee.

81 (4) Except as provided in Subsection (3), in conducting all its business, the committee
82 shall comply with the rules of legislative interim committees regarding motions.

83 Section 4. Section **36-23-106** is amended to read:

84 **36-23-106. Duties -- Reporting.**

85 (1) The committee shall:

86 (a) conduct a sunrise review in accordance with Section 36-23-107 for all applications
87 submitted in accordance with Section 36-23-105;

88 (b) conduct a sunset review for an occupational or professional license classification
89 that is referred to the committee by any other legislative committee by applying:

- 90 (i) the criteria in Section 36-23-107;
- 91 (ii) the criteria in Title 63, Chapter 55, Legislative Oversight and Sunset Act; and
- 92 (iii) any other appropriate criteria; and
- 93 (c) submit a written report by no later than December 31 of each calendar year to:
- 94 (i) the speaker of the House of Representatives;
- 95 (ii) the president of the Senate;
- 96 (iii) the chair of the House Rules Committee;
- 97 (iv) the chair of the Senate Rules Committee; and
- 98 (v) the chairs of the Commerce and [~~Revenue~~] Workforce Services Appropriations
- 99 Subcommittee.
- 100 (2) The written report required by Subsection (1)(c) shall include:
- 101 (a) all findings and recommendations made by the committee under Subsection (1) or
- 102 (3) in that calendar year; and
- 103 (b) a summary report for each sunrise review conducted by the committee stating:
- 104 (i) whether the sunrise review was conducted under Subsection (1) or (3);
- 105 (ii) whether or not the sunrise review included a review of specific proposed statutory
- 106 language;
- 107 (iii) any action taken by the committee as a result of the sunrise review; and
- 108 (iv) the number of legislative members that voted in favor of the action described in
- 109 Subsection (2)(b)(iii).
- 110 (3) The committee may:
- 111 (a) conduct a sunrise review of any proposal to newly regulate an occupation or
- 112 profession;
- 113 (b) conduct any other review referred to it by the Legislature, the Legislative
- 114 Management Committee, or other legislative committee; or
- 115 (c) conduct any other study related to regulation of an occupation or profession under
- 116 Title 58, Occupations and Professions.

Legislative Review Note
as of 2-11-08 4:17 PM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 443 - Membership of Occupational and Professional Licensure Review
Committee**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
