

1 **COMMERCE SERVICE FUND AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Gregory S. Bell**

5

LONG TITLE

6 **General Description:**

7 This bill makes a technical correction to language governing transfers from the
8 Commerce Service Fund.
9

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies that monies remaining in the Commerce Service Fund after legislative
13 appropriations are transferred into the General Fund at the end of the fiscal year;
14 and

15 ▶ makes technical corrections.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **13-1-2**, as last amended by Chapter 352, Laws of Utah 2000

23

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

24 Section 1. Section **13-1-2** is amended to read:

25 **13-1-2. Creation and functions of department -- Divisions created -- Fees.**

26 **(1) (a)** There is created the Department of Commerce.
27



28 (b) The department shall execute and administer state laws regulating business
29 activities and occupations affecting the public interest.

30 (2) Within the department the following divisions are created:

31 (a) the Division of Occupational and Professional Licensing;

32 (b) the Division of Real Estate;

33 (c) the Division of Securities;

34 (d) the Division of Public Utilities;

35 (e) the Division of Consumer Protection; and

36 (f) the Division of Corporations and Commercial Code.

37 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
38 fees assessed for services provided by the department by following the procedures and
39 requirements of Section 63-38-3.2.

40 (b) The department shall submit each fee established in this manner to the Legislature
41 for its approval as part of the department's annual appropriations request.

42 (c) (i) All fees collected by each division and by the department shall be deposited in a
43 restricted account within the General Fund known as the Commerce Service Fund.

44 (ii) At the end of each fiscal year, the director of the Division of Finance shall transfer
45 into the General Fund any fee collections that are greater than the [department's] legislative
46 [appropriation] appropriations from the Commerce Service Fund for that year.

47 (d) The department may not charge or collect any fee nor expend monies from this
48 fund without approval by the Legislature.

Legislative Review Note
as of 11-27-04 2:29 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0096

Commerce Service Fund Amendments

12-Jan-05

3:12 PM

State Impact

No fiscal impact

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst