

1                                   **SPECIAL FUNCTIONS OFFICERS FOR THE**  
2                                   **DIVISION OF OCCUPATIONAL AND**  
3                                   **PROFESSIONAL LICENSING**

4                                   2004 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Sponsor: J. Morgan Philpot**

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies provisions of the Division of Occupational and Professional  
11   Licensing Act related to employment of staff.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ allows the director, with approval of the executive director, to appoint investigators  
15   designated as special function officers; and  
16           ▶ makes certain technical changes.

17   **Monies Appropriated in this Bill:**

18           None

19   **Other Special Clauses:**

20           None

21   **Utah Code Sections Affected:**

22   AMENDS:

23           **58-1-105**, as renumbered and amended by Chapter 297, Laws of Utah 1993

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

26           Section 1. Section **58-1-105** is amended to read:

27           **58-1-105. Employment of staff.**



28 (1) The director, with the approval of the executive director, may employ necessary  
29 staff, including investigators, specialists, and professionals, to assist [~~him~~] the director in  
30 performing the duties, functions, and responsibilities of the division.

31 (2) An investigator employed under Subsection (1) is a special function officer, as  
32 defined in Section 53-13-105, but is not eligible for retirement benefits under the Public Safety  
33 Noncontributory Retirement System.

33a **Ĥ (3)(a) IT IS NOT THE INTENT OF THE LEGISLATURE TO DESIGNATE THE DIVISION AS AN**  
33b **AGENCY WHOSE PRIMARY PURPOSE WOULD BE THAT OF GENERAL LAW ENFORCEMENT.**

33c **(b) THE PRIMARY PURPOSE OF THE DIVISION IS TO ADMINISTER AND ENFORCE THE**  
33d **PROVISIONS OF TITLE 58, OCCUPATIONS AND PROFESSIONS. ĥ**

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**Legislative Review Note**  
**as of 10-30-03 10:34 AM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0039**

**Special Functions Officers for the Division of Occupational and  
Professional Licensing**

*29-Jan-04*  
*11:43 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**