

**DEPARTMENT OF COMMERCE -
DEMOGRAPHIC DATA TRACKING**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Mark A. Wheatley

LONG TITLE

General Description:

This bill requires the Division of Corporations and Commercial Code to create forms that allow a person to provide information about the gender and race of certain business owners.

Highlighted Provisions:

This bill:

- requires the division to include on a form created by the division a way to indicate the gender and race of one or more owners of the entity for which the form is filed;
 - provides that information concerning gender or race is not required to be provided;
- and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-1a-1, as last amended by Chapter 225, Laws of Utah 1989

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



Section 1. Section **13-1a-1** is amended to read:

13-1a-1. Creation of division -- Responsibilities.

(1) There is established within the Department of Commerce the Division of Corporations and Commercial Code which is responsible for corporation and commercial code filings in this state.

(2) (a) A form created by the Division of Corporations and Commercial Code for a filing required to be made with the Division of Corporations and Commercial Code under the following provisions shall include a portion that allows the person filing the form to indicate the gender and race of one or more owners of the entity for which the filing is made:

(i) Title 16, Corporations; and

(ii) Title 48, Partnership.

(b) A person is not required to provide information under Subsection (2)(a) concerning the gender or race of one or more owners of the entity for which the filing is made.

(c) (i) The Division of Corporations and Commercial Code shall compile information concerning the gender or race included on forms created by and filed with the Division of Corporations and Commercial Code.

(ii) Information compiled by the Division of Corporations and Commercial Code under Subsection (2)(c)(i) may be compiled in a manner determined by the Division of Corporations and Commercial Code by rules made pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(d) (i) Any person may request copies of the:

(A) forms created by the Division of Corporations and Commercial Code that include a portion that allows the person filing the form to indicate the gender and race of one or more owners of the entity for which the filing is made; or

(B) data compiled by the Division of Corporations and Commercial Code under Subsection (2)(c).

(ii) A request under Subsection (2)(d)(i) shall be made pursuant to Title 63, Chapter 2, Government Records Access and Management Act.

(iii) The Division of Corporations and Commercial Code may comply with a request under Subsection (2)(d)(i) by providing copies of all forms of the type requested that are filed with the Division of Corporations and Commercial Code, whether or not the portion of the

59 form that allows a person to indicate gender or race is completed.

Legislative Review Note
as of 2-9-05 5:01 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 HB0327**Department of Commerce-Demographic Data Tracking***17-Feb-05**5:18 PM*

State Impact

Changing forms and creating a database to implement the bill will cost about \$5,000 from the Commerce Service Fund. Spending from the Commerce Service Fund could affect revenue available to the General Fund.

| | <u>FY 2006</u> <u>Approp.</u> | <u>FY 2007</u> <u>Approp.</u> | <u>FY 2006</u> <u>Revenue</u> | <u>FY 2007</u> <u>Revenue</u> |
|-----------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Commerce Service Fund | \$5,000 | \$0 | \$0 | \$0 |
| TOTAL | \$5,000 | \$0 | \$0 | \$0 |

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst