

COMMERCE SERVICE FUND AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Julie Fisher

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ clarifies that monies remaining in the Commerce Service Fund after legislative appropriations are transferred into the General Fund at the end of the fiscal year;
- and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(b) The department shall execute and administer state laws regulating business

activities and occupations affecting the public interest.

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

- (a) the Division of Occupational and Professional Licensing;
- (b) the Division of Real Estate;
- (c) the Division of Securities;
- (d) the Division of Public Utilities;
- (e) the Division of Consumer Protection; and
- (f) the Division of Corporations and Commercial Code.

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

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

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

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

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