

**DEPARTMENT OF COMMERCE -
DEMOGRAPHIC DATA TRACKING**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Wheatley

Senate Sponsor: _____

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



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

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

30 **13-1a-1. Creation of division -- Responsibilities.**

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

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

38 (i) Title 16, Corporations; and

39 (ii) Title 48, Partnership.

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

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

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

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

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

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

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

57 (iii) The Division of Corporations and Commercial Code may comply with a request
58 under Subsection (2)(d)(i) by providing copies of all forms of the type requested that are filed

59 with the Division of Corporations and Commercial Code, whether or not the portion of the
60 form that allows a person to indicate gender or race is completed.

Legislative Review Note
as of 8-18-05 2:25 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

State Impact

Implementation of this bill will cost \$50,000 from the Commerce Service Fund. The ongoing costs are associated with data storage. There is an 18% increase in filings to be stored each year. Spending from the Commerce Service Fund could affect revenue available to the General Fund.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Commerce Service Fund	\$50,000	\$30,000	\$0	\$0
TOTAL	\$50,000	\$30,000	\$0	\$0

Individual and Business Impact

No fiscal impact.
