

NATIVE AMERICAN SPECIAL GROUP

LICENSE PLATES

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott L Wyatt

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code and the Community and Culture Code by creating a Native American special group license plate supporting Native American scholarships.

Highlighted Provisions:

This bill:

- ▶ creates a special group license plate for individuals who contribute to Native American scholarships through the Division of Indian Affairs;
- ▶ requires an applicant for a Native American plate to make a \$25 annual donation to the Division of Indian Affairs for Native American Scholarships;
- ▶ creates the Native American Scholarship Restricted Account;
- ▶ requires the Division of Indian Affairs to:
 - make rules governing the application for monies and distribution of monies received into the account; and
 - distribute contributions received into the account; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



This bill takes effect on October 1, 2006.

Utah Code Sections Affected:

AMENDS:

9-9-104, as last amended by Chapter 50, Laws of Utah 1999

41-1a-418, as last amended by Chapter 63, Laws of Utah 2005

41-1a-422, as last amended by Chapter 69, Laws of Utah 2004

ENACTS:

9-9-112, Utah Code Annotated 1953

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

Section 1. Section **9-9-104** is amended to read:

9-9-104. Duties and powers.

(1) The division shall:

(a) have all of the functions, powers, duties, rights, and responsibilities granted to it by this chapter;

(b) staff those committees or boards as specified in this chapter; ~~and~~

(c) in accordance with policies set by state government, coordinate relations between:

(i) the state;

(ii) tribal governments;

(iii) other Indian groups; and

(iv) federal agencies~~[-]; and~~

(d) distribute contributions to the Native American Scholarship Restricted Account created in Section 9-9-112 in accordance with rules made by the division under Subsection 9-9-112(5).

(2) The division may:

(a) contract with public and private entities to provide services or facilities;

(b) acquire and hold funds or other property for the administration of the programs outlined in this chapter;

(c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, that are necessary to carry out the duties of the division;

(d) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of

Indians; and

(e) apply or dispose of those gifts, grants, devises, and property received under Subsection (2)(d) for the use and benefit of Indians within the state.

Section 2. Section **9-9-112** is enacted to read:

9-9-112. Native American Scholarship Restricted Account -- Creation -- Funding -- Distribution of funds by the Division of Indian Affairs.

(1) There is created in the General Fund a restricted account known as the Native American Scholarship Restricted Account.

(2) The account shall be funded by:

(a) contributions deposited into the Native American Scholarship Restricted Account in accordance with Section 41-1a-422;

(b) private contributions;

(c) donations or grants from public or private entities; or

(d) interest and earnings on account monies.

(3) Funds in the account are nonlapsing.

(4) The Legislature shall appropriate money in the account to the division.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division shall make rules providing procedures for an individual to apply to receive funds from the account including:

(a) applicant qualifications;

(b) application procedures; and

(c) institutional qualifications.

Section 3. Section **41-1a-418** is amended to read:

41-1a-418. Authorized special group license plates.

(1) The division shall only issue special group license plates in accordance with Sections 41-1a-418 through 41-1a-422 to a person who is specified under this section within the categories listed as follows:

(a) disability special group license plates issued in accordance with Section 41-1a-420;

(b) honor special group license plates, as in a war hero, which plates are issued for a:

(i) survivor of the Japanese attack on Pearl Harbor;

(ii) former prisoner of war;

(iii) recipient of a Purple Heart; or

(iv) disabled veteran;

(c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for a:

(i) special interest vehicle;

(ii) vintage vehicle;

(iii) farm truck; or

(iv) vehicle powered by clean fuel and for which a current clean special fuel certificate is maintained as provided in Section 59-13-304;

(d) recognition special group license plates, as in a public official or an emergency service giver, which plates are issued for a:

(i) current member of the Legislature;

(ii) current member of the United States Congress;

(iii) current member of the National Guard;

(iv) licensed amateur radio operator;

(v) currently employed, volunteer, or retired firefighter;

(vi) emergency medical technician;

(vii) current member of a search and rescue team; or

(viii) current honorary consulate designated by the United States Department of State;

and

(e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:

(i) an institution's scholastic scholarship fund;

(ii) the Division of Wildlife Resources;

(iii) the Office of Veterans' Affairs;

(iv) the Division of Parks and Recreation;

(v) the Department of Agriculture and Food;

(vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

(vii) the Boy Scouts of America;

(viii) spay and neuter programs through No More Homeless Pets in Utah;

(ix) the Boys and Girls Clubs of America; [or]

(x) Utah public education[-]; or

(xi) Native American scholarships through the Division of Indian Affairs.

(2) Beginning January 1, 2003, the division may not issue a new type of special group license plate unless the division receives:

(a) a start-up fee established under Section 63-38-3.2 for production and administrative costs for providing the new special group license plates; or

(b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

(3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3) may request the commission to authorize a new type of special group license plate for the sponsoring organization. The sponsoring organization shall:

(i) collect a minimum of 200 applications; and

(ii) pay a start-up fee established under Section 63-38-3.2 for production and administrative costs for providing the new type of special group license plates.

(b) If the provisions of Subsection (3)(a) are met, the commission shall approve the request and the division shall:

(i) design a license plate in accordance with Section 41-1a-419; and

(ii) issue the new type of special group license plates.

Section 4. Section **41-1a-422** is amended to read:

41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Division of Veterans' Affairs in the Utah National Guard for veterans' programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;

(D) the Department of Agriculture and Food for the benefit of soil conservation districts;

(E) the Division of Parks and Recreation for the benefit of snowmobile programs;
(F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;

(G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;

(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;

(I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs; [or]

(J) the Utah Association of Public School Foundations to support public education[?];
or

(K) the Division of Indian Affairs for the Native American Scholarship Restricted Account created in Section 9-9-112.

(ii) For a veterans' special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

(b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).

(b) An institution with a support special group license plate shall issue to a contributor a verification form designed by the commission containing:

(i) the name of the contributor;

(ii) the institution to which a donation was made;

(iii) the date of the donation; and

(iv) an attestation that the donation was for a scholastic scholarship.

(c) The state auditor may audit each institution to verify that the moneys collected by the institutions from contributors are used for scholastic scholarships.

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63-38-3.2 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

(e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).

(3) (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee; and

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates.

(c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.

(d) The donation described in Subsection (1)(a) shall be a one-time donation made to the division when issuing original:

(i) snowmobile license plates; or

(ii) soil conservation license plates.

(4) Veterans' license plates shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

Section 5. Effective date.

This bill takes effect on October 1, 2006.

Legislative Review Note

as of 1-25-06 1:53 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 HB0344

Native American Special Group License Plates*01-Feb-06**10:07 AM*

State Impact

Start-up costs and revenue will vary depending on the volume of license plates and the number of colors ordered for the sticker. This fiscal note shows an estimate of \$6,200 based on a three color sticker and 250 sets of plates issued.

	<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>
General Fund	\$6,200	\$0	\$0	\$0
Restricted Funds	\$0	\$0	\$7,500	\$6,300
TOTAL	\$6,200	\$0	\$7,500	\$6,300

Individual and Business Impact

There is a \$5 per plate new plate fee and the individual must pay a \$25 per year annual contribution to Native American scholarships. The amount shown in this note is an estimate based on selling 250 plates. Actual revenue will vary according to the number of licenses sold.

Office of the Legislative Fiscal Analyst