

1 **ZION NATIONAL PARK SPECIAL GROUP**

2 **LICENSE PLATE**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by authorizing a Zion National Park special
11 group license plate.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ creates a Zion National Park special group license plate for Zion National Park
- 15 support programs through the Division of Parks and Recreation;
- 16 ▶ requires applicants for a new plate to make a \$25 annual donation to the Division of
- 17 Parks and Recreation for Zion National Park support programs;
- 18 ▶ creates the Zion National Park Support Programs Restricted Account;
- 19 ▶ grants the Division of Parks and Recreation rulemaking authority to make rules
- 20 establishing a procedure for an organization to apply for funds in the Zion National
- 21 Park Support Programs Restricted Account; and
- 22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on October 1, 2008.

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

30 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

31 **63-11-17**, as last amended by Laws of Utah 2003, Chapter 328

32 ENACTS:

33 **63-11-67**, Utah Code Annotated 1953



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

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

37 **41-1a-418. Authorized special group license plates.**

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

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

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

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

44 (ii) former prisoner of war;

45 (iii) recipient of a Purple Heart;

46 (iv) disabled veteran; or

47 (v) recipient of a gold star award issued by the United States Secretary of Defense if
48 the recipient is the spouse, parent, or sibling of a servicemember killed;

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

51 (i) special interest vehicle;

52 (ii) vintage vehicle;

53 (iii) farm truck; or

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

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

58 (i) current member of the Legislature;

- 59 (ii) current member of the United States Congress;
- 60 (iii) current member of the National Guard;
- 61 (iv) licensed amateur radio operator;
- 62 (v) currently employed, volunteer, or retired firefighter;
- 63 (vi) emergency medical technician;
- 64 (vii) current member of a search and rescue team; or
- 65 (viii) current honorary consulate designated by the United States Department of State;

66 and

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

- 69 (i) an institution's scholastic scholarship fund;
- 70 (ii) the Division of Wildlife Resources;
- 71 (iii) the Department of Veterans' Affairs;
- 72 (iv) the Division of Parks and Recreation;
- 73 (v) the Department of Agriculture and Food;
- 74 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 75 (vii) the Boy Scouts of America;
- 76 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 77 (ix) the Boys and Girls Clubs of America;
- 78 (x) Utah public education; [~~or~~]
- 79 (xi) programs that provide support to organizations that create affordable housing for
80 those in severe need through the Division of Real Estate[-]; or
- 81 (xii) programs that support Zion National Park.

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

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

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

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

90 (i) collect a minimum of 200 applications; and
 91 (ii) pay a start-up fee established under Section 63-38-3.2 for production and
 92 administrative costs for providing the new type of special group license plates.

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

95 (i) design a license plate in accordance with Section 41-1a-419; and
 96 (ii) issue the new type of special group license plates.

97 Section 2. Section **41-1a-422** is amended to read:

98 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
 99 **contribution collection procedures.**

100 (1) As used in this section:

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

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

104 (B) the Department of Veterans' Affairs for veterans' programs;

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

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

109 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

110 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
 111 the donation evenly divided between the two;

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

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

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

118 (J) the Utah Association of Public School Foundations to support public education;

119 [or]

120 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to

121 assist people who have severe housing needs[-]; or

122 (L) the Division of Parks and Recreation for distribution to organizations that provide
123 support for Zion National Park.

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

127 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
128 person who:

129 (I) has donated or in whose name at least \$30 has been donated at the time of
130 application and annually after the time of application; and

131 (II) is a member of a trade organization for real estate licensees that has more than
132 15,000 Utah members.

133 (b) "Institution" means a state institution of higher education as defined under Section
134 53B-3-102 or a private institution of higher education in the state accredited by a regional or
135 national accrediting agency recognized by the United States Department of Education.

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

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

142 (i) the name of the contributor;

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

144 (iii) the date of the donation; and

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

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

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

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

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

157 (b) This contribution shall be:

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

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

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

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

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

168 (i) snowmobile license plates; or

169 (ii) conservation license plates.

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

172 Section 3. Section **63-11-17** is amended to read:

173 **63-11-17. Powers and duties of Board and Division of Parks and Recreation.**

174 (1) (a) The board may make rules:

175 (i) governing the use of the state park system;

176 (ii) to protect state parks and their natural and cultural resources from misuse or
177 damage, including watersheds, plants, wildlife, and park amenities; and

178 (iii) to provide for public safety and preserve the peace within state parks.

179 (b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules
180 that:

181 (i) close or partially close state parks; or

182 (ii) establish use or access restrictions within state parks.

183 (c) Rules made under this Subsection (1) may not have the effect of preventing the
184 transfer of livestock along a livestock highway established in accordance with Section
185 72-3-112.

186 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
187 conferred upon it by law within state parks and on property controlled by the Division of Parks
188 and Recreation with reference to fish and game.

189 (3) The Division of Parks and Recreation shall permit multiple use of state parks and
190 property controlled by it for purposes such as grazing, fishing and hunting, mining, and the
191 development and utilization of water and other natural resources.

192 (4) (a) The division may acquire real and personal property in the name of the state by
193 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
194 or otherwise, subject to the approval of the executive director and the governor.

195 (b) As used in this section, "real property" includes land under water, upland, and all
196 other property commonly or legally defined as real property.

197 (c) In acquiring any real or personal property, the credit of the state may not be pledged
198 without the consent of the Legislature.

199 (5) (a) Before acquiring any real property, the division shall notify the county
200 legislative body of the county where the property is situated of its intention to acquire the
201 property.

202 (b) If the county legislative body requests a hearing within ten days of receipt of the
203 notice, the board shall hold a public hearing in the county concerning the matter.

204 (6) Acceptance of gifts or devises of land or other property shall be at the discretion of
205 the division, subject to the approval of the executive director of the Department of Natural
206 Resources and the governor.

207 (7) Acquisition of property by eminent domain shall be in the manner authorized by
208 Title 78, Chapter 34, Eminent Domain.

209 (8) (a) The Division of Parks and Recreation may make charges for special services
210 and use of facilities, the income from which shall be available for park and recreation purposes.

211 (b) The division may conduct and operate those services necessary for the comfort and
212 convenience of the public.

213 (c) The board shall adopt appropriate rules governing the collection of charges under

214 this Subsection (8).

215 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
216 parks and property to persons, partnerships, and corporations for a valuable consideration upon
217 the recommendation of the board.

218 (b) The division shall comply with Title 63, Chapter 56, Utah Procurement Code, in
219 selecting concessionaires.

220 (10) The division shall proceed without delay to negotiate with the federal government
221 concerning the Weber Basin and other recreation and reclamation projects.

222 (11) The division shall receive and distribute voluntary contributions collected under
223 Section 41-1a-422 in accordance with Section 63-11-67.

224 Section 4. Section **63-11-67** is enacted to read:

225 **63-11-67. Zion National Park Support Programs Restricted Account -- Creation --**
226 **Funding -- Distribution of funds.**

227 (1) There is created within the General Fund the Zion National Park Support Programs
228 Restricted Account.

229 (2) The account shall be funded by contributions deposited into the account in
230 accordance with Section 41-1a-422.

231 (3) The Legislature shall appropriate funds in the account to the division.

232 (4) The board may expend up to 10% of the monies appropriated under Subsection (3)
233 to administer account distributions in accordance with Subsections (5) and (6).

234 (5) The division shall distribute contributions and interest deposited into the account to
235 one or more organizations that:

236 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
237 Code;

238 (b) operate under a written agreement with the National Park Service to provide
239 interpretive, educational, and research activities for the benefit of Zion National Park;

240 (c) produce and distribute educational and promotional materials on Zion National
241 Park;

242 (d) conduct educational courses on the history and ecosystem of the greater Zion
243 Canyon area; and

244 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion

245 National Park.
246 (6) (a) An organization described in Subsection (5) may apply to the division to receive
247 a distribution in accordance with Subsection (5).
248 (b) An organization that receives a distribution from the division in accordance with
249 Subsection (5) shall expend the distribution only to:
250 (i) produce and distribute educational and promotional materials on Zion National
251 Park;
252 (ii) conduct educational courses on the history and ecosystem of the greater Zion
253 Canyon area; and
254 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion
255 National Park.
256 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
257 division may make rules providing procedures and requirements for an organization to apply to
258 the division to receive a distribution under Subsection (5).
259 Section 5. **Effective date.**
260 This bill takes effect on October 1, 2008.

Legislative Review Note
as of 1-28-08 10:42 AM

Office of Legislative Research and General Counsel

H.B. 348 - Zion National Park Special Group License Plate

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will require a one-time appropriation of \$8,270 from dedicated credits to the Division of Motor Vehicles for set-up and production costs, based on an initial order of 500 sets of 3-color plates. The Zion Natural History Organization has agreed to pay for these initial set-up and production costs. Before the Division may produce additional plates, it must receive a reorder fee. Restricted fund revenue of \$12,500 is anticipated, which will be deposited in a new Zion National Park Support Programs Restricted Account and appropriated to the Division of Parks and Recreation.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund Restricted	\$0	\$12,500	\$12,500	\$0	\$12,500	\$12,500
Dedicated Credits	\$0	\$8,270	\$0	\$0	\$0	\$0
Total	\$0	\$20,770	\$12,500	\$0	\$12,500	\$12,500

Individual, Business and/or Local Impact

Individuals wishing to pay the \$5 per plate new plate fee and contribute at least \$25 per year to the Division of Parks and Recreation will benefit. The Division is to distribute these funds to organizations that support Zion National Park, as defined in the bill. Businesses and localities are likely to be unaffected.