

Representative Bradley G. Last proposes the following substitute bill:

ZION NATIONAL PARK SPECIAL GROUP

LICENSE PLATE

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill authorizes a Zion National Park special group license plate.

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2008.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

29 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

30 **63-11-17**, as last amended by Laws of Utah 2008, Chapter 3

31 ENACTS:

32 **63-11-67**, Utah Code Annotated 1953

33

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

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

36 **41-1a-418. Authorized special group license plates.**

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

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

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

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

43 (ii) former prisoner of war;

44 (iii) recipient of a Purple Heart;

45 (iv) disabled veteran; or

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

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

50 (i) special interest vehicle;

51 (ii) vintage vehicle;

52 (iii) farm truck; or

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

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

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

65 and

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

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

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

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

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

86 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
87 Revenue Code Section 501(c)(3) may request the commission to authorize a new type of

88 special group license plate for the sponsoring organization. The sponsoring organization shall:

89 (i) collect a minimum of 200 applications; and

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

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

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

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

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

97 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
98 **contribution collection procedures.**

99 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

118 [or]

119 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
120 assist people who have severe housing needs[-]; or

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

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

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

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

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

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

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

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

141 (i) the name of the contributor;

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

143 (iii) the date of the donation; and

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

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

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

150 renewing the collegiate license plates.

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

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

156 (b) This contribution shall be:

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

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

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

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

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

167 (i) snowmobile license plates; or

168 (ii) conservation license plates.

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

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

172 **63-11-17. Powers and duties of Board and Division of Parks and Recreation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 (7) Acquisition of property by eminent domain shall be in the manner authorized by
206 Title 78B, Chapter 6, Part 5, Eminent Domain.

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

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

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

212 this Subsection (8).

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

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

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

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

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

223 **63-11-67. Zion National Park Support Programs Restricted Account -- Creation --**
224 **Funding -- Distribution of funds.**

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

227 (2) The account shall be funded by:

228 (a) contributions deposited into the account in accordance with Section 41-1a-422;

229 (b) private contributions; or

230 (c) donations or grants from public or private entities.

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 to one or more organizations that:

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

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

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

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

243 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion
244 National Park.

245 (6) (a) An organization described in Subsection (5) may apply to the division to receive
246 a distribution in accordance with Subsection (5).

247 (b) An organization that receives a distribution from the division in accordance with
248 Subsection (5) shall expend the distribution only to:

249 (i) produce and distribute educational and promotional materials on Zion National
250 Park;

251 (ii) conduct educational courses on the history and ecosystem of the greater Zion
252 Canyon area; and

253 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion
254 National Park.

255 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
256 division may make rules providing procedures and requirements for an organization to apply to
257 the division to receive a distribution under Subsection (5).

258 **Section 5. Effective date.**

259 This bill takes effect on October 1, 2008.

H.B. 348 1st Sub. (Buff) - 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, and will be deposited in a new Zion National Park 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 locals are likely unaffected.