

1 **SKI AND SNOWBOARD EDUCATION,**
2 **DEVELOPMENT, AND PROMOTION SPECIAL**
3 **GROUP LICENSE PLATE**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Kevin T. VanTassell**

7 House Sponsor: Melvin R. Brown

8
9 **LONG TITLE**

10 **General Description:**

11 This bill creates a Ski and Snowboard Education, Development, and Promotion special
12 group license plate.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ authorizes the Ski and Snowboard Education, Development, and Promotion special
16 group license plate for organizations that provide:

- 17 • ski and snowboard education, development, and promotion programs; or
- 18 • ski and snowboard competitions;

19 ▶ creates the Ski and Snowboard Education, Development, and Promotion Restricted
20 Account;

21 ▶ requires applicants for a plate to contribute \$25 annually to the Ski and Snowboard
22 Education, Development, and Promotion Restricted Account;

23 ▶ grants the Governor's Office of Economic Development rulemaking authority to
24 make rules establishing a procedure for an organization to apply for funds in the Ski
25 and Snowboard Education, Development, and Promotion Restricted Account; and

- 26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill takes effect on October 1, 2008.

31 This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General,
32 by technically renumbering.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-1a-418**, as last amended by Laws of Utah 2007, Chapters 173, 217, and 325

36 **41-1a-422**, as last amended by Laws of Utah 2007, Chapters 173, 179, and 325

37 ENACTS:

38 **63-38f-206**, Utah Code Annotated 1953



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

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

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

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

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

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

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

48 (ii) former prisoner of war;

49 (iii) recipient of a Purple Heart;

50 (iv) disabled veteran; or

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

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

55 (i) special interest vehicle;

56 (ii) vintage vehicle;

57 (iii) farm truck; or

58

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

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

63 (i) current member of the Legislature;

64 (ii) current member of the United States Congress;

65 (iii) current member of the National Guard;

66 (iv) licensed amateur radio operator;

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

68 (vi) emergency medical technician;

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

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

71 and

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

74 (i) an institution's scholastic scholarship fund;

75 (ii) the Division of Wildlife Resources;

76 (iii) the Department of Veterans' Affairs;

77 (iv) the Division of Parks and Recreation;

78 (v) the Department of Agriculture and Food;

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

80 (vii) the Boy Scouts of America;

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

82 (ix) the Boys and Girls Clubs of America;

83 (x) Utah public education; [or]

84 (xi) programs that provide support to organizations that create affordable housing for
85 those in severe need through the Division of Real Estate[-]; or

86 (xii) programs that support:

87 (A) ski and snowboard education, development, and promotion; or

88 (B) ski and snowboard competitions.

89 (2) Beginning January 1, 2003, the division may not issue a new type of special group

90 license plate unless the division receives:

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

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

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

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

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

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

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

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

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

105 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
106 **contribution collection procedures.**

107 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

129 (L) the Ski and Snowboard Education, Development, and Promotion Restricted
130 Account created in Section 63-38f-206.

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

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

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

138 (II) is a member of a trade organization for real estate licensees that has more than
139 15,000 Utah members.

140 (b) "Institution" means a state institution of higher education as defined under Section
141 53B-3-102 or a private institution of higher education in the state accredited by a regional or
142 national accrediting agency recognized by the United States Department of Education.

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

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

149 (i) the name of the contributor;

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

151 (iii) the date of the donation; and

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

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

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

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

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

164 (b) This contribution shall be:

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

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

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

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

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

175 (i) snowmobile license plates; or

176 (ii) conservation license plates.

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

179 Section 3. Section **63-38f-206** is enacted to read:

180 **63-38f-206. Ski and Snowboard Education, Development, and Promotion**

181 **Restricted Account -- Creation -- Funding -- Distribution of funds.**

182 (1) There is created within the General Fund a restricted account known as the Ski and

183 Snowboard Education, Development, and Promotion Restricted Account.

184 (2) The account shall be funded by:

185 (a) contributions deposited into the Ski and Snowboard Education, Development, and
186 Promotion Restricted Account in accordance with Section 41-1a-422;

187 (b) private contributions; and

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

189 (3) Funds in the account are nonlapsing.

190 (4) The Legislature shall appropriate funds in the account to the office.

191 (5) The office shall distribute funds in the account to one or more charitable
192 organizations that:

193 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

194 (b) provide educational and training opportunities for elite level skiers and
195 snowboarders; and

196 (c) serve as national governing bodies for skiing and snowboarding designated by the
197 United States Olympic Committee.

198 (6) (a) An organization described in Subsection (5) may apply to the office to receive a
199 distribution in accordance with Subsection (5).

200 (b) An organization that receives a distribution from the office in accordance with
201 Subsection (5) shall expend the distribution only to provide:

202 (i) educational and training opportunities for elite level skiers and snowboarders;

203 (ii) programs that support the education, development, and promotion of skiing and
204 snowboarding; and

205 (iii) ski and snowboard competitions.

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

209 **Section 4. Effective date.**

210 This bill takes effect on October 1, 2008.

211 **Section 5. Coordinating S.B. 80 with H.B. 63 -- Technical renumbering.**

212 If this S.B. 80 and H.B. 63, Recodification of Title 63 State Affairs in General, both
213 pass, it is the intent of the Legislature that the Office of Legislative Research and General

214 Counsel, in preparing the Utah Code database for publication:

215 (1) renumber Section 63-38f-206 enacted in this S.B. 80 to Section ~~§~~→ [63M-1-205]

215a 63M-1-206 ~~←~~§ ; and

216 (2) change any internal cross references from Section 63-38f-206 to Section

217 ~~§~~→ [63M-1-205] 63M-1-206 ~~←~~§ .

Legislative Review Note
as of 1-29-08 11:38 AM

Office of Legislative Research and General Counsel

**Revised
Fiscal Note**

**S.B. 80 - Ski and Snowboard Education, Development, and Promotion
Special Group License Plate**

2008 General Session

State of Utah

State Impact

Enactment of this bill would require a one-time General Fund appropriation of \$8,300 to cover startup costs. Contributions of \$12,500 are appropriated to the Governor's Office of Economic Development.

	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2010 Approp.</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>	<u>FY 2010 Revenue</u>
General Fund, One-Time	\$0	\$8,300	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$12,500	\$12,500	\$0	\$12,500	\$12,500
Total	\$0	\$20,800	\$12,500	\$0	\$12,500	\$12,500

Individual, Business and/or Local Impact

Individuals may contribute to the Ski and Snowboard Education, Development and Promotion Restricted Account. Those that provide education and training opportunities to elite level skiers and snowboarders will benefit. Localities and businesses are likely to be unaffected.
