

Representative Christopher N. Herrod proposes the following substitute bill:

CHOOSE LIFE SPECIAL GROUP LICENSE

PLATE

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill authorizes a Choose Life Adoption Support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a Choose Life Adoption Support special group license plate for adoption support programs through the Division of Child and Family Services;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Choose Life Adoption Support Restricted Account for adoption support programs;
- ▶ creates the Choose Life Adoption Support Restricted Account;
- ▶ grants the Division of Child and Family Services rulemaking authority to make rules establishing a procedure for certain organizations to apply for funds in the Choose Life Adoption Support Restricted Account; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2009.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 143, 153, 181, 201,
29 and 382

30 **41-1a-422**, as last amended by Laws of Utah 2008, Chapters 48, 201, and 382

31 ENACTS:

32 **62A-4a-608**, 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;

47 (c) unique vehicle type special group license plates, as for historical, collectors value,

48 or other unique vehicle type, which plates are issued for:

49 (i) a special interest vehicle;

50 (ii) a vintage vehicle;

51 (iii) a farm truck; or

52 (iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel as
53 defined in Section 59-13-102; or

54 (B) beginning on the effective date of rules made by the Department of Transportation
55 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the
56 standards established by the Department of Transportation in rules authorized under Subsection

57 41-6a-702(5)(b);

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

60 (i) current member of the Legislature;

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

62 (iii) current member of the National Guard;

63 (iv) licensed amateur radio operator;

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

65 (vi) emergency medical technician;

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

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

68 and

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

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

72 (ii) the Division of Wildlife Resources;

73 (iii) the Department of Veterans' Affairs;

74 (iv) the Division of Parks and Recreation;

75 (v) the Department of Agriculture and Food;

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

77 (vii) the Boy Scouts of America;

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

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

80 (x) Utah public education;

81 (xi) programs that provide support to organizations that create affordable housing for
82 those in severe need through the Division of Real Estate;

83 (xii) the Department of Public Safety; ~~or~~

84 (xiii) programs that support Zion National Park; or

85 (ix) programs that support and promote adoptions.

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

88 (a) a start-up fee established under Section 63J-1-303 for production and administrative
89 costs for providing the new special group license plates; or

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

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

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

95 (ii) pay a start-up fee established under Section 63J-1-303 for production and
96 administrative costs for providing the new type of special group license plates.

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

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

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

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

102 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
103 **contribution collection procedures.**

104 (1) As used in this section:

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

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

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

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

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

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

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

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

118 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

119 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

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

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

123 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
124 assist people who have severe housing needs;

125 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
126 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
127 Safety employees; [or]

128 (M) the Division of Parks and Recreation for distribution to organizations that provide
129 support for Zion National Park; or

130 (N) the Choose Life Adoption Support Restricted Account created in Section
131 62A-4a-608 to support programs that promote adoption.

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

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

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

139 (II) is a member of a trade organization for real estate licensees that has more than
140 15,000 Utah members.

141 (C) For an Honoring Heroes special group license plate, "contributor" means a person
142 who has donated or in whose name at least \$35 has been donated at the time of application and
143 annually thereafter.

144 (b) "Institution" means a state institution of higher education as defined under Section
145 53B-3-102 or a private institution of higher education in the state accredited by a regional or
146 national accrediting agency recognized by the United States Department of Education.

147 (2) (a) An applicant for original or renewal collegiate special group license plates under
148 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
149 present the original contribution verification form under Subsection (2)(b) or make a

150 contribution to the division at the time of application under Subsection (3).

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

153 (i) the name of the contributor;

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

155 (iii) the date of the donation; and

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

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

159 (d) After an applicant has been issued collegiate license plates or renewal decals, the
160 commission shall charge the institution whose plate was issued, a fee determined in accordance
161 with Section 63J-1-303 for management and administrative expenses incurred in issuing and
162 renewing the collegiate license plates.

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

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

168 (b) This contribution shall be:

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

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

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

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

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

179 (i) snowmobile license plates; or

180 (ii) conservation license plates.

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

183 Section 3. Section **62A-4a-608** is enacted to read:

184 **62A-4a-608. Choose Life Adoption Support Restricted Account.**

185 (1) There is created in the General Fund the "Choose Life Adoption Support Restricted
186 Account."

187 (2) The account shall be funded by:

188 (a) contributions deposited into the Choose Life Adoption Support Restricted Account
189 in accordance with Section 41-1a-422;

190 (b) appropriations to the account by the Legislature;

191 (c) private contributions; and

192 (d) donations or grants from public or private entities.

193 (3) Funds in the account are nonlapsing.

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

195 (5) The division shall distribute the funds in the account to one or more charitable
196 organizations that:

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

198 (b) have as part of their primary mission the support, promotion, and education of
199 adoption programs;

200 (c) are licensed or registered to do business within the state in accordance with state
201 law; and

202 (d) contribute to the start-up fee for the production and administrative costs for
203 providing a Choose Life Adoption Support special group license plate in accordance with
204 Subsection 41-1a-418(2)(a).

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

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

209 (i) produce and distribute educational and promotional materials on adoptions;

210 (ii) conduct educational courses on adoptions; and

211 (iii) provide other programs that support adoption.

212 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
213 division may make rules providing procedures and requirements for an organization to apply to
214 the division to receive a distribution under Subsection (5).

215 Section 4. **Effective date.**

216 This bill takes effect on October 1, 2009.

H.B. 337 1st Sub. (Buff) - Choose Life Special Group License Plate

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will create the Choose Life Adoption Support Restricted Account. The amount of revenue going into the fund depends upon the number of individuals paying at least \$25 to support the fund. If 2,000 individuals participate in the first year and 500 in the subsequent year, revenue to the fund would be \$62,500. With 2,500 individuals participating over FY 2010 and FY 2011, dedicated credits revenue for license plate production would be \$8,000 in FY 2010 and \$2,000 in FY 2011. Revenue to the Transportation Fund would be \$2,000 in FY 2010 and \$500 in FY 2011. Startup costs will be paid for by private sources and by those contributing to the fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund Restricted	\$0	\$50,000	\$12,500	\$0	\$50,000	\$12,500
Transportation Fund	\$0	\$0	\$0	\$0	\$2,000	\$500
Dedicated Credits	\$0	\$18,500	\$0	\$0	\$8,000	\$2,000
Total	\$0	\$68,500	\$12,500	\$0	\$60,000	\$15,000

Individual, Business and/or Local Impact

Individuals and businesses will have another avenue to support adoption programs. Local entities are unaffected.
