

1                                   **COMMUNITY ANIMAL SHELTER AND**  
2                                   **ADOPTION SUPPORT SPECIAL GROUP**  
3                                   **LICENSE PLATE**

4                                   2009 GENERAL SESSION  
5                                   STATE OF UTAH

6                                   **Chief Sponsor: Peter C. Knudson**  
7                                   House Sponsor: Jack R. Draxler

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8  
9   **LONG TITLE**

10 **General Description:**

11           This bill authorizes a Community Animal Shelter and Adoption Support special group  
12 license plate.

13 **Highlighted Provisions:**

14           This bill:

- 15           ▶ creates a Community Animal Shelter and Adoption Support special group license  
16 plate for programs that provide or support animal shelters and animal adoptions;
- 17           ▶ requires applicants for a new plate to make a \$25 annual donation to the  
18 Community Animal Shelter and Adoption Support Restricted Account;
- 19           ▶ creates the Community Animal Shelter and Adoption Support Restricted Account;
- 20           ▶ requires the Department of Health to distribute funds in the Community Animal  
21 Shelter and Adoption Support Restricted Account to certain organizations for  
22 programs that provide or support animal shelters and animal adoptions; and
- 23           ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           This bill takes effect on October 1, 2009.

27a           **H→ This bill coordinates with H.B. 391, Budgetary Procedure Act Revisions, by providing**  
27b **substantive and technical amendments. ←H**



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **26-48-101**, as enacted by Laws of Utah 2006, Chapter 280

31 **41-1a-418**, as last amended by Laws of Utah 2008, Chapters 48, 143, 153, 181, 201,

32 and 382

33 **41-1a-422**, as last amended by Laws of Utah 2008, Chapters 48, 201, and 382

34 ENACTS:

35 **26-48-103**, Utah Code Annotated 1953



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

38 Section 1. Section **26-48-101** is amended to read:

39 **CHAPTER 48. COMMUNITY ANIMAL HEALTH ACT**

40 **26-48-101. Title.**

41 This chapter is known as the "~~[Cat and Dog]~~ Community ~~[Spay and Neuter Program~~  
42 ~~Restricted Account]~~ Animal Health Act."

43 Section 2. Section **26-48-103** is enacted to read:

44 **26-48-103. Community Animal Shelter and Adoption Support Restricted**  
45 **Account.**

46 (1) There is created in the General Fund the "Community Animal Shelter and Adoption  
47 Support Restricted Account."

48 (2) The account shall be funded by:

49 (a) contributions deposited into the Community Animal Shelter and Adoption Support  
50 Restricted Account in accordance with Section 41-1a-422;

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

52 (c) private contributions; and

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

54 (3) Funds in the account are nonlapsing.

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

56 (5) The department shall distribute the funds in the account to one or more charitable  
57 organizations that:

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

59 (b) have as part of their primary mission establishing programs that provide or support  
 60 animal shelters and animal adoptions; ~~§~~→ [and]

60a (c) have a humane animal welfare facility located in a county of the first class that:

60b (i) has the capacity to hold at least 400 animals; and

60c (ii) has a low cost spay and neuter clinic located on the premises of the facility;

60d (d) employ:

60e (i) at least one full-time veterinarian that administers a low cost spay and neuter  
 60f program;

60g (ii) at least one full-time animal cruelty investigator that assists in identifying animals  
 60h for adoption;

60i (iii) at least one full-time animal adoption transfer coordinator; and

60j (iv) at least one full-time foster care coordinator; and

61 ~~[(c)]~~ (e) ~~←~~§ contribute to the start-up fee for the production and administrative costs for  
 62 providing a Community Animal Shelter and Adoption Support special group license plate in  
 63 accordance with Subsection 41-1a-418(2)(a).

64 (6) (a) An organization described in Subsection (5) may apply to the department to  
 65 receive a distribution in accordance with Subsection (5).

66 (b) An organization that receives a distribution from the department in accordance with  
 67 Subsection (5) shall expend the distribution only to:

68 (i) provide shelter and adoption for homeless or unwanted animals;

69 (ii) pay the costs ~~§~~→ [of] associated with ~~←~~§ transferring animals to other animal  
 69a adoption agencies ~~§~~→ [;

70 ~~—— (iii) provide educational materials and publications on animal shelter and adoption~~  
 71 ~~programs; and~~

72 ~~—— (iv) establish or administer other programs that provide or support animal shelters or~~  
 73 ~~animal adoptions.] , shelters, or rescue groups throughout the state. ~~←~~§~~

74 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 75 department may make rules providing procedures and requirements for an organization to  
 76 apply to the department to receive a distribution in accordance with Subsection (5).

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

78 **41-1a-418. Authorized special group license plates.**

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

- 82 (a) disability special group license plates issued in accordance with Section 41-1a-420;
- 83 (b) honor special group license plates, as in a war hero, which plates are issued for a:
- 84 (i) survivor of the Japanese attack on Pearl Harbor;
- 85 (ii) former prisoner of war;
- 86 (iii) recipient of a Purple Heart;
- 87 (iv) disabled veteran; or
- 88 (v) recipient of a gold star award issued by the United States Secretary of Defense;
- 89 (c) unique vehicle type special group license plates, as for historical, collectors value,

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

91 (i) a special interest vehicle;

92 (ii) a vintage vehicle;

93 (iii) a farm truck; or

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

96 (B) beginning on the effective date of rules made by the Department of Transportation  
97 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the  
98 standards established by the Department of Transportation in rules authorized under Subsection  
99 41-6a-702(5)(b);

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

102 (i) current member of the Legislature;

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

104 (iii) current member of the National Guard;

105 (iv) licensed amateur radio operator;

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

107 (vi) emergency medical technician;

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

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

110 and

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

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

114 (ii) the Division of Wildlife Resources;

115 (iii) the Department of Veterans' Affairs;

116 (iv) the Division of Parks and Recreation;

117 (v) the Department of Agriculture and Food;

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

119 (vii) the Boy Scouts of America;

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

- 121 (ix) the Boys and Girls Clubs of America;
- 122 (x) Utah public education;
- 123 (xi) programs that provide support to organizations that create affordable housing for
- 124 those in severe need through the Division of Real Estate;
- 125 (xii) the Department of Public Safety; [or]
- 126 (xiii) programs that support Zion National Park[-]; or
- 127 (xiv) programs that provide or support animal shelters or animal adoptions.

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

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

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

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

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

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

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

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

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

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

144 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
 145 **contribution collection procedures.**

146 (1) As used in this section:

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

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

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

151 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in

152 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,  
153 access, and management of wildlife habitat;

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

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

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

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

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

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

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

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

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

170 (M) the Division of Parks and Recreation for distribution to organizations that provide  
171 support for Zion National Park[-]; or

172 (N) the Community Animal Shelter and Adoption Support Restricted Account created  
173 in Section 26-48-103 for programs that provide or support animal shelters and animal  
174 adoptions.

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

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

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

182 (II) is a member of a trade organization for real estate licensees that has more than

183 15,000 Utah members.

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

187 (b) "Institution" means a state institution of higher education as defined under Section  
188 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
189 national accrediting agency recognized by the United States Department of Education.

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

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

- 196 (i) the name of the contributor;
- 197 (ii) the institution to which a donation was made;
- 198 (iii) the date of the donation; and
- 199 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

211 (b) This contribution shall be:

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



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

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

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

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

222 (i) snowmobile license plates; or

223 (ii) conservation license plates.

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

226 Section 5. **Effective date.**

227 This bill takes effect on October 1, 2009.

227a **H→ Section 6. Coordinating S.B. 218 with H.B. 391 -- Substantive and technical**  
227b **amendments.**

227c **If this S.B. 218 and H.B. 391, Budgetary Procedures Act Revisions, both pass, it is the**  
227d **intent of the Legislature that, the Office of Legislative Research and General Counsel in**  
227e **preparing the Utah Code database for publication, do the following:**

227f **(1) insert a new Subsection 63J-1-602(1)(v) to read:**

227g **"(v) the Community Animal Shelter and Adoption Support Restricted Account created**  
227h **in Section 26-48-103;"**;

227i **(2) renumber the existing Subsection 63J-1-602(1)(v) as 63J-1-602(1)(w); and**

227j **(3) renumber the remaining subsections of Subsection 63J-1-602(1) accordingly. ←H**

Legislative Review Note  
as of 2-24-09 9:21 AM

Office of Legislative Research and General Counsel

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**Fiscal Note****S.B. 218 - Community Animal Shelter and Adoption Support Special Group  
License Plate**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill creates the Community Animal Shelter and Adoption Support Restricted Account. Startup costs for the program will require a one-time General Fund appropriation of \$8,200. The expected amount to be appropriated to the Department of Health from the contributions is \$7,500 in FY 2010 and \$5,000 in FY 2011. The amount of revenue going into the fund depends upon the number of individuals paying at least \$25 to support the fund. If 300 individuals participate in the first year and 200 in the subsequent year, revenue to the fund would be \$7,500 in FY 2010 and \$5,000 in FY 2011. With 500 individuals participating over FY 2010 and FY 2011, dedicated credits revenue for license plate production would be \$1,200 in FY 2010 and \$800 in FY 2011. Revenue to the Transportation Fund would be \$300 in FY 2010 and \$200 in FY 2011.

	<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, One-Time	\$0	\$8,200	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$7,500	\$5,000	\$0	\$7,500	\$5,000
Transportation Fund	\$0	\$0	\$0	\$0	\$300	\$200
Dedicated Credits	\$0	\$0	\$0	\$0	\$1,200	\$800
<b>Total</b>	<b>\$0</b>	<b>\$15,700</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$9,000</b>	<b>\$6,000</b>

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**Individual, Business and/or Local Impact**

Individuals may support bicycle operation and safety awareness programs. Local governments and businesses are unaffected.