

CANCER RESEARCH SPECIAL GROUP

LICENSE PLATE

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill authorizes a cancer research support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a cancer research support special group license plate for programs that conduct or support cancer research programs;
- ▶ requires applicants for a new plate to make a \$35 annual donation to the Cancer Research Restricted Account;
- ▶ creates the Cancer Research Restricted Account;
- ▶ requires the Department of Health to distribute funds in the Cancer Research Restricted Account to certain organizations that provide programs that conduct or support cancer research programs; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2010.

Utah Code Sections Affected:

AMENDS:



28 **41-1a-418**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

29 **41-1a-422**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

30 ENACTS:

31 **26-21a-302**, Utah Code Annotated 1953



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

34 Section 1. Section **26-21a-302** is enacted to read:

35 **26-21a-302. Cancer Research Restricted Account.**

36 (1) As used in this section, "account" means the Cancer Research Restricted Account
37 created by this section.

38 (2) There is created in the General Fund a restricted account known as the "Cancer
39 Research Restricted Account."

40 (3) The account shall be funded by:

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

42 (b) private contributions;

43 (c) donations or grants from public or private entities; and

44 (d) interest and earnings on fund monies.

45 (4) Funds in the account are nonlapsing.

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

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

49 (b) have been designated as an official cancer center of the state;

50 (c) is a National Cancer Institute designated cancer center; and

51 (d) have as part of its primary mission:

52 (i) cancer research programs in basic science, translational science, population science,
53 and clinical research to understand cancer from its beginnings; and

54 (ii) the dissemination and use of knowledge developed by the research described in
55 Subsection (5)(d)(i) for the creation and improvement of cancer detection, treatments,
56 prevention, and outreach programs.

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

59 (b) An organization that receives a distribution from the department in accordance with
60 Subsection (5) shall expend the distribution only to conduct cancer research for the purpose of
61 making improvements in cancer treatments, cures, detection, and prevention of cancer at the
62 molecular and genetic levels.

63 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
64 department may make rules providing procedures for an organization to apply to the
65 department to receive a distribution under Subsection (5).

66 Section 2. Section **41-1a-418** is amended to read:

67 **41-1a-418. Authorized special group license plates.**

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

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

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

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

74 (ii) former prisoner of war;

75 (iii) recipient of a Purple Heart;

76 (iv) disabled veteran; or

77 (v) recipient of a gold star award issued by the United States Secretary of Defense;

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

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

80 (i) a special interest vehicle;

81 (ii) a vintage vehicle;

82 (iii) a farm truck; or

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

85 (B) beginning on the effective date of rules made by the Department of Transportation
86 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the
87 standards established by the Department of Transportation in rules authorized under Subsection
88 41-6a-702(5)(b);

89 (d) recognition special group license plates, as in a public official or an emergency

90 service giver, which plates are issued for a:

- 91 (i) current member of the Legislature;
- 92 (ii) current member of the United States Congress;
- 93 (iii) current member of the National Guard;
- 94 (iv) licensed amateur radio operator;
- 95 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- 96 (vi) emergency medical technician;
- 97 (vii) current member of a search and rescue team; or
- 98 (viii) current honorary consulate designated by the United States Department of State;

99 and

100 (e) support special group license plates, as for a contributor to an institution or cause,

101 which plates are issued for a contributor to:

- 102 (i) an institution's scholastic scholarship fund;
- 103 (ii) the Division of Wildlife Resources;
- 104 (iii) the Department of Veterans' Affairs;
- 105 (iv) the Division of Parks and Recreation;
- 106 (v) the Department of Agriculture and Food;
- 107 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 108 (vii) the Boy Scouts of America;
- 109 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 110 (ix) the Boys and Girls Clubs of America;
- 111 (x) Utah public education;
- 112 (xi) programs that provide support to organizations that create affordable housing for
- 113 those in severe need through the Division of Real Estate;
- 114 (xii) the Department of Public Safety;
- 115 (xiii) programs that support Zion National Park;
- 116 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

117 organizations; [or]

118 (xv) programs that promote bicycle operation and safety awareness[-]; or

119 (xvi) programs that conduct or support cancer research.

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

121 group license plate unless the division receives:

122 (i) a start-up fee established under Section 63J-1-504 for production and administrative
123 costs for providing the new special group license plates; or

124 (ii) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i).

125 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
126 registration of a motor vehicle that has been issued a firefighter recognition special group
127 license plate unless the applicant is a contributor as defined in Subsection
128 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

129 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
130 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
131 registration shall:

132 (A) be a contributor to the Firefighter Support Restricted Account as required under
133 Subsection (2)(b)(ii); or

134 (B) replace the firefighter recognition special group license plate with a new license
135 plate.

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

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

140 (ii) pay a start-up fee established under Section 63J-1-504 for production and
141 administrative costs for providing the new type of special group license plates.

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

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

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

146 Section 3. Section **41-1a-422** is amended to read:

147 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
148 **contribution collection procedures.**

149 (1) As used in this section:

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

- 152 (A) a scholastic scholarship fund of a single named institution;
- 153 (B) the Department of Veterans' Affairs for veterans' programs;
- 154 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
155 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
156 access, and management of wildlife habitat;
- 157 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 158 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- 159 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
160 the donation evenly divided between the two;
- 161 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
162 council as specified by the contributor;
- 163 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
164 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 165 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
166 development programs;
- 167 (J) the Utah Association of Public School Foundations to support public education;
- 168 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
169 assist people who have severe housing needs;
- 170 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
171 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
172 Safety employees;
- 173 (M) the Division of Parks and Recreation for distribution to organizations that provide
174 support for Zion National Park;
- 175 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
176 firefighter organizations; ~~[or]~~
- 177 (O) the Share the Road Bicycle Support Restricted Account created in Section
178 72-2-127 to support bicycle operation and safety awareness programs~~[;]~~; or
- 179 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
180 cancer research programs.
- 181 (ii) (A) For a veterans' special group license plate, "contributor" means a person who
182 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual

183 donation thereafter has been made.

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

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

188 (II) is a member of a trade organization for real estate licensees that has more than
189 15,000 Utah members.

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

193 (D) For a firefighter support special group license plate, "contributor" means a person
194 who:

195 (I) has donated or in whose name at least \$15 has been donated at the time of
196 application and annually after the time of application; and

197 (II) is a currently employed, volunteer, or retired firefighter.

198 (E) For a cancer research special group license plate, "contributor" means a person who
199 has donated or in whose name at least \$35 has been donated at the time of application and
200 annually after the time of application.

201 (b) "Institution" means a state institution of higher education as defined under Section
202 53B-3-102 or a private institution of higher education in the state accredited by a regional or
203 national accrediting agency recognized by the United States Department of Education.

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

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

210 (i) the name of the contributor;

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

212 (iii) the date of the donation; and

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

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

216 (d) After an applicant has been issued collegiate license plates or renewal decals, the
217 commission shall charge the institution whose plate was issued, a fee determined in accordance
218 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
219 renewing the collegiate license plates.

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

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

225 (b) This contribution shall be:

226 (i) unless collected by the named institution under Subsection (2), collected by the
227 division;

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

230 (iii) deposited into the appropriate account less actual administrative costs associated
231 with issuing the license plates; and

232 (iv) for a firefighter special group license plate, deposited into the appropriate account
233 less:

234 (A) the costs of reordering firefighter special group license plate decals; and

235 (B) the costs of replacing recognition special group license plates with new license
236 plates under Subsection 41-1a-1211(13).

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

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

241 (i) snowmobile license plates; or

242 (ii) conservation license plates.

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

245 Section 4. **Effective date.**

246 This bill takes effect on October 1, 2010.

Legislative Review Note
as of 2-2-10 1:19 PM

Office of Legislative Research and General Counsel

H.B. 130 - Cancer Research Special Group License Plate

Fiscal Note

2010 General Session
State of Utah

State Impact

Under the provisions of this bill, if 500 individuals donate \$35 each year, revenue to the Cancer Research Restricted Account would be \$17,500. Annual dedicated credits revenue would be \$2,000 for license plate production and \$500 to the Transportation Fund. \$12,400 in startup costs will be paid from private sources.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund Restricted	\$0	\$0	\$0	\$0	\$17,500	\$17,500
Transportation Fund	\$0	\$0	\$0	\$0	\$500	\$500
Dedicated Credits	\$0	\$12,400	\$0	\$0	\$2,000	\$2,000
Total	\$0	\$12,400	\$0	\$0	\$20,000	\$20,000

Individual, Business and/or Local Impact

Individuals and businesses may support cancer research through donations. Local governments are unaffected.