

**AUTISM AWARENESS SUPPORT SPECIAL
GROUP LICENSE PLATE**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Daniel R. Liljenquist

LONG TITLE

General Description:

This bill authorizes an Autism Awareness support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates an Autism Awareness support special group license plate for programs that create or support autism awareness programs;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Autism Awareness Restricted Account;
- ▶ creates the Autism Awareness Restricted Account;
- ▶ requires the superintendent of public instruction to distribute funds in the Autism Awareness Restricted Account to certain organizations that provide programs that create or support autism awareness programs;
- ▶ grants the State Board of Education rulemaking authority to make rules providing procedures for an organization to apply to receive a distribution; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2010.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-418**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

31 **41-1a-422**, as last amended by Laws of Utah 2009, Chapters 183, 348, and 380

32 **53A-1-301**, as last amended by Laws of Utah 2007, Chapter 112

33 ENACTS:

34 **53A-1-304**, Utah Code Annotated 1953



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

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

38 **41-1a-418. Authorized special group license plates.**

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

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

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

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

45 (ii) former prisoner of war;

46 (iii) recipient of a Purple Heart;

47 (iv) disabled veteran; or

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

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

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

51 (i) a special interest vehicle;

52 (ii) a vintage vehicle;

53 (iii) a farm truck; or

54 (iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel as

55 defined in Section 59-13-102; or

56 (B) beginning on the effective date of rules made by the Department of Transportation

57 authorized under Subsection 41-6a-702(5)(b), a vehicle powered by clean fuel that meets the

58 standards established by the Department of Transportation in rules authorized under Subsection

59 41-6a-702(5)(b);

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

- 62 (i) current member of the Legislature;
- 63 (ii) current member of the United States Congress;
- 64 (iii) current member of the National Guard;
- 65 (iv) licensed amateur radio operator;
- 66 (v) currently employed, volunteer, or retired firefighter until June 30, 2009;
- 67 (vi) emergency medical technician;
- 68 (vii) current member of a search and rescue team; or
- 69 (viii) current honorary consulate designated by the United States Department of State;

70 and

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

- 73 (i) an institution's scholastic scholarship fund;
- 74 (ii) the Division of Wildlife Resources;
- 75 (iii) the Department of Veterans' Affairs;
- 76 (iv) the Division of Parks and Recreation;
- 77 (v) the Department of Agriculture and Food;
- 78 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 79 (vii) the Boy Scouts of America;
- 80 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 81 (ix) the Boys and Girls Clubs of America;
- 82 (x) Utah public education;
- 83 (xi) programs that provide support to organizations that create affordable housing for
84 those in severe need through the Division of Real Estate;
- 85 (xii) the Department of Public Safety;
- 86 (xiii) programs that support Zion National Park;
- 87 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
88 organizations; [~~or~~]
- 89 (xv) programs that promote bicycle operation and safety awareness[-]; or

90 (xvi) programs that create or support autism awareness.

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

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

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

96 (b) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
97 registration of a motor vehicle that has been issued a firefighter recognition special group
98 license plate unless the applicant is a contributor as defined in Subsection
99 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

105 (B) replace the firefighter recognition special group license plate with a new license
106 plate.

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

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

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

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

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

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

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

118 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
119 **contribution collection procedures.**

120 (1) As used in this section:

- 121 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
122 has donated or in whose name at least \$25 has been donated to:
- 123 (A) a scholastic scholarship fund of a single named institution;
124 (B) the Department of Veterans' Affairs for veterans' programs;
125 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
126 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
127 access, and management of wildlife habitat;
- 128 (D) the Department of Agriculture and Food for the benefit of conservation districts;
129 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
130 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
131 the donation evenly divided between the two;
- 132 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
133 council as specified by the contributor;
- 134 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
135 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 136 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
137 development programs;
- 138 (J) the Utah Association of Public School Foundations to support public education;
- 139 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-28 to
140 assist people who have severe housing needs;
- 141 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
142 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
143 Safety employees;
- 144 (M) the Division of Parks and Recreation for distribution to organizations that provide
145 support for Zion National Park;
- 146 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
147 firefighter organizations; ~~or~~
- 148 (O) the Share the Road Bicycle Support Restricted Account created in Section
149 72-2-127 to support bicycle operation and safety awareness programs~~[-]; or~~
- 150 (P) Autism Awareness Restricted Account created in Section 53A-1-304 to support
151 autism awareness programs.

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

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

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

159 (II) is a member of a trade organization for real estate licensees that has more than
160 15,000 Utah members.

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

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

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

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

169 (b) "Institution" means a state institution of higher education as defined under Section
170 53B-3-102 or a private institution of higher education in the state accredited by a regional or
171 national accrediting agency recognized by the United States Department of Education.

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

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

178 (i) the name of the contributor;

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

180 (iii) the date of the donation; and

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

182 (c) The state auditor may audit each institution to verify that the moneys collected by

183 the institutions from contributors are used for scholastic scholarships.

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

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

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

193 (b) This contribution shall be:

194 (i) unless collected by the named institution under Subsection (2), collected by the
195 division;

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

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

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

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

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

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

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

209 (i) snowmobile license plates; or

210 (ii) conservation license plates.

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

213 Section 3. Section **53A-1-301** is amended to read:

214 **53A-1-301. Appointment -- Qualifications -- Duties.**

215 (1) (a) The State Board of Education shall appoint a superintendent of public
216 instruction, hereinafter called the state superintendent, who is the executive officer of the board
217 and serves at the pleasure of the board.

218 (b) The board shall appoint the state superintendent on the basis of outstanding
219 professional qualifications.

220 (c) The state superintendent shall administer all programs assigned to the State Board
221 of Education in accordance with the policies and the standards established by the board.

222 (2) The superintendent shall develop a statewide education strategy focusing on core
223 academics, including the development of:

224 (a) core curriculum and graduation requirements;

225 (b) a process to select instructional materials that best correlate to the core curriculum
226 and graduation requirements that are supported by generally accepted scientific standards of
227 evidence;

228 (c) professional development programs for teachers, superintendents, and principals;

229 (d) remediation programs;

230 (e) a method for creating individual student learning targets, and a method of
231 measuring an individual student's performance toward those targets;

232 (f) progress-based assessments for ongoing performance evaluations of districts and
233 schools;

234 (g) incentives to achieve the desired outcome of individual student progress in core
235 academics, and which do not create disincentives for setting high goals for the students;

236 (h) an annual report card for school and district performance, measuring learning and
237 reporting progress-based assessments;

238 (i) a systematic method to encourage innovation in schools and school districts as they
239 strive to achieve improvement in their performance; and

240 (j) a method for identifying and sharing best demonstrated practices across districts and
241 schools.

242 (3) The superintendent shall perform duties assigned by the board, including the
243 following:

244 (a) investigating all matters pertaining to the public schools;

- 245 (b) adopting and keeping an official seal to authenticate the superintendent's official
246 acts;
- 247 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 248 (d) presenting to the governor and the Legislature each December a report of the public
249 school system for the preceding year to include:
- 250 (i) data on the general condition of the schools with recommendations considered
251 desirable for specific programs;
- 252 (ii) a complete statement of fund balances;
- 253 (iii) a complete statement of revenues by fund and source;
- 254 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
255 indebtedness, the cost of new school plants, and school levies;
- 256 (v) a complete statement of state funds allocated to each of the state's 40 school
257 districts by source, including supplemental appropriations, and a complete statement of
258 expenditures by each district, including supplemental appropriations, by function and object as
259 outlined in the U.S. Department of Education publication "Financial Accounting for Local and
260 State School Systems";
- 261 (vi) a complete statement, by school district and charter school, of the amount of and
262 percentage increase or decrease in expenditures from the previous year attributed to:
- 263 (A) wage increases, with expenditure data for base salary adjustments identified
264 separately from step and lane expenditures;
- 265 (B) medical and dental premium cost adjustments; and
- 266 (C) adjustments in the number of teachers and other staff;
- 267 (vii) a statement that includes fall enrollments, average membership, high school
268 graduates, licensed and classified employees, pupil-teacher ratios by grade, pupil-adult ratios
269 by grade, class sizes by grade, average salaries, applicable private school data, and data from
270 standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;
- 271 (viii) statistical information regarding incidents of delinquent activity in the schools or
272 at school-related activities with separate categories for:
- 273 (A) alcohol and drug abuse;
- 274 (B) weapon possession;
- 275 (C) assaults; and

- 276 (D) arson;
- 277 (ix) information about:
- 278 (A) the development and implementation of the strategy of focusing on core
- 279 academics;
- 280 (B) the development and implementation of competency-based education and
- 281 progress-based assessments; and
- 282 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
- 283 individual progress-based assessments and the comparison of Utah Students' progress with the
- 284 progress of students in other states using standardized norm-referenced tests as benchmarks;
- 285 and
- 286 (x) other statistical and financial information about the school system which the
- 287 superintendent considers pertinent;
- 288 (e) collecting and organizing education data into an automated decision support system
- 289 to facilitate school district and school improvement planning, accountability reporting and
- 290 performance recognition, and the evaluation of educational policy and program effectiveness to
- 291 include:
- 292 (i) data that are:
- 293 (A) comparable across schools and school districts;
- 294 (B) appropriate for use in longitudinal studies; and
- 295 (C) comprehensive with regard to the data elements required under applicable state or
- 296 federal law or state board rule;
- 297 (ii) features that enable users, most particularly school administrators, teachers, and
- 298 parents, to:
- 299 (A) retrieve school and school district level data electronically;
- 300 (B) interpret the data visually; and
- 301 (C) draw conclusions that are statistically valid; and
- 302 (iii) procedures for the collection and management of education data that:
- 303 (A) require the state superintendent of public instruction to:
- 304 (I) collaborate with school districts in designing and implementing uniform data
- 305 standards and definitions;
- 306 (II) undertake or sponsor research to implement improved methods for analyzing

307 education data;

308 (III) provide for data security to prevent unauthorized access to or contamination of the
309 data; and

310 (IV) protect the confidentiality of data under state and federal privacy laws; and

311 (B) require all school districts to comply with the data collection and management
312 procedures established under Subsection (3)(e);

313 (f) administering and implementing federal educational programs in accordance with
314 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

315 (g) with the approval of the board, preparing and submitting to the governor a budget
316 for the board to be included in the budget that the governor submits to the Legislature.

317 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
318 Restricted Account created in Section 53A-1-304 in accordance with the requirements of
319 Section 53A-1-304.

320 [~~4~~] (5) Upon leaving office, the state superintendent shall deliver to his successor all
321 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

322 [~~5~~] (6) For the purpose of Subsection (3)(d)(vii):

323 (a) a pupil-teacher ratio shall be calculated by dividing the total number of students in a
324 grade at a school by the total number of licensed classroom teachers in that grade at the school;
325 and

326 (b) an adult-student ratio shall be calculated by dividing the total number of students in
327 a grade at a school by the total number of adults who work with students in an instructional
328 setting in that grade at the school.

329 Section 4. Section **53A-1-304** is enacted to read:

330 **53A-1-304. Autism Awareness Restricted Account.**

331 (1) There is created in the General Fund a restricted account known as the "Autism
332 Awareness Restricted Account."

333 (2) The account shall be funded by:

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

335 (b) private contributions; and

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

337 (3) Funds in the account are nonlapsing.

338 (4) The superintendent shall distribute funds in the account to one or more charitable
339 organizations that:

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

341 (b) promote access to resources and responsible information for individuals of all ages
342 who have, or are affected by, autism or related conditions;

343 (c) is an independent organization that has representation from state agencies and
344 private providers serving individuals with autism spectrum disorder and their families in the
345 state;

346 (d) includes representation of:

347 (i) national and local autism advocacy groups, as available; and

348 (ii) interested parents and professionals; and

349 (e) does not endorse any specific treatment, therapy, or intervention used for autism.

350 (5) (a) An organization described in Subsection (4) may apply to the superintendent to
351 receive a distribution in accordance with Subsection (4).

352 (b) An organization that receives a distribution from the superintendent in accordance
353 with Subsection (4) shall expend the distribution only to:

354 (i) pay for autism education and public awareness of programs and related services in
355 the state;

356 (ii) enhance programs designed to serve individuals with autism;

357 (iii) provide support to caregivers providing services for individuals with autism;

358 (iv) pay for academic scholarships and research efforts in the area of autism spectrum
359 disorder; and

360 (v) pay the costs of administering and distributing funds under this section.

361 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
362 State Board of Education may make rules providing procedures for an organization to apply to
363 the superintendent to receive a distribution under Subsection (4).

364 **Section 5. Effective date.**

365 This bill takes effect on October 1, 2010.

Legislative Review Note
as of 2-9-10 9:35 AM

Office of Legislative Research and General Counsel

H.B. 327 - Autism Awareness Support Special Group License Plate

Fiscal Note

2010 General Session
State of Utah

State Impact

Startup costs of \$20,700 (paid from private sources) will buy 2,000 3-color sets. 500 people buying plates each year (donating \$25 each) would increase revenues to the Autism Awareness Restricted Account by \$12,500. Other fees would generate \$2,000 in Dedicated Credits for license plate production and \$500 to the Transportation Fund.

	<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	\$12,500	\$12,500
Transportation Fund	\$0	\$0	\$0	\$0	\$500	\$500
Dedicated Credits	\$0	\$20,700	\$0	\$0	\$2,000	\$2,000
Total	\$0	\$20,700	\$0	\$0	\$15,000	\$15,000

Individual, Business and/or Local Impact

Individuals and businesses may support autism awareness programs through donations. Local governments are unaffected.