

SB0077S03 compared with SB0077S01

~~{deleted text}~~ shows text that was in SB0077S01 but was deleted in SB0077S03.

inserted text shows text that was not in SB0077S01 but was inserted into SB0077S03.

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Senator Michael K. McKell proposes the following substitute bill:

KIWANIS SPECIAL GROUP LICENSE PLATE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE

General Description:

This bill creates a support special group license plate.

Highlighted Provisions:

This bill:

- ▶ creates a support special group license plate to support the mission and purpose of the Kiwanis International clubs within the state;
- ▶ creates the Kiwanis Education Support Fund;
- ▶ directs donations of license plate recipients to be distributed to the Education Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2022:

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- ▶ to the State Tax Commission - Kiwanis Education Support Fund, as a one-time appropriation:
 - from the General Fund, One-time, \$7,500.

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2020, Chapters 120, 322, and 405

41-1a-422, as last amended by Laws of Utah 2020, Chapters 120, 322, 354, and 405

ENACTS:

53F-9-403, Utah Code Annotated 1953

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

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

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

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

- (a) disability special group license plates issued in accordance with Section 41-1a-420;
- (b) honor special group license plates, as in a war hero, which plates are issued for a:
 - (i) survivor of the Japanese attack on Pearl Harbor;
 - (ii) former prisoner of war;
 - (iii) recipient of a Purple Heart;
 - (iv) disabled veteran;
 - (v) recipient of a gold star award issued by the United States Secretary of Defense; or
 - (vi) recipient of a campaign or combat theater award determined by the Department of Veterans and Military Affairs;
- (c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:
 - (i) a special interest vehicle;
 - (ii) a vintage vehicle;

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(iii) a farm truck; or

(iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or

(B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);

(d) recognition special group license plates, which plates are issued for:

(i) a current member of the Legislature;

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

(iii) a current member of the National Guard;

(iv) a licensed amateur radio operator;

(v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

(vi) an emergency medical technician;

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

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

(ix) an individual supporting commemoration and recognition of women's suffrage;

(x) an individual supporting a fraternal, initiatic order for those sharing moral and metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love, relief, and truth;

(xi) an individual supporting the Utah Wing of the Civil Air Patrol; or

(xii) an individual supporting the recognition and continuation of the work and life of Dr. Martin Luther King, Jr.; or

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

(i) an institution's scholastic scholarship fund;

(ii) the Division of Wildlife Resources;

(iii) the Department of Veterans and Military Affairs;

(iv) the Division of Parks and Recreation;

(v) the Department of Agriculture and Food;

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- (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- (vii) the Boy Scouts of America;
- (viii) spay and neuter programs through No More Homeless Pets in Utah;
- (ix) the Boys and Girls Clubs of America;
- (x) Utah public education;
- (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;
- (xii) the Department of Public Safety;
- (xiii) programs that support Zion National Park;
- (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;
- (xv) programs that promote bicycle operation and safety awareness;
- (xvi) programs that conduct or support cancer research;
- (xvii) programs that create or support autism awareness;
- (xviii) programs that create or support humanitarian service and educational and cultural exchanges;
- (xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;
- (xx) programs that support and promote adoptions;
- (xxi) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;
- (xxii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;
- (xxiii) programs that support children with heart disease;
- (xxiv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;
- (xxv) programs that provide assistance to children with cancer;
- (xxvi) programs that promote leadership and career development through agricultural education;
- (xxvii) the Utah State Historical Society;

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(xxviii) programs to transport veterans to visit memorials honoring the service and sacrifices of veterans;

(xxix) programs that promote motorcycle safety awareness;

(xxx) organizations that promote clean air through partnership, education, and awareness; [or]

(xxxi) programs dedicated to strengthening the state's Latino community through education, mentoring, and leadership opportunities[-]; or

(xxxii) public education on behalf of the Kiwanis International clubs.

(2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:

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

(B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate or decal to be issued with all fees required under this part for the support special group license plate or decal issuance paid by each applicant.

(b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates or decals authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate or decal to be issued.

(iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate or decal authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.

(iv) The division shall begin issuance of a new support special group license plate or decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months

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after receiving the applications and fees required under this Subsection (2).

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

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

(A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

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

(3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

(5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate.

(b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

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

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

(1) As used in this section:

(a) (i) ~~Except~~ except as provided in Subsection (1)(a)(ii), "contributor" means a

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person who has donated or in whose name at least \$25 has been donated to:

- (A) a scholastic scholarship fund of a single named institution;
- (B) the Department of Veterans and Military Affairs for veterans programs;
- (C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;
- (D) the Department of Agriculture and Food for the benefit of conservation districts;
- (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;
- (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;
- (H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;
- (J) the Utah Association of Public School Foundations to support public education;
- (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;
- (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;
- (M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;
- (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;
- (O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;
- (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;
- (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support

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autism awareness programs;

(R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;

(S) Upon renewal of a prostate cancer support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

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

(U) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202;

(V) the Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120;

(W) the Children with Cancer Support Restricted Account created in Section 26-21a-304 for programs that provide assistance to children with cancer;

(X) the National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102;

(Y) the Children with Heart Disease Support Restricted Account created in Section 26-58-102;

(Z) the Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102;

(AA) the Division of Wildlife Resources for the Support for State-Owned Shooting Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and operation and maintenance of existing, state-owned firearm shooting ranges;

(BB) the Utah State Historical Society to further the mission and purpose of the Utah State Historical Society;

(CC) the Motorcycle Safety Awareness Support Restricted Account created in Section 72-2-130; [or]

(DD) the Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102;

(EE) clean air support causes, with half of the donation deposited into the Clean Air

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Support Restricted Account created in Section 19-1-109, and half of the donation deposited into the Clean Air Fund created in Section 59-10-1319; [or]

(FF) the Latino Community Support Restricted Account created in Section 13-1-16[-];

or

(GG) public education on behalf of the Kiwanis International clubs, with the amount of the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support special group plates, as determined by the State Tax Commission, deposited into the Kiwanis Education Support ~~Restricted Account~~ Fund created in Section 53F-9-403, and all remaining donation amounts deposited into the Education Fund.

(ii) (A) For a veterans special group license plate described in Subsection 41-1a-421(1)(a)(v) or 41-1a-422(4), "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

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

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

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

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

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

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

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

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

(F) For a Utah Law Enforcement Memorial Support special group license plate,

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"contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

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

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

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

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

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

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

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

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

(b) This contribution shall be:

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

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

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

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

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

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

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

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

(i) snowmobile license plates; or

(ii) conservation license plates.

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

Section 3. Section **53F-9-403** is enacted to read:

53F-9-403. Kiwanis Education Support ~~{Restricted Account}~~Fund.

(1) There is created ~~{in the General Fund a restricted account}~~an expendable special revenue fund known as the "Kiwanis Education Support ~~{Restricted Account}~~Fund."

(2) The ~~{account shall be funded by}~~fund consists of:

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

(b) private contributions;~~{and}~~

(c) donations or grants from public or private entities~~{.}; and~~

~~{3} (a) d~~ {Upon appropriation}money appropriated to the fund by the Legislature.

(3) Subject to Subsection 41-1a-418(2), the State Tax Commission:

(a) shall expend ~~{funds}~~money in the fund to pay the initial costs of ordering and issuing Kiwanis special group license plates~~{.}; and~~

(b) {As}as needed, ~~{the Tax Commission}~~ may expend ~~{funds}~~money in the ~~{account}~~fund to pay the costs of reordering Kiwanis special group license plates and decals.

(4) ~~{After expending the funds needed to pay}~~On an annual basis, the State Tax

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Commission shall:

- (a) evaluate the fund's ability to cover the costs described in Subsection (3); and
- (b) ~~and at the end of each fiscal year, the~~ based on the evaluation described in Subsection (4)(a), adjust the allocation of contributions described in Subsection (2)(a) deposited into the fund.

Section 4. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for fiscal year 2022. The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer the amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.

ITEM 1

To State Tax ~~Commission shall distribute to the Education Fund any remaining money in the account.~~

~~Commission--~~ Kiwanis Education Support Fund

From General Fund, One-time \$7,500

Schedule of Programs:

Kiwanis Education Support Fund \$7,500

Section 5. Effective date.

This bill takes effect on November 1, 2021.