

**Representative James A. Dunnigan** proposes the following substitute bill:

**CANINE BODY ARMOR RESTRICTED ACCOUNT**

**MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill repeals the Canine Body Armor Restricted Account.

**Highlighted Provisions:**

This bill:

- ▶ repeals the Canine Body Armor Restricted Account; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-65**, as last amended by Laws of Utah 2014, Chapters 28, 424

**17-50-336**, as enacted by Laws of Utah 2014, Chapter 28

**59-10-1304**, as last amended by Laws of Utah 2020, Chapter 311

**62A-5b-104**, as last amended by Laws of Utah 2019, Chapter 190

**63J-1-602.1**, as last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415,



26 and 451

27 REPEALS:

28 **53-16-101**, as enacted by Laws of Utah 2011, Chapter 294

29 **53-16-102**, as enacted by Laws of Utah 2011, Chapter 294

30 **53-16-201**, as enacted by Laws of Utah 2011, Chapter 294

31 **53-16-301**, as enacted by Laws of Utah 2011, Chapter 294

32 **53-16-302**, as enacted by Laws of Utah 2011, Chapter 294

33 **59-10-1315**, as enacted by Laws of Utah 2011, Chapter 294



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

36 Section 1. Section **10-8-65** is amended to read:

37 **10-8-65. Regulation of dogs -- Service animals permitted.**

38 (1) Subject to Section **18-2-101**, a municipality may:

39 (a) license, tax, regulate, or prohibit the keeping of dogs; and

40 (b) authorize the destruction, sale, or other disposal of a dog if the dog is at large

41 contrary to ordinance.

42 (2) (a) As used in this Subsection (2):

43 (i) "Retired service animal" means a dog that:

44 (A) at one time was a service animal for the current owner; and

45 (B) no longer provides service animal services for the owner because of the dog's age  
46 or other factors limiting the dog's service capability.

47 (ii) "Service animal" means a ~~[police service canine, as defined in Section **53-16-102**]~~  
48 dog that:

49 (A) is used by a law enforcement agency;

50 (B) is specially trained or is in training for law enforcement work; and

51 (C) assists a law enforcement agency in the performance of law enforcement duties.

52 (b) If a municipality adopts a limit as to the number of dogs a person may keep, the  
53 municipality shall allow a person to keep a service animal, a retired service animal, or both in  
54 addition to that limit.

55 Section 2. Section **17-50-336** is amended to read:

56 **17-50-336. Service animals permitted.**

57 (1) As used in this section:

58 (a) "Retired service animal" means a dog that:

59 (i) at one time was a service animal for the current owner; and

60 (ii) no longer provides service animal services to the owner because of the dog's age or  
61 other factors limiting the dog's service capability.

62 (b) "Service animal" means [~~a police service canine, as defined in Section 53-16-102~~]  
63 the same as that term is defined in Section 18-8-65.

64 (2) If a county adopts a limit as to the number of dogs a person may keep, the county  
65 shall allow a person to keep a service animal, a retired service animal, or both in addition to  
66 that limit.

67 Section 3. Section 59-10-1304 is amended to read:

68 **59-10-1304. Removal of designation and prohibitions on collection for certain**  
69 **contributions on income tax return -- Conditions for removal and prohibitions on**  
70 **collection -- Commission publication requirements.**

71 (1) (a) If a contribution or combination of contributions described in Subsection (1)(b)  
72 generate less than \$30,000 per year for three consecutive years, the commission shall remove  
73 the designation for the contribution from the individual income tax return and may not collect  
74 the contribution from a resident or nonresident individual beginning two taxable years after the  
75 three-year period for which the contribution generates less than \$30,000 per year.

76 (b) The following contributions apply to Subsection (1)(a):

77 (i) the contribution provided for in Section 59-10-1306;

78 (ii) the sum of the contributions provided for in Subsection 59-10-1307(1);

79 (iii) the contribution provided for in Section 59-10-1308;

80 [~~(iv) the contribution provided for in Section 59-10-1315;~~]

81 [~~(v)~~] (iv) the contribution provided for in Section 59-10-1318;

82 [~~(vi)~~] (v) the contribution provided for in Section 59-10-1319; or

83 [~~(vii)~~] (vi) the contribution provided for in Section 59-10-1320.

84 (2) If the commission removes the designation for a contribution under Subsection (1),  
85 the commission shall report to the Revenue and Taxation Interim Committee by electronic  
86 means that the commission removed the designation on or before the November interim  
87 meeting of the year in which the commission determines to remove the designation.

88 (3) (a) Within a 30-day period after making the report required by Subsection (2), the  
89 commission shall publish a list in accordance with Subsection (3)(b) stating each contribution  
90 that the commission will remove from the individual income tax return.

91 (b) The list shall:

92 (i) be published on:

93 (A) the commission's website; and

94 (B) the public legal notice website in accordance with Section [45-1-101](#);

95 (ii) include a statement that the commission:

96 (A) is required to remove the contribution from the individual income tax return; and

97 (B) may not collect the contribution;

98 (iii) state the taxable year for which the removal described in Subsection (3)(a) takes  
99 effect; and

100 (iv) remain available for viewing and searching until the commission publishes a new  
101 list in accordance with this Subsection (3).

102 Section 4. Section **62A-5b-104** is amended to read:

103 **62A-5b-104. Right to be accompanied by service animal or support animal --**  
104 **Security deposits -- Discrimination -- Liability.**

105 (1) (a) An individual with a disability has the right to be accompanied by a service  
106 animal, unless the service animal is a danger or nuisance to others as interpreted under the  
107 Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102:

108 (i) in any of the places specified in Section [62A-5b-103](#); and

109 (ii) without additional charge for the service animal.

110 (b) An owner or lessor of private housing accommodations:

111 (i) may not, in any manner, discriminate against an individual with a disability on the  
112 basis of the individual's possession of a service animal or a support animal, including by  
113 charging an extra fee or deposit for a service animal or a support animal; and

114 (ii) may recover a reasonable cost to repair damage caused by a service animal or a  
115 support animal.

116 (2) An individual who is not an individual with a disability has the right to be  
117 accompanied by an animal that is in training to become a service animal [~~or a police service~~  
118 ~~canine~~], as defined in Section [~~53-16-102~~] [10-8-65](#):

- 119 (a) in any of the places specified in Section 62A-5b-103; and
- 120 (b) without additional charge for the animal.
- 121 (3) An individual described in Subsection (1) or (2) is liable for any loss or damage the
- 122 individual's accompanying service animal, support animal, or animal described in Subsection
- 123 (2) causes or inflicts to the premises of a place specified in Section 62A-5b-103.
- 124 (4) Nothing in this section prohibits the exclusion, as permitted under federal law, of a
- 125 service animal or a support animal from a place described in Section 62A-5b-103.
- 126 Section 5. Section 63J-1-602.1 is amended to read:
- 127 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**
- 128 Appropriations made from the following accounts or funds are nonlapsing:
- 129 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
- 130 and Leadership Restricted Account created in Section 4-42-102.
- 131 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.
- 132 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
- 133 Section 9-18-102.
- 134 (4) The National Professional Men's Soccer Team Support of Building Communities
- 135 Restricted Account created in Section 9-19-102.
- 136 (5) Funds collected for directing and administering the C-PACE district created in
- 137 Section 11-42a-106.
- 138 (6) Money received by the Utah Inland Port Authority, as provided in Section
- 139 11-58-105.
- 140 (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.
- 141 (8) The Clean Air Support Restricted Account created in Section 19-1-109.
- 142 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
- 143 Section 19-2a-106.
- 144 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
- 145 Section 19-5-126.
- 146 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
- 147 Section 23-14-13.5.
- 148 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
- 149 Section 24-4-117.

- 150 (13) Funds collected from the program fund for local health department expenses  
151 incurred in responding to a local health emergency under Section 26-1-38.
- 152 (14) The Children with Cancer Support Restricted Account created in Section  
153 26-21a-304.
- 154 (15) State funds for matching federal funds in the Children's Health Insurance Program  
155 as provided in Section 26-40-108.
- 156 (16) The Children with Heart Disease Support Restricted Account created in Section  
157 26-58-102.
- 158 (17) The Technology Development Restricted Account created in Section 31A-3-104.
- 159 (18) The Criminal Background Check Restricted Account created in Section  
160 31A-3-105.
- 161 (19) The Captive Insurance Restricted Account created in Section 31A-3-304, except  
162 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 163 (20) The Title Licensee Enforcement Restricted Account created in Section  
164 31A-23a-415.
- 165 (21) The Health Insurance Actuarial Review Restricted Account created in Section  
166 31A-30-115.
- 167 (22) The Insurance Fraud Investigation Restricted Account created in Section  
168 31A-31-108.
- 169 (23) The Underage Drinking Prevention Media and Education Campaign Restricted  
170 Account created in Section 32B-2-306.
- 171 (24) The Drinking While Pregnant Prevention Media and Education Campaign  
172 Restricted Account created in Section 32B-2-308.
- 173 (25) The School Readiness Restricted Account created in Section 35A-15-203.
- 174 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain  
175 products or services, as provided in Section 35A-13-202.
- 176 (27) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 177 (28) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 178 (29) The Division of Oil, Gas, and Mining Restricted account created in Section  
179 40-6-23.
- 180 (30) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to

181 the Motor Vehicle Division.

182 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
183 created by Section 41-3-110 to the State Tax Commission.

184 (32) The Utah Law Enforcement Memorial Support Restricted Account created in  
185 Section 53-1-120.

186 (33) The State Disaster Recovery Restricted Account to the Division of Emergency  
187 Management, as provided in Section 53-2a-603.

188 (34) The Post Disaster Recovery and Mitigation Restricted Account created in Section  
189 53-2a-1302.

190 (35) The Department of Public Safety Restricted Account to the Department of Public  
191 Safety, as provided in Section 53-3-106.

192 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
193 53-8-303.

194 (37) The DNA Specimen Restricted Account created in Section 53-10-407.

195 [~~(38) The Canine Body Armor Restricted Account created in Section 53-16-201.~~]

196 [~~(39)~~ (38) The Technical Colleges Capital Projects Fund created in Section  
197 53B-2a-118.

198 [~~(40)~~ (39) The Higher Education Capital Projects Fund created in Section  
199 53B-22-202.

200 [~~(41)~~ (40) A certain portion of money collected for administrative costs under the  
201 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

202 [~~(42)~~ (41) The Public Utility Regulatory Restricted Account created in Section  
203 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

204 [~~(43)~~ (42) Funds collected from a surcharge fee to provide certain licensees with  
205 access to an electronic reference library, as provided in Section 58-3a-105.

206 [~~(44)~~ (43) Certain fines collected by the Division of Professional Licensing for  
207 violation of unlawful or unprofessional conduct that are used for education and enforcement  
208 purposes, as provided in Section 58-17b-505.

209 [~~(45)~~ (44) Funds collected from a surcharge fee to provide certain licensees with  
210 access to an electronic reference library, as provided in Section 58-22-104.

211 [~~(46)~~ (45) Funds collected from a surcharge fee to provide certain licensees with

212 access to an electronic reference library, as provided in Section 58-55-106.

213 ~~[(47)]~~ (46) Funds collected from a surcharge fee to provide certain licensees with  
214 access to an electronic reference library, as provided in Section 58-56-3.5.

215 ~~[(48)]~~ (47) Certain fines collected by the Division of Professional Licensing for use in  
216 education and enforcement of the Security Personnel Licensing Act, as provided in Section  
217 58-63-103.

218 ~~[(49)]~~ (48) The Relative Value Study Restricted Account created in Section 59-9-105.

219 ~~[(50)]~~ (49) The Cigarette Tax Restricted Account created in Section 59-14-204.

220 ~~[(51)]~~ (50) Funds paid to the Division of Real Estate for the cost of a criminal  
221 background check for a mortgage loan license, as provided in Section 61-2c-202.

222 ~~[(52)]~~ (51) Funds paid to the Division of Real Estate for the cost of a criminal  
223 background check for principal broker, associate broker, and sales agent licenses, as provided  
224 in Section 61-2f-204.

225 ~~[(53)]~~ (52) Certain funds donated to the Department of Health and Human Services, as  
226 provided in Section 26B-1-202.

227 ~~[(54)]~~ (53) The National Professional Men's Basketball Team Support of Women and  
228 Children Issues Restricted Account created in Section 26B-1-302.

229 ~~[(55)]~~ (54) Certain funds donated to the Division of Child and Family Services, as  
230 provided in Section 80-2-404.

231 ~~[(56)]~~ (55) The Choose Life Adoption Support Restricted Account created in Section  
232 80-2-502.

233 ~~[(57)]~~ (56) Funds collected by the Office of Administrative Rules for publishing, as  
234 provided in Section 63G-3-402.

235 ~~[(58)]~~ (57) The Immigration Act Restricted Account created in Section 63G-12-103.

236 ~~[(59)]~~ (58) Money received by the military installation development authority, as  
237 provided in Section 63H-1-504.

238 ~~[(60)]~~ (59) The Computer Aided Dispatch Restricted Account created in Section  
239 63H-7a-303.

240 ~~[(61)]~~ (60) The Unified Statewide 911 Emergency Service Account created in Section  
241 63H-7a-304.

242 ~~[(62)]~~ (61) The Utah Statewide Radio System Restricted Account created in Section



243 63H-7a-403.

244 [(63)] (62) The Utah Capital Investment Restricted Account created in Section

245 63N-6-204.

246 [(64)] (63) The Motion Picture Incentive Account created in Section 63N-8-103.

247 [(65)] (64) Certain money payable for expenses of the Pete Suazo Utah Athletic

248 Commission, as provided under [~~Section 63N-10-301~~] Title 9, Chapter 23, Pete Suazo Utah

249 Athletic Commission Act.

250 [(66)] (65) Funds collected by the housing of state probationary inmates or state parole

251 inmates, as provided in Subsection 64-13e-104(2).

252 [(67)] (66) Certain forestry and fire control funds utilized by the Division of Forestry,

253 Fire, and State Lands, as provided in Section 65A-8-103.

254 [(68)] (67) The Amusement Ride Safety Restricted Account, as provided in Section

255 72-16-204.

256 [(69)] (68) Certain funds received by the Office of the State Engineer for well drilling

257 fines or bonds, as provided in Section 73-3-25.

258 [(70)] (69) The Water Resources Conservation and Development Fund, as provided in

259 Section 73-23-2.

260 [(71)] (70) Funds donated or paid to a juvenile court by private sources, as provided in

261 Subsection 78A-6-203(1)(c).

262 [(72)] (71) Fees for certificate of admission created under Section 78A-9-102.

263 [(73)] (72) Funds collected for adoption document access as provided in Sections

264 78B-6-141, 78B-6-144, and 78B-6-144.5.

265 [(74)] (73) Funds collected for indigent defense as provided in Title 78B, Chapter 22,

266 Part 4, Utah Indigent Defense Commission.

267 [(75)] (74) The Utah Geological Survey Oil, Gas, and Mining Restricted Account

268 created in Section 79-3-403.

269 [(76)] (75) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades

270 State Park, and Green River State Park, as provided under Section 79-4-403.

271 [(77)] (76) Funds donated as described in Section 41-1a-422 for the State Park Fees

272 Restricted Account created in Section 79-4-402 for support of the Division of State Parks' dark

273 sky initiative.

274 [(78)] (77) Certain funds received by the Division of State Parks from the sale or  
275 disposal of buffalo, as provided under Section 79-4-1001.

276 Section 6. **Repealer.**

277 This bill repeals:

278 Section 53-16-101, **Title.**

279 Section 53-16-102, **Definitions.**

280 Section 53-16-201, **Canine Body Armor Restricted Account -- Creation -- Interest.**

281 Section 53-16-301, **Commissioner to distribute amounts deposited into Canine**

282 **Body Armor Restricted Account -- Procedures for distribution.**

283 Section 53-16-302, **Department rulemaking authority.**

284 Section 59-10-1315, **Contribution to Canine Body Armor Restricted Account.**