

HB0418S01 compared with HB0418

~~text~~ shows text that was in HB0418 but was deleted in HB0418S01.

text shows text that was not in HB0418 but was inserted into HB0418S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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

HB0418S01 compared with HB0418

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,
and 451

REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

contrary to ordinance.

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

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

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

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

(ii) "Service animal" means a ~~[police service canine, as defined in Section 53-16-102]~~

dog that:

(A) is used by a law enforcement agency;

HB0418S01 compared with HB0418

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

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

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

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

17-50-336. Service animals permitted.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0418S01 compared with HB0418

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

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

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

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

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

(b) The list shall:

(i) be published on:

(A) the commission's website; and

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

(ii) include a statement that the commission:

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

(B) may not collect the contribution;

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

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

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

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

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

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

(ii) without additional charge for the service animal.

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

(i) may not, in any manner, discriminate against an individual with a disability on the

HB0418S01 compared with HB0418

basis of the individual's possession of a service animal or a support animal, including by charging an extra fee or deposit for a service animal or a support animal; and

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

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

(a) in any of the places specified in Section 62A-5b-103; and

(b) without additional charge for the animal.

(3) An individual described in Subsection (1) or (2) is liable for any loss or damage the individual's accompanying service animal, support animal, or animal described in Subsection (2) causes or inflicts to the premises of a place specified in Section 62A-5b-103.

(4) Nothing in this section prohibits the exclusion, as permitted under federal law, of a service animal or a support animal from a place described in Section 62A-5b-103.

Section 5. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.

(6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

(7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

(8) The Clean Air Support Restricted Account created in Section 19-1-109.

(9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in

HB0418S01 compared with HB0418

Section 19-2a-106.

(10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.

(11) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.

(12) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(13) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

(14) The Children with Cancer Support Restricted Account created in Section 26-21a-304.

(15) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(16) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

(17) The Technology Development Restricted Account created in Section 31A-3-104.

~~{ (18) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.~~

~~— (19) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 26B-1-302.~~

‡ ~~{(18){(20)}~~ The Criminal Background Check Restricted Account created in Section 31A-3-105.

~~{(19){(21)}~~ The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

~~{(20){(22)}~~ The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

~~{(21){(23)}~~ The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

~~{(22){(24)}~~ The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

HB0418S01 compared with HB0418

~~{ (23) (25) }~~ The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

~~{ (24) (26) }~~ The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

~~{ (27) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202. }~~

~~{ (25) (28) }~~ The School Readiness Restricted Account created in Section 35A-15-203.

~~{ (26) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202. }~~

~~{ (27) (29) }~~ The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

~~{ (28) (30) }~~ The Oil and Gas Conservation Account created in Section 40-6-14.5.

~~{ (29) (31) }~~ The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.

~~{ (30) (32) }~~ The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

~~{ (31) (33) }~~ The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

~~{ (32) (34) }~~ The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

~~{ (33) (35) }~~ The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

~~{ (34) (36) }~~ The Post Disaster Recovery and Mitigation Restricted Account created in Section 53-2a-1302.

~~{ (35) (37) }~~ The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

~~{ (36) (38) }~~ The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

~~{ (37) (39) }~~ The DNA Specimen Restricted Account created in Section 53-10-407.

~~{ (38) The Canine Body Armor Restricted Account created in Section 53-16-201. }~~

HB0418S01 compared with HB0418

~~[(39)]~~ ~~(40)~~38 The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

~~[(40)]~~ ~~(41)~~39 The Higher Education Capital Projects Fund created in Section 53B-22-202.

~~[(41)]~~ ~~(42)~~40 A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

~~[(42)]~~ ~~(43)~~41 The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

~~[(43)]~~ ~~(44)~~42 Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

~~[(44)]~~ ~~(45)~~43 Certain fines collected by the Division of Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

~~[(45)]~~ ~~(46)~~44 Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

~~[(46)]~~ ~~(47)~~45 Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

~~[(47)]~~ ~~(48)~~46 Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

~~[(48)]~~ ~~(49)~~47 Certain fines collected by the Division of Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

~~[(49)]~~ ~~(50)~~48 The Relative Value Study Restricted Account created in Section 59-9-105.

~~[(50)]~~ ~~(51)~~49 The Cigarette Tax Restricted Account created in Section 59-14-204.

~~[(51)]~~ ~~(52)~~50 Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

~~[(52)]~~ ~~(53)~~51 Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

~~[(53)]~~ 52 Certain funds donated to the Department of Health and Human Services, as

HB0418S01 compared with HB0418

provided in Section 26B-1-202. ~~(f)~~

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

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

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

~~(57)~~ ~~(54)~~ (56) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~(58)~~ ~~(55)~~ (57) The Immigration Act Restricted Account created in Section 63G-12-103.

~~(59)~~ ~~(56)~~ (58) Money received by the military installation development authority, as provided in Section 63H-1-504.

~~(60)~~ ~~(57)~~ (59) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

~~(61)~~ ~~(58)~~ (60) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

~~(62)~~ ~~(59)~~ (61) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~(63)~~ ~~(60)~~ (62) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

~~(64)~~ ~~(61)~~ (63) The Motion Picture Incentive Account created in Section 63N-8-103.

~~(65)~~ (64) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under ~~[Section 63N-10-301 (f)]~~ Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

~~(66)~~ ~~(62)~~ (65) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

~~(67)~~ ~~(63)~~ (66) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~(68)~~ ~~(64)~~ (67) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

HB0418S01 compared with HB0418

~~[(69)]~~ ~~([65](#);[68](#))~~ Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(70)]~~ ~~([66](#);[69](#))~~ The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(71)]~~ ~~([67](#);[70](#))~~ Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(72)]~~ ~~([68](#);[71](#))~~ Fees for certificate of admission created under Section 78A-9-102.

~~[(73)]~~ ~~([69](#);[72](#))~~ Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(74)]~~ ~~([70](#);[73](#))~~ Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(75)]~~ ~~([71](#);[74](#))~~ The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in Section 79-3-403.

~~[(76)]~~ ~~([72](#);[75](#))~~ Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.

~~[(77)]~~ ~~([73](#);[76](#))~~ Funds donated as described in Section 41-1a-422 for the State Park Fees Restricted Account created in Section 79-4-402 for support of the Division of State Parks' dark sky initiative.

~~[(78)]~~ ~~([74](#);[77](#))~~ Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.

~~{~~ ~~[\(75\) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.](#)~~

~~_____~~ ~~[\(76\) The Choose Life Adoption Support Restricted Account created in Section 80-2-502.](#)~~

~~‡~~ Section 6. **Repealer.**

This bill repeals:

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

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

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

Section **53-16-301, Commissioner to distribute amounts deposited into Canine Body Armor Restricted Account -- Procedures for distribution.**

HB0418S01 compared with HB0418

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

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