

1 **DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rex P. Shipp**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to the Department of Agriculture and Food.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies definitions;
- 13 ▶ clarifies appointment provisions and reporting requirements for the Local Food

14 Advisory Council;

- 15 ▶ repeals certain requirements relating to the registration of weights and measures in
- 16 commerce or trade;

- 17 ▶ expands definitions in the Utah Nursery Act;

- 18 ▶ changes the reporting date for the Utah Soil Health Program;

- 19 ▶ modifies the composition of the Agricultural and Wildlife Damage Prevention
- 20 Board;

- 21 ▶ modifies provisions relating to animal branding;

- 22 ▶ changes how the department makes value determinations in relation to the
- 23 destruction of infected livestock;

- 24 ▶ clarifies a reporting requirement for a veterinarian who diagnoses a case of vesicular
- 25 disease;

- 26 ▶ removes a restriction for funds under the LeRay McAllister Working Farm and
- 27 Ranch Fund;



- 28 ▶ repeals a requirement for the department to provide education on horse tripping to
- 29 horse event venues;
- 30 ▶ repeals a provision relating to infected dairy animals; and
- 31 ▶ makes technical changes.

32 Money Appropriated in this Bill:

33 None

34 Other Special Clauses:

35 None

36 Utah Code Sections Affected:

37 **AMENDS:**

- 38 **4-2-602**, as last amended by Laws of Utah 2022, Chapter 67
- 39 **4-2-604**, as enacted by Laws of Utah 2018, Chapter 51
- 40 **4-9-118**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 41 **4-15-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 42 **4-18-308**, as enacted by Laws of Utah 2021, Chapter 178
- 43 **4-23-104**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 44 **4-24-102**, as last amended by Laws of Utah 2021, Chapter 295
- 45 **4-24-201**, as last amended by Laws of Utah 2021, Chapter 295
- 46 **4-24-306**, as last amended by Laws of Utah 2022, Chapter 79
- 47 **4-31-102**, as last amended by Laws of Utah 2016, Chapter 30
- 48 **4-31-106**, as last amended by Laws of Utah 2017, Chapter 345
- 49 **4-31-107**, as last amended by Laws of Utah 2017, Chapter 345
- 50 **4-31-114**, as last amended by Laws of Utah 2017, Chapter 345
- 51 **4-31-115**, as last amended by Laws of Utah 2021, Chapter 295
- 52 **4-39-503**, as enacted by Laws of Utah 2023, Chapter 110
- 53 **4-46-301**, as last amended by Laws of Utah 2023, Chapter 180
- 54 **4-46-302**, as last amended by Laws of Utah 2023, Chapter 180

55 **REPEALS:**

- 56 **4-2-504**, as last amended by Laws of Utah 2021, Chapter 126
- 57 **4-31-110**, as renumbered and amended by Laws of Utah 2012, Chapter 331

58

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

60 Section 1. Section **4-2-602** is amended to read:

61 **4-2-602. Local Food Advisory Council created.**

62 (1) There is created the Local Food Advisory Council consisting of up to the following
63 15 members appointed to four-year terms of office as follows:

64 (a) one member of the Senate appointed by the president of the Senate;

65 (b) two members of the House of Representatives appointed by the speaker of the
66 House of Representatives, each from a different political party;

67 (c) the commissioner, or the commissioner's designee;

68 (d) the executive director of the Department of Health, or the executive director's
69 designee;

70 (e) two crop direct-to-consumer food producers, appointed by the governor;

71 (f) two animal direct-to-consumer food producers, appointed by the governor; and

72 (g) the following potential members, appointed by the governor as needed:

73 (i) a direct-to-consumer food producer;

74 (ii) a member of a local agriculture organization;

75 (iii) a food retailer;

76 (iv) a licensed dietician;

77 (v) a county health department representative;

78 (vi) an urban farming representative;

79 (vii) a representative of a business engaged in the processing, packaging, or
80 distribution of food;

81 (viii) an anti-hunger advocate;

82 (ix) an academic with expertise in agriculture; and

83 (x) a food distributor.

84 (2) (a) The president of the Senate shall designate a member of the Senate appointed
85 under Subsection (1)(a) as a cochair of the council.

86 (b) The speaker of the House of Representatives shall designate a member of the House
87 of Representatives appointed under Subsection (1)(b) as a cochair of the council.

88 (c) The cochairs may, with the consent of a majority of the council, appoint additional
89 nonvoting members to the council who shall serve in a voluntary capacity.

90 (3) In appointing members to the council under Subsections (1)(e) through (g), the
91 governor shall strive to take into account the geographical makeup of the council.

92 (4) A vacancy on the council shall be filled in the same manner in which the original
93 appointment is made.

94 (5) (a) Except as required under Subsection (5)(b), as terms of current board members
95 expire, the appointing entity shall appoint each new member or reappointed member to a
96 four-year term.

97 (b) The appointing entity shall, at the time of appointment or reappointment, adjust the
98 length of terms to ensure that the terms of board members are staggered so that approximately
99 half of the board is appointed every two years.

100 [~~5~~] (6) Compensation for a member of the council who is a legislator shall be paid in
101 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
102 Compensation.

103 [~~6~~] (7) Council members who are employees of the state shall receive no additional
104 compensation.

105 [~~7~~] (8) The department shall provide staff support for the council.

106 Section 2. Section 4-2-604 is amended to read:

107 **4-2-604. Duties -- Interim report.**

108 (1) The council shall:

109 (a) convene at least four times each year; and

110 (b) review and make recommendations regarding the policy issues listed in Section
111 4-2-603.

112 (2) The council shall prepare an annual report and present the report each year before
113 November 30[, 2017, and every November thereafter] to:

114 (a) the Natural Resources, Agriculture, and Environment Interim Committee; and

115 (b) the Department of Agriculture and Food[; ~~and~~].

116 [~~(c) the Food Advisory Board.~~]

117 Section 3. Section 4-9-118 is amended to read:

118 **4-9-118. Registration of commercial establishments using weights and measures.**

119 [~~(1)(a) Pursuant to~~] Under Title 63G, Chapter 3, Utah Administrative Rulemaking
120 Act, the department shall [~~establish~~] make rules providing for the registration of weights and

121 measures users and issuance of certification of weights and measures devices to ensure the use
122 of correct weights and measures in commerce or trade. The department may:

123 ~~[(b) The division may:]~~

124 ~~[(i) (1) determine whether weights and measures are correct through:~~

125 ~~[(A) (a) inspection and testing by a department employee; or~~

126 ~~[(B) (b) acceptance of an inspection and testing report prepared by a registered
127 weights and measures service person;~~

128 ~~[(ii) (2) establish standards and qualifications for a registered weights and measures
129 service person; and~~

130 ~~[(iii) (3) determine the form and content of an inspection and testing report.~~

131 ~~[(c) A weights and measures user shall register with the department.]~~

132 ~~[(d) Before granting a registration to a weights and measures user, the department shall
133 determine whether the weights and measures user complies with the rules established under
134 Subsection (1)(a).]~~

135 ~~[(e) An applicant shall register with the department in writing, using forms required by
136 the department.]~~

137 ~~[(f) The department shall issue a registration to an applicant if the department
138 determines that the applicant meets the qualifications of registration established under
139 Subsection (1)(a).]~~

140 ~~[(g) If the applicant does not meet the qualifications of registration, the department
141 shall notify the applicant, in writing, that the applicant's registration is denied.]~~

142 ~~[(h) (i) If an applicant submits an incomplete application, a written notice of
143 conditional denial of registration shall be provided to the applicant.]~~

144 ~~[(ii) The applicant shall correct the deficiencies within the time period specified in the
145 notice to receive a registration.]~~

146 ~~[(i) (i) The department may, as provided under Subsection ~~4-2-103~~(2), charge the
147 weights and measures user a registration fee.]~~

148 ~~[(ii) The department shall retain the fees as dedicated credits and shall use the fees to
149 administer the registration of weights and measures users.]~~

150 ~~[(2) (a) A registration issued under this section shall be valid from the date the
151 department issues the registration to December 31 of the year the registration is issued.]~~

152 ~~[(b) A registration may be renewed for the following year by applying for renewal by~~
153 ~~December 31 of the year the registration expires.]~~

154 ~~[(3) A registration issued under this section shall specify:]~~

155 ~~[(a) the name and address of the weights and measures user;]~~

156 ~~[(b) the registration issuance and expiration date; and]~~

157 ~~[(c) the number and type of weights and measures devices to be certified.]~~

158 ~~[(4) (a) The department may immediately suspend a registration issued under this~~
159 ~~section if any of the requirements of Section 4-9-116 are violated.]~~

160 ~~[(b) (i) The holder of a registration suspended under Subsection (4)(a) may apply for~~
161 ~~the reinstatement of a registration.]~~

162 ~~[(ii) If the department determines that all requirements under Section 4-9-116 are being~~
163 ~~met, the department shall reinstate the registration.]~~

164 ~~[(5) (a) A weights and measures user registered under this section shall allow the~~
165 ~~department access to the weights and measures user's place of business to determine if the~~
166 ~~weights and measures user is complying with the registration requirements.]~~

167 ~~[(b) If a weights and measures user denies access for an inspection required under~~
168 ~~Subsection (5)(a), the department may suspend the weights and measures user's registration~~
169 ~~until the department is allowed access to the weights and measures user's place of business.]~~

170 Section 4. Section 4-15-103 is amended to read:

171 **4-15-103. Definitions.**

172 As used in this part:

173 (1) "Balled and burlapped stock" means nursery stock that is removed from the
174 growing site with a ball of soil containing its root system intact and encased in burlap or other
175 material to hold the soil in place.

176 (2) "Bare-root stock" means nursery stock that is removed from the growing site with
177 the root system free of soil.

178 (3) "Compliance agreement" means any written agreement between a person and a
179 regulatory agency to achieve compliance with any set of requirements being enforced by the
180 department.

181 (4) "Container stock" means nursery stock that is transplanted in soil or in a potting
182 mixture contained within a metal, clay, plastic, or other rigid container for a period sufficient to

183 allow newly developed fibrous roots to form, so that if the plant is removed from the container
184 the plant's root-media ball will remain intact.

185 (5) "Etiolated growth" means bleached and unnatural growth resulting from the
186 exclusion of sunlight.

187 (6) "Minimum indices of vitality" mean standards adopted by the department to
188 determine the health and vigor of nursery stock offered for sale in this state.

189 (7) "National nursery stock cleanliness standards" means nursery stock that:

190 (a) is free from quarantine pests and pests of concern;

191 (b) has all nonquarantine plant pests under effective control;

192 (c) meets the national nursery stock cleanliness standards; and

193 (d) is eligible for nursery stock certification and shipping permits.

194 (8) "Nonestablished container stock" means deciduous nursery stock that is
195 transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid
196 container for a period insufficient to allow the formation of fibrous roots sufficient to form a
197 root-media ball.

198 (9) "Nursery" means any place where nursery stock is propagated and grown for sale or
199 distribution.

200 (10) (a) "Nursery agent" means a person who solicits or takes an order for the sale of
201 nursery stock, other than on the premises of a nursery or nursery outlet.

202 (b) "Nursery agent" includes a nursery landscaper.

203 (11) "Nursery outlet" means any place or location where nursery stock is offered for
204 wholesale or retail sale.

205 (12) (a) "Nursery stock" means:

206 (i) all plants, whether field grown, container grown, or collected native plants;

207 (ii) trees, shrubs, vines, grass sod;

208 (iii) seedlings, perennials, biennials, annuals; and

209 (iv) buds, cuttings, grafts, or scions grown or collected or kept for propagation, sale, or
210 distribution.

211 (b) "Nursery stock" does not [~~mean~~] include:

212 (i) dormant bulbs, tubers, roots, corms, rhizomes, or pips;

213 (ii) field, vegetable, or flower seeds; or

214 (iii) [~~bedding plants, annual plants, florists' greenhouse or field-grown plants, or~~
215 ~~flowers or cuttings.~~] cut flowers, unless stems or other portions of the cut flowers are intended
216 for propagation.

217 (13) "Packaged stock" means bare-root stock that is packed either in bundles or in
218 single plants with the roots in some type of moisture-retaining material designed to retard
219 evaporation and hold the moisture-retaining material in place.

220 (14) "Pests of concern" means a nonquarantine pest that:

221 (a) is not known to occur in the state, or that has a limited distribution within the state;
222 and

223 (b) has the potential to negatively impact nursery stock health or pose an unacceptable
224 economic or environmental risk.

225 (15) "Place of business" means each separate nursery, or nursery outlet, where nursery
226 stock is offered for sale, sold, or distributed.

227 (16) "Plant pests" means:

228 (a) the egg, pupal, and larval stage, as well as any other living stage of any insect, mite,
229 nematode, slug, snail, protozoa, or other invertebrate animal;

230 (b) bacteria;

231 (c) fungi;

232 (d) parasitic plant or a reproductive part of a parasitic plant;

233 (e) virus or viroid;

234 (f) phytoplasma; or

235 (g) any infectious substance that can injure or cause disease or damage in any plant.

236 (17) "Quarantine pest" means a pest that poses potential negative economic or
237 environmental impact to an area in which the pest currently:

238 (a) does not exist; or

239 (b) exists, but its presence is not widely distributed or is being officially controlled.

240 (18) "Shipping permit or certificate of inspection" means a sticker, stamp, imprint, or
241 other document that accompanies nursery stock shipped intrastate and documents that the
242 originating nursery:

243 (a) is licensed; and

244 (b) (i) has stock that has passed annual inspection; or

245 (ii) produces stock that meets the National Nursery Stock Compliance Standard.

246 Section 5. Section **4-18-308** is amended to read:

247 **4-18-308. Reporting requirement.**

248 (1) Each year, [~~by no later than June 30~~] before November 1, the department shall
249 prepare and make available to the public a report on the department's official website that
250 contains the following information:

251 (a) an accounting of money received and spent for the program;

252 (b) a description of activities undertaken, including the number and type of
253 grant-funded projects and the educational and stakeholder engagement activities; and

254 (c) a summary of the activities and recommendations of the Soil Health Advisory
255 Committee.

256 (2) The commissioner shall annually report to the Natural Resources, Agriculture, and
257 Environment Interim Committee by no later than the November interim meeting of that
258 committee. The report shall include the information described in Subsection (1).

259 Section 6. Section **4-23-104** is amended to read:

260 **4-23-104. Agricultural and Wildlife Damage Prevention Board created --**
261 **Composition -- Appointment -- Terms -- Vacancies -- Compensation.**

262 (1) There is created an Agricultural and Wildlife Damage Prevention Board composed
263 of the commissioner and the director of the Division of Wildlife Resources who shall serve,
264 respectively, as the board's chair and vice chair together with seven other members appointed
265 by the governor to four-year terms of office as follows:

266 (a) one sheep producer representing wool growers of the state;

267 (b) one cattle producer representing range cattle producers of the state;

268 (c) [~~one person from the United States Department of Agriculture~~] one person from an
269 organization representing the agricultural interests of the state;

270 (d) one agricultural landowner representing agricultural landowners of the state;

271 (e) one person representing the wildlife interests [~~in~~] of the state;

272 (f) one person from the United States Forest Service; and

273 (g) one person from the United States Bureau of Land Management.

274 (2) Appointees' term of office shall commence June 1.

275 (3) (a) Except as required by Subsection (3)(b), as terms of current board members

276 expire, the governor shall appoint each new member or reappointed member to a four-year
277 term.

278 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
279 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
280 board members are staggered so that approximately half of the board is appointed every two
281 years.

282 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
283 appointed for the unexpired term.

284 (5) (a) Attendance of five members at a duly called meeting shall constitute a quorum
285 for the transaction of official business.

286 (b) The board shall convene at the times and places prescribed by the chair or vice
287 chair.

288 (6) A member may not receive compensation or benefits for the member's service, but
289 may receive per diem and travel expenses in accordance with:

290 (a) Section 63A-3-106;

291 (b) Section 63A-3-107; and

292 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
293 63A-3-107.

294 Section 7. Section 4-24-102 is amended to read:

295 **4-24-102. Definitions.**

296 As used in this chapter:

297 (1) "Brand" means an identifiable mark, including a tattoo or cutting and shaping of the
298 ears or brisket area, applied to livestock that is intended to show ownership and the mark's
299 location.

300 (2) "Carcass" means any part of the body of an animal, including entrails and edible
301 meats.

302 (3) "Domesticated elk" means the same as that term is defined in Section 4-39-102.

303 (4) "Hide" means any skins or wool removed from livestock.

304 (5) "Livestock" means cattle, calves, horses, mules, or sheep~~[, goats, or hogs.]~~.

305 (6) (a) "Livestock market" means a public market place consisting of pens or other
306 enclosures where cattle, calves, horses, or mules are received on consignment and kept for

307 subsequent sale, either through public auction or private sale.

308 (b) "Livestock market" does not mean:

309 (i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock
310 breeder, or feeder who is going out of business; or

311 (ii) a place where an association of livestock breeders under the association's own
312 management:

313 (A) offers registered livestock or breeding sires for sale;

314 (B) assumes the responsibility for the sale;

315 (C) guarantees title to the livestock or sires sold; and

316 (D) arranges with the department for brand inspection of the animals sold.

317 (7) "Open range" means land upon which cattle, sheep, or other domestic animals are
318 grazed or permitted to roam by custom, license, lease, or permit.

319 (8) "Slaughterhouse" means a building, plant, or establishment where animals are
320 harvested, dressed, or processed and the animals' meat or meat products produced for human
321 consumption.

322 Section 8. Section **4-24-201** is amended to read:

323 **4-24-201. Central Brand Registry -- Division of state into brand districts --**
324 **Identical or confusingly similar brands -- Publication of registered brands.**

325 (1) The department shall maintain a central Brand Registry that lists each brand
326 recorded in this state. For each brand registered the list shall specify:

327 (a) the name and address of the registrant;

328 (b) a facsimile or diagram of the brand recorded;

329 (c) the location of the brand upon the animal; and

330 (d) the date the brand is filed in the central Brand Registry.

331 (2) The commissioner may divide the state into districts for the purpose of recording
332 brands, but a brand that is identical or confusingly similar to a brand previously recorded in a
333 district may not be recorded.

334 (3) (a) A brand that is identical or confusingly similar to a brand previously filed in the
335 central Brand Registry may not be recorded.

336 (b) If two or more brands appear identical or confusingly similar:

337 (i) the brand first recorded shall prevail over a later conflicting brand; and

338 (ii) the later brand shall be cancelled and the recording fees refunded to the owner.

339 (4) (a) The commissioner shall publish from time to time a list of all brands recorded in
340 the central Brand Registry and may issue supplements to that publication containing additional
341 brands or changes in ownership of brands recorded after the last publication.

342 (b) The commissioner may publish the publication described in Subsection (4)(a) in
343 hard copy or electronic copy.

344 ~~[(b)]~~ (c) The publication published under Subsection (4)(a) shall contain a facsimile or
345 diagram of all brands recorded together with the owner's name and address.

346 ~~[(c)]~~ (d) The commissioner shall, upon request, send one electronic copy of the
347 publication published under Subsection (4)(a) and each supplement to each brand inspector,
348 county clerk, county sheriff, livestock organization, or any other person considered appropriate.

349 ~~[(d)]~~ (e) The department shall make ~~[publications under this]~~ the publication described
350 in Subsection (4)(a) available to the public.

351 (f) The department shall, upon request, make a hard copy of the publication described
352 in Subsection (4)(a) available at the cost of printing and distribution per publication.

353 Section 9. Section **4-24-306** is amended to read:

354 **4-24-306. Movement across state line -- Brand inspection required -- Exception --**
355 **Request for brand inspection -- Time and place of inspection.**

356 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,
357 calves, horses, domesticated elk, or mules from any place within this state to a place outside
358 this state until the animal has been brand inspected.

359 (2) Subsection (1) does not apply:

360 (a) if the animals ~~[specified]~~ described in Subsection (1) customarily forage on an open
361 range ~~[which]~~ that transgresses the Utah state line and that of an adjoining state; ~~[or]~~

362 (b) to rodeo stock that have received a current yearly brand inspection~~[-];~~ or

363 (c) to non-resident equine traveling to Utah for 30 or fewer days.

364 (3) The owner or person responsible for driving or transporting the animals shall
365 request the department to inspect the brands of the animals to be moved.

366 (4) The department shall conduct the inspection at the time and place determined by
367 the department.

368 Section 10. Section **4-31-102** is amended to read:

369 **4-31-102. Dead domestic animals -- Duty of owner to bury or otherwise dispose of**
 370 **them -- Liability for costs.**

371 (1) An owner or other person responsible for a domestic animal that dies shall ~~it~~ ~~be~~
 371a bury or ~~it~~ ~~be~~
 372 dispose of the animal ~~it~~ ~~be~~ ~~in accordance with state and local law,~~ ~~it~~ ~~be~~ within a reasonable period
 372a of
 373 time after the owner or other person responsible for the animal becomes aware that the animal
 374 is dead.

375 ~~it~~ ~~be~~ (2) The owner of a dead bovine, horse, mule, goat, sheep, bird, or swine may
 375a bury the
 376 dead animal on the owner's property. ~~it~~ ~~be~~

377 ~~it~~ ~~be~~ (3) ~~it~~ ~~be~~ ~~in~~ ~~the~~ ~~county,~~ ~~city,~~ ~~or~~ ~~town~~ ~~within~~ ~~which~~ ~~the~~ ~~dead~~ ~~animal~~ ~~is~~ ~~found,~~ ~~shall,~~ ~~at~~ ~~the~~ ~~political~~
 377a cannot be found,
 378 the county, city, or town within which the dead animal is found, shall, at the political
 379 subdivision's expense, ~~it~~ ~~be~~ bury ~~it~~ ~~be~~ ~~dispose~~ ~~of~~ ~~it~~ ~~be~~ the dead animal.

380 ~~it~~ ~~be~~ (4) ~~it~~ ~~be~~ ~~in~~ ~~the~~ ~~county,~~ ~~city,~~ ~~or~~ ~~town~~ ~~that~~ ~~incurs~~ ~~expense~~ ~~under~~ ~~this~~
 380a section is entitled to
 381 reimbursement from the owner of the dead animal.

382 Section 11. Section **4-31-106** is amended to read:

383 **4-31-106. Epidemic of contagious or infectious disease -- Condemnation or**
 384 **destruction of infected or exposed livestock -- Destruction of other property.**

385 (1) If there is an outbreak of contagious or infectious ~~foreign animal~~ disease of
 386 epidemic proportion among domestic animals in this state that imperils livestock, the
 387 commissioner, with approval of the governor, may condemn, destroy, or dispose of any
 388 infected livestock or any livestock exposed to the disease or considered by the commissioner
 389 capable of ~~communicating~~ transmitting the disease to other domestic animals.

390 (2) The commissioner may, with gubernatorial approval, condemn and destroy any
 391 barns, sheds, corrals, pens, or other property necessary to prevent the spread of contagion or
 392 infection.

393 Section 12. Section **4-31-107** is amended to read:

394 **4-31-107. Value determination before destruction.**

395 (1) Before any livestock or property that is not otherwise indemnified is destroyed
 396 under Section **4-31-106**, ~~[an appraisal of the fair market value of the livestock or other property~~
 397 ~~shall be forwarded to the commissioner by a panel of three qualified appraisers appointed as~~
 398 ~~follows:]~~ the commissioner shall determine the value ~~it~~ ~~be~~ of the livestock or other property ~~it~~ ~~be~~
 398a in consultation with the state veterinarian.

399 ~~[(a) one by the commissioner;]~~

400 ~~[(b) one by the owner of the livestock or other property subject to condemnation; and]~~
 401 ~~[(c) one by the appraisers specified in Subsections (1)(a) and (b).]~~

402 (2) The commissioner shall make the value determination described in Subsection (1)
 403 based on available data from the United States Department of Agriculture or other reliable
 404 government sources.

405 ~~[(2)]~~ (3) After review, the commissioner shall forward the ~~[appraisal]~~ determined value ~~Ĥ→~~
 405a **and an appraisal described in Subsection (4), if any,** ~~←Ĥ~~
 406 to the board of examiners described in Subsection 63G-9-201(2) together with the
 407 commissioner's recommendation concerning the amount, if any, that should be ~~Ĥ→~~ **[allowed]**
 407a **reimbursed** ~~←Ĥ~~ .

408 ~~[(3) Any costs incurred in the appraisal shall be paid by the state.]~~ ~~Ĥ→~~ **(4) An owner of**
 408a **livestock or other property subject to destruction may pay for an independent appraisal of the**
 408b **value of the livestock or other property, which appraisal the board of examiners shall consider**
 408c **in the board of examiner's recommendation described in Subsection (3).** ~~←Ĥ~~

409 Section 13. Section 4-31-114 is amended to read:

410 **4-31-114. Report of vesicular disease.**

411 (1) A person who identifies symptoms of vesicular disease in livestock shall
 412 immediately report it to the department.

413 (2) ~~[Failure of a]~~ The department may report a veterinarian licensed in this state [to
 414 report to the department] to the veterinarian's licensing authority for the veterinarian's failure to
 415 report a diagnosed case of vesicular disease [constitutes ground for the revocation of such
 416 veterinarian's license] to the department.

417 (3) Failure by an owner of livestock to report symptoms of vesicular disease among the
 418 owner's livestock constitutes forfeiture of the right to claim an indemnity for an animal
 419 euthanized on account of the disease.

420 Section 14. Section 4-31-115 is amended to read:

421 **4-31-115. Contagious or infectious disease, or any epidemic or poisoning -- Duties**
 422 **of department.**

423 (1) (a) The department shall investigate and may quarantine a reported case of
 424 contagious or infectious disease, or any epidemic or poisoning, affecting a domestic animal or
 425 an animal that the department believes may jeopardize the health of animals within the state.

426 (b) The department shall make a prompt and thorough examination of the
 427 circumstances surrounding the disease, epidemic, or poisoning and may order quarantine, care,
 428 or any necessary remedies.

429 (c) The department may also order immunization or testing and sanitary measures to
 430 prevent the spread of disease.

431 (d) An investigation involving fish or wildlife shall be conducted under a cooperative
432 agreement with the Division of Wildlife Resources.

433 (2) (a) If the owner or person in possession of an animal with a contagious or infectious
434 disease, epidemic, or poisoning, after written notice from the department, fails to take the
435 action ordered, the commissioner may seize and hold the animal and take action necessary to
436 prevent the spread of disease, including immunization, testing, [~~dipping, or spraying~~] or
437 treatment.

438 (b) An animal seized for testing or treatment under this section may be sold by the
439 commissioner at public sale to reimburse the department for the costs incurred in the seizure,
440 testing, treatment, maintenance, and sale of the animal unless the owner, before the sale,
441 tenders payment for the costs incurred by the department.

442 (c) (i) The commissioner may not sell a seized animal until the owner or person in
443 possession of the animal is served with a notice specifying the itemized costs incurred by the
444 department, the time, place, and purpose of sale, and the number of animals to be sold.

445 (ii) The notice shall be served at least three days in advance of sale in the manner:

446 (A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure; or

447 (B) if the owner cannot be found after due diligence, prescribed for service by
448 publication in Rule 4(d)(4), Utah Rules of Civil Procedure.

449 (3) (a) Any amount realized from the sale of the animal over the total charges shall be
450 paid to the owner of the animal if the owner is known or can by reasonable diligence be found.

451 (b) If the owner is unknown and cannot be found by reasonable diligence, as described
452 in Subsection (3)(a), the excess shall remain in the General Fund.

453 (c) If the total cost incurred is greater than the amount realized, the owner shall pay the
454 difference.

455 Section 15. Section **4-39-503** is amended to read:

456 **4-39-503. Grounds for denial, suspension, or revocation of licenses for domestic**
457 **elk facilities.**

458 (1) The department shall deny, suspend, or revoke a license to operate a domestic elk
459 facility if the licensee or applicant:

460 (a) fails, for two consecutive years, to:

461 (i) meet inventory requirements as required by the department;

462 (ii) submit chronic wasting disease test samples for at least 90% of mortalities over 12
463 months old; ~~and~~ **[and]** or ~~and~~

464 (iii) notify the department that there are wild cervids inside a domestic elk farm or elk
465 ranch;

466 (b) fails to present animals for identification at the request of the department or allow
467 the department to have access to facility records; or

468 (c) violates the import requirements ~~of~~ described in Section 4-39-303.

469 (2) The department may deny, revoke, or suspend a license to operate a domestic elk
470 facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:

471 (a) provides:

472 (i) an unfinished application or incorrect application information; or

473 (ii) incorrect records or fails to maintain required records;

474 (b) fails to:

475 (i) notify the department of movement of elk onto or off of the facility;

476 (ii) identify elk as required;

477 (iii) notify the department concerning an escape of an animal from a domestic elk
478 facility;

479 (iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of wild
480 cervids into the facility;

481 (v) participate with the department in a cooperative wild cervid removal program;

482 (vi) submit chronic wasting disease test samples for at least 90% of mortalities over 12
483 months old; or

484 (vii) have the minimum proper equipment necessary to safely and humanely handle
485 animals in the facility;

486 (c) moves imported elk onto a facility without getting a Certificate of Veterinary
487 Inspection that has an import permit number from the department;

488 (d) imports animals that are prohibited or controlled by the division; or

489 (e) handles animals in a manner that violates acceptable animal husbandry practices.

490 Section 16. Section 4-46-301 is amended to read:

491 **4-46-301. LeRay McAllister Working Farm and Ranch Fund.**

492 (1) There is created a restricted account within the General Fund entitled the " LeRay

493 McAllister Working Farm and Ranch Fund."

494 (2) The [~~restricted account~~] LeRay McAllister Working Farm and Ranch Fund shall
495 consist of:

- 496 (a) appropriations by the Legislature;
- 497 (b) grants from federal or private sources; and
- 498 (c) interest and earnings from the account.

499 (3) The Land Conservation Board created in Section 4-46-201 may use appropriations
500 from the fund in accordance with Section 4-46-302.

501 Section 17. Section 4-46-302 is amended to read:

502 **4-46-302. Use of money in fund -- Criteria -- Administration.**

503 (1) Subject to Subsection (2), the board may authorize the use of money in the fund, by
504 grant, to:

- 505 (a) a local entity;
- 506 (b) the Department of Natural Resources created under Section 79-2-201;
- 507 (c) an entity within the department; or
- 508 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),
509 Internal Revenue Code.

510 (2) (a) The money in the fund shall be used for preserving or restoring open land and
511 agricultural land.

512 (b) Except as provided in Subsection (2)(c), money from the fund:

513 (i) may be used to:

514 (A) establish a conservation easement under Title 57, Chapter 18, Land Conservation
515 Easement Act; or

516 (B) fund similar methods to preserve open land or agricultural land; and

517 (ii) may not be used to [~~:(A)] purchase a fee interest in real property to preserve open
518 land or agricultural land[~~;~~or].~~

519 [~~(B) purchase additional property for the purpose of tax deferral.]~~

520 (c) Money from the fund may be used to purchase a fee interest in real property to
521 preserve open land or agricultural land if:

522 (i) the property to be purchased is no more than 20 acres in size; and

523 (ii) with respect to a parcel purchased in a county in which over 50% of the land area is

524 publicly owned, real property roughly equivalent in size and located within that county is
525 contemporaneously transferred to private ownership from the governmental entity that
526 purchased the fee interest in real property.

527 (d) Eminent domain may not be used or threatened in connection with any purchase
528 using money from the fund.

529 (e) A parcel of land larger than 20 acres in size may not be divided to create one or
530 more parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).

531 (f) A local entity, department, or organization under Subsection (1) may not receive
532 money from the fund unless the local entity, department, or organization provides matching
533 funds equal to or greater than the amount of money received from the fund.

534 (g) In granting money from the fund, the board may impose conditions on the recipient
535 as to how the money is to be spent.

536 (h) The board shall give priority to:

537 (i) working agricultural land; and

538 (ii) after giving priority to working agricultural land under Subsection (2)(h)(i),
539 requests from the Department of Natural Resources for up to 20% of each annual increase in
540 the amount of money in the fund if the money is used for the protection of wildlife or
541 watershed.

542 (i) (i) The board may not make a grant from the fund that exceeds \$1,000,000 until
543 after making a report to the Legislative Management Committee about the grant.

544 (ii) The Legislative Management Committee may make a recommendation to the board
545 concerning the intended grant, but the recommendation is not binding on the board.

546 (3) In determining the amount and type of financial assistance to provide a local entity,
547 department, or organization under Subsection (1) and subject to Subsection (2)(i), the board
548 shall consider:

549 (a) the nature and amount of open land and agricultural land proposed to be preserved
550 or restored;

551 (b) the qualities of the open land and agricultural land proposed to be preserved or
552 restored;

553 (c) the cost effectiveness of the project to preserve or restore open land or agricultural
554 land;

555 (d) the funds available;

556 (e) the number of actual and potential applications for financial assistance and the
557 amount of money sought by those applications;

558 (f) the open land preservation plan of the local entity where the project is located and
559 the priority placed on the project by that local entity;

560 (g) the effects on housing affordability and diversity; and

561 (h) whether the project protects against the loss of private property ownership.

562 (4) If a local entity, department, or organization under Subsection (1) seeks money
563 from the fund for a project whose purpose is to protect critical watershed, the board shall
564 require that the needs and quality of that project be verified by the state engineer.

565 (5) An interest in real property purchased with money from the fund shall be held and
566 administered by the state or a local entity.

567 (6) (a) The board may not authorize the use of money under this section for a project
568 unless the land use authority for the land in which the project is located consents to the project.

569 (b) To obtain consent to a project, the person who is seeking money from the fund shall
570 submit a request for consent to a project with the applicable land use authority. The land use
571 authority may grant or deny consent. If the land use authority does not take action within 60
572 days from the day on which the request for consent is filed with the land use authority under
573 this Subsection (6), the board shall treat the project as having the consent of the land use
574 authority.

575 (c) An action of a land use authority under this Subsection (6) is not a land use decision
576 subject to:

577 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
578 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

579 Section 18. **Repealer.**

580 This bill repeals:

581 Section **4-2-504, Horse tripping education -- Reporting requirements.**

582 Section **4-31-110, Dairy cattle subject to inspection for disease.**

583 Section 19. **Effective date.**

584 This bill takes effect on May 1, 2024.