

**DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: Ronald M. Winterton

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ clarifies appointment provisions and reporting requirements for the Local Food Advisory Council;
- ▶ repeals certain requirements relating to the registration of weights and measures in commerce or trade;
- ▶ expands definitions in the Utah Nursery Act;
- ▶ changes the reporting date for the Utah Soil Health Program;
- ▶ modifies the composition of the Agricultural and Wildlife Damage Prevention Board;
- ▶ modifies provisions relating to animal branding;
- ▶ changes how the department makes value determinations in relation to the destruction of infected livestock;
- ▶ clarifies a reporting requirement for a veterinarian who diagnoses a case of vesicular disease;
- ▶ removes a restriction for funds under the LeRay McAllister Working Farm and Ranch Fund;
- ▶ repeals a requirement for the department to provide education on horse tripping to horse event venues;
- ▶ repeals a provision relating to infected dairy animals; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **4-2-602**, as last amended by Laws of Utah 2022, Chapter 67

34 **4-2-604**, as enacted by Laws of Utah 2018, Chapter 51

35 **4-9-118**, as renumbered and amended by Laws of Utah 2017, Chapter 345

36 **4-15-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345

37 **4-18-308**, as enacted by Laws of Utah 2021, Chapter 178

38 **4-23-104**, as renumbered and amended by Laws of Utah 2017, Chapter 345

39 **4-24-102**, as last amended by Laws of Utah 2021, Chapter 295

40 **4-24-201**, as last amended by Laws of Utah 2021, Chapter 295

41 **4-24-306**, as last amended by Laws of Utah 2022, Chapter 79

42 **4-31-102**, as last amended by Laws of Utah 2016, Chapter 30

43 **4-31-106**, as last amended by Laws of Utah 2017, Chapter 345

44 **4-31-107**, as last amended by Laws of Utah 2017, Chapter 345

45 **4-31-114**, as last amended by Laws of Utah 2017, Chapter 345

46 **4-31-115**, as last amended by Laws of Utah 2021, Chapter 295

47 **4-39-503**, as enacted by Laws of Utah 2023, Chapter 110

48 **4-46-301**, as last amended by Laws of Utah 2023, Chapter 180

49 **4-46-302**, as last amended by Laws of Utah 2023, Chapter 180

50 REPEALS:

51 **4-2-504**, as last amended by Laws of Utah 2021, Chapter 126

52 **4-31-110**, as renumbered and amended by Laws of Utah 2012, Chapter 331

53

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

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

56 **4-2-602 . Local Food Advisory Council created.**

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

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

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

- 62 (c) the commissioner, or the commissioner's designee;
- 63 (d) the executive director of the Department of Health, or the executive director's
- 64 designee;
- 65 (e) two crop direct-to-consumer food producers, appointed by the governor;
- 66 (f) two animal direct-to-consumer food producers, appointed by the governor; and
- 67 (g) the following potential members, appointed by the governor as needed:
- 68 (i) a direct-to-consumer food producer;
- 69 (ii) a member of a local agriculture organization;
- 70 (iii) a food retailer;
- 71 (iv) a licensed dietician;
- 72 (v) a county health department representative;
- 73 (vi) an urban farming representative;
- 74 (vii) a representative of a business engaged in the processing, packaging, or
- 75 distribution of food;
- 76 (viii) an anti-hunger advocate;
- 77 (ix) an academic with expertise in agriculture; and
- 78 (x) a food distributor.
- 79 (2) (a) The president of the Senate shall designate a member of the Senate appointed
- 80 under Subsection (1)(a) as a cochair of the council.
- 81 (b) The speaker of the House of Representatives shall designate a member of the House
- 82 of Representatives appointed under Subsection (1)(b) as a cochair of the council.
- 83 (c) The cochairs may, with the consent of a majority of the council, appoint additional
- 84 nonvoting members to the council who shall serve in a voluntary capacity.
- 85 (3) In appointing members to the council under Subsections (1)(e) through (g), the governor
- 86 shall strive to take into account the geographical makeup of the council.
- 87 (4) A vacancy on the council shall be filled in the same manner in which the original
- 88 appointment is made.
- 89 (5) (a) Except as required under Subsection (5)(b), as terms of current board members
- 90 expire, the appointing entity shall appoint each new member or reappointed member
- 91 to a four-year term.
- 92 (b) The appointing entity shall, at the time of appointment or reappointment, adjust the
- 93 length of terms to ensure that the terms of board members are staggered so that
- 94 approximately half of the board is appointed every two years.
- 95 [~~5~~] (6) Compensation for a member of the council who is a legislator shall be paid in

96 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,  
97 Legislator Compensation.

98 ~~[(6)] (7)~~ Council members who are employees of the state shall receive no additional  
99 compensation.

100 ~~[(7)] (8)~~ The department shall provide staff support for the council.

101 Section 2. Section **4-2-604** is amended to read:

102 **4-2-604 . Duties -- Interim report.**

103 (1) The council shall:

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

105 (b) review and make recommendations regarding the policy issues listed in Section  
106 4-2-603.

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

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

110 (b) the Department of Agriculture and Food~~;~~ and .

111 ~~[(e) the Food Advisory Board.]~~

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

113 **4-9-118 . Registration of commercial establishments using weights and measures.**

114 ~~[(1) (a) Pursuant to]~~ Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
115 department shall ~~[establish]~~ make rules providing for the registration of weights and  
116 measures users and issuance of certification of weights and measures devices to ensure  
117 the use of correct weights and measures in commerce or trade. The department may:

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

119 ~~[(1)]~~ (1) determine whether weights and measures are correct through:

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

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

123 ~~[(ii)]~~ (2) establish standards and qualifications for a registered weights and measures service  
124 person; and

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

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

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



- 130       ~~[(e) An applicant shall register with the department in writing, using forms required by the~~  
131           ~~department.]~~
- 132       ~~[(f) The department shall issue a registration to an applicant if the department determines~~  
133           ~~that the applicant meets the qualifications of registration established under Subsection~~  
134           ~~(1)(a).]~~
- 135       ~~[(g) If the applicant does not meet the qualifications of registration, the department shall~~  
136           ~~notify the applicant, in writing, that the applicant's registration is denied.]~~
- 137       ~~[(h) (i) If an applicant submits an incomplete application, a written notice of conditional~~  
138           ~~denial of registration shall be provided to the applicant.]~~
- 139       ~~[(ii) The applicant shall correct the deficiencies within the time period specified in the~~  
140           ~~notice to receive a registration.]~~
- 141       ~~[(i) (i) The department may, as provided under Subsection 4-2-103(2), charge the weights~~  
142           ~~and measures user a registration fee.]~~
- 143       ~~[(ii) The department shall retain the fees as dedicated credits and shall use the fees to~~  
144           ~~administer the registration of weights and measures users.]~~
- 145       ~~[(2) (a) A registration issued under this section shall be valid from the date the department~~  
146           ~~issues the registration to December 31 of the year the registration is issued.]~~
- 147       ~~[(b) A registration may be renewed for the following year by applying for renewal by~~  
148           ~~December 31 of the year the registration expires.]~~
- 149       ~~[(3) A registration issued under this section shall specify:]~~
- 150           ~~[(a) the name and address of the weights and measures user;]~~  
151           ~~[(b) the registration issuance and expiration date; and]~~  
152           ~~[(c) the number and type of weights and measures devices to be certified.]~~
- 153       ~~[(4) (a) The department may immediately suspend a registration issued under this section if~~  
154           ~~any of the requirements of Section 4-9-116 are violated.]~~
- 155       ~~[(b) (i) The holder of a registration suspended under Subsection (4)(a) may apply for the~~  
156           ~~reinstatement of a registration.]~~
- 157       ~~[(ii) If the department determines that all requirements under Section 4-9-116 are being~~  
158           ~~met, the department shall reinstate the registration.]~~
- 159       ~~[(5) (a) A weights and measures user registered under this section shall allow the~~  
160           ~~department access to the weights and measures user's place of business to determine if~~  
161           ~~the weights and measures user is complying with the registration requirements.]~~
- 162       ~~[(b) If a weights and measures user denies access for an inspection required under~~  
163           ~~Subsection (5)(a), the department may suspend the weights and measures user's~~

164 ~~registration until the department is allowed access to the weights and measures user's~~  
165 ~~place of business.]~~

166 Section 4. Section **4-15-103** is amended to read:

167 **4-15-103 . Definitions.**

168 As used in this part:

- 169 (1) "Balled and burlapped stock" means nursery stock that is removed from the growing site  
170 with a ball of soil containing its root system intact and encased in burlap or other  
171 material to hold the soil in place.
- 172 (2) "Bare-root stock" means nursery stock that is removed from the growing site with the  
173 root system free of soil.
- 174 (3) "Compliance agreement" means any written agreement between a person and a  
175 regulatory agency to achieve compliance with any set of requirements being enforced by  
176 the department.
- 177 (4) "Container stock" means nursery stock that is transplanted in soil or in a potting mixture  
178 contained within a metal, clay, plastic, or other rigid container for a period sufficient to  
179 allow newly developed fibrous roots to form, so that if the plant is removed from the  
180 container the plant's root-media ball will remain intact.
- 181 (5) "Etiolated growth" means bleached and unnatural growth resulting from the exclusion  
182 of sunlight.
- 183 (6) "Minimum indices of vitality" mean standards adopted by the department to determine  
184 the health and vigor of nursery stock offered for sale in this state.
- 185 (7) "National nursery stock cleanliness standards" means nursery stock that:  
186 (a) is free from quarantine pests and pests of concern;  
187 (b) has all nonquarantine plant pests under effective control;  
188 (c) meets the national nursery stock cleanliness standards; and  
189 (d) is eligible for nursery stock certification and shipping permits.
- 190 (8) "Nonestablished container stock" means deciduous nursery stock that is transplanted in  
191 soil or in a potting mixture contained within a metal, clay, plastic, or other rigid  
192 container for a period insufficient to allow the formation of fibrous roots sufficient to  
193 form a root-media ball.
- 194 (9) "Nursery" means any place where nursery stock is propagated and grown for sale or  
195 distribution.
- 196 (10) (a) "Nursery agent" means a person who solicits or takes an order for the sale of  
197 nursery stock, other than on the premises of a nursery or nursery outlet.

- 198 (b) "Nursery agent" includes a nursery landscaper.
- 199 (11) "Nursery outlet" means any place or location where nursery stock is offered for  
200 wholesale or retail sale.
- 201 (12) (a) "Nursery stock" means:
- 202 (i) all plants, whether field grown, container grown, or collected native plants;
- 203 (ii) trees, shrubs, vines, grass sod;
- 204 (iii) seedlings, perennials, biennials, annuals; and
- 205 (iv) buds, cuttings, grafts, or scions grown or collected or kept for propagation, sale,  
206 or distribution.
- 207 (b) "Nursery stock" does not [~~mean~~] include:
- 208 (i) dormant bulbs, tubers, roots, corms, rhizomes, or pips;
- 209 (ii) field, vegetable, or flower seeds; or
- 210 (iii) [~~bedding plants, annual plants, florists' greenhouse or field-grown plants, or~~  
211 ~~flowers or cuttings.~~] cut flowers, unless stems or other portions of the cut flowers  
212 are intended for propagation.
- 213 (13) "Packaged stock" means bare-root stock that is packed either in bundles or in single  
214 plants with the roots in some type of moisture-retaining material designed to retard  
215 evaporation and hold the moisture-retaining material in place.
- 216 (14) "Pests of concern" means a nonquarantine pest that:
- 217 (a) is not known to occur in the state, or that has a limited distribution within the state;  
218 and
- 219 (b) has the potential to negatively impact nursery stock health or pose an unacceptable  
220 economic or environmental risk.
- 221 (15) "Place of business" means each separate nursery, or nursery outlet, where nursery  
222 stock is offered for sale, sold, or distributed.
- 223 (16) "Plant pests" means:
- 224 (a) the egg, pupal, and larval stage, as well as any other living stage of any insect, mite,  
225 nematode, slug, snail, protozoa, or other invertebrate animal;
- 226 (b) bacteria;
- 227 (c) fungi;
- 228 (d) parasitic plant or a reproductive part of a parasitic plant;
- 229 (e) virus or viroid;
- 230 (f) phytoplasma; or
- 231 (g) any infectious substance that can injure or cause disease or damage in any plant.

- 232 (17) "Quarantine pest" means a pest that poses potential negative economic or  
 233 environmental impact to an area in which the pest currently:  
 234 (a) does not exist; or  
 235 (b) exists, but its presence is not widely distributed or is being officially controlled.
- 236 (18) "Shipping permit or certificate of inspection" means a sticker, stamp, imprint, or other  
 237 document that accompanies nursery stock shipped intrastate and documents that the  
 238 originating nursery:  
 239 (a) is licensed; and  
 240 (b) (i) has stock that has passed annual inspection; or  
 241 (ii) produces stock that meets the National Nursery Stock Compliance Standard.

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

243 **4-18-308 . Reporting requirement.**

- 244 (1) Each year, [~~by no later than June 30~~] before November 1, the department shall prepare  
 245 and make available to the public a report on the department's official website that  
 246 contains the following information:  
 247 (a) an accounting of money received and spent for the program;  
 248 (b) a description of activities undertaken, including the number and type of grant-funded  
 249 projects and the educational and stakeholder engagement activities; and  
 250 (c) a summary of the activities and recommendations of the Soil Health Advisory  
 251 Committee.
- 252 (2) The commissioner shall annually report to the Natural Resources, Agriculture, and  
 253 Environment Interim Committee by no later than the November interim meeting of that  
 254 committee. The report shall include the information described in Subsection (1).

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

256 **4-23-104 . Agricultural and Wildlife Damage Prevention Board created --**

257 **Composition -- Appointment -- Terms -- Vacancies -- Compensation.**

- 258 (1) There is created an Agricultural and Wildlife Damage Prevention Board composed of  
 259 the commissioner and the director of the Division of Wildlife Resources who shall serve,  
 260 respectively, as the board's chair and vice chair together with seven other members  
 261 appointed by the governor to four-year terms of office as follows:  
 262 (a) one sheep producer representing wool growers of the state;  
 263 (b) one cattle producer representing range cattle producers of the state;  
 264 (c) [~~one person from the United States Department of Agriculture~~] one person from an  
 265 organization representing the agricultural interests of the state;

- 266 (d) one agricultural landowner representing agricultural landowners of the state;
- 267 (e) one person representing the wildlife interests [~~in~~] of the state;
- 268 (f) one person from the United States Forest Service; and
- 269 (g) one person from the United States Bureau of Land Management.
- 270 (2) Appointees' term of office shall commence June 1.
- 271 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
- 272 expire, the governor shall appoint each new member or reappointed member to a
- 273 four-year term.
- 274 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
- 275 time of appointment or reappointment, adjust the length of terms to ensure that the
- 276 terms of board members are staggered so that approximately half of the board is
- 277 appointed every two years.
- 278 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
- 279 appointed for the unexpired term.
- 280 (5) (a) Attendance of five members at a duly called meeting shall constitute a quorum
- 281 for the transaction of official business.
- 282 (b) The board shall convene at the times and places prescribed by the chair or vice chair.
- 283 (6) A member may not receive compensation or benefits for the member's service, but may
- 284 receive per diem and travel expenses in accordance with:
- 285 (a) Section 63A-3-106;
- 286 (b) Section 63A-3-107; and
- 287 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 288 63A-3-107.
- 289 Section 7. Section **4-24-102** is amended to read:
- 290 **4-24-102 . Definitions.**
- 291 As used in this chapter:
- 292 (1) "Brand" means an identifiable mark, including a tattoo or cutting and shaping of the ears
- 293 or brisket area, applied to livestock that is intended to show ownership and the mark's
- 294 location.
- 295 (2) "Carcass" means any part of the body of an animal, including entrails and edible meats.
- 296 (3) "Domesticated elk" means the same as that term is defined in Section 4-39-102.
- 297 (4) "Hide" means any skins or wool removed from livestock.
- 298 (5) "Livestock" means cattle, calves, horses, mules, or sheep [~~, goats, or hogs.~~] .
- 299 (6) (a) "Livestock market" means a public market place consisting of pens or other

300 enclosures where cattle, calves, horses, or mules are received on consignment and  
301 kept for subsequent sale, either through public auction or private sale.

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

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

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

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

308 (B) assumes the responsibility for the sale;

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

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

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

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

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

317 **4-24-201 . Central Brand Registry -- Division of state into brand districts --**

318 **Identical or confusingly similar brands -- Publication of registered brands.**

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

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

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

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

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

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

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

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

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

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

333 (4) (a) The commissioner shall publish from time to time a list of all brands recorded in

334 the central Brand Registry and may issue supplements to that publication containing  
335 additional brands or changes in ownership of brands recorded after the last  
336 publication.

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

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

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

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

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

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

350 **4-24-306 . Movement across state line -- Brand inspection required -- Exception**  
351 **-- Request for brand inspection -- Time and place of inspection.**

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

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

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

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

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

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

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

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

365 **4-31-102 . Dead domestic animals -- Duty of owner to bury or otherwise dispose--**  
366 **Liability for costs.**

367 (1) An owner or other person responsible for a domestic animal that dies shall bury or

368 dispose of the animal within a reasonable period of time after the owner or other person  
369 responsible for the animal becomes aware that the animal is dead.

370 (2) The owner of a dead bovine, horse, mule, goat, sheep, bird, or swine may bury the dead  
371 animal on the owner's property.

372 (3) If the owner or other person responsible for the dead animal cannot be found, the  
373 county, city, or town within which the dead animal is found, shall, at the political  
374 subdivision's expense, bury the dead animal.

375 (4) A county, city, or town that incurs expense under this section is entitled to  
376 reimbursement from the owner of the dead animal.

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

378 **4-31-106 . Epidemic of contagious or infectious disease -- Condemnation or**  
379 **destruction of infected or exposed livestock -- Destruction of other property.**

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

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

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

390 **4-31-107 . Value determination before destruction.**

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

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

397 [~~(b) one by the owner of the livestock or other property subject to condemnation; and]~~

398 [~~(c) one by the appraisers specified in Subsections (1)(a) and (b).]~~

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



402 ~~[(2)]~~ (3) After review, the commissioner shall forward the ~~[appraisal]~~ determined value and  
403 an appraisal described in Subsection (4), if any, to the board of examiners described in  
404 Subsection 63G-9-201(2) together with the commissioner's recommendation concerning  
405 the amount, if any, that should be ~~[allowed]~~ reimbursed.

406 ~~[(3) Any costs incurred in the appraisal shall be paid by the state.]~~

407 (4) An owner of livestock or other property subject to destruction may pay for an  
408 independent appraisal of the value of the livestock or other property, which appraisal the  
409 board of examiners shall consider in the board of examiners' recommendation described  
410 in Subsection (3).

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

412 **4-31-114 . Report of vesicular disease.**

- 413 (1) A person who identifies symptoms of vesicular disease in livestock shall immediately  
414 report it to the department.
- 415 (2) ~~[Failure of a]~~ The department may report a veterinarian licensed in this state [to report to  
416 the department] to the veterinarian's licensing authority for the veterinarian's failure to  
417 report a diagnosed case of vesicular disease [constitutes ground for the revocation of  
418 such veterinarian's license] to the department.
- 419 (3) Failure by an owner of livestock to report symptoms of vesicular disease among the  
420 owner's livestock constitutes forfeiture of the right to claim an indemnity for an animal  
421 euthanized on account of the disease.

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

423 **4-31-115 . Contagious or infectious disease, or any epidemic or poisoning --**

424 **Duties of department.**

- 425 (1) (a) The department shall investigate and may quarantine a reported case of  
426 contagious or infectious disease, or any epidemic or poisoning, affecting a domestic  
427 animal or an animal that the department believes may jeopardize the health of  
428 animals within the state.
- 429 (b) The department shall make a prompt and thorough examination of the circumstances  
430 surrounding the disease, epidemic, or poisoning and may order quarantine, care, or  
431 any necessary remedies.
- 432 (c) The department may also order immunization or testing and sanitary measures to  
433 prevent the spread of disease.
- 434 (d) An investigation involving fish or wildlife shall be conducted under a cooperative  
435 agreement with the Division of Wildlife Resources.

- 436 (2) (a) If the owner or person in possession of an animal with a contagious or infectious  
 437 disease, epidemic, or poisoning, after written notice from the department, fails to take  
 438 the action ordered, the commissioner may seize and hold the animal and take action  
 439 necessary to prevent the spread of disease, including immunization, testing, [~~dipping,~~  
 440 ~~or spraying~~] or treatment.
- 441 (b) An animal seized for testing or treatment under this section may be sold by the  
 442 commissioner at public sale to reimburse the department for the costs incurred in the  
 443 seizure, testing, treatment, maintenance, and sale of the animal unless the owner,  
 444 before the sale, tenders payment for the costs incurred by the department.
- 445 (c) (i) The commissioner may not sell a seized animal until the owner or person in  
 446 possession of the animal is served with a notice specifying the itemized costs  
 447 incurred by the department, the time, place, and purpose of sale, and the number  
 448 of animals to be sold.
- 449 (ii) The notice shall be served at least three days in advance of sale in the manner:  
 450 (A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure;  
 451 or  
 452 (B) if the owner cannot be found after due diligence, prescribed for service by  
 453 publication in Rule 4(d)(4), Utah Rules of Civil Procedure.
- 454 (3) (a) Any amount realized from the sale of the animal over the total charges shall be  
 455 paid to the owner of the animal if the owner is known or can by reasonable diligence  
 456 be found.
- 457 (b) If the owner is unknown and cannot be found by reasonable diligence, as described  
 458 in Subsection (3)(a), the excess shall remain in the General Fund.
- 459 (c) If the total cost incurred is greater than the amount realized, the owner shall pay the  
 460 difference.

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

462 **4-39-503 . Grounds for denial, suspension, or revocation of licenses for domestic**  
 463 **elk facilities.**

- 464 (1) The department shall deny, suspend, or revoke a license to operate a domestic elk  
 465 facility if the licensee or applicant:
- 466 (a) fails, for two consecutive years, to:
- 467 (i) meet inventory requirements as required by the department;
- 468 (ii) submit chronic wasting disease test samples for at least 90% of mortalities over  
 469 12 months old; or

- 470 (iii) notify the department that there are wild cervids inside a domestic elk farm or elk  
471 ranch;
- 472 (b) fails to present animals for identification at the request of the department or allow the  
473 department to have access to facility records; or
- 474 (c) violates the import requirements [of] described in Section 4-39-303.
- 475 (2) The department may deny, revoke, or suspend a license to operate a domestic elk  
476 facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:
- 477 (a) provides:
- 478 (i) an unfinished application or incorrect application information; or  
479 (ii) incorrect records or fails to maintain required records;
- 480 (b) fails to:
- 481 (i) notify the department of movement of elk onto or off of the facility;  
482 (ii) identify elk as required;  
483 (iii) notify the department concerning an escape of an animal from a domestic elk  
484 facility;  
485 (iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of  
486 wild cervids into the facility;  
487 (v) participate with the department in a cooperative wild cervid removal program;  
488 (vi) submit chronic wasting disease test samples for at least 90% of mortalities over  
489 12 months old; or  
490 (vii) have the minimum proper equipment necessary to safely and humanely handle  
491 animals in the facility;
- 492 (c) moves imported elk onto a facility without getting a Certificate of Veterinary  
493 Inspection that has an import permit number from the department;
- 494 (d) imports animals that are prohibited or controlled by the division; or  
495 (e) handles animals in a manner that violates acceptable animal husbandry practices.
- 496 Section 16. Section **4-46-301** is amended to read:
- 497 **4-46-301 . LeRay McAllister Working Farm and Ranch Fund.**
- 498 (1) There is created a restricted account within the General Fund entitled the " LeRay  
499 McAllister Working Farm and Ranch Fund."
- 500 (2) The [~~restricted account~~] LeRay McAllister Working Farm and Ranch Fund shall consist  
501 of:
- 502 (a) appropriations by the Legislature;  
503 (b) grants from federal or private sources; and

- 504 (c) interest and earnings from the account.
- 505 (3) The Land Conservation Board created in Section 4-46-201 may use appropriations from  
506 the fund in accordance with Section 4-46-302.
- 507 Section 17. Section **4-46-302** is amended to read:
- 508 **4-46-302 . Use of money in fund -- Criteria -- Administration.**
- 509 (1) Subject to Subsection (2), the board may authorize the use of money in the fund, by  
510 grant, to:
- 511 (a) a local entity;
- 512 (b) the Department of Natural Resources created under Section 79-2-201;
- 513 (c) an entity within the department; or
- 514 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),  
515 Internal Revenue Code.
- 516 (2) (a) The money in the fund shall be used for preserving or restoring open land and  
517 agricultural land.
- 518 (b) Except as provided in Subsection (2)(c), money from the fund:
- 519 (i) may be used to:
- 520 (A) establish a conservation easement under Title 57, Chapter 18, Land  
521 Conservation Easement Act; or
- 522 (B) fund similar methods to preserve open land or agricultural land; and
- 523 (ii) may not be used to~~[(A)]~~ purchase a fee interest in real property to preserve  
524 open land or agricultural land~~[(B)]~~ .  
525 ~~[(B) purchase additional property for the purpose of tax deferral.]~~
- 526 (c) Money from the fund may be used to purchase a fee interest in real property to  
527 preserve open land or agricultural land if:
- 528 (i) the property to be purchased is no more than 20 acres in size; and
- 529 (ii) with respect to a parcel purchased in a county in which over 50% of the land area  
530 is publicly owned, real property roughly equivalent in size and located within that  
531 county is contemporaneously transferred to private ownership from the  
532 governmental entity that purchased the fee interest in real property.
- 533 (d) Eminent domain may not be used or threatened in connection with any purchase  
534 using money from the fund.
- 535 (e) A parcel of land larger than 20 acres in size may not be divided to create one or more  
536 parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).
- 537 (f) A local entity, department, or organization under Subsection (1) may not receive

- 538 money from the fund unless the local entity, department, or organization provides  
539 matching funds equal to or greater than the amount of money received from the fund.
- 540 (g) In granting money from the fund, the board may impose conditions on the recipient  
541 as to how the money is to be spent.
- 542 (h) The board shall give priority to:
- 543 (i) working agricultural land; and
- 544 (ii) after giving priority to working agricultural land under Subsection (2)(h)(i),  
545 requests from the Department of Natural Resources for up to 20% of each annual  
546 increase in the amount of money in the fund if the money is used for the  
547 protection of wildlife or watershed.
- 548 (i) (i) The board may not make a grant from the fund that exceeds \$1,000,000 until  
549 after making a report to the Legislative Management Committee about the grant.
- 550 (ii) The Legislative Management Committee may make a recommendation to the  
551 board concerning the intended grant, but the recommendation is not binding on  
552 the board.
- 553 (3) In determining the amount and type of financial assistance to provide a local entity,  
554 department, or organization under Subsection (1) and subject to Subsection (2)(i), the  
555 board shall consider:
- 556 (a) the nature and amount of open land and agricultural land proposed to be preserved or  
557 restored;
- 558 (b) the qualities of the open land and agricultural land proposed to be preserved or  
559 restored;
- 560 (c) the cost effectiveness of the project to preserve or restore open land or agricultural  
561 land;
- 562 (d) the funds available;
- 563 (e) the number of actual and potential applications for financial assistance and the  
564 amount of money sought by those applications;
- 565 (f) the open land preservation plan of the local entity where the project is located and the  
566 priority placed on the project by that local entity;
- 567 (g) the effects on housing affordability and diversity; and
- 568 (h) whether the project protects against the loss of private property ownership.
- 569 (4) If a local entity, department, or organization under Subsection (1) seeks money from the  
570 fund for a project whose purpose is to protect critical watershed, the board shall require  
571 that the needs and quality of that project be verified by the state engineer.

- 572 (5) An interest in real property purchased with money from the fund shall be held and  
573 administered by the state or a local entity.
- 574 (6) (a) The board may not authorize the use of money under this section for a project  
575 unless the land use authority for the land in which the project is located consents to  
576 the project.
- 577 (b) To obtain consent to a project, the person who is seeking money from the fund shall  
578 submit a request for consent to a project with the applicable land use authority. The  
579 land use authority may grant or deny consent. If the land use authority does not take  
580 action within 60 days from the day on which the request for consent is filed with the  
581 land use authority under this Subsection (6), the board shall treat the project as  
582 having the consent of the land use authority.
- 583 (c) An action of a land use authority under this Subsection (6) is not a land use decision  
584 subject to:
- 585 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or  
586 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

587 **Section 18. Repealer.**

588 This bill repeals:

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

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

591 **Section 19. Effective date.**

592 This bill takes effect on May 1, 2024.