

UTAH AGRICULTURAL CODE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill makes changes to Title 4, Utah Agricultural Code.

Highlighted Provisions:

This bill:

▶ makes changes to Title 4, Chapter 10, Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act, including:

- addressing the definition of "new material";
- license fees; and
- inspections;

▶ makes changes to Title 4, Chapter 11, Utah Bee Inspection Act, including:

- definitions;
- registration;
- inspectors and inspections;
- quarantines; and
- other provisions;

▶ eliminates a provision allowing for the creation of a nominating commission for the Utah Dairy Commission;

▶ makes changes to Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act, to modify certain fees; and

▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **4-10-2**, as last amended by Laws of Utah 2007, Chapter 179

35 **4-10-5**, as last amended by Laws of Utah 1985, Chapter 130

36 **4-10-10**, as enacted by Laws of Utah 1979, Chapter 2

37 **4-11-2**, as enacted by Laws of Utah 1979, Chapter 2

38 **4-11-4**, as last amended by Laws of Utah 2002, Chapter 9

39 **4-11-5**, as last amended by Laws of Utah 1993, Chapter 227

40 **4-11-6**, as enacted by Laws of Utah 1979, Chapter 2

41 **4-11-7**, as enacted by Laws of Utah 1979, Chapter 2

42 **4-11-8**, as enacted by Laws of Utah 1979, Chapter 2

43 **4-11-9**, as enacted by Laws of Utah 1979, Chapter 2

44 **4-11-10**, as enacted by Laws of Utah 1979, Chapter 2

45 **4-11-11**, as last amended by Laws of Utah 1986, Chapter 101

46 **4-11-12**, as enacted by Laws of Utah 1979, Chapter 2

47 **4-11-13**, as enacted by Laws of Utah 1979, Chapter 2

48 **4-11-14**, as enacted by Laws of Utah 1979, Chapter 2

49 **4-11-15**, as last amended by Laws of Utah 2007, Chapter 179

50 **4-22-6**, as last amended by Laws of Utah 1999, Chapter 301

51 **4-23-7**, as last amended by Laws of Utah 1995, Chapter 256

52 **4-23-8**, as last amended by Laws of Utah 2004, Chapter 128

53 ENACTS:

54 **4-11-17**, Utah Code Annotated 1953



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

57 Section 1. Section **4-10-2** is amended to read:

58 **4-10-2. Definitions.**

59 As used in this chapter:

60 (1) "Article" means any bedding, upholstered furniture, quilted clothing, or filling
61 material.

62 (2) "Bedding" means any:

63 (a) quilted, packing, mattress or hammock pad; or

64 (b) mattress, boxsprings, comforter, quilt, sleeping bag, studio couch, pillow or
65 cushion made with any filling material that can be used for sleeping or reclining.

66 (3) "Filling material" means any cotton, wool, kapok, feathers, down, hair or other
67 material, or any combination of material, whether loose or in bags, bales, batting, pads, or other
68 prefabricated form that is, or can be, used in bedding, upholstered furniture or quilted clothing.

69 (4) "Label" means the display of written, printed, or graphic matter upon a tag or upon
70 the immediate container of any bedding, upholstered furniture, quilted clothing, or filling
71 material.

72 (5) (a) "Manufacture" means to make, process, or prepare from new or secondhand
73 material, in whole or in part, any bedding, upholstered furniture, quilted clothing, or filling
74 material for sale.

75 (b) "Manufacture" does not include isolated sales of such articles by persons who are
76 not primarily engaged in the making, processing, or preparation of such articles.

77 (6) (a) "New material" means [any article not previously used for any purpose:]
78 material that has not previously been used in the manufacture of another article used for any
79 purpose.

80 (b) "New material" includes by-products from a textile mill using only new raw
81 material synthesized from a product that has been melted, liquified, and re-extruded.

82 (7) "Owner's own material" means [any] an article owned or in the possession of a
83 person for [such] the person's own or a tenant's use that is sent to another person for
84 manufacture or repair.

85 (8) "Quilted clothing" means [any] a quilted garment or apparel, exclusive of trim used
86 for aesthetic effect, or [any] a stiffener, shoulder pads, interfacing, or other material that is
87 made in whole or in part from filling material and sold or offered for sale.

88 (9) "Repair" means to restore, recover, alter, or renew bedding, upholstered furniture,
89 or quilted clothing for a consideration.

90 (10) "Retailer" means a person who sells bedding, upholstered furniture, quilted
91 clothing, or filling material to [~~consumers~~] a consumer for use primarily for personal, family,
92 household, or business purposes.

93 (11) (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,
94 consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling
95 material.

96 (b) "Sale" or "sell" does not include any judicial, executor's, administrator's, or
97 guardian's sale of such items.

98 (12) "Secondhand material" means any filling material [~~which~~] that has previously
99 been used in an article.

100 (13) "Tag" means a card, flap, or strip attached to [~~any~~] an article for the purpose of
101 displaying information required by this chapter or under rule [~~promulgated~~] made pursuant to
102 it.

103 (14) "Upholstered furniture" means any portable or fixed furniture, except fixed seats
104 in motor vehicles, boats, or aircraft, that is made in whole or in part with filling material,
105 exclusive of trim used for aesthetic effect.

106 (15) "Wholesaler" means a person who offers [~~any~~] an article for resale.

107 Section 2. Section **4-10-5** is amended to read:

108 **4-10-5. License -- Application -- Fees -- Expiration -- Renewal.**

109 (1) (a) Application for a license to manufacture, repair, or to engage in the wholesale
110 sale of bedding, upholstered furniture, quilted clothing, or filling material shall be made to the
111 department on forms prescribed and furnished by [it] the department.

112 (b) Upon receipt of a proper application and payment of the appropriate license fee, the
113 commissioner, if satisfied that the convenience and necessity of the industry and the public will
114 be served, shall issue to the applicant a license to engage in the particular activity through
115 December 31 of the year in which the license is issued, subject to suspension or revocation for
116 cause. [~~Persons~~]

117 (c) A person doing business under more than one name shall be licensed for each name
118 under which business is conducted.

119 (2) The annual license fee for each license issued under this chapter shall be
120 determined by the department pursuant to Subsection 4-2-2(2).

121 (3) Each license issued under this chapter is renewable for a period of one year upon
122 the payment of the applicable amount for the particular license sought to be renewed on or
123 before December 31 of each year.

124 (4) A person who holds a valid manufacturer's license may, upon application, be
125 licensed as a wholesale dealer, supplier, or repairer without the payment of an additional
126 license fee.

127 ~~[(5) A person who is not licensed during the preceding year may, if otherwise qualified,~~
128 ~~obtain a license after July 1 for one-half of the applicable amount.]~~

129 (5) A person who fails to renew a license and engages in conduct requiring a license
130 under this chapter shall pay the applicable license fee for each year in which the person engages
131 in conduct requiring a license for which a license is not renewed.

132 (6) The department may retroactively collect a fee owed under Subsection (5).

133 Section 3. Section **4-10-10** is amended to read:

134 **4-10-10. Enforcement -- Inspection authorized -- Samples -- Reimbursement for**
135 **samples -- Warrants.**

136 (1) (a) The department ~~[shall have access to]~~ may access public and private premises
137 where articles subject to this chapter are manufactured, repaired, stored, or sold for the purpose
138 of determining compliance with this chapter.

139 (b) For purposes of determining compliance, ~~[it]~~ the department may:

140 (i) open any upholstered furniture, bedding, or quilted clothing to obtain a sample for
141 inspection and analysis of filling material; or~~[- if deemed appropriate,]~~

142 (ii) if considered appropriate by the department, take the entire article for inspection
143 and analysis.

144 (c) Upon request, the department shall reimburse the owner or person from whom ~~[the]~~
145 a sample or article is taken in accordance with this Subsection (1) for the actual cost of the
146 sample or article.

147 (2) The department may proceed immediately, if admittance is refused, to obtain an ex
148 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
149 for the purpose of making inspections and taking samples or articles.

150 Section 4. Section **4-11-2** is amended to read:

151 **4-11-2. Definitions.**

152 As used in this chapter:

153 (1) "Abandoned apiary" means any apiary:

154 (a) to which the owner or operator fails to give reasonable and adequate attention

155 during [any] a given year, with the result that the welfare of a neighboring [colonies] colony is

156 jeopardized; or

157 (b) that is not properly identified in accordance with this chapter.

158 (2) "Apiary" means any place where one or more colonies of bees are located[;].

159 (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment

160 used to handle or manipulate bees, honey, wax, or hives[;].

161 (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or

162 manipulate bees, wax, honey, or hives[;].

163 (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of

164 development[;].

165 (6) (a) "Beekeeper" means a person who keeps bees in order to:

166 (i) collect honey and beeswax;

167 (ii) pollinate crops; or

168 (iii) produce bees for sale to other beekeepers.

169 (b) "Beekeeper" includes an apiarists.

170 ~~[(6)]~~ (7) "Colony" means an aggregation of bees in any type of hive [including] that

171 includes queens, workers, [or] drones[;], or brood.

172 ~~[(7)]~~ (8) "Disease" means ~~[American or European foulbrood, sacbrood, bee paralysis,~~

173 ~~or any other]~~ any disease or abnormal condition of the egg, larval, pupal or adult stage of bee

174 development[;].

175 ~~[(8)]~~ (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other

176 artificial or natural receptacle [which] that may be used to house bees[;].

177 ~~[(9)]~~ (10) "Package" means any number of bees in a bee-tight container, with or

178 without a queen, and without comb.

179 (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.

180 (12) "Pest" means an organism that:

181 (a) inflicts damage to a bee or bee colony directly or indirectly; or

182 (b) may damage apiary equipment in a manner that is likely to have an adverse affect

183 on the health of the colony or an adjacent colony.

184 (13) "Raise" means:

185 (a) to hold a colony of bees in a hive for the purpose of pollination, honey production,
186 study, or similar purpose; and

187 (b) when the person holding a colony, holds the colony or a package of bees in the state
188 for a period of time exceeding 30 days.

189 (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant
190 colony or subsequent colony on the same equipment.

191 Section 5. Section 4-11-4 is amended to read:

192 **4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal --**
193 **Wax-salvage plants -- License required -- Application -- Fees -- Renewal.**

194 (1) ~~[No]~~ (a) A person may not raise bees in this state without being registered with the
195 department.

196 (b) Application for registration to raise bees shall be made to the department upon
197 tangible or electronic forms prescribed and furnished by [it. ~~The application shall specify~~] the
198 department, within 30 days after the person:

199 (i) takes possession of the bees; or

200 (ii) moves the bees into the state.

201 (c) Nothing in Subsection (1)(b) limits the requirements of Section 4-11-11.

202 (d) An application in accordance with this chapter shall specify:

203 (i) the name and address of the applicant[;];

204 (ii) the number of bee colonies owned by the applicant[; and] at the time of the
205 application that will be present in the state for a period exceeding 30 days; and

206 (iii) any other relevant information the department considers appropriate.

207 (e) Upon receipt of a proper application and payment of an annual registration fee
208 determined by the department pursuant to Subsection 4-2-2(2), the commissioner shall issue a
209 registration to the applicant valid through December 31 of the year in which the registration is
210 issued, subject to suspension or revocation for cause. ~~[Each]~~

211 (f) A bee registration is renewable for a period of one year upon the payment of an
212 annual registration renewal fee as determined by the department pursuant to Subsection
213 4-2-2(2).

214 (g) Registration shall be renewed on or before December 31 of each year.

215 (2) ~~[No]~~ (a) A person may not operate a wax-salvage plant without a license issued by
216 the department.

217 (b) Application for a license to operate a wax-salvage plant shall be made to the
218 department upon tangible or electronic forms prescribed and furnished by ~~[it]~~ the department.

219 (c) The application shall specify such information as the department considers
220 appropriate.

221 (d) Upon receipt of a proper application and payment of a license fee as determined by
222 the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the
223 convenience and necessity of the industry and the public will be served, shall issue a license
224 entitling the applicant to operate a wax-salvage plant through December 31 of the year in
225 which the license is issued, subject to suspension or revocation for cause.

226 (e) A wax-salvage license is renewable for a period of one year, on or before December
227 31 of each year, upon the payment of an annual license renewal fee as determined by the
228 department pursuant to Subsection 4-2-2(2).

229 Section 6. Section ~~4-11-5~~ is amended to read:

230 **4-11-5. County bee inspector -- Appointment -- Termination -- Compensation.**

231 (1) The county executive upon the petition of five or more persons who raise bees
232 within ~~[their]~~ the respective ~~[counties]~~ county shall, with the approval of the commissioner,
233 appoint a qualified person to act as a bee inspector within ~~[their]~~ the county.

234 (2) A county bee inspector shall be employed at the pleasure of the county executive
235 and the commissioner, and is subject to termination of employment, with or without cause, at
236 the instance of either.

237 (3) Compensation for the county bee inspector shall be fixed by the county legislative
238 body.

239 (4) To be appointed a county bee inspector, a person shall demonstrate adequate
240 training and knowledge related to this chapter, bee diseases, and pests.

241 (5) A record concerning bee inspection shall be kept by the county executive or
242 commissioner.

243 (6) The county executive and the commissioner shall investigate a formal, written
244 complaint against a county bee inspector.

- 245 (7) The department may authorize an inspection if:
 246 (a) a county bee inspector is not appointed; and
 247 (b) a conflict of interest arises with a county bee inspector.

248 Section 7. Section **4-11-6** is amended to read:

249 **4-11-6. Hives to have removable frames -- Consent of county bee inspector to sell**
 250 **or transport diseased bees.**

251 (1) ~~[No]~~ A person ~~[shall]~~ may not house or keep bees in a hive unless it is equipped
 252 with movable frames to all its parts so that access to the hive can be had without difficulty.

253 (2) No person who owns or has possession of bees (whether queens or workers) with
 254 knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge
 255 that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away,
 256 or move ~~[such]~~ the bees, colonies, or ~~[appliances]~~ apiary equipment without the consent of the
 257 county bee inspector or the department.

258 Section 8. Section **4-11-7** is amended to read:

259 **4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by**
 260 **department -- Election to transport bees to wax-salvage plant.**

261 (1) The county bee inspector or the department shall inspect all apiaries within the
 262 county at least once each year and, also, inspect immediately any apiary within the county
 263 ~~[which]~~ that is alleged in a written complaint to be severely diseased, parasitized, or
 264 abandoned.

265 (2) If, upon inspection, the inspector determines that an apiary is diseased or
 266 parasitized, the inspector shall take the following action based on the severity of the disease or
 267 parasite present:

268 (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow
 269 to eliminate the disease or parasite; ~~[or]~~

270 (b) personally, for the purpose of treatment approved by the department, take control of
 271 the ~~[diseased]~~ afflicted bees, hives, combs, broods, honey, and equipment; or

272 (c) destroy the ~~[diseased]~~ afflicted bees and, if necessary, their hives, combs, broods,
 273 honey, and all appliances ~~[which]~~ that may have become infected.

274 (3) If, upon reinspection, the inspector determines that the responsible party has not
 275 executed the course of treatment prescribed by Subsection (2), the inspector may take

276 immediate possession of the afflicted colony for control or destruction in accordance with
277 Subsection (2)(b) or (c).

278 ~~[(3)]~~ (4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of
279 action proposed by an inspector under this section may, at ~~[such]~~ the owner's expense, have the
280 department examine the alleged diseased bees.

281 (b) The decision of the commissioner with respect to the condition of ~~[such]~~ bees at the
282 time of the examination is final and conclusive upon the owner and the inspector involved.

283 ~~[(4)]~~ (5) The owner of a diseased apiary, notwithstanding the provisions of Subsections
284 (2) ~~[and]~~, (3) ~~[of this section]~~, and (4), may elect under the direction of the county bee inspector
285 to kill the diseased bees, seal their hives, and transport them to a licensed wax-salvage plant.

286 Section 9. Section **4-11-8** is amended to read:

287 **4-11-8. County bee inspector -- Disinfection required before leaving apiary with**
288 **diseased bees.**

289 (1) Before leaving the premises of any apiary where disease exists, the county bee
290 inspector, or any assistant, shall thoroughly disinfect any part of ~~[his]~~ the inspector's own
291 person, clothing, or any appliance ~~[which]~~ that has come in contact with infected material.

292 (2) The method of disinfection required by Subsection (1):

293 (a) may be determined by the department; and

294 (b) shall be sufficient to destroy disease, parasites, and pathogens encountered.

295 (3) A county bee inspector shall maintain a record of each inspection, including
296 disinfection practices.

297 (4) The county executive or the commissioner may review a county bee inspector's
298 records kept in accordance with Subsection (3).

299 Section 10. Section **4-11-9** is amended to read:

300 **4-11-9. Inspection of apiaries where queen bees raised for sale -- Honey from**
301 **apiaries where queen bees raised for sale not to be used for candy for mailing cages**
302 **unless boiled.**

303 (1) (a) At least twice each summer the county bee inspector shall inspect each apiary in
304 which queen bees are raised for sale. ~~[No person shall]~~

305 (b) A person may not sell or transport any queen bee from an apiary ~~[which]~~ that is
306 found to be infected with disease, without the consent of the county bee inspector or the

307 department.

308 (2) No person engaged in raising queen bees for sale shall use any honey for making
309 candy for mailing cages [~~which~~] that has not been boiled for at least 30 minutes.

310 (3) A person rearing queens shall follow standard methods for minimizing or
311 eliminating unmanageably aggressive stock.

312 Section 11. Section **4-11-10** is amended to read:

313 **4-11-10. Enforcement -- Inspections authorized -- Warrants.**

314 (1) The department and all county bee inspectors shall have access to all apiaries or
315 places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.

316 (2) If admittance is refused, the department, or the county bee inspector involved, may
317 proceed immediately to obtain an ex parte warrant from the nearest court of competent
318 jurisdiction to allow entry upon the premises for the purpose of making an inspection.

319 Section 12. Section **4-11-11** is amended to read:

320 **4-11-11. Importation of bees or appliances into state -- Certification required --**
321 **Inspection discretionary -- Authority to require destruction or removal of diseased bees**
322 **and appliances.**

323 (1) [~~No~~] (a) A person may not bring or import any bees in packages or hives or bring or
324 import any used beekeeping equipment or appliances into this state, except after obtaining a
325 [~~certification by~~] certificate from an inspector authorized in the ["state of origin"] certifying
326 that the bees, apiary equipment, or appliances have been inspected within the current
327 production season, and that all diseased colonies in the apiary at the time of the inspection were
328 destroyed or removed to a licensed wax-salvage plant [~~prior to~~] before the issuance of the
329 certificate. [~~Any~~]

330 (b) A person bringing or importing bees [~~or used beekeeping equipment or appliances~~]
331 into the state shall advise the department of the address of the bees destination [~~in this state~~]
332 and furnish the department with a copy of the certificate of inspection either:

333 (i) within at least five working days before [~~these bees or equipment~~] the bees enter
334 [~~this~~] the state; or

335 (ii) upon entry into [~~this~~] the state.

336 (c) A person intending to hold bees in the state for a period of time exceeding 30 days
337 shall comply with Section 4-11-4.

338 (2) (a) A person may not bring or import any used apiary equipment, except after
 339 obtaining a certificate from an inspector authorized in the state of origin certifying that all
 340 potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized
 341 immediately before importation.

342 (b) A person bringing or importing used apiary equipment shall advise the department
 343 of the address of the destination in the state and furnish the department with a copy of the
 344 certificate of inspection either:

345 (i) within at least five working days before the bees enter the state; or

346 (ii) upon entry into the state.

347 (3) Used apiary equipment or appliances that have been exposed to terminal disease
 348 may not be sold without the consent of the county bee inspector or the commissioner.

349 ~~[(2)] (4) In lieu of [the requirements of] Subsection (1), the certificate may be a Utah~~
 350 ~~certificate [of inspection issued under Section 4-11-7 which shows that (a) the bees, equipment,~~
 351 ~~or appliances have been inspected in Utah within the 12 months prior to their return to this~~
 352 ~~state; and (b) at the time of this inspection, all diseased colonies, equipment, and appliances~~
 353 ~~were destroyed or removed according to the requirements of Subsection (1)].~~

354 ~~[(3)] (5) (a) If the department determines it is necessary for any reason to inspect any~~
 355 ~~bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this~~
 356 ~~inspection finds terminal disease, the department shall cause all diseased colonies, appliances,~~
 357 ~~and equipment to be either: [(a)]~~

358 ~~(i) destroyed immediately[;]; or [(b)]~~

359 ~~(ii) removed from the state within 48 hours.~~

360 ~~(b) The costs [of options (a) or (b)] under Subsection (5)(a)(i) or (ii) shall be paid by~~
 361 ~~the person bringing the diseased colonies, appliances, or equipment into the state.~~

362 Section 13. Section **4-11-12** is amended to read:

363 **4-11-12. Quarantine authorized.**

364 The commissioner, in order to protect the bee industry of the state against [~~contagious~~
 365 ~~and infectious bee diseases]~~ bee health or management issues, may quarantine the entire state
 366 ~~[or any bees or apiary within the state], an entire county, or any apiary or specific hive within~~
 367 the state, as the commissioner considers necessary.

368 Section 14. Section **4-11-13** is amended to read:

369 **4-11-13. Unlawful acts specified.**370 It is unlawful for [~~any~~] a person to:371 (1) extract honey in any place where bees can gain access either during or after the
372 extraction process;373 (2) remove honey or wax, or attempt to salvage, or salvage any hives, apiary
374 equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant,
375 unless specifically authorized by a county bee inspector or the commissioner;376 (3) maintain any neglected or abandoned hives, apiary equipment, or appliances other
377 than in an enclosure [~~which~~] that prohibits the entrance of bees;378 (4) raise bees without being registered with the department; [~~or~~]

379 (5) operate a wax-salvage plant without a license[-];

380 (6) store an empty hive body, apiary equipment, or appliances in a manner that may
381 propagate pests, disease, or bee feeding frenzy; or382 (7) knowingly sell a colony, apiary equipment, or appliances that are inoculated with
383 terminal disease pathogens.384 Section 15. Section **4-11-14** is amended to read:385 **4-11-14. Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.**386 (1) It is a public nuisance to keep or maintain an abandoned apiary, apiary equipment,
387 or appliance other than in an enclosure [~~which~~] that prohibits the entry of bees[~~, and such~~].388 (2) Items listed in Subsection (1) are subject to seizure and destruction by the county
389 bee inspector.390 (3) Upon discovery of, or receipt of a written complaint concerning, an abandoned
391 apiary site, apiary equipment, or appliance, the county bee inspector shall attempt to notify the
392 registered owner, if any.393 (4) (a) A registered owner notified under Subsection (3) shall remove the abandoned
394 apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.395 (b) The county bee inspector or the department shall verify the removal or protection in
396 accordance with Subsection (4)(a) at the expiration of the 15-day period.397 (c) If a registered owner does not comply with Subsection (4)(a), the county bee
398 inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and
399 appliances.

400 (5) A county bee inspector or the department may seize and destroy an abandoned
401 apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or
402 appliances do not indicate a registered owner.

403 Section 16. Section **4-11-15** is amended to read:

404 **4-11-15. Wax-salvage operations -- County bee inspector to supervise compliance**
405 **with rules -- Salvage procedures specified.**

406 (1) All wax-salvage operations with respect to wax, hives, apiary equipment, and
407 appliances that have been exposed to disease pathogens shall be performed under the direction
408 and supervision of the county bee inspector according to procedures established by rules of the
409 department [~~in an enclosure tightly double-screened with screens not less than two inches~~
410 ~~apart~~].

411 (2) A wax salvage operation shall be conducted in an enclosure that is tightly
412 double-screened to prevent the possible entrance of bees.

413 ~~[(2)]~~ (3) Entrance to the enclosure shall be through a vestibule, double-screened in the
414 same manner as the enclosure, with tight-fitting doors at each end.

415 ~~[(3)]~~ (4) All boiling or melting of any noncontaminated apiary equipment, such as
416 cappings, honey supers, hives, or frames shall be done in a bee tight enclosure.

417 Section 17. Section **4-11-17** is enacted to read:

418 **4-11-17. Maintaining gentle stock.**

419 A beekeeper may not intentionally maintain an aggressive or unmanageable stock,
420 whether African or European in origin.

421 Section 18. Section **4-22-6** is amended to read:

422 **4-22-6. Commission to conduct elections -- Nomination of candidates -- Expenses**
423 **of election paid by commission.**

424 (1) (a) The commissioner shall administer all commission elections.

425 (b) The commissioner shall mail a ballot to each producer within the district in which
426 an election is to be held by May 15 of each election year.

427 (c) The candidate who receives the highest number of votes cast in the candidate's
428 district shall be elected.

429 (d) The commissioner shall determine all questions of eligibility.

430 (e) A ballot must be postmarked by May 31 of an election year.

431 (f) (i) All ballots received by the commissioner shall be counted and tallied by June 15.

432 (ii) A member of the commission whose name appears on a ballot may not participate
433 in counting or tallying the ballots.

434 (2) [~~(a)~~] Candidates for election to the commission shall be nominated, not later than
435 April 15, by a petition signed by five or more producers who are residents of the district in
436 which the election is to be held.

437 [~~(b) If two or more candidates are not nominated by petition, the commission shall
438 select a nominating committee composed of three producers who are residents of the district
439 who shall select the candidates not nominated by petition.~~]

440 (3) The names of all nominees[~~, whether nominated by petition or by a nominating
441 committee,~~] shall be submitted to the commissioner on or before May 1 of each year in which
442 an election is held.

443 (4) All election expenses incurred by the commissioner shall be paid by the
444 commission.

445 Section 19. Section ~~4-23-7~~ is amended to read:

446 **4-23-7. Annual fees on sheep, goats, cattle, and turkeys -- Determination by**
447 **board -- Collection methods.**

448 (1) To assist the department in meeting the annual expense of administering this
449 chapter, the following annual predator control fees are imposed upon animals owned by
450 persons whose interests this chapter is designed to protect:

- 451 Sheep and goats (except on farm dairy
- 452 goats or feeder lambs).....at least [~~\$.60~~] \$.70 but not
453 more than \$1 per head
- 454 Cattle (except on farm dairy cattle).....at least \$.15 but
455 not
456 more than \$.50 per head
- 457 Turkeys (breeding stock only).....at least \$.05 but
458 not
459 more than \$.10 per head

460 (2) The amount of the fees imposed upon each category of animals specified in this
461 section shall be determined by the board annually on or before January 1 of each year.

462 (3) (a) Fee brand inspected cattle are subject to a predator control fee upon change of
463 ownership or slaughter.

464 (b) The fee shall be collected by the local brand inspector at the time of the inspection
465 of cattle, or withheld and paid by the market from proceeds derived from the sale of the cattle.

466 (c) Cattle that are fee brand inspected prior to confinement to a feedlot are not subject
467 to any subsequent predator control fee.

468 (4) (a) Fleece of sheared sheep is subject to a predator control fee upon sale of the
469 fleece.

470 (b) (i) The fee shall be withheld and paid by the marketing agency or purchaser of wool
471 from proceeds derived from the sale of the fleece.

472 (ii) The department shall enter into cooperative agreements with in-state and
473 out-of-state wool warehouses and wool processing facilities for the collection of predator
474 control fees on the fleece of sheep that graze on private or public range in the state.

475 (c) The fee shall be based on the number of pounds of wool divided by 10 pounds for
476 white face sheep and five pounds for black face sheep.

477 (5) Predator control fees on turkey breeding stock shall be paid by the turkey
478 cooperative.

479 (6) (a) Livestock owners shall pay a predator control fee on any livestock that uses
480 public or private range in the state which is not otherwise subject to the fee under Subsection
481 (3) or (4).

482 (b) By January 1, the commissioner shall mail to each owner of livestock specified in
483 Subsection (6)(a) a reporting form requiring sufficient information on the type and number of
484 livestock grazed in the state and indicating the fee imposed for each category of livestock.

485 (c) Each owner shall file the completed form and the appropriate fee with the
486 commissioner before April 1.

487 (d) If any person who receives the reporting form fails to return the completed form
488 and the imposed fee as required, the commissioner is authorized to commence suit through the
489 office of the attorney general, in a court of competent jurisdiction, to collect the imposed fee,
490 the amount of which shall be as determined by the commissioner.

491 (7) All fees collected under this section shall be remitted to the department and
492 deposited in the Agricultural and Wildlife Damage Prevention Account.

493 Section 20. Section **4-23-8** is amended to read:

494 **4-23-8. Proceeds of sheep fee -- Refund of sheep fees -- Annual audit of books,**
495 **records, and accounts.**

496 (1) (a) ~~[The]~~ Subject to the other provisions of this Subsection (1), the commissioner
497 may spend an amount ~~[not to exceed the equivalent of 16 cents per head]~~ each year from the
498 proceeds collected from the fee imposed on sheep for the promotion, advancement, and
499 protection of the sheep interests of the state.

500 (b) The amount described in Subsection (1)(a) shall be the equivalent to an amount
501 that:

502 (i) equals or exceeds 18 cents per head; and

503 (ii) equals or is less than 25 cents per head.

504 (c) The commissioner shall set the amount described in Subsection (1)(a):

505 (i) on or before January 1 of each year; and

506 (ii) in consultation with one or more statewide organizations that represent persons
507 who grow wool.

508 ~~[(b)]~~ (d) All costs to promote or advance sheep interests shall be deducted from the
509 total revenue collected before calculating the annual budget request, which shall be made by
510 the Division of Wildlife Resources as specified in Section 4-23-9.

511 ~~[(c)]~~ (e) A sheep fee is refundable in an amount equal to that part of the fee used to
512 promote, advance, or protect sheep interests.

513 ~~[(d)]~~ (f) A refund claim must be filed with the department on or before January 1 of the
514 year immediately succeeding the year for which the fee was paid.

515 ~~[(e)]~~ (g) A refund claim must be certified by the department to the state treasurer for
516 payment from the Agricultural and Wildlife Damage Prevention Account created in Section
517 4-23-7.5.

518 (2) Any expense incurred by the department in administering refunds shall be paid
519 from funds allocated for the promotion, advancement, and protection of the sheep interests of
520 the state.

521 (3) (a) The books, records, and accounts of the Utah Woolgrowers Association, or any
522 other organization which receives funds from the agricultural and wildlife damage prevention
523 account, for the purpose of promoting, advancing, or protecting the sheep interests of the state,

524 shall be audited at least once annually by a licensed accountant.

525 (b) The results of this audit shall be submitted to the commissioner.

Legislative Review Note
as of 2-9-10 6:10 PM

Office of Legislative Research and General Counsel

H.B. 332 - Utah Agricultural Code Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will generate additional \$31,200 in restricted revenues per year and will require the additional funding to be appropriated to the Department of Agriculture and food.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
Restricted Funds	\$0	\$31,200	\$31,200	\$0	\$31,200	\$31,200
Total	\$0	\$31,200	\$31,200	\$0	\$31,200	\$31,200

Individual, Business and/or Local Impact

Enactment of this bill will increase the fees paid by wool growers.