

Chapter 21 Beef Promotion

4-21-1 Purpose declaration.

The Legislature recognizes that production of beef is important to the economy of the state, and that its promotion is both necessary and desirable. The purpose of this chapter is to further the production and promotion of beef.

Enacted by Chapter 2, 1979 General Session

4-21-2 Definitions.

As used in this chapter:

- (1) "Marketing agency" means any transaction in which the seller is represented by a person who acts as an agent of the seller in the sale of cattle in that such person issues payment to the seller and is entitled to a commission based upon the sale;
- (2) "Producer" means any person who raises or feeds cattle;
- (3) "Purchaser" means any person who buys cattle;
- (4) "Seller" means any person who offers cattle for sale.

Enacted by Chapter 2, 1979 General Session

4-21-3 Beef promotion fee -- Deposit of revenue -- Fee set by referendum.

- (1)
 - (a) The department shall collect a fee established as required by Subsection (2) on all fee brand inspected cattle upon change of ownership or slaughter in an amount not more than \$1 or less than 25 cents.
 - (b) The fee is collected by the local brand inspector at the time of inspection of cattle, or deducted and collected by the marketing agency or the purchaser.
 - (c) All revenue collected under this section shall be paid to the department, which shall deposit the revenue in an agency fund that is hereby created and is known as the "Beef Promotion Fund."
- (2) Before a fee assessed under Subsection (1) becomes effective, the department shall give notice of the proposed fee to all known beef and dairy cattle producers in the state, invite all beef and dairy cattle producers to register to vote in a referendum, conduct a hearing on the proposed fee change, and conduct a referendum where at least 50% of the registered producers cast a vote with a majority of those voting casting an affirmative vote on the proposed fee level.
- (3) Any fee currently assessed by the department continues in effect until modified by the department under Subsections (1) and (2).
- (4) The fee assessed under this section is in addition to the amount of any assessment required to be paid pursuant to the Beef Promotion and Research Act of 1985, 7 U.S.C. Sec. 2901 et seq.

Amended by Chapter 383, 2011 General Session

4-21-4 Refund of fees allowed -- Claim for refund to be filed with department -- Payment of refunds.

A person who objects to payment of the assessed fee may file a claim with the department within 60 days after the fee is collected. No claim for refund, however, is allowed if it is filed more than 60 days after the date the fee is collected. Each claim for refund shall be certified by the department to the state treasurer for payment from the beef promotion account, subject to any applicable provisions of the Beef Promotion and Research Act of 1985, 7 U.S.C. Sec. 2901 et seq.

Amended by Chapter 10, 1986 Special Session 2

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4-21-5 Revenue from fees to be used to promote beef industry -- Payment of revenue monthly to Utah Beef Council -- Deduction of costs of administration and processing funds -- Annual audit of books, records, and accounts -- Financial statement of audit published.

- (1)
 - (a) All revenue derived from the collection of fees authorized by this chapter shall be used to promote the beef industry of the state and the revenue shall be paid to:
 - (i) the Utah Beef Council, a Utah nonprofit corporation organized to promote Utah beef; or
 - (ii) an agency, acceptable to the department, with the concurrence of the Utah Cattlemen's Association.
 - (b) The revenue shall be paid monthly, as requested by the council or appointed agency, and the actual costs of administration for processing the funds shall be deducted before disbursing the funds.
- (2)
 - (a) The books, records, and accounts of the Utah Beef Council or appointed agency shall be audited at least once annually by a licensed accountant.
 - (b) The results of the audit shall be submitted to the commissioner, and a financial statement of the audit and a general statement of operations and promotional and advertising activities shall be published by the council or appointed agency in a major livestock publication having general circulation in Utah.

Amended by Chapter 128, 2004 General Session