

UTAH HORSE PROMOTION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Blake D. Chard

AN ACT RELATING TO AGRICULTURE; PROVIDING FOR THE COLLECTION OF A HORSE PROMOTION FEE; AND CREATING A HORSE PROMOTION AGENCY FUND.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-24-24, as last amended by Chapter 302, Laws of Utah 1997

ENACTS:

4-40-101, Utah Code Annotated 1953

4-40-102, Utah Code Annotated 1953

4-40-103, Utah Code Annotated 1953

4-40-104, Utah Code Annotated 1953

~~h [4-40-105, Utah Code Annotated 1953] h~~

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

Section 1. Section **4-24-24** is amended to read:

4-24-24. Utah Livestock Brand and Antitheft Account created -- Deposit of fees --

Purpose of expenditures.

(1) There is created within the General Fund a restricted account known as the Utah Livestock Brand and Antitheft Account.

(2) The following monies shall be deposited into the Utah Livestock Brand and Antitheft Account:

(a) monies received by the department under any provision of this chapter; ~~and~~

(b) monies received by the department under any provision of Title 4, Chapter 39, Domesticated Elk Act[-]; and

(c) monies received by the department under Subsection 4-40-103(1)(e)(i), Utah Horse

28 Promotion Act.

29 (3) Monies in the Utah Livestock Brand and Antitheft Account shall be used for the
30 administration of:

31 (a) this chapter [and of];

32 (b) Title 4, Chapter 39, Domesticated Elk Act; and

33 (c) Subsection 4-40-103(1)(e)(i), Utah Horse Promotion Act.

34 Section 2. Section **4-40-101** is enacted to read:

35 **CHAPTER 40. UTAH HORSE PROMOTION ACT**

36 **4-40-101. Title.**

37 This chapter is known as the "Utah Horse Promotion Act."

38 Section 3. Section **4-40-102** is enacted to read:

39 **4-40-102. Definitions.**

40 As used in this chapter:

41 (1) "Marketing agent" means an agent of the seller who receives a commission from the
42 seller to sell a horse.

43 (2) "Producer" means a person who raises horses.

44 (3) "Purchaser" means a person who buys horses.

45 (4) "Seller" means a person who offers horses for sale.

46 Section 4. Section **4-40-103** is enacted to read:

47 **4-40-103. Horse promotion fee -- Deposit of revenue** ~~h~~ ~~[-- Fee set by referendum]~~ ~~h~~ .

48 (1) (a) The department shall collect a fee on all fee brand inspected horses upon change
49 of ownership or slaughter.

50 (b) The amount of the fee shall be set by the department a ~~h~~ ~~[s provided in Subsection (2);]~~ ~~h~~
50a but

51 may not be less than ~~h~~ ~~[\$2]~~ ~~\$1~~ ~~h~~ or greater than \$3.

52 (c) The fee shall be collected in addition to the fee collected for state brand inspections.

53 (d) The fee shall be ~~h~~ ~~[:~~

54 ~~—~~ ~~(i)]~~ ~~h~~ collected by the local brand inspector at the time of inspection of the horses ~~h~~ ~~[:~~ ~~or~~

55 ~~—~~ ~~(ii)~~ ~~deducted and collected by the marketing agent or the purchaser]~~ ~~h~~ .

56 (e) All fees collected under this section shall be paid to the department which shall deposit:

57 (i) 5% of each fee collected into the Utah Livestock Brand and Antitheft Account created
58 in Section 4-24-24; and

59 (ii) 95% of each fee collected into the Horse Promotion Agency Fund created in Section
 60 4-40-104.

61 ~~h [(2) (a) Before a fee assessed under Subsection (1) becomes effective, the department shall:~~

62 ~~—— (i) give notice of the proposed fee to all known horse owners and producers in the state;~~

63 ~~—— (ii) invite all horse owners to register to vote in a referendum;~~

64 ~~—— (iii) conduct a hearing on the proposed fee; and~~

65 ~~—— (iv) conduct a referendum.~~

66 ~~—— (b) For the referendum to be successful:~~

67 ~~—— (i) at least 50% of the registered owners must vote; and~~

68 ~~—— (ii) the proposed fee must be approved by a majority of those voting.] h~~

69 Section 5. Section 4-40-104 is enacted to read:

70 **4-40-104. Creating the Horse Promotion Account.**

71 (1) There is created an agency fund known as the "Horse Promotion Agency Fund."

72 (2) The fund consists of the monies deposited into the fund under Subsection
 73 4-40-103(1)(e)(ii).

74 (3) The monies deposited into the fund shall be distributed to the Utah Horse Council to
 75 promote the horse industry.

76 ~~h [Section 6. Section 4-40-105 is enacted to read:~~

77 ~~—— **4-40-105. Refund of fees allowed -- Claim for refund to be filed with department --**~~

78 ~~**Payment of refunds.**~~

79 ~~—— **(1) A person who objects to payment of the assessed fee may file a claim with the**~~
 80 ~~**department within 60 days after the fee is collected.**~~

81 ~~—— **(2) If a claim is filed more than 60 days after the date the fee is collected, no refund will**~~
 82 ~~**be given.**~~

83 ~~—— **(3) If a claim is filed within 60 days after the fee is collected, the claim for refund shall be**~~
 84 ~~**paid by the department from the Horse Promotion Agency Fund.] h**~~

Legislative Review Note
as of 2-16-00 10:25 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel