

1 **UTAH HORSE PROMOTION**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Blake D. Chard**

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

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

8 AMENDS:

9 **4-24-24**, as last amended by Chapter 302, Laws of Utah 1997

10 ENACTS:

11 **4-40-101**, Utah Code Annotated 1953

12 **4-40-102**, Utah Code Annotated 1953

13 **4-40-103**, Utah Code Annotated 1953

14 **4-40-104**, Utah Code Annotated 1953

15 **4-40-105**, Utah Code Annotated 1953

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

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

18 **4-24-24. Utah Livestock Brand and Antitheft Account created -- Deposit of fees --**

19 **Purpose of expenditures.**

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

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

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

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

27 (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 -- Fee set by referendum.**

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 as provided in Subsection (2), but
51 may not be less than \$2 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:

54 (i) collected by the local brand inspector at the time of inspection of the horses; or

55 (ii) deducted and collected by the marketing agent or the purchaser.

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 (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.

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 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.

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